

PERMISSION TO USE PROCLAIMED LAND OR LAND HELD UNDER MINING
TITLE FOR AERODROMES

8. Notwithstanding anything contained in Chapter IX of the Precious and Base Metals Act, 1908 (Transvaal) or any other law, the Governor-General may use or permit the use of ground held under mining title, or of open proclaimed land, for the erection of aerodromes or for landing places for aircraft: Provided that such use is not, in the opinion of the Government Mining Engineer, likely to interfere with actual mining operations or purposes incidental thereto.

TRESPASS, NUISANCE, AND RESPONSIBILITY FOR DAMAGE

9. (1) 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, 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 the Convention are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land or water, damages may be recovered from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence or wilful act of the person by whom the same was suffered:

Provided that where any damages recovered from or paid by the owner of an aircraft under this section arose from damage or loss caused solely by the wrongful or negligent action or omission of any person other than the owner or some person in his employment, the owner shall be entitled to recover from that person the amount of such damages, and in any such proceedings against the owner, the owner may, on making such application to the court and on giving such security as to costs as may be prescribed by rules of court, join any such person as aforesaid as a defendant, but where such person is not so joined he shall not in any subsequent proceedings taken against him by the owner be precluded from disputing the reasonableness of any damages recovered from or paid by the owner.

(2) Where any aircraft has been bona fide leased 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 though for references to the owner, there were substituted references to the person to whom the aircraft has been so leased or hired out.

INVESTIGATION OF ACCIDENTS

10. (1) In the event of any accident arising out of or in the course of air navigation and occurring in or over the Union or the territorial waters thereof, or in the case of Union aircraft wheresoever they may be, the Minister may appoint one or more persons as a board of inquiry, known as an accident inquiry board, to make an investigation