

things found therein or thereon, or any aviation equipment elsewhere, and for regulating or prohibiting the use, erection, building, maintenance, or establishment of any aerodrome, flying school, or any class or description thereof.

(2) Any such Proclamation may provide for the imposition of penalties to secure compliance with the Proclamation, not exceeding those which may be imposed pursuant to subsection three of the last preceding section, and may authorize such steps to be taken in order to secure such compliance as appears to the Governor-General to be necessary.

(3) Any person who suffers direct injury or loss owing to the operation of a Proclamation under this section shall be entitled to receive compensation therefor, the amount of the compensation to be fixed by agreement with the Minister with the concurrence of the Minister of Finance, or in default of agreement to be fixed by the Land Valuation Court:⁵

Provided that no compensation shall be payable by reason of the operation of a general Proclamation under this section prohibiting flying in New Zealand or any part thereof.

(4) A Proclamation under this section may be revoked or varied by a subsequent Proclamation.

5. (1) Any regulations made under section three of this Act may provide for regulating the conditions under which noise and vibration may be caused by aircraft or aircraft engines on aerodromes and may provide that subsection two of this section shall apply to any aerodrome in respect of which provision as to noise and vibration caused by aircraft is so made.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft or aircraft engines on an aerodrome to which this subsection applies by virtue of any regulations made under section three of this Act so long as the provisions of the regulations are duly complied with.

(3) No action shall lie in respect of trespass, or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground which having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of this Act and of any regulations or Proclamations made thereunder are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, landing or alighting, or by any person in any such aircraft, or by any article or person falling from any such

Nuisance,
trespass, and
responsibility
for damage.

⁵ In subsection (3) the word "Minister" replaced "Minister of Defense" (Civ. Av. Am. Act 1955, section 3(3)), and the words "Land Valuation Court" replaced "a Compensation Court under Part III of the Public Works Act 1928" (Land Val. Court Act 1948, section 28(2)).