

which it has not been regularly providing such a service between the eleventh day of October, 1946, and the date of commencement of this Act, unless the Railway Administration has failed to apply within a period of three months after the commencement of this Act for a licence to provide such a service over the route in question.

(3) If an air carrier referred to in sub-section (1) has applied for a licence in respect of such a service as is described in that sub-section within a period of three months after the commencement of this Act, or if the Railway Administration has, within the said period, applied for a licence for a scheduled air transport service over any route referred to in sub-section (2), the commission shall not refuse the application, but may grant the licence applied for subject to such conditions as may be attached to a licence under section *eleven*.

(4) Any licence to provide an air transport service, granted before the commencement of this Act pursuant to the provisions of Government Notice No. 2143 dated the eleventh day of October, 1946, shall be deemed to have been granted by the commission under this Act if the formalities prescribed by that Notice were duly complied with in connection with the application for and the granting of such licence, and any conditions attached to such licence shall, in so far as they are not repugnant to any provision of this Act, be deemed to have been attached thereto under this Act.

(5) Every licence referred to in sub-section (4) shall remain in force for the period specified in the licence, but nothing in that sub-section contained shall be deemed to curtail the power of the commission under this Act to cancel or suspend or otherwise deal with such a licence as is referred to in that sub-section.

(6) If, in any licence referred to in sub-section (4), a period has been specified within which the licensee was required to commence the operation of the air service authorized by the licence, and such period has, at the date of commencement of this Act, not yet expired, it shall not be competent for the commission, during the currency of such period, to grant to any other person a licence for a similar class of service within substantially the same area or over substantially the same route as that in respect of which such first-mentioned licence was granted.

Presumptions.

21. In any proceedings under this Act—

- (a) an aircraft which is being used for the provision of an air service shall, until the contrary is proved, be presumed to be so used or caused to be so used by the person in whose name that aircraft is registered in terms of any law relating to the registration of aircraft as to nationality;
- (b) an aircraft which is registered in the name of a person who is a licensed air carrier, and which is being used for the provision of an air service otherwise than in accordance with the terms and conditions of such air carrier's licence, shall, until the contrary is proved, be presumed to be so used or caused to be so used by such air carrier;
- (c) the conveyance in an aircraft of any person in addition to the normal operating crew, or of any goods shall,