

aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of the damage or loss, without proof of negligence or intention or other cause of action, as if the damage or loss had been caused by his fault, except where the damage or loss was caused by or contributed to by the fault of the person by whom the same was suffered:

Provided that where material damage is caused as aforesaid in circumstances in which—

(a) Damages are recoverable from the owner in respect of the said damage or loss by virtue only of the preceding provisions of this subsection; and

(b) A legal liability is created in some person other than the owner to pay damages in respect of the said damage or loss,—

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said damage or loss.

(4) Where any aircraft has been demised, let, or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

(5) For the purposes of this section the term "fault" means negligence, breach of statutory duty, or other act or omission which gives rise to a liability in tort or would, apart from the Contributory Negligence Act, 1947, give rise to the defence of contributory negligence.

6. (1) Where an aircraft is operated in such a manner as to be the cause of unnecessary danger to any person or property, the pilot or the person in charge of the aircraft, and also the owner thereof unless he proves to the satisfaction of the Court that the aircraft was so operated without his actual fault or privity, shall be liable on summary conviction to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding twelve months, or to both such imprisonment and such fine.⁶

(2) For the purposes of this section the expression "owner" in relation to an aircraft includes any person to whom the aircraft is demised, let, or hired out at the time of the offence.

(3) The provisions of this section shall be in addition to and not in derogation of any general safety or other regulations under this Act.

Penalty for dangerous operation of aircraft.

⁶In subsection (1) the words "five hundred pounds" replaced "two hundred pounds" and "twelve months" replaced "six months" (Civ. Av. Am. Act 1955, section 5).