

16. The total amount of the grants made by the Minister under the preceding provisions of this Act in respect of any one financial year shall not exceed eight million pounds. Limitation of Exchequer grants.

17. All sums payable by the Minister in accordance with the preceding provisions of this Act shall be defrayed out of moneys provided by Parliament; and any sums received by him in accordance with those provisions shall be paid into the Exchequer. Expenses and receipts of Minister.

General financial provisions

18.—(1) Each of the corporations shall have a reserve fund. Reserve funds.

(2) The management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof shall be as the corporation concerned may determine:

Provided that—

(a) no part of the said fund shall be applied otherwise than for the purposes of the corporation; and

(b) the power of the Minister to give directions to the corporation shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

19.—(1) Any excess of the revenues of any of the corporations for any financial year over the total sums properly chargeable by the corporation to revenue account for that year, including in such sums (without prejudice to the generality of that expression) sums credited under the last preceding section to the reserve fund of the corporation, shall be applied by the corporation in such manner as the Minister, with the approval of the Treasury and after consultation with the chairman of the corporation, may direct. Application of revenues.

(2) Any direction given under the preceding subsection may require the whole or any part of any such excess as aforesaid to be paid into the Exchequer:

Provided that the total amount which has been paid into the Exchequer out of the revenues of any one of the corporations by virtue of any such directions shall not at any time exceed the total amount of the grants which have been made by the Minister to that corporation under the Civil Aviation Act, 1946, or this Act.

Staff, wages, pensions, etc.

Terms and conditions of employment of staff, etc.

20.—(1) It shall be the duty of each of the corporations, except in so far as the corporation are satisfied that adequate machinery exists for achieving the purposes of this subsection, to seek consultation with any organisation appearing to the corporation to be appropriate with a view to the conclusion between the corporation and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the corporation, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and
- (b) the discussion of matters affecting the safety, health and welfare of persons employed by the corporation, and of other matters of mutual interest to the corporation and such persons, including efficiency in the operation of the corporation's services.

(2) Where any of the corporations conclude such an agreement as is mentioned in the last preceding subsection, or any variation is made in such an agreement, the corporation concerned shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour and National Service.

(3) In relation to any agreement affecting employment in Northern Ireland, the reference in the last preceding subsection to the Minister of Labour and National Service shall be construed as including a reference to the Ministry of Labour and National Insurance for Northern Ireland.

Pensions, etc.

21.—(1) The Minister shall by regulations provide for the establishment and maintenance of one or more pension schemes for the purpose of providing pensions and other similar benefits in respect of the service of corporation employees of such classes as may be specified in the regulations, and the Minister shall by such regulations in particular provide for securing benefits in the case of injury or death.

In this section the expression "corporation employee" means an employee of any of the corporations.⁶

(2) Regulations made under this section, may, for the purpose of providing funds from which benefits are to be paid, provide for the payment of contributions by the corporation concerned or by employees of the corporation, or both by the corporation and by such employees, and may in particular provide for the payment of such contributions in respect of service.

⁶ The power to make regulations under this section was extended by the Air Corporations Act, 1953 (c. 7), Section 2(1), to cover pensions of employees who become members of either corporation, and by Section 2(2) of the same Act provision is to be made for pensions for other members of the corporations.

as an employee of any of the corporations before the coming into force of the regulations, and for the payment of benefits in respect of any such service.

(3) Regulations made under this section may make provision for securing that service with any undertaking other than the corporations may, in such cases, upon such terms and subject to such conditions as may be specified in the regulations, be reckoned for the purposes of the payment of benefits under the regulations.

Accounts, reports and information

22.—(1) Each of the corporations shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may, with the approval of the Treasury, direct, being a form which shall conform with the best commercial standards and which shall distinguish between the provision of air transport facilities upon scheduled journeys, the provision of air transport facilities otherwise than upon such journeys, and the carrying out of aerial work which does not consist of the provision of air transport facilities. Accounts and audit.

(2) The statement of accounts prepared in respect of any financial year by any of the corporations shall contain such particulars with respect to any undertaking which at any time during that year was a subsidiary of the corporation as the Minister may direct.

(3) The accounts of each of the corporations shall be audited by auditors appointed annually by the Minister.

(4) As soon as the accounts of any of the corporations for any financial year have been audited, the corporation shall send to the Minister a copy of the statement of accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditors on that statement or on the accounts of the corporation.

(5) The Minister shall lay a copy of every such statement and report before each House of Parliament.

23.—(1) Each of the corporations shall, as soon as possible after the end of each financial year, make to the Minister a report dealing with the operations of the corporation during that year. Annual report and periodical returns.

(2) The Minister shall lay a copy of every such report before each House of Parliament.

(3) The report for any year shall set out any direction given by the Minister to the corporation during that year unless the Minister has notified to the corporation his opinion that it is against the national interest so to do.

(4) Each of the corporations shall, in respect of each planning period, as defined for the purposes of this section, and at such time before the beginning of that period as the Minister may direct, submit to the Minister—

- (a) a programme of the air transport services which the corporation propose to provide during that period and of the other activities in which the corporation propose to engage during that period; and
- (b) an estimate of the receipts of the corporation during that period, and of the expenditure, whether on revenue account or on capital account, to be incurred by the corporation during that period.

(5) In respect of each financial year, each of the corporations shall, at such time before the beginning of the year as the Minister may direct, submit to the Minister an estimate of the expenditure to be incurred by the corporation on capital account during the year.

(6) Without prejudice to their duties under the preceding provisions of this Act, each of the corporations shall provide the Minister with such information relating to the undertaking of the corporation and to the undertaking of any associate of the corporation (including information relating to any activities proposed to be undertaken by the corporation or any such associate) as the Minister may from time to time require:

Provided that no such requirement shall impose upon any of the corporations the duty of providing the Minister with information which the corporation do not possess and cannot reasonably be expected to obtain.

(7) For the purpose of providing the Minister with any information which he may require in accordance with the provisions of the last preceding subsection, each of the corporations shall permit any person authorised by the Minister in that behalf to inspect and make copies of the accounts, books, documents or papers of the corporation, and shall afford such explanation thereof as that person or the Minister may reasonably require.

(8) In this section—

- (a) the expression “planning period” means the period of three financial years beginning with the first day of

April, nineteen hundred and forty-seven, and every period of three financial years which follows immediately upon the end of a planning period ;

- (b) the expression "receipts" does not include any grant which may be made by the Minister ; and
- (c) the expression "expenditure", in relation to any estimate, includes any sum thereby proposed to be set aside or allocated for any purpose.

Reservation of certain air services to the corporations and their associates

24.—(1) Subject to the provisions of this section, it shall not be lawful for any person, other than the corporations, their associates, and the servants and agents of the corporations and their associates, to carry passengers or goods by air for hire or reward upon any scheduled journey between two places of which at least one is in the United Kingdom.

Reservation of certain air services to the corporations and their associates.

(2) In this Act the expression "scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it.

(3) Nothing in this section shall restrict the right of any person—

- (a) to carry passengers for the sole purpose of instructing them in flying or the duties of aircrews ; or
- (b) to carry passengers or goods for the sole purpose of providing an air ambulance or rescue service ; or
- (c) in accordance with arrangements for the time being approved by the Minister as being in the public interest, to carry a party of passengers and their baggage (if any) upon a series of three or more journeys organised as a tour for the common enjoyment of those passengers.

(4) Nothing in this section shall restrict the right of any person, for the purposes of any air transport undertaking of which the principal place of business is in any country outside the United Kingdom, to provide transport for passengers or goods in accordance with the terms of any agreement for the time being in force between His Majesty's government in the United Kingdom and the government of that country.

(5) A person who carries a passenger, or carries any goods, in contravention of the provisions of this section shall be liable in respect of each offence—

- (a) on summary conviction thereof, to a fine not exceeding

five hundred pounds, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment ; and

- (b) on conviction thereof on indictment, to a fine not exceeding five thousand pounds, or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

Power of
Minister to
require
information.

25.—(1) For the purpose of determining whether an offence has been committed against the last preceding section, the Minister or anyone acting under his authority may require any person who, whether by providing an aircraft or negotiating a contract or otherwise, makes facilities available for travel upon any journey by air between two places of which at least one is in the United Kingdom, or for the consignment of goods upon any such journey, or any servant or agent of any such person as aforesaid, to provide the Minister with such information and documents relating to the journey as may be specified in the requirement.

(2) Any person having information or documents in his possession who fails to comply with any requirement relating to that information or those documents, being a requirement duly made under the preceding subsection, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Special powers in case of emergency

Special powers
in case of
emergency.

26.—(1) In time of war whether actual or imminent, or of great national emergency, the Minister may by order require that the whole or any part of the undertaking of, or of any property or rights of, or under the control of, any of the corporations shall be placed at the disposal of the Minister, or of such persons as may be provided by the order.

(2) So long as any such order is in force, a corporation shall comply with any directions which may be given to them by or under the direction of the Minister.

(3) An order under this section may make, for the purposes of the order, such provision as an Order in Council under section eight of the Civil Aviation Act, 1949, may make for the purpose of securing compliance with provisions thereof having effect by virtue of paragraph (1) of subsection (2) of that section.

(4) Section fifty-eight of the Civil Aviation Act, 1949 (which authorises any order under the enactments specified therein to provide for the detention of aircraft to secure compliance with the order) shall have effect as if any reference therein to an order under an enactment to which Part VI of that Act applies

included a reference to an order made under this section, but this provision shall be without prejudice to the provisions of the last preceding subsection.

(5) Any person who suffers direct injury or loss, owing to the operation of an order of the Minister under this section, shall be entitled to receive compensation from the Minister, the amount thereof to be fixed, in default of agreement, by the Lands Tribunal or the Lands Tribunal for Scotland, as the case may be; and the principles of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall, with the necessary modifications, apply where possession is taken of any land.

(6) Any expense incurred by the Minister in the exercise of his powers under this section shall be paid out of moneys provided by Parliament.

(7) The disputes which by this section are directed to be determined by the Lands Tribunal shall, in the application of this section to Northern Ireland, be determined by an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the arbitrator shall be selected in accordance with rules made by the Reference Committee under the said section one.

(8) The disputes which by this section are directed to be determined by the Lands Tribunal or the Lands Tribunal for Scotland shall, in the period before the coming into force of the Lands Tribunal Act, 1949, for the part of Great Britain in question, be determined by an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the arbitrator shall be selected in accordance with rules made by the Reference Committee under the said section one.

Transitional provisions relating to merger of British South American Airways Corporation and British Overseas Airways Corporation

27.—(1) Whereas on the passing of the Airways Corporations Act, 1949, that is to say on the thirtieth day of July, nineteen hundred and forty-nine, all property of the British South American Airways Corporation situated in the United Kingdom, all aircraft of that corporation registered in the United Kingdom and all rights, liabilities and obligations of that corporation which were then enforceable in the United Kingdom were, by virtue of subsection (1) of section one of that Act, transferred to the British Overseas Airways Corporation:

Merger of
British South
American
Airways
Corporation
and British
Overseas
Airways
Corporation.

Now therefore—

- (a) the British South American Airways Corporation shall have power, without consideration, to transfer to the

British Overseas Airways Corporation any property or rights not transferred by virtue of the said subsection (1); and

- (b) the British Overseas Airways Corporation shall have power, without consideration, to undertake any liabilities or obligations of the British South American Airways Corporation not transferred as aforesaid.

(2) Without prejudice to the provisions of section fifty-two of the Finance Act, 1946 (which exempts from stamp duty certain documents connected with statutory schemes for the carrying on of undertakings under national ownership or control)—

- (a) stamp duty shall not be payable on any conveyance, agreement or other instrument executed in pursuance of the last preceding subsection or subsection (1) of section one of the Airways Corporations Act, 1949; and
- (b) section eight of the Finance Act, 1899 (which imposes stamp duty in respect of loan capital) shall not apply to any loan capital transferred by virtue of the last preceding subsection or subsection (1) of the said section one.

(3) When the Minister is satisfied that the necessary arrangements have been made for transferring to the British Overseas Airways Corporation any property, rights, liabilities and obligations of the British South American Airways Corporation not transferred by virtue of subsection (1) of section one of the said Act of 1949, he may by order direct that the British South American Airways Corporation shall be dissolved on such day as may be specified in the order (in this Act referred to as "the appointed day").⁷

Stock and
loans.

28.—(1) The three per cent. British South American Airways Stock, 1980-1983, shall be deemed to be stock issued by the British Overseas Airways Corporation, and shall be charged accordingly on the undertaking and the property and revenues of that corporation; and as from the sixteenth day of February, nineteen hundred and fifty, that stock shall be deemed to be of the same issue as the three per cent. Airways Stock, 1980-1983, and shall be subject to the terms and conditions applicable to the last mentioned stock.

(2) For the purposes of subsection (1) of section twelve of this Act temporary loans raised by the British South American Airways Corporation and not repaid before the thirtieth day of July, nineteen hundred and forty-nine shall be treated as temporary loans raised by the British Overseas Airways Corporation.

⁷ For Order under Subsection (3) see the British South American Airways Corporation (Dissolution) Order, 1952, S. I. 1952, No. 1138.

(3) Where the Treasury has guaranteed any stock issued or any temporary loan raised by the British South American Airways Corporation, subsection (3) of section ten of this Act shall have effect in relation to any sums issued out of the Consolidated Fund under subsection (2) of that section or subsection (2) of section nine of the Civil Aviation Act, 1946, in respect of the guarantee as if the corporation concerned was the British Overseas Airways Corporation.

29. For the purposes of the proviso to subsection (2) of section nineteen of this Act any grant made before the thirtieth day of July, nineteen hundred and forty-nine to the British South American Airways Corporation shall, in relation to any direction given under that section on or after that date, be deemed to have been made to the British Overseas Airways Corporation. Disposal of excess revenue.

30.—(1) In respect of the financial year ending with the thirty-first day of March, nineteen hundred and fifty, and any subsequent financial year beginning before the appointed day— Accounts, etc.

(a) the statement of accounts prepared by the British Overseas Airways Corporation under section twenty-two of this Act may extend to the accounts of the British South American Airways Corporation, and in that case no such statement shall be prepared or sent to the Minister under that section by the British South American Airways Corporation; and

(b) the report made to the Minister by the British Overseas Airways Corporation under subsection (1) of section twenty-three of this Act may extend to the operations of the British South American Airways Corporation, and in that case no report shall be made under that subsection by the British South American Airways Corporation.

(2) Any programme or estimate which, before the appointed day, is submitted to the Minister by the British Overseas Airways Corporation in accordance with subsection (1) of section thirteen or subsection (4) or subsection (5) of section twenty-three of this Act may extend to the services, receipts and expenditure of the British South American Airways Corporation, and in any such case no programme or estimate shall be so submitted by the British South American Airways Corporation.

31.—(1) Any proceeding or cause of action pending or existing immediately before the thirtieth day of July nineteen hundred and forty-nine by or against the British South American Airways Corporation may be continued and enforced by or Supplementary.

against the British Overseas Airways Corporation as it might have been by or against the British South American Airways Corporation if neither this Act nor the Airways Corporations Act, 1949, had been passed.

(2) On and after the appointed day, references to the British South American Airways Corporation in any enactment, order, rule, regulation or other instrument shall be construed as references to the British Overseas Airways Corporation:

Provided that this section shall not apply to any such reference as aforesaid in the Civil Aviation Act, 1949, or this Act or in any regulations made under section thirty-six, fifty-five or fifty-six of that Act or section nine or twenty-one of this Act.

(3) Any undertaking which immediately before the appointed day is associated with the British South American Airways Corporation under the terms of an arrangement by virtue of which it is an associate of that corporation, shall be deemed, on and after the appointed day, to be so associated with the British Overseas Airways Corporation and to be an associate of that corporation accordingly.

(4) Without prejudice to the provisions of section twenty-seven of this Act and of subsection (1) of this section, all deeds, bonds, agreements and instruments which are subsisting immediately before the appointed day and affect the British South American Airways Corporation shall on and after the appointed day be as of full force and effect against or in favour of the British Overseas Airways Corporation and enforceable as fully and effectually as if, instead of the British South American Airways Corporation, the British Overseas Airways Corporation had been named therein or had been a party thereto.

Transitional provisions relating to the acquisition of certain undertakings by British Overseas Airways Corporation

Transitional provisions relating to the acquisition of certain undertakings by British Overseas Airways Corporation.

32.—(1) Any cause of action existing immediately before the transfer date by or against either of the vendor companies in respect of its undertaking may be continued and enforced by or against the British Overseas Airways Corporation, as it might have been by or against that company, if neither this Act nor the British Overseas Airways Act, 1939, had been passed.

(2) All deeds, bonds, agreements, instruments and working arrangements which were subsisting immediately before the transfer date and affected either of the vendor companies, shall in so far as they relate to the undertaking of that company, be of as full force and effect against or in favour of the British Overseas Airways Corporation, and enforceable as fully and effectually as if, instead of the company, the corporation had been named therein or had been a party thereto.

(3) Any person who, on the transfer date, had in his possession or under his control any books, documents or papers, which relate to an undertaking transferred from either of the vendor companies to the British Overseas Airways Corporation and which belonged to either of the vendor companies, or would have so belonged if such transfer had not taken place, shall be liable to account for the said documents to the corporation and shall, at the request of the corporation, deliver them up to the corporation, or to such person as the corporation may appoint:

Provided that nothing in this section shall be construed as over-riding or affecting a lien to which any person may be entitled.

(4) In this section and in the following provisions of this Act—

- (a) the expression "transfer date" means the day on which the undertakings of Imperial Airways Limited and British Airways Limited were under section nine of the British Overseas Airways Act, 1939, transferred to the British Overseas Airways Corporation, that is to say, the first day of April, nineteen hundred and forty; and
- (b) the expression "the vendor companies" means Imperial Airways Limited and British Airways Limited.

33. Stamp duty shall not be chargeable—

- (a) on any of the purchase agreements or on any conveyance, assignment or other instrument of transfer made in pursuance of any of those agreements; or
- (b) under section twelve of the Finance Act, 1895, on any instrument relating to the vesting of the undertakings of either of the vendor companies in the British Overseas Airways Corporation.

Exemption
from stamp
duty.

In this section, the expression "purchase agreements" means the contracts whereby the undertakings of the vendor companies were acquired by the British Overseas Airways Corporation.

Transitory provisions as to superannuation, etc.

34. The provisions contained in the Second Schedule to this Act shall have effect with respect to the pension and superannuation schemes of the vendor companies, and in that Schedule the expression "the corporation" means the British Overseas Airways Corporation.

Pension and
superannuation
schemes of
vendor
companies.

Superannuation schemes already established by British Overseas Airways Corporation.

35.—(1) No person shall be a member of any pension superannuation or other benefit fund or scheme established by the British Overseas Airways Corporation before the first day of August, nineteen hundred and forty-six, for the benefit of persons employed by the corporation unless he was a member of that fund or scheme immediately before the said day.

(2) The Minister may by regulations make such provision as he thinks necessary for enabling any person who is a member of any fund or scheme so established or who is for the time being participating in any such scheme as is mentioned in the Second Schedule to this Act, to withdraw from that fund or scheme in consideration of being admitted, upon such terms as may be provided for by the regulations, to any scheme established under section twenty-one of this Act.

Supplemental

Provisions as to offences.

36.—(1) Proceedings for an offence against this Act—

(a) shall not, in England, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions; and

(b) shall not, in Northern Ireland, be instituted except by or with the consent of the Minister or by the Attorney-General for Northern Ireland.

(2) Where an offence against this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Regulations and order.

37.—(1) Any power conferred by this Act on the Minister to make orders or regulations shall be exercisable by statutory instrument.

(2) Any power conferred by this Act to make any Order in Council or order, other than the power conferred by section twenty-seven, shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to vary the Order in Council or order.

38.—(1) In this Act, except where the context otherwise requires or where it is otherwise expressly provided, the following expressions have the meanings respectively assigned to them, that is to say—

- “appointed day” has the meaning assigned to it by section twenty-seven of this Act;
- “air transport service” means a service for the carriage by air of passengers, mails or other freight;
- “associate”, in relation to any of the corporations, has the meaning assigned to it by section fifteen of this Act;
- “director” includes any person occupying the position of director, by whatever name called;
- “financial year”, in relation to any of the corporations, means a period of twelve months beginning on the first day of April;
- “Minister” means the Minister of Civil Aviation;^{*}
- “remuneration” includes reasonable allowances in respect of expenses properly incurred in the pursuance of the duties of any office;
- “revenue,” in relation to any of the corporations, includes grants made by the Minister to the corporation under this Act;
- “scheduled journey” has the meaning assigned to it by section twenty-four of this Act;
- “subsidiary,” in relation to any of the corporations, means any undertaking more than one half of the issued share capital whereof is held directly or through a nominee by the corporation, and any undertaking in relation to which the corporation have a power directly or indirectly to appoint the majority of the directors;
- “transfer date” has the meaning assigned to it by section thirty-two of this Act;
- “vendor companies” has the meaning assigned to it by section thirty-two of this Act;

(2) References in this Act to any enactment shall be construed as including references to that enactment as amended by or under any other enactment.

39. The following provisions shall, in addition to any express provision for the application to Northern Ireland of any provision of this Act, have effect for the general application of this Act to Northern Ireland, that is to say—

- (a) any reference to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland;

^{*} The responsible Minister is now the Minister of Transport and Civil Aviation, see the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. I. 1953, No. 1204.

(b) any reference to an Act of Parliament shall be construed as including a reference to an Act of the Parliament of Northern Ireland, and "enactment" includes an enactment of that Parliament;

(c) "summary conviction" means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act;

Application
to Channel
Islands and
Isle of Man.

40.—(1) His Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, modifications and adaptations, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man:⁹

Provided that this subsection shall not apply to sections eight, nine and ten, in so far as they relate to the British Overseas Airways Corporation, or section eleven, sections twenty-six to thirty-five or the Second Schedule.

(2) Any such Order in Council may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by the preceding subsection.

Repeal and
savings.

41.—(1) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that without prejudice to the provisions of the Interpretation Act, 1889, this subsection shall have effect subject to the following provisions of this section.¹⁰

(2) Nothing in this repeal shall affect any instrument made or any other thing whatsoever done under any enactment repealed by this Act, and every such instrument or thing shall continue in force and shall, so far as it could have been made or done under this Act, have effect as if made or done under the corresponding enactment of this Act.

(3) Nothing in this repeal shall affect the amount of any grant payable to any of the corporations under any enactment repealed by this Act or any adjustment which, but for this repeal, could have been made under section eleven of the Civil Aviation Act, 1946, and any such adjustment may be made as if this Act had not been passed.

(4) Nothing in this repeal shall affect the terms and conditions on and subject to which any person held office or served immediately before the commencement of this Act.

(5) Where under any Act passed before this Act there is a power to affect Acts of Parliament passed or in force before a particular time and that power would, but for the passing

⁹ The Civil Aviation Act (Extension to the Isle of Man) Order, 1948, S. I. 1948, No. 1338 has been revoked. See now the Civil Aviation Act (Isle of Man) Order, 1952, S. I. 1952, No. 1032, and the Air Corporations Act (Isle of Man) Order, 1952, S. I. 1952, No. 1033.

The Civil Aviation Act (Extension to the Channel Islands) Order, 1947, S. R. and O. 1947, No. 528, has been revoked. See now the Civil Aviation Act (Channel Islands) Order, 1953, S. I. 1953, No. 398 and the Air Corporations Act (Channel Islands) Order, 1953, S. I. 1953, No. 398.

¹⁰ Subsection (1) is repealed in its application to the United Kingdom by the S. L. R. Act, 1953 (c. 5).

of this Act, have included power to change the law which is reproduced in this Act, then that power shall include power to make such provision as will secure the like change in the law as reproduced in this Act notwithstanding that this Act is not an Act passed or in force before that time and notwithstanding that the terms of this Act, apart from this subsection, are not such as to render that power applicable.

(6) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.

42. This Act may be cited as the Air Corporations Act, 1949.¹¹ Short title.

¹¹ See note 1, *Supra*.

SCHEDULES

Section 2.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO THE CORPORATIONS

Tenure and Vacation of Office

1. Subject as hereinafter provided, a member of the corporation shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member:

Provided that—

- (a) where a member becomes or ceases to be chairman or deputy chairman of the corporation, the Minister may vary the terms of the instrument appointing him to be a member of the corporation, so far as they relate to the date on which he is to vacate office as such; and
- (b) a member of the corporation may at any time, by notice in writing under his hand addressed to the Minister, resign his membership.

2. Subject as hereinafter provided, the chairman of the corporation and the deputy chairman of the corporation shall hold and vacate office as such in accordance with the instruments respectively appointing them:

Provided that the chairman or deputy chairman may at any time, by a notice in writing under his hand addressed to the Minister, resign his office as such.

3. If the chairman or deputy chairman of the corporation ceases to be a member of the corporation, he shall cease to be chairman or deputy chairman, as the case may be.

4. A member of the Commons House of Parliament shall not be appointed a member of the corporation.

5. If the Minister is satisfied that a member of the corporation—

- (a) has been absent from meetings of the corporation for a period longer than three consecutive months without the permission of the corporation; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member;

the Minister may declare his office as a member of the corporation to be vacant and shall notify the fact in such manner as the Minister thinks fit; and thereupon the office shall become vacant.

6. A member of the corporation who ceases to be a member shall be eligible for re-appointment.

7. The validity of any proceeding of the corporation shall not be affected by any vacancy amongst the members thereof, or by any defect in the appointment of a member thereof.

1ST SCH.
—cont.*The Deputy Chairman*

8. Where by any provision of this Act the Minister is required to consult with the chairman of the corporation before exercising any power, and either:—

(a) the office of chairman of the corporation is vacant; or

(b) by reason of illness, absence or any other cause the chairman is not available,

the Minister may comply with that requirement by consulting, before exercising the power, with the deputy chairman of the corporation, or in the case of the British Overseas Airways Corporation, at any time when two deputy chairmen thereof hold office, with either of the deputy chairmen.

Remuneration

9. The corporation shall pay to each member thereof, in respect of his office as such, such remuneration as may be determined by the Minister with the consent of the Treasury, and shall pay to the chairman and deputy chairman thereof, in respect of his office as such, such remuneration (in addition to any remuneration to which he may be entitled in respect of his office as a member) as may be so determined.

10. If any member of the corporation, other than the chairman or deputy chairman thereof, is employed about the affairs of the corporation otherwise than as a member thereof, the corporation may pay to that member such remuneration (in addition to any remuneration to which he may be entitled in respect of his office as a member) as the corporation may determine.

Meetings and proceedings

11. The quorum of the corporation and the arrangements relating to meetings thereof shall be such as the corporation may determine.

The common seal

12. The corporation shall have a common seal, and the fixing of the seal shall be authenticated by the signatures of—

(a) the chairman of the corporation, or some other member thereof authorised either generally or specially by the corporation to act in his stead for that purpose; and

(b) some other person authorised by the corporation, either generally or specially, to act for that purpose.

Instruments of the corporation

13. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the corporation by any person generally or specially authorised by them for that purpose.

14. Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Power to hold land

15. The corporation shall have power to hold land for the purposes of their functions without licence in mortmain.

SECOND SCHEDULE

Sections 34, 35. PROVISIONS AS TO PENSIONS AND SUPERANNUATION SCHEMES OF
VENDOR COMPANIES

PART I

Pensions Scheme of Imperial Airways Limited.

1. In this Part of this Schedule—

- (a) the expression “the company” means Imperial Airways Limited;
- (b) the expression “the scheme” means the pension scheme established for the benefit of the employees of the company by a Trust Deed dated the twenty-third day of October nineteen hundred and thirty-six and made between the company of the first part Sidney Albert Dismore and Arthur Joseph Quin-Harkin of the second part, and Leslie Alan Walters and Rankin Lorimer Weir of the third part;
- (c) references to the scheme shall be construed as including references to the said Trust Deed.

2. The scheme shall continue in operation subject to the following provisions of this Part of this Schedule which shall have effect for the purposes of regulating the continued operation of the scheme.

3. No person who was, immediately before the transfer date, participating in the scheme shall be eligible to participate therein unless—

- (a) he was, immediately before the transfer date, in the service of the company;
- (b) he was then not eligible to participate in the scheme by reason only of the fact that he had not been in the service of the company for a sufficient length of time or was a labourer or a member of the staff locally engaged overseas; and
- (c) he has entered the service of the corporation;

and no person shall be eligible to participate in the scheme except in accordance with the provisions of the scheme as regulated by the provisions of this Part of this Schedule.

4. Any person who was, immediately before the transfer date, in the service of the company and has not entered the service of the corporation, shall—

- (a) if he was, immediately before the transfer date, less than fifty-five years of age be treated as if he were then discharged from the service of the company for reasons other than misconduct;
- (b) if he was, immediately before the transfer date, fifty-five years or more but had not then attained the age of sixty years be treated, at his option, either as if he had then retired on pension before attaining the age of sixty years with the permission of the Board of the company, or as if he had then been discharged from the service of the company for reasons other than misconduct; or
- (c) if he was, immediately before the transfer date, sixty years of age or more, be treated as having then retired from the service of the company.

5. Subject to the provisions of this Part of this Schedule, the scheme shall have effect as if—

2ND SCH.
—cont.

- (a) the corporation had been in existence on the date of the execution of the said Trust Deed and had executed that document in the place of the company; and
- (b) for any reference (by whatever form of words) in the scheme to the company, or to the Board of the company, there were substituted a reference to the corporation; and
- (c) the service or employment under or by the company of any person had been service or employment under or by the corporation; and
- (d) any thing done, permitted or omitted by or on behalf of the company (including any thing which is by virtue of the preceding provisions of this Part of this Schedule to be deemed to have been permitted by the company or by the Board of the company) had been done, permitted or omitted, as the case may be, by the corporation.

6. Nothing contained in this Part of this Schedule shall prejudice or affect any power of altering, amending, adding to or cancelling the scheme in accordance with the provisions thereof.

PART II

Superannuation Scheme of British Airways Limited

1. In this Part of this Schedule—

- (a) the expression “the company” means British Airways Limited;
- (b) the expression “the Trust Deed” means the Trust Deed (relating to the provisions of superannuation benefits for the employees and salaried directors of the company and its associated or subsidiary companies by means of a Superannuation Scheme under which endowment assurances are to be effected with the Sun Life Assurance Society) dated the seventeenth day of March nineteen hundred and thirty-nine, and made between the company of the one part, and John Ronald McCrindle, Walter Cyril Tomlinson, David Smillie Smith Macdowall, and John Vincent Wood of the other part;
- (c) the expression “the regulations” means the regulations contained in the First Schedule to the Trust Deed;
- (d) the expression “the scheme” includes both the Trust Deed and the Superannuation Scheme to which it relates as existing immediately before the transfer date; and
- (e) the expression “Trustees’ Assurance” and “Employee’s Assurance” have the same meanings respectively as in the regulations.

2. The scheme shall continue in operation subject to the following provisions of this Part of this Schedule which shall have effect for the purpose of regulating the continued operation of the scheme.

2ND SCH.
—cont.

3. No person who was not immediately before the transfer date participating in the scheme shall be eligible to participate in the scheme unless—

- (a) he was, immediately before the transfer date, an employee as defined by the regulations; or
- (b) he had, immediately before the transfer date, been in the service of the company for a period of less than three months; and
- (c) in either case, he has entered the service of the corporation;

and no person shall be eligible to participate in the scheme except in accordance with the provisions of the scheme as regulated by the provisions of this Part of this Schedule.

4. Any person who was, immediately before the transfer date, an employee as defined by the regulations, and has not entered the service of the corporation, shall be deemed to have retired immediately before the transfer date from the service of the company with the consent of the company, and, for the purposes of any provisions of the regulations relating to any Trustees' Assurance, shall be deemed to have so retired during the period of ten years preceding the date of the maturity of that Assurance.

5. Subject to the provisions of this Part of this Schedule the scheme shall have effect as if—

- (a) the corporation had been in existence on the date of the execution of the Trust Deed and had executed that document in place of the company; and
- (b) the corporation had been a party to the Superannuation Scheme to which the Trust Deed relates, and to any agreement relating to that Superannuation Scheme, in place of the company; and
- (c) for any reference (by whatever form of words) in the scheme to the company there were substituted a reference to the corporation; and
- (d) references to associated or subsidiary companies were omitted from the scheme; and
- (e) the service or employment under or by the company of any person had been service or employment under or by the corporation; and
- (f) any act or thing done, permitted or omitted by or on behalf of the company (including any thing which is by virtue of the preceding provisions of this Part of this Schedule to be deemed to have been permitted by the company) had been done, permitted or omitted, as the case may be, by the corporation.

6. Anything required or authorised by the scheme to be done by the secretary or a director of the company may be done by such member or officer of the corporation as the corporation may appoint for the purpose.

7. Nothing contained in this Part of this Schedule shall prejudice or affect any power of altering, cancelling or modifying all or any of the provisions of the Trust Deed or of the regulations in accordance with the provisions of the Trust Deed, or of determining the trusts created under the Trust Deed in accordance with the provisions of the regulations, or any power of terminating or modifying the Superannuation Scheme to which the Trust Deed relates, or any agreement relating to the Superannuation Scheme, in accordance with the terms of that Scheme or agreement.

2ND SCH.
—cont.

THIRD SCHEDULE

Section 41.

REPEALS¹²

Session and Chapter	Short title	Extent of repeal
2 & 3 Geo. 6. c. 61.	The British Overseas Airways Act, 1939.	The whole Act.
8 & 9 Geo. 6. c. 21.	The Ministry of Civil Aviation Act, 1945.	The whole Act, so far as unrepealed.
9 & 10 Geo. 6. c. 70.	The Civil Aviation Act, 1946.	The whole Act, so far as unrepealed.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947	In subsection (2) of section fifty-seven, the words "The British Overseas Airways Corporation" and the words "The British European Airways Corporation; and The British South American Airways Corporation".
12 & 13 Geo. 6. c. 57.	The Airways Corporations Act, 1949.	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Finance Act, 1895	58 & 59 Vict. c. 16.
Finance Act, 1899	62 & 63 Vict. c. 9.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
British Overseas Airways Act, 1939	2 & 3 Geo. 6. c. 61.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
Civil Aviation Act, 1946	9 & 10 Geo. 6. c. 70.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Airways Corporations Act, 1949	12, 13 & 14 Geo. 6. c. 57.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.

¹² Repealed in its application to the United Kingdom by the S. L. R. Act, 1953 (c. 5).

Civil Aviation (Licensing) Act, 1960

8 & 9 ELIZ. 2 CH. 38

ARRANGEMENT OF SECTIONS

Licensing of certain flying

Section

1. Establishment of licensing authority, and restriction of unlicensed flying.
2. Air service licences.
3. Revocation, suspension and variation of licences.
4. Advisory functions of Board.
5. Regulations.
6. Enforcement of licensing provisions.

Prohibition of aerial advertising

7. Prohibition of aerial advertising and propaganda.

General

8. Expenses of, and reports by, Board.
9. Repeal of certain enactments.
10. Interpretation.
11. Power to extend provisions of Act to certain overseas territories.
12. Citation, commencement and extent.

Schedule—The Air Transport Licensing Board.

CHAPTER 38

An Act to prohibit certain flying except under a licence or other authority and to repeal section twenty-four of the Air Corporations Act, 1949; and for purposes connected with the matters aforesaid. [2nd June, 1960]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Licensing of certain flying

1.—(1) There shall be established in accordance with the provisions of the Schedule to this Act an Air Transport Licensing Board (in this Act referred to as “the Board”) with the general duty of exercising their functions under this Act in such a manner as to further the development of British civil aviation.

Establishment of licensing authority, and restriction of unlicensed flying.

(2) No aircraft shall be used on any flight for reward or in connection with any trade or business except under and in accordance with the terms—

- (a) of such certificate, if any, (in this Act referred to as an “air operator's certificate”) as any Order in Council for the time being in force under section eight of the Civil Aviation Act, 1949, may require the operator of the aircraft to hold for the purposes of such flights as that in question, being a certificate of his competence to secure that aircraft operated by him on such flights are operated safely; and
- (b) subject to subsection (3) of this section, of a licence granted to the operator of the aircraft by the Board under section two of this Act (in this Act referred to as an “air service licence”), being a licence authorising the operator to operate aircraft on such flights as that in question.

(3) The Minister may by regulations provide that paragraph (b) of the last foregoing subsection shall not apply to flights of such descriptions as may be specified in the regulations, and may by instrument in writing exempt from the requirements of the said paragraph (b) any other particular flight or series of flights.

(4) This section shall apply to—

- (a) any flight in any part of the world by an aircraft registered in the United Kingdom ; and
- (b) any flight beginning or ending in the United Kingdom by an aircraft registered in such other country or territory, if any, as may be prescribed.

Air service
licences.

2.—(1) Any application to the Board for the grant of an air service licence shall contain such particulars as may be prescribed ; and, subject to the provisions of this section and of any relevant regulations under section five of this Act, the Board may at their discretion, after consulting with such persons, if any, as may be prescribed, either refuse the application or grant the applicant an air service licence for any air transport service or other purpose specified in the licence (being a service or other purpose proposed in the application with such modifications, if any, as the Board may think fit) for such term and subject to such conditions, if any, of the prescribed descriptions as may be so specified.

(2) In exercising their functions under this section the Board shall consider in particular—

- (a) whether they are satisfied that, having regard in particular to his experience and financial resources and, subject to subsection (4) of this section, to his ability to provide satisfactory equipment, organisation and staffing arrangements, and having regard also to any contravention in respect of aircraft operated by him of the provisions of section one of this Act, the applicant is competent, and a fit and proper person, to operate aircraft for the purposes for which he seeks an air service licence ;
- (b) the provision made or proposed to be made against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by the applicant ;
- (c) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants ;
- (d) the existing or potential need or demand for any air transport service proposed ;

- (e) in the case of any air transport service proposed, the adequacy of any similar service authorised by any air service licence already granted and the tariff, if any, in respect of that similar service ;
- (f) the extent to which any air transport service proposed would be likely to result in wasteful duplication of, or in material diversion of traffic from, any air transport service which is being, or is about to be, provided under any air service licence already granted ;
- (g) any capital or other expenditure reasonably incurred, or any financial commitment or commercial agreement reasonably entered into, in connection with the operation of aircraft on air transport services by any person (including the applicant) who is the holder of any air service licence already granted ;
- (h) any objections or representations made in accordance with any relevant regulations under section five of this Act.

(3) The Minister and the Board shall from time to time consult together with regard to relations with other countries or territories affecting the exercise of the Board's functions ; and if in the case of any application for an air service licence the Minister so directs in writing on the ground that any air transport service proposed in the application would in his opinion involve the negotiation with the government of some other country or territory of rights which it would be inexpedient for the time being to seek, the Board shall forthwith refuse that application so far as it relates to that service.

(4) For the purposes of paragraph (a) of subsection (2) of this section, the Board shall not consider the matters in respect of which an air operator's certificate is required, that is to say, the competence of the applicant to secure that aircraft operated by him will be operated safely.

(5) Every air service licence authorising an air transport service shall include a provision with respect to the tariff to be charged in respect of that service, being—

- (a) in the case of a service between terminal points one of which is in the United Kingdom and the other of which is in the United Kingdom, one of the Channel Islands or the Isle of Man, a provision setting out that tariff ;
- (b) in any other case, either a provision setting out that tariff or a provision specifying the manner in which that tariff is to be determined ;

and in a case falling within paragraph (b) of this subsection the licence shall be of no effect until the said provision has been confirmed by the Minister either without modification or with

such modifications as he may think fit after consultation with such holders of air service licences and other persons as he may consider appropriate:

Provided that, in such cases or classes of cases as may be prescribed, this subsection shall have effect subject to such exceptions or modifications as may be prescribed in relation to the case or class of cases in question.

(6) The Minister may by order made by statutory instrument authorise the grant of an air service licence to any person specified in the order (being a person who provided air transport services before the date of the coming into force of subsection (2) of section one of this Act) in respect of any air transport service so specified for such term and subject to such conditions, if any, as may be so specified in relation to that service; and, without prejudice to their powers under section three of this Act, the Board shall grant that licence forthwith without any application being made therefor:

Provided that the Minister shall not make any order under this subsection after the expiration of the period of three months beginning with the said date.

(7) Except with the consent of the Minister, which may be granted either generally or in respect of a particular case or class of cases, the Board shall not grant an air service licence to any person who is not either—

(a) a citizen of the United Kingdom and Colonies, a citizen of the Federation of Rhodesia and Nyasaland, a citizen of the State of Singapore or a British protected person; or

(b) a body incorporated in the United Kingdom or in any part thereof, or in any of the Channel Islands, the Isle of Man, the said Federation, or a colony, protectorate or United Kingdom trust territory, being a body which in the opinion of the Board is substantially controlled by persons each of whom is either a citizen of the United Kingdom and Colonies, a citizen of the said Federation, a citizen of the said State or a British protected person.

(8) If, while an air service licence is in force and not later than the prescribed time before the expiry of the term for which it was granted, the holder thereof applies to the Board for the grant of a new air service licence in continuation thereof or in substitution therefor, then, without prejudice to the powers of the Board under section three of this Act, unless the application is withdrawn the first-mentioned licence shall not cease to be in force by reason of the expiry of the said term until the Board have given their determination on the application nor, if the

application is refused or if any new licence granted differs in its terms from the first-mentioned licence, until—

- (a) the expiration of the period prescribed under section five of this Act for appealing against the Board's decision; and
- (b) if an appeal is duly made within that period, the determination or abandonment of the appeal; and
- (c) in the case of a successful appeal against a refusal of the application, the date of the coming into force of the new licence.

3.—(1) Subject to any relevant regulations under section five of this Act, an application for the revocation, suspension or variation of an air service licence may be made to the Board at any time by any of the persons prescribed in pursuance of paragraph (b) of subsection (1) of that section. Revocation, suspension and variation of licences.

(2) Whether or not any application or representation has been made to the Board for the purpose, if in the case of any person who is the holder of an air service licence the Board are at any time no longer satisfied as mentioned in paragraph (a) of subsection (2) of section two of this Act, they shall, as may appear to them appropriate in the circumstances, revoke, suspend or vary that licence.

(3) Without prejudice to the last foregoing subsection, if at any time the Board are satisfied, whether or not any application or representation has been made to them for the purpose, that it is right and proper so to do, they may revoke, suspend or vary any air service licence.

(4) Subsections (2) to (4) of section two of this Act shall have effect with the necessary modifications in relation to the Board's functions under the two last foregoing subsections as they have effect in relation to their functions under the said section two.

(5) If any air service licence is revoked, suspended or varied by the Board otherwise than on the application of the holder of the licence, the revocation, suspension or variation shall not take effect until the expiration of the period prescribed under section five of this Act for the making of an appeal against the Board's decision nor, if an appeal is duly made during that period, until the determination or abandonment of the appeal.

4.—(1) It shall be the duty of the Board to consider any representation from any person relating to, or to facilities in connection with, air transport services by means of aircraft registered in the United Kingdom, or with respect to the tariff or other charges in respect of any such service or facilities: Advisory functions of Board.

Provided that the Board shall not be required by this subsection to consider any representation if in their opinion—

- (a) the representation is frivolous or vexatious ; or
- (b) the matters to which the representation relates have already been sufficiently considered by the Board ; or
- (c) the matters to which the representation relates are for the time being regulated by an international agreement to which Her Majesty's Government in the United Kingdom is a party.

(2) When the Board have considered any such representation as aforesaid, they shall report to the Minister upon their conclusions, and shall make such recommendations to the Minister in connection with those conclusions as they think expedient :

Provided that this subsection shall not apply to any representation made in connection with an application for the grant of an air service licence or for the purposes of the Board's functions under section three of this Act.

Regulations.

5.—(1) Without prejudice to any other power to make regulations conferred by this Act, the Minister shall by regulations make provision—

- (a) for requiring, except in such circumstances, if any, as may be specified in the regulations, publication of notice of the making of any application for the grant, revocation, suspension or variation of an air service licence and for the making of objections or representations with respect to any such application ;
- (b) as to the persons entitled to be heard by the Board at any meeting to consider the grant, revocation, suspension or variation of any such licence ;
- (c) for conferring a right to appeal to the Minister from any decision of the Board with respect to any air service licence or any application for such a licence upon the holder of or applicant for the licence and upon such other persons, if any, as may be specified in the regulations, and generally as to such appeals, including in particular provision as to the time by which any such appeal must be made, the other persons, if any, to be made parties thereto, and the liability of any of the parties in respect of costs or expenses incurred in connection therewith ;
- (d) for the making of representations to the Minister by the Government of the Isle of Man or by the States of Jersey or Guernsey as respects any such decision of the Board as is mentioned in the last foregoing paragraph, and for applying in relation to those representations, with such modifications as the Minister thinks fit, any

provision relating to appeals contained in this Act or in any regulations made thereunder ;

- (e) for requiring the payment to the Board in connection with air service licences or applications relating thereto of such fees determined in such manner as the regulations may with the approval of the Treasury provide.

(2) Without prejudice as aforesaid, the Minister may by regulations make provision—

- (a) as to the form and manner in which any application, objection or representation shall be made to the Board ;
- (b) with respect to the furnishing by persons making an application, objection or representation to the Board of information or documents relevant thereto ;
- (c) as to the liability of any of the persons heard by virtue of paragraph (b) of subsection (1) of this section at any meeting of the Board in respect of costs or expenses incurred in connection with that hearing ;
- (d) with respect to the provision by holders of air service licences or air operator's certificates of statistical or other information with respect to their operations to which the licence or certificate relates ;
- (e) as to the circumstances, if any, in which an air service licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted ;
- (f) with respect to the surrender for cancellation or variation of air service licences ;
- (g) generally as to the procedure of the Board ;
- (h) for the setting up of regional advisory committees for the purpose of advising the Board on matters relating to their functions under this Act with particular regard to the circumstances and requirements of particular areas, and for the payment by the Minister of travelling or other expenses reasonably incurred by any person as a member of any such committee.

(3) Any power to make regulations conferred by this Act shall include power to make different provision for different circumstances and to make such incidental or supplementary provision as appears to the Minister necessary or expedient for giving effect to the purposes of this Act.

(4) Any power to make regulations conferred on the Minister by this Act shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Enforcement
of licensing
provisions.

6.—(1) If an aircraft is used on any flight in contravention of subsection (2) of section one of this Act, the operator of the aircraft, and if any other person, whether by negotiating a contract or otherwise howsoever, made available facilities for travel or the consignment of goods on that flight knowing or having reasonable cause to suspect that the flight would be in contravention of the said subsection (2), that other person also, shall be guilty of an offence and be liable—

- (a) on summary conviction, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment;
- (b) on conviction on indictment, to a fine of such amount as the court may think fit, or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

(2) For the purpose of securing compliance with the requirements of section one of this Act, the Minister or anyone acting under his authority may require any person who, in the United Kingdom, whether by providing an aircraft or negotiating a contract or otherwise howsoever, makes available, or offers, facilities for travel or the consignment of goods upon any journey by air, and any servant or agent of any such person, and any person who is the holder of an aerodrome licence, to provide the Minister with all such information or documents in his possession or control relating to the journey or proposed journey as may be specified in the requirement; and any person who wilfully fails to comply with any requirement under this subsection shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) If the holder of any air service licence or air operator's certificate fails without reasonable cause to comply with any requirement of any regulations with respect to the provision of information made by virtue of paragraph (d) of subsection (2) of section five of this Act, he shall in respect of each such failure be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(4) If any person, in furnishing any information under this Act, furnishes any information which to his knowledge is false in any material particular or recklessly furnishes any information which is false in any material particular, he shall be guilty of an offence and be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment;

- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

(5) If any person fails without reasonable cause to comply with any requirement duly made of him under this Act to surrender an air service licence for cancellation or variation, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds.

(6) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

In this subsection, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(7) Any offence under this section shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

Prohibition of aerial advertising

7.—(1) Save in such circumstances as may be prescribed, no aircraft while in the air over any part of the United Kingdom or the territorial waters thereof shall be used, whether wholly or partly, for emitting or displaying any advertisement or other communication in such a way that the advertisement or communication is audible or visible from the ground. Prohibition of aerial advertising and propaganda.

(2) Any person who uses an aircraft, or knowingly causes or permits an aircraft to be used, in contravention of the foregoing subsection shall be guilty of an offence and be liable on summary conviction—

- (a) in the case of a first conviction of an offence under this section, to a fine not exceeding one hundred pounds;
- (b) in any other case, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment;

and subsections (6) and (7) of section six of this Act shall apply to any offence under this subsection as they apply to any offence under that section.

General

Expenses of,
and reports
by, Board.

8.—(1) The Minister shall provide the Board with such accommodation and equipment as appears to him to be necessary or expedient for the exercise of their functions and shall also provide from among his officers and servants such number of persons to act as officers or servants of the Board as he may from time to time with the approval of the Treasury think fit; and any expenditure incurred by the Board with the approval of the Minister shall be defrayed by the Minister.

(2) The Board shall furnish the Minister with such accounts and other information relating to the discharge of their functions as he may from time to time require, and shall, as soon as may be after the end of each year, make a report to the Minister as to the exercise and performance of their functions under this Act in that year, which shall cover any particular matters on which the Minister has requested them to report; and the Minister shall lay a copy of every such report before each House of Parliament.

(3) Any expenditure incurred by the Minister in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament; and any fees received under this Act by the Board shall be paid by the Board to the Minister, who shall pay them into the Exchequer.

Repeal of
certain
enactments.

9. The following provisions are hereby repealed, that is to say—

- (a) in the Air Corporations Act, 1949, sections twenty-four (except subsection (2) thereof) and twenty-five (which relate to the reservation of certain air services to the British Overseas Airways Corporation, the British European Airways Corporation and their associates), section four (which provides for the appointment of regional committees by the said Corporation) and subsection (3) of section seven (which relates to one of the provisions repealed by the next following paragraph);
- (b) in the Civil Aviation Act, 1949, section twelve (which provides for the constitution and functions of the Air Transport Advisory Council) and section thirteen (which empowers Her Majesty to make provision for the licensing of air transport and commercial flying by Order in Council);
- (c) the entries relating to the said Advisory Council in Part II of the First Schedule to the House of Commons Disqualification Act, 1957, and in the said Part II as substituted by the Third Schedule to that Act.

10. In this Act, unless the context otherwise requires, the Interpretation. following expressions have the following meanings respectively, that is to say—

“aerodrome licence” means a licence granted in respect of an aerodrome by virtue of section eight of the Civil Aviation Act, 1949;

“air operator’s certificate” has the meaning assigned by paragraph (a) of subsection (2) of section one of this Act;

“air service licence” means a licence under section two of this Act;

“air transport service” means the carriage of passengers or of mails or other cargo by air for reward;

“the Board” means the Air Transport Licensing Board established in pursuance of subsection (1) of section one of this Act;

“British protected person”, “colony”, “protectorate” and “United Kingdom trust territory” have the same meanings respectively as in the British Nationality Acts, 1948 and 1958;

“flight” means a journey by air beginning when the aircraft takes off and ending when the aircraft next alights thereafter;

“the Minister” means the Minister of Aviation;

“operator”, in relation to an aircraft, means the person for the time being having the business management of that aircraft, and cognate expressions shall be construed accordingly;

“prescribed” means prescribed by the Minister by regulations under this Act;

“reward”, in relation to any flight by an aircraft, includes any form of consideration received or to be received wholly or partly in respect of or in connection with that flight, irrespective of the person by or to whom the consideration has been or is to be given;

“tariff”, in relation to any air transport service, means the fares or freight rates (including any charges for the carriage of mails) to be charged and any conditions upon which those fares or freight rates depend.

11.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend with such exceptions, modifications and adaptations, if any, as may be specified in the Order—

(a) to any of the Channel Islands or to the Isle of Man;

(b) to any colony, protectorate or United Kingdom trust territory.

Power to extend provisions of Act to certain overseas territories.

(2) An Order in Council made by virtue of paragraph (a) of the foregoing subsection may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section.

(3) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made.

(4) For the avoidance of doubt, it is hereby declared that, without prejudice to any provision of any Order in Council under this section extending paragraph (b) of section nine of this Act to any of the territories mentioned in subsection (1) of this section, the repeal by the said paragraph (b) of section thirteen of the Civil Aviation Act, 1949, shall not affect the operation of the said section thirteen as extended to any of those territories by an Order in Council made before the commencement of this Act under section sixty-six or sixty-seven of the said Act of 1949.

Citation,
commence-
ment and
extent.

12.—(1) This Act may be cited as the Civil Aviation (Licensing) Act, 1960.

(2) This Act and the Civil Aviation Act, 1949, may be cited together as the Civil Aviation Acts, 1949 and 1960.

(3) This Act shall come into force on such day as the Minister may by order made by statutory instrument appoint, and different days may be appointed for different purposes of this Act.

(4) It is hereby declared that this Act extends to Northern Ireland.

SCHEDULE

THE AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than six nor more than ten members appointed by the Minister, who shall also appoint two of those members to be chairman and deputy chairman respectively of the Board.

2. Subject to the provisions of this Schedule, the chairman, the deputy chairman and each of the other members of the Board shall hold and vacate his office in accordance with the terms of the instrument appointing him.

3. The Minister—

(a) shall pay to any member of the Board such remuneration (whether by way of salary or fees) and such allowances as the Minister may with the approval of the Treasury determine; and

(b) in the case of any member of the Board with respect to whom the Minister may with the said approval determine, shall make such provision for the payment of a pension to or in respect of that member as he may so determine;

and the Minister shall, as soon as possible after the establishment of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under this paragraph to the members of the Board; and if any subsequent determination made by him under this paragraph involves any departure from the terms of that statement or if a determination so made provides for the payment of a pension to or in respect of any member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

4. In Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain bodies all members of which are disqualified under that Act) and in the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, after the entry relating to the Air Transport Advisory Council there shall be inserted the words "The Air Transport Licensing Board".

5. If the Minister is satisfied that the chairman or deputy chairman of the Board is temporarily unable to discharge the functions of his office owing to illness or any other cause, he may appoint some other member of the Board to act for the time being in the place of the chairman or deputy chairman, as the case may be.

6. If the Minister is satisfied that a member of the Board—

(a) has without the permission of the Board been absent from meetings of the Board for a continuous period exceeding six months; or

(b) has become bankrupt or made an arrangement with his creditors; or

(c) has by reason of illness or any other cause become unable or unfit to act as a member of the Board,

the Minister may, by giving notice in such manner as he thinks fit, declare that person's office as a member of the Board to have become vacant.

7. No person who for the time being has any interest, whether as a shareholder or otherwise, in the business of an operator of aircraft or of the holder of an aerodrome licence shall act as a member of the Board unless he has declared his interest to the Board and to the Minister; and if the Minister is satisfied that, by reason of that interest or of any failure so to declare such an interest, it is right and proper so to do, the Minister may by giving notice in such manner as he thinks fit declare that person's office as a member of the Board to have become vacant.

8. The Board may act notwithstanding a vacancy in the membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment of any member thereof or by reason of any person irregularly acting as a member thereof.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.
Air Corporations Act, 1949	12, 13 & 14 Geo. 6. c. 91.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.

INDIA

PRELIMINARY

The air laws and regulations in force in India are collected in the Indian Aircraft Manual, a Compilation of the Legislation and Rules Governing Civil Aviation in India, revised edition, corrected up to 31st March, 1957 (Manager, Govt. of India Press, Delhi, India, 1957). They comprise the following:

1. The Indian Aircraft Act, 1934 (XXII of 1934) ;
2. The Indian Aircraft Rules, 1937 ;
3. The Indian Aircraft Rules, 1920 (Part IX) ;
4. The Indian Aircraft (Public Health) Rules, 1954 ;
5. The Indian Carriage by Air Act, 1934 (XX of 1934) ;
6. A list of statutory notifications affecting aviation in India.

The Indian Aircraft Rules, 1920, govern the arrival of aircraft in, and departure from, India.

The Indian Carriage by Air Act, 1934 (as does the British Carriage by Air Act, 1932) applies the provisions of the Warsaw Convention to India.

Liability for damages caused by aircraft is not regulated in any of the above enactments, but in the Indian Fatal Accidents Act and in general laws on liability.

THE INDIAN AIRCRAFT ACT, 1934.

SECTIONS

- 1 Short Title and Extent
- 2 Definitions
- 3 Power of Central Government to exempt certain aircraft
- 4 Power of Central Government to make rules to implement the Convention of 1919
- 5 Power of Central Government to make rules
- 6 Power of Central Government to make orders in emergency
- 7 Power of Central Government to make rules for investigation of accidents.
- 8 Power to detain aircraft
- 8A. Power of Central Government to make rules for protecting public health
- 8B. Emergency powers for protecting the public health
- 9 Wreck and salvage
- 10 Penalty for act in contravention of rule made under this Act
- 11 Penalty for flying so as to cause danger
- 12 Penalty for abetment of offences and attempted offences
- 13 Power of Court to order forfeiture
- 14 Rules to be made after publication
- 15 Use of patented invention on aircraft not required in India
- 16 Power to apply customs procedure
- 17 Bar of certain suits
- 18 Saving for act done in good faith under the Act
- 19 Saving of application of Act
- 20 Repealed

ACT No. XXII OF 1934.

(PASSED BY THE INDIAN LEGISLATURE.)

(Received the assent of the Governor-General on the 19th August, 1934.)

An Act to make better provision for the control of the manufacture, Possession, use, operation, sale, import and export of aircraft.

WHEREAS it is expedient to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft: It is hereby enacted as follows :—

1. Short title and extent.—(1) This Act may be called the Indian Aircraft Act, 1934.

(2) It extends to the whole of India and applies also—

(a) to citizens of India wherever they may be ; and

(b) to, and to the persons on, aircraft registered in India wherever they may be.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

(1) “aircraft” means any machine which can derive support in the atmosphere from reactions of the air, and includes balloons whether fixed or free, airships, kites, gliders and flying machines ;

(2) “aerodrome” means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers, and other structures thereon or appertaining thereto ;

(3) “import” means bringing into India ; and

(4) “export” means taking out of India.

3. Power of Central Government to exempt certain aircraft.—The Central Government may, by notification in the official Gazette, exempt from all or any of the provisions of this Act any aircraft or class of aircraft and any person or class of persons, or may direct that such provisions shall apply to such aircraft or persons subject to such modifications as may be specified in the notification.

4. Power of Central Government to make rules to implement the Convention of 1919.—The Central Government may, by notification in the official Gazette, make such rules as appear to it to be necessary for carrying out the Convention relating to the regulation of Aerial Navigation signed at Paris, October 13, 1919, with Additional protocol, signed at Paris, May 1, 1920, and any amendment which may be made thereto, under the provisions of Article 34 thereof.

5. Power of Central Government to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the authorities by which any of the powers conferred by or under this Act are to be exercised;

(aa) the regulation of air transport services, and the prohibition of the use of aircraft in such services except under the authority of and in accordance with a licence authorizing the establishment of the service;

(ab) the information to be furnished by an applicant for, or the holder of, a licence authorizing the establishment of an air transport service to such authorities as may be specified in the rule;

(b) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the fees which may be charged thereat, and the prohibition or regulation of the use of unlicensed aerodromes;

(c) the inspection and control of the manufacture, repair and maintenance of aircraft and of places where aircraft are being manufactured, repaired or kept;

(d) the registration and marking of aircraft;

(e) the conditions under which aircraft may be flown, or may carry passengers, mails or goods, or may be used for industrial purposes and the certificates, licences or documents to be carried by aircraft;

(f) the inspection of aircraft for the purpose of enforcing the provisions of this Act and the rules thereunder, and the facilities to be provided for such inspection;

(g) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft;

(h) the air-routes by which and the conditions under which aircraft may enter or leave India, or may fly over India, and the places at which aircraft shall land;

(i) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;

(j) the supply, supervision and control of air-route beacons, aerodrome lights, and lights at or in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes;

(jj) the installation and maintenance of lights on private property in the neighbourhood of aerodromes or on or in the neighbourhood of air-routes, by the owners or occupiers of such property, the payment by the Central Government for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such purposes;

(k) the signals to be used for purposes of communication by or to aircraft and the apparatus to be employed in signalling;

(l) the prohibition and regulation of the carriage in aircraft of any specified article or substance;

(m) the measures to be taken and the equipment to be carried for the purpose of ensuring the safety of life;

(n) the issue and maintenance of log-books ;

(o) the manner and conditions of the issue or renewal of any licence or certificate under the Act or the Rules, the examinations and tests to be undergone in connection therewith, the form, custody, production, endorsement, cancellation, suspension or surrender of such licence or certificate, or of any log-book ;

(p) the fees to be charged in connection with any inspection, examination, test, certificate or licence, made, issued or renewed under this Act ;

(q) the recognition for the purposes of this Act of licences and certificates issued elsewhere than in India relating to aircraft or to the qualifications of persons employed in the operation, manufacture, repair or maintenance of aircraft ; and

(r) any matter subsidiary or incidental to the matters referred to in this sub-section.

(3) *Rules to be laid before Parliament.*—Every rule made under this section shall be laid as soon as may be after it is made before Parliament, while it is in session, for a total period of one month which may be comprised in one session or in two or more sessions, and if before the expiry of that period Parliament makes any modification in the rule or directs that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be.

6. Power of Central Government to make orders in emergency.—

(1) If the Central Government is of opinion that in the interest of the public safety or tranquility the issue of all or any of the following orders is expedient, it may, by notification in the official Gazette—

(a) cancel or suspend, either absolutely or subject to such conditions as it may think fit to specify in the order, all or any licences or certificates issued under this Act ;

(b) prohibit, either absolutely or subject to such conditions as it may think fit to specify in the order, or regulate in such manner as may be contained in the order, the flight of all or any aircraft or class of aircraft over the whole or any portion of India ;

(c) prohibit, either absolutely or conditionally, or regulate the erection, maintenance, or use of any aerodrome, aircraft factory, flying-school or club, or place where aircraft are manufactured, repaired or kept, or any class or description thereof ; and

(d) direct that any aircraft or class of aircraft or any aerodrome, aircraft factory, flying-school or club or place where aircraft are manufactured, repaired or kept, together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as it may specify in the order, to be at the disposal of Government for the public service.

(2) Any person who suffers direct injury or loss by reason of any order made under clause (c) or clause (d) of sub-section (1) shall be

paid such compensation as may be determined by such authority as the Central Government may appoint in this behalf.

(3) The Central Government may authorize such steps to be taken to secure compliance with any order made under sub-section (1) as appear to it to be necessary.

(4) Whoever knowingly disobeys, or fails to comply with, or does any act in contravention of, an order made under sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and the Court by which he is convicted may direct that the aircraft or thing (if any) in respect of which the offence has been committed, or any part of such thing, shall be forfeited to Government.

7. Power of Central Government to make rules for investigation of accidents.—(1) The Central Government may, by notification in the official Gazette, make rules providing for the investigation of any accident arising out of or in the course of the navigation—

(a) in or over India of any aircraft, or

(b) anywhere of aircraft registered in India.

(2) Without prejudice to the generality of the foregoing power, such rules may—

(a) require notice to be given of any accident in such manner and by such person as may be prescribed;

(b) apply for the purposes of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of accidents;

(c) prohibit pending investigation access to or interference with aircraft to which an accident has occurred, and authorize any person so far as may be necessary for the purposes of an investigation to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft; and

(d) authorize or require the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognized under this Act, when it appears on an investigation that the licence ought to be so dealt with, and provide for the production of any such licence for such purpose.

8. Power to detain aircraft.—(1) Any authority authorized in this behalf by the Central Government may detain any aircraft, if in the opinion of such authority—

(a) having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other persons or property; or

(b) such detention is necessary to secure compliance with any of the provisions of this Act or the rules applicable to such aircraft; or such detention is necessary to prevent a contravention of any rule made under clause (h) or clause (i), of sub-section (2) of section 5.

(2) The Central Government may, by notification in the official Gazette, make rules regulating all matters incidental or subsidiary to the exercise of this power.

8A. Power of Central Government to make rules for protecting the public health.—The Central Government may, by notification in

the official Gazette, make rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome and for the prevention of the conveyance of infection or contagion by means of any aircraft leaving an aerodrome and in particular and without prejudice to the generality of this provision may make, with respect to aircraft and aerodromes or any specified aerodrome, rules providing for any of the matters for which rules under sub-clauses (i) to (viii) of clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1908, may be made with respect to vessels and ports.

8B. Emergency powers for protecting the public health.—(1) If the Central Government is satisfied that India or any part thereof is visited by or threatened with an outbreak of any dangerous epidemic disease, and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, the Central Government may take such measures as it deems necessary to prevent such danger.

(2) In any such case the Central Government may, without prejudice to the powers conferred by section 8A, by notification in the official Gazette, make such temporary rules with respect to aircraft and persons travelling or things carried therein and aerodromes as it deems necessary in the circumstances.

(3) Notwithstanding anything contained in section 14, the power to make rules under sub-section (2) shall not be subject to the condition of the rules being made after previous publication, but such rules shall not remain in force for more than three months from the date of notification :

Provided that the Central Government may by special order continue them in force for a further period or periods of not more than three months in all.

9. Wreck and salvage.—(1) The provisions of Part VII of the Indian Merchant Shipping Act, 1923 (XXI of 1923), relating to Wreck and Salvage shall apply to aircraft on or over the sea or tidal waters as they apply to ships, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft in like manner as the owner of a ship.

(2) The Central Government may, by notification in the official Gazette, make such modifications of the said provisions in their application to aircraft as appear necessary or expedient.

10. Penalty for act in contravention of rule made under this Act.—In making any rule under section 5, section 7, section 8, section 8-A or section 8-B, the Central Government may direct that a breach of it shall be punishable with imprisonment for any term not exceeding three months, or with fine of any amount not exceeding one thousand rupees, or with both.

11. Penalty for flying so as to cause danger.—Whoever wilfully flies any aircraft in such a manner as to cause danger to any person

or to any property on land or water or in the air shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

12. Penalty for abetment of offences and attempted offences.—Whoever abets the commission of any offence under this Act or the rules, or attempts to commit such offence, and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

13. Power of Court to order forfeiture.—Where any person is convicted of an offence punishable under any rule made under clause (i) or clause (l) of sub-section (2) of section 5, the Court by which he is convicted may direct that the aircraft or article or substance, as the case may be, in respect of which the offence has been committed, shall be forfeited to Government.

14. Rules to be made after publication.—Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months.

15. Use of patented invention on aircraft not required in India.—The provisions of section 42 of the Indian Patents and Designs Act, 1911 (II of 1911), shall apply to the use of an invention on any aircraft not registered in India in like manner as they apply to the use of an invention in a foreign vessel.

16. Power to apply customs procedure.—The Central Government may, by notification in the official Gazette, declare that any or all of the provisions of the Sea Customs Act, 1878 (VIII of 1878), shall, with such modifications and adaptations as may be specified in the notification, apply to the import and export of goods by air.

17. Bar of certain suits.—No suit shall be brought in any Civil Court 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 by reason only of the ordinary incidents of such flight.

18. Saving for acts done in good faith under the Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

19. Saving of application of Act.—(1) Nothing in this Act or in any order or rule, made thereunder shall apply to or in respect of any aircraft belonging to or exclusively employed in the naval, military or air forces of the Union, or to any person in such forces employed in connection with such aircraft.

(2) Nothing in this Act or in any order or rule made thereunder shall apply to or in respect of any lighthouse to which the Indian Lighthouse Act, 1927 (XVII of 1927), applies or prejudice or affect any right or power exercisable by any authority under that Act.

20. Repealed by Act No. I of 1938.

THE INDIAN AIRCRAFT RULES, 1937.

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SCHEDULE IV.—DIAGRAMS

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SCHEDULE VIII.—LICENSING OF AIR TRANSPORT

Minimum requirement to be complied with by Scheduled air transport services operated by the corporation.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 23rd March, 1937.

No. V-26.—In exercise of the powers conferred by sections 5 and 7 and sub-section (2) of section 8 of the Indian Aircraft Act, 1934 (XXII of 1934), and section 4 of the Indian Telegraph Act, 1885 (XIII of 1885), and in supersession of the Indian Aircraft Rules, 1920, with the exception of Part IX thereof, the Central Government is pleased to make the following rules, the same having been previously published, as required by section 14 of the former Act, namely :—

RULES.

PART I.—Preliminary.**1. Short title and extent—**

(1) These rules may be called the Indian Aircraft Rules, 1937.

(2) They extend to the whole of India and apply also (unless the contrary intention appears)—

(a) to, and to persons on, aircraft registered in India wherever they may be ;

(b) to, and to persons on, all aircraft for the time being in or over India :

Provided that in the case of aircraft registered in a country other than India, the regulations of that country relating to registration, licensing of personnel, airworthiness and log books shall apply in place of the provisions contained in Parts IV, V, VI and IX of these Rules :

Provided further that the foregoing *proviso* shall not apply to aircraft registered in any country whose regulations are not based on standards at least equal to the minimum standards established from time to time under the Convention on International Civil Aviation opened for signature at Chicago on the 7th December, 1944.

2. Nationality of aircraft.—An aircraft shall be deemed to possess the nationality of the State on the register of which it is entered.

3. Definitions and Interpretation.—(1) In these rules, unless there is anything repugnant in the subject or context—

“Acrobatics” means any aerial manoeuvres voluntarily accomplished other than those which are carried out in the course of normal flight.

“Aerial work aircraft” means aircraft used for an industrial or commercial purpose of any lucrative purpose other than public transport.

“Aerodrome” means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or

departure of aircraft, and includes all buildings, sheets, vessels, piers and other structures thereon or appertaining thereto.

"Aerodrome light" means any light exhibited at an aerodrome for the purpose of assisting the navigation or manœuvres of an aircraft or of signalling to or from an aircraft.

"Aerodyne" means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air, and includes all aeroplanes, helicopters, gyroplanes, gliders and kites.

"Aeroplane" means a mechanically driven aerodyne supported by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight.

"Aerostat" means an aircraft supported in the air statically and includes all airships and balloons.

"Aircraft" means any machine which can derive support in the atmosphere from reactions of the air, and includes balloons whether fixed or free, airships, kites, gliders and flying machines.

"Airship" means a mechanically driven aerostat having means of directional control.

"Air transport service" means a service for the transport by air of persons, mails or any other thing, animate or inanimate, for any kind of remuneration whatsoever, whether such service consists of a single flight or a series of flights.

"Balloon" means an aerostat not provided with mechanical means of propulsion.

"Contracting State" means any State which is for the time being a party to the Convention on International Civil Aviation concluded at Chicago on December 7, 1944; and any amendment which may be made thereto under the provisions of Article 94 thereof.

"Corporation" means either of the Corporations established under the Air Corporations Act, 1953 (27 of 1953).

"Course" means the forward direction of the intersection of the plane of symmetry (supposed vertical) of an aircraft with a horizontal plane. It is defined by the angle which it makes with a meridian of origin. By extension the angle itself.

"Dangerous goods" means any goods, whether explosives or not, which by reason of their nature are likely to endanger the safety of aircraft or persons or things on board the aircraft.

"Director-General" means the Director-General of Civil Aviation.

"Export" means taking out of India.

"Flying machine" means a mechanically driven aerodyne, and includes all aeroplanes, helicopters and gyroplanes.

"Glider" means an aerodyne supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight and not provided with mechanical means of propulsion.

"Government aerodrome" means an aerodrome which is maintained by or on behalf of Government.

"Import" means bringing into India.

"Landing area" means that part of an aerodrome reserved for the departure or landing of aircraft.

"Making way." An aircraft is said to be "making way" when under way in the air or on the surface of the water, it has a velocity relative to the air or water respectively.

"Military aircraft" includes naval, military and air force aircraft; and every aircraft commanded by a person in naval, military or air force service detailed for the purpose shall be deemed to be a military aircraft.

"Normal flight" means flight comprising climbing, horizontal flight, turning and descending; provided, however, that it does not entail abrupt variations in height, or in the attitude of the aircraft.

"On the surface of the water" An aircraft is deemed to be "on the surface of the water" so long as any portion of it is in contact with the water.

"Passenger aircraft", "mail aircraft" and "goods aircraft" means aircraft which effect public transport of passengers, mails or goods respectively.

"Personnel" in relation to any aircraft means the person in charge, pilot, navigator, engineer, and all other members of the crew.

"Petroleum in bulk" means petroleum contained in a receptacle exceeding two hundred gallons in capacity.

"Private aircraft" means all aircraft other than aerial work aircraft or public transport aircraft.

"Prohibited area" means an area over which the navigation of aircraft is prohibited under rule 12.

"Public transport" means all carriage of persons or things effected by aircraft for a remuneration of any nature whatsoever, and all carriage of persons or things effected by aircraft without such remuneration if the carriage is effected by an air transport undertaking.

"Public transport aircraft" means an aircraft which effects public transport.

"Scheduled air transport service" shall have the same meaning as in the Air Corporations Act, 1953 (27 of 1953).

"State aircraft" includes military aircraft and aircraft exclusively employed in State service, such as posts, customs, police.

"Subsequent aircraft" means an aircraft which is constructed in accordance with the design and specification of a type of aircraft, which has been approved or accepted by the Central Government for the issue of a certificate of airworthiness.

"Take off" includes all the successive positions of an aerodyne from the moment it moves from rest until the moment of starting normal flight.

"To land" is the action under normal conditions of making contact with the ground or a solid platform or water by an aircraft equipped for this purpose.

"Under way" an aircraft is said to be "under way" when, being in the air or on the surface of the water, it is not moored to the ground or to any fixed object on land or in the water.

"Under control" an aircraft is said to be "under control" when it is able to manœuvre as required by these rules.

"Visible" as applied to lights means visible on a dark night with a clear atmosphere.

(2) Any power or duty conferred or imposed by these rules on the Central Government may be exercised or discharged by the Central Government or by any person authorized by it in that behalf.

(3) The exercise or discharge of any power or duty conferred or imposed by rule 19 or Part V or Part VI of these Rules on the Central Government by an authority outside India specified by the Central Government in that behalf, shall have effect in India as though the power had been exercised or the duty had been discharged by a person authorized in this behalf under sub-rule (2).

PART II.—General Conditions of Flying.

4. Use and operation of aircraft.—No person shall use or operate or assist in using or operating an aircraft save in accordance with these rules.

5. Registration and nationality and registration marks.—No persons shall fly, or assist in flying and aircraft unless—

(a) it has been registered, and

(b) it bears its nationality and registration marks and the name and residence of the owner affixed or painted thereon in accordance with rule 37 or, in the case of aircraft registered elsewhere than in India, in accordance with the regulations of the State in which it is registered :

Provided that the prohibition imposed by this rule shall not apply to aircraft flown in accordance with the special permission in writing of the Central Government and subject to any conditions and limitations which may be specified in such permission.

5A. No person shall take an Indian registered aircraft outside India and keep it outside India for a period exceeding 60 days, except with the special permission in writing of the Director-General and subject to such conditions and limitations as may be specified in such permission.

6. Licensing of personnel.—Every aircraft shall carry and be operated by the personnel prescribed in Part V of these rules and such personnel shall be licensed in the manner prescribed in that Part :

Provided that in the case of aircraft not registered in India, such personnel shall be licensed in accordance with the regulations of the State in which the aircraft is registered :

Provided further that this rule shall not apply to an aircraft flown by a person under instruction or undergoing tests for the purpose of obtaining or renewing a pilot's licence if—

(a) the aircraft is flown within three miles of a licensed aerodrome or a Government aerodrome,

(b) the aircraft carries no passengers, and

(c) prior notice of the flight and of the purpose of the flight is given to the person in charge of the aerodrome from which the flight is made.

7. Documents to be carried in aircraft—

(1) No person in charge of any public transport aircraft shall allow such aircraft to be flown unless the following documents are carried on board the aircraft, namely :—

(i) the certificate of registration,

(ii) the licences of the personnel,

(iii) the certificate of airworthiness,

(iv) the journey log book in cases where the keeping of a journey log book is prescribed in Part IX.

(v) working copies of the aircraft and engine log books prescribed by Part IX, whenever the aircraft leaves its normal station.

(vi) where radio-telegraph apparatus is carried in the aircraft, the permit or licence issued by the Director-General of Posts and Telegraphs, under which such apparatus is carried?

Provided that where a licence or other document has been submitted to a competent authority under these rules for renewal or other action that fact shall be deemed a valid excuse for its not being carried on board the aircraft.

(2) No person in charge of any aircraft engaged in international navigation shall allow such aircraft to be flown unless the following documents issued by the State in which the aircraft is registered are carried on board the aircraft, namely :—

- (i) the certificate of registration,
- (ii) the licences of the personnel,
- (iii) the certificate of airworthiness,
- (iv) the journey log book,
- (v) the aircraft and engine log books,

(vi) where radio-telegraph apparatus is carried in the aircraft, the permit or licence for such apparatus,

(vii) a list showing the name, permanent address, nationality and place of origin of each member of the crew,

(viii) a stores list showing the nature and quantity of all stores carried,

(ix) where the aircraft carries passengers, a list showing the name, permanent address, nationality, place of origin, immediate destination and ultimate destination of every passenger,

(x) where the aircraft carries goods, air consignment notes and manifests in respect thereof, showing a description of the goods, the nature of the contract of carriage, the names and addresses of the consignor and the consignee, and the immediate and ultimate destination of the goods.

(3) The provisions of sub-rule (2) shall also apply to aircraft not engaged in international navigation (other than aircraft which do not leave the vicinity of their starting place and which return without landing elsewhere to their starting place), with the following modifications, namely :—

(a) The aircraft need not carry a certificate of airworthiness, unless otherwise required by these rules to be in possession of the same.

(b) Working copies of the aircraft and engine log books may be carried in lieu of the aircraft and engine log books.

7A. Prohibition of carriage of persons without passport—

(1) No person in charge of any aircraft shall allow such aircraft to enter India from a place outside India unless all persons on board the aircraft are in possession of valid passports as required by rules for the time being in force made under the Indian Passport Act, 1920 (XXXIV of 1920).

(2) Where an aircraft is brought into India in contravention of sub-rule (1), any authority empowered by the Central Government generally or specially in this behalf may direct the owner or the person in charge of the aircraft to take on board and remove from India, or otherwise arrange for the immediate removal from India of the person or persons without valid passports, and the owner, or as the case may be, the person in charge, of the aircraft shall comply with such directions.

7B. Carriage of Cock-pit Check List in aircraft.—Every aircraft, registered in India and engaged in public transport shall carry Cock-pit Check Lists and Emergency Check Lists approved by the Director General for that particular type of aircraft. Such lists shall be prominently displayed or installed in a readily accessible position in the pilot's cockpit.

8. Carriage of arms, explosives or dangerous goods—

(1) Save as otherwise provided in this rule, no person shall carry or cause or permit to be carried, in any aircraft to, from within or over India any munitions of war, implements of war, explosives, articles of a highly inflammable nature, arms, ammunition, military stores, oxidising material, corrosive substance, compressed gas, tear gas, radio-active materials; poisonous substance or other dangerous goods.

(2) Notwithstanding anything contained in sub-rule (1), the following classes of goods may, subject to the provisions of sub-rules (3) and (4), be carried in any aircraft, namely :—

(a) such explosives or other articles as are required on board for the purpose of the operation, navigation or safety of the aircraft;

(b) subject to the provisions of the Indian Arms Act, 1878, and the rules made thereunder such arms and ammunition as may reasonably be required for the private use of any person, either as personal luggage or as freight; and

(c) any other goods the carriage of which is authorised in writing by the Central Government, in accordance with and subject to the terms and conditions of such authorization.

(3) Where the carriage of any goods is permitted by or under sub-rule (2) it shall be the duty of the pilot, of the consignor and of every person concerned with the booking, handling or carriage of such goods to ensure—

(a) that the goods are so packed, protected and secured as to avoid the possibility of their being a source of danger to the aircraft or to persons or things carried therein;

(b) that the goods are carried in a receptacle not accessible to the passengers on the aircraft; and

(c) that the nature of the goods is plainly and conspicuously marked on the outside of the package containing them.

(4) The consignor of any goods which are or appear to be, of the kind specified in sub-rule (2) shall give the air carrier a written notice specifying the nature, weight and quantity of the goods and the name and full address of the consignor, and the carrier shall

inform the pilot or person in charge of the aircraft of all such particulars before the goods are placed on board the aircraft.

(5) Every consignor of goods by air, other than a consignor to whom sub-rule (4) applies, shall make a written declaration to the effect that the consignment does not contain any goods of the nature specified in sub-rule (1) and shall deliver the same to the air carrier :

Provided that no such declaration shall be necessary in the case of international carriage of goods if the nature of the goods is clearly indicated in the air way-bill.

(6) Where any officer authorised in this behalf by the Central Government has reason to believe that the provisions of this rule are, or are about to be, contravened he may cause the goods in question to be removed from the aircraft and placed under his custody pending detailed examination of the nature of the goods or pending a decision regarding the action, if any, to be taken in the matter.

9. Radio-telegraph apparatus—

(1) No person shall operate radio-transmitting apparatus in any aircraft registered in India unless he holds a licence of the type required by the provisions of Part V in respect of aircraft required by these rules to carry radio-telegraph or radio-telephone apparatus, as the case may be, and issued in accordance with those provisions.

(2) Radio-transmitting apparatus carried in aircraft shall be operated under the conditions defined by the International Telecommunication Convention (Madrid 1932) and the general radio-communication regulations annexed thereto as far as these apply and shall be operated only during the hours in which such operation is permitted by the Central Government.

(3) Aircraft registered in India and required by these rules to carry radio-telegraph apparatus shall be fitted with such apparatus in accordance with the provisions of Part VII.

(4) Nothing in this rule shall exempt any person from those provisions of the Indian Telegraph Act, 1885, and the rules made thereunder which require that radio-telegraph apparatus shall be licensed.

10. Mails.—No person shall carry mails or allow mails to be carried in any aircraft except with the consent in writing of the Director-General of Posts and Telegraphs.

11. Aerodromes.—(1) No pilot or person in charge of any aircraft carrying passengers for hire or reward shall use any place for a series of landings and departures, and no pilot or person in charge of any aircraft employed on a scheduled air transport service shall use any place as a regular place of landing or departure other than an aerodrome licensed or approved for the purpose in accordance with the provisions of Part XI.

(2) No person being the proprietor of an aerodrome other than an aerodrome mentioned in sub-rule (1) shall permit the aerodrome to be used in contravention of that sub-rule.

(3) No person other than the occupant of an aircraft manoeuvring in accordance with these rules may enter upon the landing area of an approved or licensed aerodrome without the consent of the person in charge of the aerodrome.

12. Prohibited areas—

(1) No person shall fly or assist in flying an aircraft over any of the areas specified in Schedule I save in accordance with the conditions specified in that Schedule.

(2) Every pilot who, when flying an aircraft, finds himself above a prohibited area in contravention of sub-rule (1), shall, as soon as he is aware of the fact, give the signal of distress specified in sub-rule (2) of rule 107, and shall land the aircraft as soon as possible outside the prohibited area at one of the nearest aerodromes in India :

Provided that he shall not, unless compelled by stress of weather or other unavoidable cause, fly further into the prohibited area nor commence to descend while still above the prohibited area.

(3) When the signals prescribed in rule 111 are given, the pilot of the aircraft shall immediately change his course and fly away from the prohibited area.

(4) When the signals prescribed in rule 110 are given, the pilot shall immediately give the signal referred to in sub-rule (2) of this rule and land the aircraft in accordance with that sub-rule.

13. Photographs at Aerodromes or from aircraft in flight.—No person shall take, or cause or permit to be taken, at a Government aerodrome or from an aircraft in flight, any photograph except in accordance with and subject to the terms and conditions of, a permission in writing granted by the Director-General, a Deputy Director General, the Director of Information and Regulations or a Controller of Aerodromes, of the Civil Aviation Department :

Provided that the Director-General from time to time, may by notification in the official Gazette direct that these restrictions shall not apply to photography at any Government aerodrome, or within such limits of any Government aerodrome as may be specified in the order.

13A. Carriage of photographic apparatus in aircraft—

(1) No camera or other apparatus for recording photographic impressions shall be carried in an aircraft except where—

(a) the permission specified in rule 13 to take photographs from the aircraft has been granted, or

(b) the camera or such apparatus or the bag containing cameras or such apparatus is kept in the custody of the person in charge of the aircraft and beyond the access of any other person during flight.

(2) Any customs officer, any aerodrome officer and any other person specially authorised in this behalf by the Director-General may search any aircraft or any person therein and may without prejudice to any other remedy seal any camera or other apparatus for recording photographic impressions, or a bag containing cameras or such apparatus, which in his opinion is being or is about to be carried in the aircraft in contravention of sub-rule (1) and no person

shall tamper with any such seal until the camera or apparatus or bag is removed from the aircraft.

14. Aerial work and public transport reserved for certain aircraft.—No aircraft registered in accordance with Part IV in Category B shall be used as an aerial work aircraft or as a public transport aircraft :

Provided that the Central Government may from time to time permit, and impose restrictions on the performance of aerial work or public transport by aircraft other than those registered in accordance with Part IV in Category A, and such restrictions shall be deemed to have been effectively imposed if they have been notified in writing to the owner or operator of such aircraft or by notification in the official Gazette.

15. Conditions to be complied with by aircraft in flight.—No aircraft engaged in international navigation, passenger aircraft, goods aircraft or mail aircraft, and no aircraft let out for hire for the purpose of being flown by the hirer, or by any other person shall be flown unless the following conditions are complied with, namely :—

(i) the aircraft shall be certified as airworthy and shall be maintained in airworthy condition in accordance with the provisions of Part VI or (in the case of an aircraft not registered in India) in accordance with the regulations of the State in which the aircraft is registered ;

(ii) all the terms or conditions on which the certificate of airworthiness was granted shall be duly complied with ;

(iii) the aircraft shall carry on board its certificate of airworthiness and any other certificates prescribed by Part VI, or by the regulations of the State in which the aircraft is registered, which it is required to carry on board. The certificate of airworthiness shall be carried in the pocket of the journey log book ;

(iv) the aircraft shall be fitted with and shall have in working order such instruments and equipment as are prescribed in Part VI for an aircraft of that class or description :

Provided that the Central Government may, by order in writing and subject to such conditions as may be contained in the order, exempt any aircraft from the operation of this rule.

Explanation.—For the purpose of this rule, aircraft let out on payment for instructional or other purposes by a flying club or flying school to a member or pupil thereof shall be deemed to be let out for hire.

16. Rules of the air.—Every pilot and navigator shall observe, and every person in charge of an aircraft shall cause to be observed all the rules of the air contained in Part XII, and shall take all such steps as are practicable to secure that when the aircraft is in flight or is being manoeuvred on the land or water, the windows, wind screens or side screens of the aircraft through which the pilot obtains his view forward or side ways are maintained in such condition as not to obscure his view.

17. Production of licences, etc.—Any licence (other than a licence issued under Part XIII), certificate, log book or document granted or required to be maintained under these rules shall, on demand for the purpose of inspection, by any magistrate, any police officer above the rank of constable, any customs officer, any commissioned officer of His Majesty's naval, military or air forces, any non-commissioned officer of the Royal Air Force, any gazetted officer of the Civil Aviation Department, or any other person authorized by the Central Government by special or general order in writing in this behalf, be produced by the licensee or, in the case of an aircraft or of a licensed aerodrome, by the owner, hirer or person in charge thereof:

Provided that any such licence, certificate, log book or document relating to an aircraft or its personnel which is not by these rules required to be carried in the aircraft shall be produced within seven days of the making of the demand.

18. Prevention of flights in contravention of the rules—

(1) An authority authorized under Section 8 of the Indian Aircraft Act, 1934, to detain aircraft may do so by the issue of a written direction to the pilot or other person for the time being in charge of the aircraft to be detained, or by taking such other steps as may be necessary to make the detention effective. If an aircraft detained by a person so authorized is housed or kept at a Government aerodrome the housing or picketing charges normally applicable shall be payable in respect of the whole period during which it is detained.

(2) Any person acting in contravention of any direction given under this rule shall without prejudice to any other penalty he may incur, be deemed to have acted in contravention of these rules.

19. Cancellation, suspension or endorsement of licences and certificates—

(1) Where any person is convicted of a contravention of or failure to comply with these rules in respect of any aircraft the Central Government may cancel or suspend any certificate of registration granted under these rules relating to that aircraft.

(2) The Central Government may cancel or suspend any certificate relating to the airworthiness of an aircraft granted under these rules if it is satisfied that reasonable doubt exists as to the safety of the aircraft in question or of the type to which the aircraft in question belongs and may vary the conditions attached to any such certificate if it is satisfied that those conditions may properly be relaxed or that reasonable doubt exists whether those conditions afford a sufficient margin of safety.

(3) The Central Government may for reasons which shall be recorded in writing cancel, suspend or endorse any certificate or licence granted under these rules if it is satisfied that there is sufficient ground for so doing and may suspend any such certificate or licence temporarily during the investigation of any matter forming a ground for action under this sub-rule.

(4) The Central Government may cancel or vary any particulars entered by it or under its authority in any licence or certificate granted or in any journey log book issued under these rules.

(5) The Central Government may require the holder of any licence, certificate or other document granted or issued under these rules or any person having possession or custody of such licence, certificate or document to surrender the same to him for cancellation, suspension, endorsement or variation and any person failing to comply with any such requirement within a reasonable time shall be deemed to have acted in contravention of these rules.

20. Certain rules not applicable to gliders and kites.— Rules 5, 6, 7, 12, 15, 17, 19 and 25 shall not apply to gliders, and rules 5, 6, 7, 12, 15, 17, 19 and the rules in Part III, with the exception of rule 26 in so far as it relates to the dropping of articles from aircraft, shall not apply to kites.

PART III.—General Safety Conditions.

21. Dangerous flying.—No person shall fly any aircraft in such circumstances as, by reason of low altitude or proximity to persons or dwellings or for other reason, to cause unnecessary danger to any person or property.

22. Flying over cities, etc.—No pilot shall fly any aircraft, and no person in charge of any aircraft shall allow it to be flown over any city, town, village site or other populous area except at such altitude, which in no case shall be less than, 1,000 feet, as will enable the aircraft to land outside the city, town, village site or other populous area in the event of an emergency:

Provided that this prohibition shall not apply within a distance of one mile from a licensed aerodrome or a Government aerodrome.

23. Acrobatics—

(1) No person shall use aircraft for acrobatics—

(a) when flying over any city, town, village site or populous area; or

(b) when flying over any meeting for public games or sports or other public assembly, except where a request for such flying has been made in writing by the promoters of such meeting or assembly.

(2) When an aircraft is used for acrobatics—

(a) it shall be flown by a licensed pilot, or, if it is flown by a person for the purpose of qualifying for a licence under these rules, such person shall be accompanied by a licensed pilot instructor;

(b) if passengers are carried, whether the carriage is a public transport or not, their previous consent to the performance of acrobatics shall be obtained in writing;

(c) the pilot or person in charge of the aircraft shall satisfy himself before commencing the flight that every person carried in the aircraft is properly secured by safety belts; and

(d) the acrobatics shall be concluded at a height above the ground not less than 2,000 feet, or such lower altitude as the Central Government may permit by special order in writing.

24. Prohibition of intoxicated persons entering aircraft.—No person acting as, or carried in an aircraft for the purpose of acting as, pilot, commander, navigator, engineer or other operating member of the crew thereof, shall have taken or used any alcoholic drink, sedative, narcotic or stimulant drug or preparation within 12 hours of the commencement of the flight or take or use any such preparation in the course of the flight, and no such person shall, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken any alcoholic, sedative, narcotic or stimulant drug or preparation his capacity so to act is impaired, and no other person while in a state of intoxication shall enter or be in an aircraft.

24A. Carriage of persons suffering from mental disorders or epilepsy in aircraft.—No person shall knowingly carry or permit to be carried, or connive at the carriage of, a person suffering from any mental disorder or epilepsy in any aircraft:

Provided that this prohibition shall not apply if the person to be carried is certified by a registered medical practitioner to be fit to travel by air without being a risk to other passengers or to the aircraft, and in addition :—

- (a) has not taken or used any alcoholic drink or preparation within twelve hours of the commencement of the flight;
- (b) is kept under proper sedative, if in a state of excitement, during the flight and stops en route; and
- (c) is accompanied by an attendant, provided that in case he has been in a state of excitement requiring sedation within the two weeks preceding the date of commencement of the flight he shall be accompanied by a registered medical practitioner and adequate escort who shall individually and collectively be responsible for ensuring that no alcoholic drink or preparation is taken by the person in their charge and that such person is kept suitably sedated during the flight and stops en route.

24-B. Carriage of prisoners in aircraft.—No prisoner shall be taken aboard or carried on an aircraft except under and in accordance with a permit in writing issued by the Director General in this behalf, and subject to such conditions, if any, as he may specify in the permit.

Explanation.—The term “prisoner” means a person who is confined in any prison and includes a person who is arrested under any law for the time being in force.

25. Smoking in aircraft.—(1) The owner of every aircraft registered in India which is provided with a certificate of airworthiness shall cause to be exhibited in a prominent place in the aircraft a notice stating where and to what extent smoking is prohibited or permitted therein.

(2) A notice permitting smoking in such aircraft may be exhibited therein only if smoking in the aircraft is permitted by the certificate of airworthiness of the aircraft or by the direction of the Central Government and only in accordance with the conditions relating to smoking contained in such certificate or direction.

(3) No person shall smoke in any aircraft registered in India which is provided with a certificate of airworthiness unless a notice permitting smoking is exhibited in the aircraft, and any person smoking shall comply with all the terms of such notice.

25A. Fuelling of aircraft.—(1) No aircraft shall fill or replenish its fuel tanks from vehicles or vessels carrying petroleum in bulk unless from specially constructed tank vehicles of a type approved by the Chief Inspector of Explosives in India for this purpose or from barges licensed under the Petroleum Rules, 1937.

(2) Before the commencement of refuelling, the aircraft, its fuel tanks and all metallic parts of the fuel dispensing apparatus shall be electrically connected and efficiently earthed.

(3) No smoking and no fire or other source of heat or light capable of igniting inflammable vapour shall be permitted within 100 feet of any aircraft while it is being or is about to be fuelled.

(4) All aircraft engines within the distance specified in sub-rule (3) shall be stopped so long as fuelling is in progress.

(5) No electric motor shall be used inside an aircraft during refuelling.

(6) During the fuelling of aircraft used for the conveyance of passengers, the passengers may be permitted to remain in the cabin of the machine, provided that—

(i) there is no smoking in the aircraft;

(ii) an employee of the operator is stationed in the entrance to the passenger cabin and remains alert for any emergency until refuelling is completed; and

(iii) in the case of seaplanes a suitable boat is kept alongside to disembark the passengers in an emergency.

(7) Fuel tanks shall not be allowed to overflow except through special pipes incorporated in the system, which will prevent the fuel from running on to the aircraft surface, the ground or the water.

(8) All engine fuel cocks shall be closed while refuelling.

(9) Except as provided in this sub-rule all electric switches in the aircraft shall remain in the "off" position during the operation of refuelling and all electric circuits other than those required or permitted to be in operation by this sub-rule shall be controlled by a master-switch or switches which shall be in the "off" position. The following electric switches may be operated or left in the "on" position as the case may require provided that the electric circuits involved are separate from all other electric circuits in the aircraft and that the switches and lights in operation are enclosed in gas-proof covers:—

(i) Electric switches controlling the riding lights of seaplanes or any other lights required by law to be exhibited on the aircraft while on the surface of the water, shall be left in the "on" position.

(ii) Electric switches controlling interior lights in the aircraft which are necessary for safety may be left in the "on" position as

(iii) Electric switches controlling petrol gauges which it is essential to operate may be operated or left in the "on" position as may be required by the particular installation.

25B. Housing of aircraft.—(1) No aircraft containing dangerous petroleum in bulk in any of its tanks may be housed in a hangar unless such hangar is constructed of unflammable material and is effectively and safely ventilated to the open air.

(2) Every such hangar shall be in charge of a competent person who shall be responsible for taking all proper precautions against fire and shall prevent unauthorized persons from having access to the building.

26. Parachute descents and dropping of articles.—No person shall, except in a case of emergency, descend by means of a parachute from an aircraft and no person shall drop or cause or permit

to be dropped from an aircraft any article, whether attached to a parachute or not, unless the descent is made or the article is dropped in accordance with and subject to any conditions or limitations contained in a general or special order of the Central Government in writing in that behalf :

Provided that nothing in this rule shall be deemed to prevent the dropping of—

(a) ballast which is not prohibited by the provisions of rule 130 ;

(b) message bags, smoke producing or other apparatus or materials dropped for the purpose of navigating an aircraft or communicating messages from an aircraft, subject to the observance of such precautions as to the nature of the articles dropped and the place of dropping as will avoid risk of injuring persons or property on the ground ;

(c) separate sheets of paper containing printed matter in any place if the written permission of the District Magistrate or, in a Presidency town, of the Commissioner of Police is first obtained in each case.

27. Carriage of persons in unauthorized parts of aircraft.—No person shall at any time be carried on the wings or undercarriage of the aircraft, or on or in any other part thereof which is not designed for the accommodation of the personnel or passengers, or on or in anything attached externally to the aircraft :

Provided that—

(a) nothing in this rule shall prevent a person having temporary access—

(i) to any part of the aircraft for the purpose of executing repairs to the aircraft or adjusting the machinery, or equipment thereof or for the purpose of doing anything which may be necessary for the safety of the aircraft or persons or goods carried therein ; or

(ii) to any part of the aircraft in which goods or stores are being carried and to which proper means of access is provided ; and

(b) a person may be carried on or in any part of the aircraft, or anything attached thereto, with the permission in writing of the Central Government and subject to any conditions which may be specified in such permission.

28. Prohibition on persons under seventeen having sole control of aircraft.—No person, being under seventeen years of age, shall have sole control of an aircraft in motion, and no person shall cause or permit any other person to have sole control of an aircraft in motion unless he knows or has reasonable cause to believe such other person to have attained the age of seventeen years.

29. Acts likely to imperil the safety of aircraft.—No person shall interfere with the pilot or with a member of the operating crew of an aircraft, or tamper with the aircraft or its equipment or conduct himself in a disorderly manner in an aircraft or commit any act likely to imperil the safety of an aircraft or its passengers or crew.

PART IV.—Registration and Marking of Aircraft.**30. Certificate of Registration—**

(1) The authority empowered to register aircraft and to grant certificates of registration in India shall be the Central Government.

(2) An aircraft may be registered in India in one or other of the following categories, namely :—

(a) *Category A.*—If the aircraft is wholly owned either—

(i) by British Subjects or persons under His Majesty's protection, or

(ii) by a company or corporation registered within and having its principal place of business within His Majesty's dominions; and

(b) *Category B.*—If the aircraft is wholly owned either—

(i) by persons, resident in or carrying on business in India, who are not British Subjects nor persons under His Majesty's protection, or

(ii) by a company or corporation registered elsewhere than within His Majesty's dominions and carrying on business in India.

(3) No aircraft in respect of which the conditions required in sub-rule (2) are not satisfied, and no aircraft which is already validly registered in another country, shall be registered in India.

31. Nature of application—

(1) Every application for a certificate of registration shall be accompanied by—

(a) such particulars relating to the aircraft as may be required;

(b) the fee prescribed in rule 35, which fee shall be returned if the application is not granted;

(c) in the case of aircraft imported by air, a certificate signed by a Chief Customs Officer or Customs Collector that the customs duty leviable in respect of it has been paid. Such certificate shall state the type and manufacturer's number of the aircraft and engine, and if the aircraft has been registered elsewhere, its registration markings.

(2) An applicant for a certificate of registration may be required to produce proof of the truth of the statements contained in his application.

32. Aircraft imported by air.—When an application is made for the registration of an aircraft before its import into India for the purpose of the import of the aircraft by air, a temporary certificate of registration will, subject to the conditions of sub-rule (3) of rule 30; be granted by the Central Government on the owner of the aircraft complying with clauses (a) and (b) of sub-rule (1) of rule 31. Such temporary certificate shall be valid only until the first landing of the aircraft at a customs aerodrome in India, when the certificate shall be delivered by the pilot or other person in charge to the local Aerodrome Officer. Thereafter, on production by or on behalf of the

owner of the aircraft of the certificate mentioned in clause (c) of sub-rule (1) of rule 31, the certificate of registration shall be granted by the Central Government :

Provided that, if an aircraft in respect of which a temporary certificate of registration has been issued is imported otherwise than by air, such temporary certificate shall cease to be valid on the date of import of the aircraft, and the temporary certificate shall forthwith be delivered by the owner to the Director-General of Civil Aviation in India, and thereafter the certificate of registration shall be granted by the Central Government.

33. Change in ownership.—In the event of any change in the ownership of a registered aircraft, or if a registered aircraft ceases to be owned wholly either by persons or by a company or corporation fulfilling the conditions set out in rule 30, then—

(1) the registered owner of the aircraft shall forthwith notify the Director-General of Civil Aviation in India of such change of ownership or, as the case may be, that the aircraft has ceased to be so owned as aforesaid ; and

(2) the registration and the certificate thereof shall lapse as from the date of such change of ownership, or the date on which the aircraft ceased to be so owned.

34. Aircraft destroyed or withdrawn from use.—When a registered aircraft has been destroyed or permanently withdrawn from use, the registered owner shall as soon as possible notify the Director-General of Civil Aviation in India accordingly, and the registration and the certificate thereof shall not lapse, unless and until it is cancelled by the Director-General of Civil Aviation in India.

35. Registration fees.—A fee of twenty rupees shall be payable in respect of a certificate of registration :

Provided that, where the aircraft has been previously registered in India and the Central Government is satisfied—

(a) that the certificate of registration last issued in respect of the aircraft has lapsed by reason of the sale of the aircraft by the registered owner ;

(b) that the registered owner of the aircraft immediately before the sale was the constructor thereof or a dealer in aircraft ; and

(c) that the aircraft has not been flown since a certificate of registration was last issued in respect thereof, except for the purpose of—

(i) an experiment or test carried out in the ordinary course of construction or in order to obtain a certificate of airworthiness ; or

(ii) a demonstration to a prospective purchaser ; or

(iii) delivering the aircraft to a purchaser ;

a fee of four rupees only shall be payable.

36. Register of aircraft.—The register of aircraft registered in India shall be open to inspection by members of the public at such

times and subject to such conditions as may be specified by the Director-General of Civil Aviation in India.

37. Nationality and Registration Marks, how to be affixed—

(1) The nationality mark of an aircraft registered in India shall be the letters VT and the registration mark shall be a group of three letters assigned by the Central Government.

(2) The nationality and registration marks shall be painted on the aircraft in the following manner :—

(a) *Aerostats*.—In the case of airships the marks shall be painted near the maximum cross-section so as to appear on both sides and on the upper surface equidistant from the letters on the sides.

In the case of balloons the marks shall appear twice near the maximum horizontal circumference of a spherical balloon and shall be placed as far as possible from one another and, on a non-spherical balloon, near the maximum cross-section on both sides immediately above the rigging band on the points of attachment of the basket suspension cables.

In the case of all aerostats, the side marks shall be visible both from the sides and from the ground.

(b) *Aeroplanes*.—The marks shall be painted once on the lower surface of the main plane structure and once on the upper surface of the main plane structure, the top of the letters to be towards the leading edge. They shall also be painted along each side of the fuselage or of the body between the main planes and the tail planes.

(c) *Other aerodynes*.—The provisions of clause (b) shall be applicable to other aerodynes in so far as the latter comprise corresponding elements on which marks could be placed.

(3) The marks shall be of such a colour in relation to the colour of the background on which they are painted as will render them clearly legible at a distance of not less than 250 yards in a clear atmosphere.

(4) The height of the letters of the nationality and registration marks need not exceed eight feet. Subject as aforesaid, the height of the marks shall be as follows :—

(a) *Aerostats*.—In the case of airships the height of the marks shall be equal to at least one-twelfth of the perimeter of the airship at the maximum cross-section.

In the case of balloons the height of the marks shall be equal to at least one-fifteenth of the maximum horizontal circumference of a spherical balloon and to at least one-twelfth of the perimeter of a non-spherical balloon at the maximum cross-section.

(b) *Aeroplanes*.—The marks to be borne on the wings and the fuselage or body shall, as regards each group of marks, be formed of letters of equal height, as large as possible without however touching the visible outline of the wings, fuselage or body.

(c) *Gyroplanes*.—The marks to be borne on the fuselage or body shall, as regards each group of marks, be formed of letters of equal height, as large as possible without however touching the visible outline of the fuselage or body.

(d) *Other aerodynes*.—The provision of clause (b) shall be applicable to other aerodynes in so far as the latter comprise corresponding elements on which marks could be placed.

(5) A hyphen shall be painted between the nationality mark and the registration mark.

(6) (a) The letters shall be capital letters in Roman characters without ornamentation.

(b) The width of each letter and the length of the hyphen shall be two-thirds of the height of the letters, and the thickness of the lines forming the letters and the hyphen shall be one-sixth of the height.

(c) As nearly as the constructional features of the aircraft admit, each letter shall be separated from the letter which immediately precedes or follows it (the hyphen for this purpose being regarded as a letter) by a space equal to half the width of the individual letters.

(d) In order to render the marks clearly legible the lines forming the letters and the hyphen shall be solid and of a uniform colour contrasting clearly with the background on which they are placed.

(7) The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks shall always be kept clean and visible.

(8) The aircraft shall carry affixed to the car or basket or to the fuselage, in a prominent position, a metal plate which shall be of stainless steel and shall be inscribed with the names and residence of the owner and the marks of nationality and registration.

PART V.—Personnel of Aircraft.

38. Personnel to be carried in flying machines.—Subject to the provisions of rule 6, every flying machine registered in India shall comply with such of the following requirements in respect of the personnel which it carries and by which it is operated as are applicable to the class of flying machine to which it belongs:—

(1) *Private pilot.*—Every private flying machine shall be flown by a person holding a Private Pilot's licence ("A" licence) or a Public Transport Pilot's licence ("B" licence) issued in accordance with sub-rules (1) and (3) respectively of rule 41:

Provided that a flying machine, which is carrying a passenger or passengers other than a person licensed to give instruction in flying in accordance with sub-rule (3) of this rule, may not be flown by a person holding only a Private Pilot's licence ("A" licence) unless he has had not less than 25 hours' solo flying experience, has a certificate from a licensed pilot instructor that he is considered sufficiently qualified for the purpose and has previously flown a flying machine of the same type and has satisfactorily completed three landings and three take-offs therein.

(2) *Public transport or aerial work pilot.*—Every public transport or aerial work flying machine shall be flown by a person holding a Public Transport Pilot's licence ("B" licence) issued in accordance with sub-rule (3) of rule 41:

Provided that within India, such flying machine, when flying by day and when not employed on a scheduled air transport service, may be flown by a person holding an "A" licence which has been specially endorsed in accordance with sub-rule (2) of rule 41 ("A-1" licence):

Provided further that a flying machine, the property of or being used by a duly constituted flying club, carrying a member of the club otherwise than for the purpose of instructing such member in flying shall not, for the purpose of this rule, be deemed to be flown for public transport notwithstanding that payment may be made to the flying club for such carriage, unless payment is made either directly or indirectly to the pilot of the flying machine or the pilot of the flying machine is a paid employee of the flying club in which case the aircraft shall be deemed to be flown for public transport.

(3) *Pilot instructor.*—Every flying machine which is being used for the purpose of giving instruction in piloting shall carry, except when flown solo by a pupil under instruction, a person holding a "B" licence which has been specially endorsed for instructional purposes in accordance with sub-rule (4) of rule 41, and no other person may impart, for a remuneration of any nature whatsoever, instruction in piloting flying machines:

Provided that the holder of a "B" licence which has not been so endorsed may, when acting as assistant to a licensed pilot instructor, impart such instruction but shall in no case authorize a person under instruction to perform his first solo flight nor give instruction in any form of acrobatics.

Explanation.—A person acting as assistant to a licensed pilot instructor shall not be deemed to have ceased to be so acting by reason only of the absence of the pilot instructor, if such absence does not exceed seven consecutive days, but where such absence exceeds seven consecutive days, he shall not continue so to act without a written authorization from the Central Government.

(4) *Navigator.*—(a) Every flying machine used for international public transport and having to fly without landing—

(i) by day, more than 100 miles, or

(ii) by night, more than 15 miles,

shall have on board as navigator a person holding a navigator's licence.

(b) The navigator must hold a first class licence if the flying machine has to fly without landing—

(i) by day more than 600 miles, entirely over the high seas or elsewhere than over recognized routes; or

(ii) by night, more than 600 miles.

(5) *Pilot or other member of crew as Navigator.*—

(a) The duties of navigator may be performed by the pilot if he holds a navigator's licence save when the itinerary flown by night does not follow a recognized route:

Provided that when the presence of a navigator holding a first class licence is compulsory the pilot may not perform the duties of such navigator unless a second pilot is on board who can in case of need take charge of the handling of the aircraft.

(b) When there is on board the flying machine a member of the crew, other than the pilot, who holds the necessary navigator's licence, he may perform the duties of a navigator.

(6) In sub-rules (4) and (5) of this rule—

(i) "night" means the period commencing one hour after sunset and terminating one hour before sunrise;

(ii) "flight over the high seas" means a flight in the course of which an aircraft finds itself over the sea at a distance of more than 50 miles from the nearest point of the coast; and

(iii) "recognized route" means a route which has been recognized by the Director-General of Civil Aviation in India as being suitably marked, or adequately provided with wireless facilities, with a view to assist navigation.

(7) *Radio-Telegraph Operator's Licence.*—An aircraft which is required by these rules to carry radio-telegraph apparatus shall carry, in addition to the pilot and whether or not it participates in the international service of public correspondence, a person holding either a first class or a second class radio-telegraph operator's licence issued in accordance with this Part to operate radio-telegraph apparatus on aircraft.

(8) *Radio-Telephone Operator.*—An aircraft which is required by these rules to carry radio-telegraph apparatus and which communicates by radio-telephony, shall carry a person holding a first class radio-telegraph operator's licence:

Provided that an aircraft which carries radio-telephone apparatus and which communicates solely by radio-telephony, may carry, instead of a person holding a first class radio-telegraph operator's licence, a radio-telephone operator licensed in accordance with this Part to operate radio-telephone apparatus on aircraft.

39. Licensing authority.—The authority by which the licences referred to in rule 38 may be granted, renewed or varied shall be the Central Government which may withhold the grant or renewal of a licence if for any reason it considers it desirable to do so.

39A. Disqualification from holding or obtaining a licence—

(1) Where the licensing authority is satisfied, after giving him an opportunity of being heard, that any person—

(a) is a habitual criminal or is habitually intemperate in the use of alcohol, or is an addict of narcotics, drugs, etc., or

(b) is using, has used or is about to use an aircraft in the commission of a cognizable offence or in contravention of these rules, or

(c) has, by his previous conduct as member of the crew of an aircraft, shown that he is irresponsible or is likely to endanger the safety of the aircraft or any person or thing carried therein, or of other aircraft or of persons or things on the ground, the licensing authority may, for reasons to be recorded in writing, make an order disqualifying that person for a specified period from holding or obtaining a licence.

(2) Upon the issue of any order under sub-rule (1), the person affected, if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority, if the licence has not already been surrendered, and the licensing authority shall keep it until the disqualification has expired or has been removed.

39 B. Medical requirements.—(1) On and from the 1st April, 1956, no licence required for any of the personnel of an aircraft referred to in rule 38, shall be issued, nor shall any such licence issued after the said date be renewed, unless the applicant satisfies the medical standards laid down in Chapter VI-Medical Requirements—of Annex 1 to the Convention on International Civil Aviation.

(2) Any such licence issued before the date aforesaid may be renewed after that date even if the holder of the licence does not satisfy the medical standards referred to in sub-rule (1) but any licence so renewed shall not be valid for international flights.

40. Signature of licence holder.—On the issue of a licence to an applicant he shall forthwith sign his name on the licence as the holder thereof with his ordinary signature.

41. Proofs of competency.—Applicants for licences shall be required to produce proof of having the following practical experience and of having passed satisfactorily the following tests and examinations :—

(1) *Private Pilot's Licence ("A" licence).*—Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section A of Schedule II :

Provided that for the purpose of the grant of such licence—

(a) a person who is qualified as a pilot in the R.A.F. or the I.A.F. and who produces evidence to show that he possesses the required flying experience, may be exempted from the flying tests, and on production of a certificate from a Medical Officer of the R.A.F. or the I.A.F. that he is fit for flying duties and is up to the standard required for an "A" licence, from the medical examination also;

(b) a person to whom a licence of a corresponding or higher class has been granted by the competent authority in a contracting State may be exempted from all or any of the flying tests and from subjects (a) and (b) of the technical examination, and may, if he is the holder of a current licence, be exempted from the medical examination;

(c) a licence may be issued for all types of flying machines or endorsed for one or more types only.

(2) *Pilot's licence endorsed for limited transport of goods and passengers within India ("A-1" licence).*—Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section B of Schedule II:

Provided that for the purpose of the grant of such licence—

(a) a person who is qualified as a pilot in the R.A.F. or the I.A.F. and who produces evidence to show that he possesses the required flying experience, may be exempted from the flying tests and from the technical examination in Elementary Navigation and Elementary Meteorology specified in clause (e) of sub-paragraph (1) of paragraph 3 of Section B of Schedule II; and a certificate from a R.A.F. or I.A.F. Medical Officer that he is fit for full flying duties and is up to the standard required for an "A-1" licence may be accepted in lieu of the medical examination;

(b) the requirements in respect of flying experience may be varied by the Central Government in a case where the flying experience of the applicant is in the opinion of the Central Government substantially the equivalent of the flying experience specified in Section B of Schedule II;

(c) such licence shall be endorsed for such types of flying machine only as the candidate has produced proof of his competence to fly.

(3) *Public Transport Pilot's ("B" licence).*—Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section C of Schedule II:

Provided that for the purpose of the grant of such licence—

(a) a person who is qualified as a pilot in the R.A.F. or the I.A.F. and who produces evidence to show that he possesses the required flying experience, may be exempted from the flying tests laid down in sub-paragraphs (1) and (2) of paragraph 2 of Section C to Schedule II and from the technical examinations in 'Elementary Navigation' and 'Elementary Meteorology' specified in clauses (d) and (g) of sub-paragraph (1) of paragraph 3 of Section C of Schedule II; and a certificate from a R.A.F. or I.A.F. Medical

Officer that he is fit for full flying duties and is up to the standard required for a "B" licence may be accepted in lieu of the medical examination ;

(b) a person to whom a licence of a corresponding class has been granted by the competent authority in a Contracting State may be exempted from all or any of the flying tests and from subjects (a) to (e) and (g) of the technical examination, and may, if he is the holder of a current licence, be exempted from the medical examination, provided that his flying experience is not less than the flying experience laid down in Section C of Schedule II in respect of a Pilot's 'B' Licence ;

(c) the requirements in respect of flying experience may be varied by the Central Government in a case where in its opinion the flying experience of the applicant is substantially the equivalent of that specified in Section C of Schedule II ;

(d) such licence shall be issued for such types of flying machine only as the candidate has produced proof of his competence to fly, provided that for industrial purposes, other than public transport, a licence may be issued for any or all types of flying machines.

(4) *Public Transport Pilot's Licence endorsed for instructional purposes (Pilot Instructor's Licence).*—Flying Experience, Flying Tests, Technical Examination and Medical Examination as laid down in Section D of Schedule II.

(5) *Navigator's Licence, 1st class and 2nd class.*—Flying experience, Technical Examination and Medical examination as laid down in Section E of Schedule II :

Provided that for the purpose of the grant of such licences a person to whom a licence of a corresponding class has been granted by the competent authority in a Contracting State may be exempted from the technical examination and may, if he is the holder of a current licence, be exempted from the medical examination.

(6) *Radio-Telegraph Operator's Licences—*

(a) *First Class Licence—*

Flying Experience and Medical Examination.—As laid down in Section F of Schedule II.

Technical qualification.—The candidate must be the holder of a first class certificate of competency as a wireless operator issued by the Director-General of Posts and Telegraphs, India, or of such other certificate of proficiency as a wireless operator as may be accepted by the Director-General of Posts and Telegraphs, India, in lieu thereof.

(b) *Second Class Licence—*

Flying Experience and Medical Examination.—As laid down in Section F of Schedule II.

Technical qualifications.—The candidate must be the holder of a second class certificate of competency as a wireless operator issued by the Director-General of Posts and Telegraphs, India, or of such other certificate of proficiency as a wireless operator as may be accepted by the Director-General of Posts and Telegraphs, India, in lieu thereof.

(c) *Radio Telephone Operator's Licence*—

Flying Experience and Medical Examination.—As laid down in Section F of Schedule II.

Technical qualifications.—The candidate must be the holder of a certificate of proficiency as radio-telephone operator issued by the Director-General of Posts and Telegraphs, India, which has been specially endorsed for air operations or of such other certificate of proficiency as a radio-telephone operator as may be accepted by the Director-General of Posts and Telegraphs, India, in lieu thereof:

Provided that a candidate for a radio-telegraph operator's licence who has not had the required air experience may be granted a provisional licence for a period not exceeding one year in order to enable him to acquire the necessary air experience.

42. Periods of validity of licences—

(1) The licences may be granted, and on each occasion of renewal may be renewed, for any period not exceeding the periods shown below:—

(a) Pilot's "A" Licence.—Twelve months.

(b) Pilot's "A-1" Licence.

(c) Pilot's "B" Licence.

(d) Pilot Instructor's Licence.

} Six months.

(e) Navigator's Licence.—Twelve months.

(f) Radio-Telegraph Operator's Licence.—Twenty-four months.

(2) The holder of a licence shall, in any one of the following circumstances, be required to undergo a fresh medical examination, wholly or in part, and to produce a certificate of medical fitness as a condition of the licence remaining valid, namely:—

(i) in the event of sickness involving incapacity for a period of twenty days or more for the work for which he is licensed; or

(ii) in the event of an accident occurring otherwise than during the performance of such work and involving the same incapacity; or

(iii) in the event of an accident occurring during the performance of such work and involving injury.

42A. Pilot not to fly for more than 125 hours during any period of 30 consecutive days.—No pilot of a flying machine shall, in his capacity as such pilot, fly for more than 125 hours during any period of 30 consecutive days:

Provided that without prejudice to the provisions of rule 160, the Director-General of Civil Aviation may, subject to such conditions and limitations as he may specify, by order in writing, exempt any such pilot from the provision of this rule.

Explanation.—For the purposes of this rule, the flying time of a pilot either as solo pilot or pilot in command of an aircraft will be counted fully and the flying time of a pilot engaged as co-pilot or supernumerary pilot will be counted at 80 per cent. of the flight time.

43. Renewal of licences.—Licences may be renewed for the periods specified in rule 42 on production of proof of recent flying experience and after the passing of the medical examination as laid down in Schedule II :

Provided that in the case of a member of the operating crew of an aircraft engaged in public transport or aerial work, who is on duty in a region distant from official medical centres, the medical examination may exceptionally at the discretion of the Central Government be deferred for two consecutive periods of three months each on condition that such member obtains locally in each case and forwards to the Director-General of Civil Aviation in India a favourable medical certificate furnished by a medical practitioner who possesses qualifications entitling him to inclusion in the Medical Register of Great Britain:

Provided further that the holder of any licence may be required before the renewal of the licence to satisfy all or any of the requirements which are applicable on the first grant of a licence of the same class :

Provided further that in the case of a pilot's licence the Central Government may, when renewing the licence, restrict the types of aircraft for which the licence is endorsed to those on which it is satisfied that the holder of the licence has had recent reasonable flying experience.

44. Aircraft not registered in India.—An aircraft not registered in India shall carry the personnel prescribed by the laws of the State in which it is registered and such personnel shall be licensed in accordance with the laws of the State.

45. Validation of foreign licences.—When a licence has been granted by the duly competent authority in any part of His Majesty's dominions outside India or in any foreign State and is for the time being in force the Central Government may, subject to such conditions and limitations and for such periods as it shall think fit, confer on such licence the same validity for the purpose of flying aircraft registered in India as if it had been granted under these rules and a licence so validated shall be subject to the provisions of rule 19.

46. Deleted.

47. Age of applicants.—Licences shall not be granted to applicants who at the time of qualification do not comply with the following conditions :—

(a) An applicant for a Pilot's "A" Licence shall have attained the age of 17 years.

(b) An applicant for a Pilot's "A-1" Licence or for a Pilot's "B" Licence shall have attained the age of 19 years and shall not be more than 45 years of age.

(c) An applicant for a Navigator's Licence shall have attained the age of 19 years and shall not be more than 50 years of age.

(d) An applicant for a Radio-Telegraph Operator's Licence shall have attained the age of 19 years :

Provided that, at the discretion of the Central Government, a relaxation may be made as regards the upper age-limit—

(i) in the case of an applicant for a Pilot's "A-1" Licence or for a Pilot's "B" Licence, if before the date of his application he has been in service as pilot of a State flying machine, or

(ii) in the case of an applicant for a navigator's licence, if up to the date of his application he has been in service as an operative member of the crew of an aircraft.

48. Fees.—(1) The following fees shall be payable in respect of the issue, validation or renewal of licences or the issue of duplicate licences and the tests and examinations laid down in rules 41 to 43 :—

	Flying Test.	Official Technical Examination (if required).	OFFICIAL MEDICAL EXAMINATION.		Licence.
			For issue of licence.	For renewal of licence or if required under sub-rule (2) of rule 42.	
		Rs.	Rs.	Rs.	Rs.
Pilot's "A" Licence	*	5	16	8	5
Pilot's "A-1" Licence	*	20	32	16	5
Pilot's "B" Licence	*	30	32	16	5
Pilot Instructor's Licence	*	10	32	16	5
Navigator's Licence, 1st Class	...	75	32	16	5
Navigator's Licence, 2nd Class	...	30	32	16	5
Wireless Operator's Licence	...	...	16	8	5

(2) An application for any licence or for the renewal or validation of any licence shall be accompanied by a Treasury receipt for the sum necessary to cover all the fees payable, except the fees for the official medical examination and the fees for the official examiner for a flying test if not a Government servant which shall be payable direct to the examiner.

(3) When in any case the licence is not issued or renewed or validated, the Central Government may refund to the applicant such proportion of the sum paid as represents the cost of any examination not carried out or any licence not issued.

* For all flying tests the candidate shall be required to provide the aircraft and pay all charges incurred thereby, and in addition he shall pay, when an official examiner is carried on board during the flying test, a fee at the rate of Rs. 10 for each hour or part of an hour so flown. ‡

Provided that an applicant for the issue or renewal of a Pilot's "A-1" or Pilot's "B" Licence who is required to undergo some part only of the technical examination shall pay a fee of Rs. 10 in respect of each group of subjects as shown in Schedule II in which he is examined, and an applicant for the variation of such a licence by the addition of a type of aircraft not already endorsed on the licence shall, if required to be examined on that type of aircraft, pay a fee of Rs. 5 :

Provided further that in any other case when an applicant is required to undergo some part only of the technical examination, the fee may be reduced by such amounts as the Central Government may think proper in the circumstances of the case.

PART VI.—Airworthiness.

49. Standard of airworthiness.—A certificate of airworthiness may be issued by the Central Government in respect of any flying machine which complies with minimum standards of airworthiness prescribed in the United Kingdom in respect of design, materials, methods of construction and equipment, and the owner of a flying machine in respect of which a certificate of airworthiness is required by these rules, or is applied for or issued, shall submit such evidence relating thereto and shall submit to such inspection and tests of the flying machine as may be required by the Central Government :

Provided that the Central Government may, in respect of any flying machine or class of flying machines, from time to time prescribe modifications of the standard and such modified standard shall be complied with as a condition of the issue or remaining in force of a certificate of airworthiness in respect of the flying machine or class of flying machines.

50. Acceptance of foreign standards.—The Central Government may, in respect of any flying machine, accept as evidence of compliance with the conditions of rule 49 a valid certificate of airworthiness issued by the competent authorities in any other part of His Majesty's dominions or in any foreign country, provided it is shown to its satisfaction that the conditions on which such certificate of airworthiness was granted are substantially equivalent to the conditions on which a certificate of airworthiness is granted by His Majesty's Government in the United Kingdom.

51. Categories and sub-divisions.—A certificate of airworthiness may be issued in respect of one or more of the categories and sub-divisions of flying machines specified in Section A of Schedule III and the operations of the flying machine shall be restricted to those authorized for the categories to which the certificate of airworthiness extends.

52. Instruments and equipment—minimum.—A certificate of airworthiness shall not be granted in respect of any flying machine which is not equipped with the following instruments and equipment, which shall be in working order, namely :—

Air speed indicator.

Altimeter.

Revolution indicator.

Such gauges as may be considered necessary by the Central Government for the particular installation.

For acrobatic category.—Safety harness for the pilot.

For normal category.—Safety belt or safety harness for the pilot.

Indicator of position of landing wheels (in amphibian flying machine and in flying machines fitted with a retractable under-carriage).

53. Instruments and equipment for flight.—Every flying machine which is required by these rules to be provided with a certificate of airworthiness shall, when flying be fitted or equipped with the instruments and equipment specified in Section B of Schedule III according to the circumstances of the flight. The instruments and equipment shall be of types approved by the Central Government, they shall be installed in a manner approved by it and shall be maintained in working order.

54. Weight.—Every flying machine which is required by these rules to be certified as airworthy shall be weighed and marked in accordance with the provisions of Section C of Schedule III.

55. Period of validity of certificates of airworthiness.—A certificate of airworthiness shall be valid for a period of one year from the date on which the flying machine was passed for the issue of the certificate :

Provided that, in the case of damage to the flying machine such as renders it unsafe for flight, or of failure to carry out the inspection prescribed in these rules, or of failure to carry out any compulsory modification directed by the Central Government, or of incorporation of any modification which has not been approved by the Central Government, the certificate shall cease to be valid until the flying machine has been repaired or modified as the case may be and inspected and certified as required by these rules.

56. Renewal of certificates of airworthiness.—The Central Government may renew any certificate of airworthiness for such further period (not exceeding one year at a time) as it may think fit, and may for this purpose require the flying machine to be overhauled, inspected and certified in accordance with rule 57, and in addition may require the flying machine to be inspected by a person authorized in this behalf by the Central Government or tested in flight, or to be so inspected and so tested, and the owner of the aircraft shall give all necessary facilities for such inspection and test.

57. Periodical overhaul.—Every flying machine required by these rules to be provided with a certificate of airworthiness, and every engine of such flying machine shall be periodically overhauled and after every such overhaul, and after the completion of any repairs to or modification of the flying machine or engine, the flying machine shall be inspected and certified in accordance with the provisions of Section E of Schedule III by the appropriate person licensed under rule 61.

58. Modifications.—(1) If at any time the Central Government considers modifications to a flying machine, in respect of which certificate of airworthiness is in force, to be necessary for safety, it may require such modifications to be carried out as a condition of the certificate of airworthiness remaining in force.

Such modifications may be notified in a general notice to aircraft owners and aircraft maintenance engineers or in a special notice to the owner of a particular aircraft.

(2) If modifications (including changes of equipment or its installation) which affect the safety of the flying machine are carried out in a flying machine in respect of which a certificate of airworthiness is in force, then, until the modifications have been approved by the Central Government, the flying machine shall not fly except in so far as under these rules it might fly if it had no certificate of airworthiness.

(3) Any such modifications shall be carried out by methods approved by the Central Government and shall be inspected by the appropriate person licensed under rule 61, who shall certify the modification in the form and manner laid down in Section E of Schedule III.

59. Maintenance standards and accessories.—The Central Government may in respect of any aircraft or class of aircraft which is certified as airworthy under these rules and in respect of any technical accessories or equipment used in connection with the operation of such aircraft, prescribe conditions for the technical operation, maintenance and use of such aircraft, accessories or equipment.

60. Daily inspection.—(1) A public transport flying machine effecting public transport shall not commence any flight unless it has, within the preceding 24 hours, been inspected and certified as safe for flight in accordance with these rules by the appropriate person licensed under rule 61:

Provided that if any such flying machine not carrying passengers for remuneration on a regular scheduled air service is absent from its usual station, whether by reason of delay or otherwise, for a longer period than 24 hours, it may proceed on its journey if, at the time of commencement of a flight, it has not performed more than 12 hours' flying and a period of more than four days has not intervened, since it was last so inspected and certified:

Provided further that no such flying machine shall commence any flight if, since such inspection, it has suffered any damage or revealed any defect which would render the machine unsafe for flight and which could not, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew.

(2) The certificate required by sub-rule (1) shall be given in the form and manner specified in Section D of Schedule III.

(3) The pilot or commander of every flying machine shall before commencing any flight satisfy himself that—

(a) having regard to the performance of the aircraft, the extent to which it is loaded, and the prevailing conditions, sufficient length of run is available to effect a safe take-off and the line of flight in the take-off direction is not obstructed, and that

(b) the flying machine is safe for flight according to the circumstances of the flight as laid down in Section D of Schedule III.

61. Licensing of Aircraft Maintenance Engineers.—

(1) For the purpose of rules 57, 58 and 60 the Central Government may grant licences to persons to act in the capacity of Aircraft Maintenance Engineers, and to sign in connection with the construction, repair, overhaul and maintenance of aircraft such certificates as may be prescribed or required under these rules.

(2) The categories and privileges in respect of which licences for aircraft maintenance engineers may be granted, shall be as follows :—

(a) Category A (applicable to aircraft, excluding engines) in respect of :—

(i) Certification as to fitness for flight of an aircraft for which a certificate of airworthiness is about to be issued.

(ii) Certification as to the safety for flight of public transport aircraft.

(iii) Certification in the log book of work done under approved maintenance schedules.

(iv) Certification in the log book of repairs approved as minor repairs.

(v) Certification in the log book of modifications approved as minor modifications.

(vi) Certification in the log book of replacement of approved components and parts.

(b) Category B (applicable to aircraft, excluding engines) in respect of :—

(i) Certification in the log book of aircraft after overhaul, except that the overhaul, repair or modification of the engine(s), instruments, automatic pilots, variable pitch propellers, or electrical equipment shall have been previously certified by a firm approved for the purpose or by an aircraft maintenance engineer appropriately licensed.

(ii) Certification in the log book of approved repairs.

(iii) Certification in the log book of approved modifications.

(iv) Certification in the log book of the replacement of approved components and parts.

(v) Certification of the construction of components and parts and the materials used therefor, unless it is stated in the licence that this duty is excluded.

(c) Category C (applicable to engines) in respect of :—

(i) Certification as to fitness for flight of engines including propellers fitted in an aircraft for which a certificate of airworthiness is about to be issued.

(ii) Certification as to the safety for flight of engines including propellers fitted in public transport aircraft.

(iii) Certification in the log book of work done under approved maintenance schedules

(iv) Certification in the log book of the embodiment of approved modifications and the replacement of approved components and parts, provided that the work has not involved dismantling the engines other than to obtain access to pistons, cylinders and valve-operating gear.

(d) Category D (applicable to engines only) in respect of:—

(i) Certification in the log book of engines after overhaul and test except that the overhaul, repair or modification of magnetos and other ignition equipment shall have been previously certified by a firm approved for the purpose or by an aircraft maintenance engineer licensed for the purpose in Category X.

(ii) Certification in the log book of approved repairs.

(iii) Certification in the log book of approved modifications.

(iv) Certification in the log book of replacement of approved components and parts.

(v) Certification of the construction of components and parts and the materials used therefor, unless it is stated in the licence that this duty is excluded.

(e) Category X in respect of:—

(i) Certification in the log book of the installation and compensation of compasses.

(ii) Certification of overhauls, repairs, modifications or replacements and tests thereof of aircraft engine ignition apparatus.

(iii) Certification in the log book of the overhaul, repair, modification, tests, and installation of variable pitch propellers and of replacements thereto.

(iv) Certification of the overhaul, repair, modification, test, and installation of aircraft and engine instruments, and of replacements thereto.

(v) Certification of the overhaul, repair, modification, test, and installation of electrical equipment and of replacements thereto.

(vi) Certification of the overhaul, repair, modification, test, and installation of automatic pilots and of replacements thereto.

(3) An applicant for an aircraft maintenance engineer's licence shall not be less than 21 years of age.

(4) The requirements to be satisfied for the grant or extension of an aircraft maintenance engineer's licence shall be as laid down in section 'F' of schedule III.

(5) An applicant for the grant or the extension of an aircraft maintenance engineer's licence shall be required to undergo tests which may consist of:—

(a) Written Examination,

(b) Oral Examination, and

(c) Practical tests as appropriate.

(6) An applicant who fails in any of the above tests will not be permitted to appear again for such tests for a period of three months or such other period as may be intimated to the applicant by the Director General.

(7) Licences shall remain valid, unless cancelled or suspended, for the periods specified therein, subject to a maximum period of twelve months in each case, and may thereafter be renewed by the Central Government. A candidate for the renewal of a licence may be required to undergo further examinations and tests as a condition of the renewal of the licence.

(8) An Aircraft Maintenance Engineer licensed in a particular category shall, subject to the provisions of sub-rule (9), be competent to deal with the matters specified in sub-rule (2) in respect of the category in which he is licensed.

(9) A licence granted under this rule shall specify the type or types of aircraft, aero-engines instruments, accessories or equipment which the licensee is competent to deal with, and may contain restrictions limiting his competence to deal with any particular class of work, and the Central Government may at any time vary such specifications or restrictions.

(10) Without prejudice to the provisions of sub-rule (3) of rule 19, the Central Government may, after such inquiry as it may deem fit, cancel, suspend or endorse any licence granted under this rule where it is satisfied that :—

(a) the holder of such licence has performed work, or granted a certificate in respect of work which has not been performed in a careful and competent manner, or

(b) the holder of such licence has signed a certificate in respect of any matter which he is not licensed to deal with, or

(c) it is undesirable for any other reason that the holder of such licence should continue to exercise the functions of an aircraft maintenance engineer.

(11) The Central Government may withhold the grant or renewal of a licence if for any reason it considers it desirable to do so.

62. Fees.—(1) The following fees shall be payable in respect of the issue or renewal of certificates of airworthiness and aircraft maintenance engineer's licence and duplicate certificates and licences, and the inspection, tests and examinations, required by this Part.

Certificates of Airworthiness.

Aerodynes.

(a) Issue or renewal of certificate, including such inspections as may be required by the Central Government :—

	Rs.
Maximum permissible weight of 2,500 lbs. or less	75
Maximum permissible weight over 2,500 lbs. but not more than 5,000 lbs.	150
Maximum permissible weight over 5,000 lbs. but not more than 10,000 lbs.	200
Maximum permissible weight over 10,000 lbs. but not more than 20,000 lbs.	300
Maximum permissible weight over 20,000 lbs. but not more than 50,000 lbs.	600
Maximum permissible weight over 50,000 lbs.	1,000

	Rs.
(b) Issue of certificate without inspection (Rule 50)	25
(c) Issue of duplicate certificate	10

Aircraft Maintenance Engineer's Licence.

For the licence—

Issue, renewal or issue of duplicate licence	10
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For each separate technical examination—

When required, before issue, renewal or extension—

(i) One Category	25
(ii) Two Categories	35
(iii) Each Additional Category	15
(iv) Additions of types of aircraft, engines, instruments, accessories, or equipment to those already endorsed on the licence for each category in which additions are required	15

(2) An application for a licence or certificate or for the renewal or extension of a licence or certificate shall be accompanied by a Treasury Receipt or a money order for the sum necessary to cover all the fees payable but when, for any reason, the licence or certificate is not issued, renewed or extended, the Central Government may refund to the applicant such proportion of the sum paid as represents the cost of any examination or inspection not carried out or any licence or certificate not issued.

PART VII.—Radio-Telegraph Apparatus.

63. Aircraft for which apparatus is obligatory.—Every public transport aircraft registered in India, which is capable, according to its certificate of airworthiness, of carrying ten or more persons including the crew, shall, when used in international air navigation or on a regular air transport service operating in India, be equipped with radio-telegraph apparatus of a type approved by the Central Government capable of sending and receiving communications by radio-telegraphy or radio-telephony, and installed, bonded and screened in a manner approved by the Central Government.

64. Suspension of rules.—The application of the rules in this Part may be suspended when owing to the lack of radio-telegraph organizations available for air traffic in a particular region the employment of radio-telegraph apparatus on board aircraft would serve no useful purpose.

PART VIII.—Air-route Beacons, Aerodrome Lights and False Lights.

65. Air-route beacons and aerodrome lights.—(1) No air-route beacon or aerodrome light shall be established or maintained within India nor shall the character of the light exhibited therefrom be altered, except with the approval in writing of the Central Government, and subject to such conditions as it may prescribe.

(2) No person shall wilfully or negligently injure or interfere with any air-route beacon or aerodrome light, established or maintained with the approval of the Central Government, or any light exhibited therefrom.

66. False lights.—(1) Whenever in India any light is exhibited—

(a) in the neighbourhood of an aerodrome or an air-route beacon so as to be liable to be mistaken for an aerodrome light or an air-route beacon; or

(b) which by reason of its liability to be mistaken for an aerodrome light or an air-route beacon is calculated to endanger the safety of aircraft; or

(c) which, being in the neighbourhood of an aerodrome, is liable by reason of its glare to endanger the safety of aircraft arriving at or departing from the aerodrome, the Central Government may serve a notice upon the owner or person in possession of the place where the light is exhibited or upon the person having charge of the light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or for effectual screening the light and for preventing for the future the exhibition of any similar light.

(2) The notice may be served either personally or by post, or by affixing the same in some conspicuous place near to the light to which the notice relates.

(3) An owner or person on whom a notice under sub-rule (1) has been served shall, in the absence of reasonable cause, the burden of proving which shall be upon him, comply with the directions contained in the notice.

(4) If any owner or person on whom a notice under this rule is served, neglects for a period of seven days to extinguish or effectually to screen the light mentioned in the notice, the Central Government may enter upon the place where the light is and forthwith extinguish the same, doing no unnecessary damage.

PART IX.—Log Books.

67. (1) The following log books shall be kept in respect of aircraft registered in India, namely :—

(a) for every aircraft, an aircraft log book and an engine log book and where more than one engine is fitted, a separate log book for each engine ;

(b) in addition, for every public transport aircraft (except where such aircraft does not leave the vicinity of its starting place and returns without landing elsewhere to its starting place) and for every aircraft engaged in international navigation, a journey log book.

(2) The log books shall be kept up to date in such manner as the Central Government may direct.

(3) The journey log book shall be issued by the Central Government; other log books shall be in the form required by the Central Government.

(4) The log books shall be preserved for two years from the date of the last entry therein.

(5) No person shall destroy, mutilate, alter or render illegible any log book or any entry made therein, or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book.

PART X.—Investigation of Accidents.

68. Notification of accidents.—(1) An accident in which an aircraft is involved shall be notified in accordance with the provisions of sub-rules (3), (4) and (5) of this rule if between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked :—

(a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or

(b) the aircraft receives substantial damage.

(2) The term "substantial damage" used in sub-rule (1) shall include any damage which necessitates the replacement or extensive repair of any major component. —

(3) Where an accident occurs which has to be notified under sub-rule (1), the person in command of the aircraft or, if he be killed or incapacitated, the owner, the operator, the hirer or other person on whose behalf he was in command of the aircraft, as the case may be, shall—

(a) send notice thereof to the Director-General, and

(b) give information to the District Magistrate and the Officer-in-charge of the nearest Police Station.

(4) The notice and information shall be sent as soon as possible and by the quickest means available and in any case within 24 hours after the occurrence of the accident.

(5) The notice to the Director-General shall contain the following information namely :—

- (i) the type, nationality and registration marks of aircraft;
- (ii) the name of the owner, operator and hirer of the aircraft;
- (iii) the name of the person in command of the aircraft;
- (iv) the names and description of the crew of the aircraft;
- (v) the nature and purpose of the flight;
- (vi) the date and time of the accident;
- (vii) the place where the accident occurred;
- (viii) the last point of departure and the next point of intended landing of the aircraft;
- (ix) the nature of the accident;
- (x) the number and description of the persons killed and injured as a result of the accident; and
- (xi) the extent of known damage to the aircraft.

69. Report on accidents.—The person in command or the owner of the aircraft which has been involved in an accident, whether or not it is required to be notified under rule 68(1), shall, if so required by the Director-General, submit to him a written report on such accident in such form as he may prescribe.

70. Removal and preservation of damaged aircraft.—(1) In the case of an accident which requires to be notified under rule 68 or 69, or in any other case in which the Director-General gives notice to the owner or other person in charge of the aircraft to this effect, the aircraft shall not, except under the authority of the Director-General, be removed or otherwise interfered with :

Provided that, subject to compliance with the provisions of rule 61 of the India Aircraft Rules, 1920, in so far as they may be applicable—

(i) If the aircraft is wrecked on water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety ;

(ii) the aircraft or any parts or contents thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals dead or alive, of preventing the destruction of the aircraft and its contents by fire or other cause or of preventing any damage or obstruction to the public or to air navigation or to other transport ;

(iii) goods shall not be removed from the aircraft except under the supervision, and with the concurrence of an officer of the Civil Aviation Department ;

(iv) passengers' and crews' personal luggage may be removed from the aircraft under the supervision of an Officer of Police Department, a Magistrate or an Officer of the Civil Aviation Department ; and

(v) mails may be removed under the supervision of an Officer of the Police Department, a Magistrate, an Officer of the Civil Aviation Department or an Officer of the Posts & Telegraphs Department.

(2) The Director-General may, for the purposes of any investigation or inquiry under these rules, authorise any person to take measures for the preservation of any aircraft involved in an accident, and such person may thereupon have access to, examine or otherwise deal with the aircraft.

(3) The owner of the aircraft or his nominated representative shall have the right to be present during any examination or other action taken under sub-rules (1) and (2), provided that the Director-General shall not be bound to postpone any action which he may consider necessary under this rule by reason of the absence of the owner or his representative.

71 Inspector's investigation.—(1) The Director-General may order the investigation of any accident involving an aircraft, whether such accident is required to be notified under rule 68 or not, and may by general or special order, appoint any person (hereinafter referred to as an "Inspector of Accidents") for the purpose of carrying out such investigation.

(2) The investigation referred to in sub-rule (1) shall be held in private.

(3) The investigation shall be conducted in such a manner that if a charge is made or likely to be made against any person and if it appears to the Inspector of Accidents to be practicable so to do that person shall be given notice that blame may be attributed to him; and thereupon he may be given a reasonable opportunity of being present and making any statement or giving any evidence and producing witnesses on his behalf and examining any witnesses from whose evidence it appears that blame may be attributed to him.

(4) A public notice that such investigation is taking place may be given by the Director-General in such manner as he may think fit and every such public notice shall state that any person who may desire to make representation concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(5) The Inspector of Accidents shall make a report to the Director-General stating all relevant facts with regard to the accident and his conclusions with regard to the causes of the accident, and adding any observations and recommendations which he may think fit to make with a view to preservation of life and avoidance of similar accidents in future.

(6) The Director-General shall forward the report of the Inspector of Accidents to the Central Government with such comments as the Director General may think fit to make, and the Central Government may, at its discretion, make the whole or part of any such report public in such manner as it may consider fit.

72. Powers of Inspector of Accidents.—For the purpose of such investigation an Inspector of Accidents shall have power—

(a) by summons under his hand to require the attendance of any person whom he thinks fit to call before him and examine for such purpose and to require answers or returns to any inquiries he thinks fit to make;

(b) to require any such person to make and to sign a declaration regarding the true nature of the statements made by him;

(c) to require and enforce the production of all books, papers, documents and articles which he may consider necessary for the investigation, and to retain any such books, papers, documents and articles until completion of the investigation; and

(d) to have access to and examine any aircraft involved in the accident, the place where the accident occurred or any other place, the entry upon and examination of which appears to the Inspector necessary for the purpose of the investigation.

73. Inspector's fee.—When a person other than an officer of Government is appointed an Inspector of Accidents he may be granted such fee and expenses as may be determined by the Central Government.

74. Committee of Inquiry.—(1) The Central Government may, at its discretion, appoint a Committee of Inquiry composed of two or more persons to hold an inquiry into an accident in which an aircraft is involved, and such a Committee shall have the same powers as an Inspector of Accidents under rule 72.

(2) The Committee of Inquiry may at its discretion hold the inquiry in public or in private.

(3) The Inquiry shall be conducted in such a manner that if a charge is made or likely to be made against any person, that person, shall be given notice that blame may be attributed to him and thereupon he may be given a reasonable opportunity of being present and making any statement or giving any evidence and producing witnesses on his behalf and examining any witnesses from whose evidence it appears that blame may be attributed to him.

(4) A public notice that an inquiry is taking place may be given by the Central Government in such manner as it may think fit and every such notice shall state that any person who may desire to make representations concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(5) The Committee of Inquiry shall make a report to the Central Government stating all relevant facts with regard to the accidents and its conclusions with regard to the causes of the accident, and adding any observation and recommendation which it may think fit to make with a view to preservation of life and avoidance of similar accidents in future.

(6) The Central Government may cause the whole or part of any such report of the Committee of Inquiry to be made public in such manner as it may think fit.

(7) When a person other than an officer of Government is appointed as a member of the Committee of Inquiry he may be granted such fee and expenses as may be determined by the Central Government.

(8) Every person summoned by the Committee of Inquiry as a witness in accordance with these rules shall be allowed such expenses as the Central Government may from time to time determine.

75. Formal Investigation.—Where it appears to the Central Government that it is expedient to hold a formal investigation of an accident, it may, whether or not an investigation or an inquiry has been made under rule 71 or 74, by order direct a formal investigation to be held; and with respect to any such formal investigation the following provisions shall apply namely:—

(1) The Central Government shall appoint a competent person (hereinafter referred to as "the Court"), to hold the investigation, and may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors, it may also direct that the Court and the assessors shall receive such remuneration as it may determine.

(2) The Court shall hold the investigation in open court in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident and for enabling the Court to make the report hereinafter mentioned.

(3) (i) The Court shall have, for the purpose of the investigation, all the powers of a Civil Court under the Court Code of Civil Procedure, 1908, and without prejudice to those powers the Court may :—

(a) enter and inspect, or authorise any person to enter and inspect any place or building, the entry or inspection whereof appears to the Court requisite for the purposes of the investigation; and

(b) enforce the attendance of witnesses and compel the production of documents and material objects; and every person required by the Court to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

(ii) The assessors shall have the same powers of entry and inspection as the Court.

(4) The investigation shall be conducted in such manner that, if a charge is made or likely to be made against any person, that person shall have an opportunity of being present and of making any statement or giving any evidence and producing witnesses on his behalf.

(5) Every person attending as a witness before the Court shall be allowed such expenses as the Court may consider reasonable :

Provided that, in the case of the owner or hirer of any aircraft concerned in the accident and of any person in his employment or of any other person concerned in the accident, any such expenses may be disallowed if the Court, in its discretion, so directs.

(6) The Court shall make a report to the Central Government stating its findings as to the causes of the accident and the circumstances thereof and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and avoidance of similar accidents in future, including, a recommendation for the cancellation, suspension or endorsement of any licence or certificate issued under these rules.

(7) The assessors (if any) shall either sign the report, with or without reservations, or state in writing their dissent therefrom and their reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Central Government with the report. The Central Government may cause any such report and reservations or dissent and reasons (if any) to be made public, wholly or in part, in such manner as it thinks fit.

76. Obstruction of proceedings.—(1) No person shall obstruct or impede the Court or a member of the Committee of Inquiry or an Inspector of accidents or an assessor or any person acting in the exercise of any powers or duties under the rules in this Part.

(2) No person shall without reasonable excuse (the burden of proving which shall lie on him) fail to comply with any summons or requisition of a Court or a Committee of Inquiry or any Inspector of Accidents holding an investigation or an Inquiry under the rules in this Part.

77. Accident to aircraft registered in a foreign State.—Where an investigation by an Inspector of Accidents or an inquiry by a Committee of Inquiry or a formal investigation by a court relates to an accident which has occurred in or over India to an aircraft registered in a country other than India, an accredited representative of the country in which the aircraft is registered, and of any other country which has on request furnished information in connection with the accident, may participate in the investigation inquiry or formal investigation as the case may be; he may be accompanied by such technical or other advisers as may be considered necessary by the authorities of the country by which he is appointed.

77-A. Saving.—Nothing in this Part shall limit the power of the Central Government with regard to the cancellation, suspension or endorsement of any licence or certificate issued under these rules.

PART XI.—Aerodromes.

78. Government aerodromes.—A Government aerodrome shall not be open to use by any member of the public save to such extent, if any, and subject to such conditions as the Central Government may determine.

79. Places other than Government aerodromes.—A place in India other than a Government aerodrome shall not be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by any aircraft carrying passengers for hire or reward unless :—

(a) it has been licensed for the purpose, and save in accordance with the conditions prescribed in such a licence ; or

(b) it has been approved by the Director-General, subject to such conditions as he may deem fit to impose, for the purpose of giving joy-rides for hire or reward.

80. Licensed aerodromes.—An aerodrome shall be licensed by the Central Government in one of the following categories, namely :—

(a) for public use ;

(b) for private use ; that is to say, for use by the licensee and by individuals specifically authorized by the licensee.

81. Public aerodromes.—Every aerodrome which is licensed for public use or which is open to public use by aircraft registered in India upon payment of charges shall to the same extent and upon the same conditions be open to use by aircraft possessing the nationality of a contracting State. Every such aerodrome shall at all reasonable times be open to use by any aircraft in the service of His Majesty.

82. Tariff charges.—(1) At every aerodrome referred to in rule 81 there shall be exhibited in a conspicuous place a single tariff of charges, including charges for landing and length of stay, and such tariff shall be applicable alike to all aircraft whether registered in India or in any other contracting State.

(2) In the case of Government aerodromes, the charges mentioned in sub-rule (1) shall not exceed those specified in, and shall be leviable in accordance with the provisions contained in Section B of Schedule V to these Rules.

(2a) Nothing in sub-rule (2) shall apply to the payment of any charge in respect of any space in or outside a hangar at a Government civil aerodrome leased out by the Central Government to any person for the purpose of housing or parking an aircraft or for any other purpose approved by the Director-General and where any such space is leased out, it shall be subject to payment of such charges as may be determined by the Central Government and also subject to such terms and conditions of the lease as may be agreed upon between the Central Government and such person.

(3) In the case of licensed public aerodromes other than Government aerodromes, the charges mentioned in sub-rule (1) shall, if they exceed the rates specified in Section B of Schedule V to these rules, require the approval of the Central Government.

83. Qualifications of licensee.—A licence for an aerodrome shall not be granted to any person or corporation other than—

(a) a British Subject or person under His Majesty's protection,
or

(b) a company or corporation registered and having its principal place of business in His Majesty's dominions.

84. Period of validity of licence.—An aerodrome licence may be granted for any period not exceeding twelve months, and on each occasion of renewal may be renewed for any period not exceeding twelve months.

85. Classification of aerodromes.—An aerodrome may be licensed for all types of aircraft or for certain specified types or classes of aircraft and the licence may specify the conditions on which the aerodrome may be used.

86. Conditions governing the grant of licence.—(1) A licence shall not be granted in respect of any place which does not satisfy the requirements specified in Part A of Schedule V.

(2) While a licence is in force no alterations to the landing area or to the buildings or other structures on the aerodrome which may affect the safety of aircraft shall be undertaken save with the previous approval of the Central Government. Application for such approval shall be addressed to the Director-General of Civil Aviation in India and shall be accompanied by full particulars with plans of any such alterations including alterations to surrounding obstructions which may affect the safety of aircraft.

(3) The necessary approval may be granted or withheld and if granted may be granted subject to such conditions (including conditions involving a revision of the original conditions of licence) as the Central Government may think fit.

(4) If any alteration of the nature referred to in sub-rule (2) is undertaken without the previous approval of the Central Government the licence may be cancelled.

(5) The licensee shall maintain the aerodrome in a fit state for use by aircraft and adequately marked to the satisfaction of the Central Government during the whole period of the currency of the licence where this exceeds a period of three months and shall, if the aerodrome becomes unserviceable, immediately notify the Director-General of Civil Aviation in India by telegraph.

87. Fees.—The fees chargeable for the grant or renewal of a licence for an aerodrome shall be—

	Rs.
(1) When the licence is granted or renewed for a period not exceeding three months	15
(2) When the licence is granted or renewed for a period exceeding three months but not exceeding six months	20
(3) When the licence is granted or renewed for a period exceeding six months but not exceeding 12 months.	30

Provided that if, in the opinion of the Central Government, it is necessary or expedient before the grant or renewal of the licence, for the aerodrome in question to be inspected by an officer of Government or other person authorized by the Director-General of Civil Aviation in India, an additional fee of Rs. 30 shall be chargeable for the inspection and the applicant shall also be required to pay the travelling expenses of the inspecting officer.

PART XII.—Rules of the Air.**SECTION I.**

LIGHTS AND VISUAL SIGNALS TO BE DISPLAYED BY AIRCRAFT AND SOUND SIGNALS.

A.—GENERAL.

88. Obligation to display the required lights.—The rules concerning lights to be displayed by aircraft shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. The said lights shall not be dazzling.

89. Angular limits of lights.—The angular limits of the lights referred to in this Part shall be determined when the aircraft is in its normal position for flying on a rectilinear horizontal course and as shown diagrammatically in figure 1 in Schedule IV.

90. Failure of lights, etc.—(1) In the event of the failure of any light which is required by these rules to be displayed by aircraft in flight, the aircraft concerned shall, if the light cannot immediately be repaired or replaced in flight, land as soon as it can do so without danger.

(2) Where, owing to the difficulty of producing lamps to meet the requirements of these rules as regards sector lights, an overlap of those lights is unavoidable, the overlap shall be as small as possible; there shall be no sector in which no light is visible.

91. Savings.—Nothing in these rules shall interfere with the operation of any special rules made by the Government of any State with respect to the additional signal or station lights for military aircraft, aircraft exclusively in State services or for aircraft in group formation, or with the exhibition of recognition signals adopted by owners of aircraft which have been authorized by their respective Governments and duly published.

B.—LIGHTS AND VISUAL SIGNALS TO BE DISPLAYED BY AIRCRAFT.*Flying machines.*

92. In the air or on land aerodromes.—(1) Every flying machine in the air or on the landing area of a land aerodrome shall display the following lights, that is to say:—

(a) on the right side, a green light, fixed so as to show an unbroken light, visible at a distance of at least five miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry and directed dead ahead, and the other is directed to the right;

(b) on the left side, a red light, fixed so as to show an unbroken light, visible at a distance of at least five miles, throughout a dihedral angle of 110° formed by two vertical planes of which one is

parallel to the plane of symmetry and directed dead ahead, and the other is directed to the left;

(c) at the rear, a white light, fixed so as to show astern an unbroken light, visible at a distance of at least three miles, throughout a dihedral angle of 140° formed by two vertical planes bisected by the plane of symmetry.

(2) In a case where, in order to comply with the provisions of sub-rule (1), a single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one can be seen at a time.

(3) In the case of flying machine with a maximum span of less than 65 feet, the lights required by this rule may be combined in one or more lamps, placed centrally, provided that the requirements of sub-rules (1) and (2) as to colour and visibility are complied with.

93. Under way on the surface of the water.—Every flying machine under way on the surface of the water shall display lights in accordance with the following provisions :—

(1) If it is under control and is not being towed, it shall display the lights required by rule 92, and in addition, forward, a white light fixed so as to show forward an unbroken light visible at a distance of at least three miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry.

(2) If it is being towed, it shall display the lights required by rule 92.

(3) If it is not under control, it shall display two red lights placed where they can best be seen, one vertically over the other not less than three feet apart, and both being visible, so far as practicable, all round the horizon at a distance of at least two miles, and, in addition—

(a) if making way, it shall display the lights required by rule 92; or

(b) if not making way, it shall display the light required by clause (c) of sub-rule (1) of rule 92.

(4) If it is towing another aerodyne, it shall display the lights specified in clause (1) and in addition, forward, two white lights placed where they can best be seen, one vertically over the other, not less than six feet apart, and visible at a distance of at least three miles in a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry.

94. At anchor or moored on the surface of the water.—Every flying machine whether at anchor or moored on the surface of the water shall display lights in accordance with the following provisions, namely :—

(1) In every case, it shall display forward centrally where it can best be seen, a white light, visible all round the horizon at a distance of at least one mile.

(2) In a case where the length of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this rule, a white light at or near its stern at a lower height than the forward light mentioned in clause (1), and visible all round the horizon at a distance of at least one mile.

(3) In a case where the maximum span of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this rule, a white light on each side placed in such a manner as to demarcate the maximum lateral dimension of the flying machine and visible, so far as practicable, all round the horizon at a distance of at least one mile.

Giders.

95. In all cases in which flying machines are required by these rules to display lights, a glider shall display a red light visible, so far as practicable, in all directions.

Balloons and Kites.

96. **Free balloons.**—A free balloon shall display a red light placed not less than 15 or more than 30 feet below the basket and visible so far as practicable, in all directions at a distance of at least two miles.

97. **Captive balloons and kites.**—In the case of a captive balloon or kite, lights shall be displayed in accordance with the following provisions, namely:—

(1) when flown at an altitude exceeding 180 feet above the ground, or at any altitude if it is less than three miles from an aerodrome or from a recognized air-route the balloon or kite shall display a white light placed 12 feet vertically above a red light, these lights being visible so far as practicable in all directions at a distance of at least two miles, the upper white light being placed not less than 15 or more than 30 feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite;

(2) in addition, from the mooring cable of the balloon or kite there shall be displayed at intervals of 1,000 feet measured from the said group of two lights, similar groups of two lights, one white and one red, and if the lowest group of lights is obscured by clouds, an additional group shall be displayed below the cloud base;

(3) in addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights, arranged on a horizontal plane at the apexes of a triangle approximately equilateral and measuring at least 75 feet on each side; the side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights, the third light shall be a green light placed opposite the direction of the cable.

98. **Day markings for captive balloons.**—By day, the mooring cable of a captive balloon shall have attached to it at intervals of not more than 600 feet measured from the basket (or, if there is no

basket, from the lowest part of the balloon) tubular streamers, not less than eight inches in diameter and six feet in length, and marked with alternate bands of white and red 18 inches in width.

99. Day markings for kites.—By day, the mooring cable of a kite shall be marked, either in the manner required by rule 98 in the case of a captive balloon, or by streamers of stout paper attached to the cable at intervals of 300 feet measured from the lowest part of the kite, such streamers being not less than 30 inches in length and one foot in width in their widest part and marked with alternate bands of white and red four inches wide.

Airships.

100. Under way—

(1) Except as provided in rule 101, an airship when under way shall display the following lights, namely :—

(a) forward, a white light fixed so as to show forward an unbroken light visible at a distance of at least five miles and throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry ;

(b) on the right side, a green light fixed so as to show an unbroken light visible at a distance of at least five miles and throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry and directed dead ahead, and the other is directed to the right ;

(c) on the left side, a red light fixed so as to show an unbroken light visible at a distance of at least five miles and throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry and directed dead ahead and the other is directed to the left ;

(d) at the rear, white light fixed so as to show astern an unbroken light visible at a distance of at least three miles and throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry.

(2) In a case where, in order to comply with the provisions of sub-rule (1), a single light has to be replaced by several lights, the field of visibility of each of those lights shall be so limited that only one can be seen at a time.

101. Not under control.—(1) An airship which is under way and which is not under control, or which has voluntarily stopped its engines or which is being towed, shall display the following lights, namely :—

(a) the forward and rear lights required by clauses (a) and (b) of sub-rule (1) of rule 100 ;

(b) in addition, below the airship, two red lights, one placed vertically below the other 12 feet apart, the upper light being 25

feet below the control car and both being visible so far as practicable in all directions at a distance of not less than two miles;

(c) in addition, if making way but not otherwise, the side lights required by clauses (b) and (c) of sub-rule (1) of rule 100.

(2) By day, an airship in the circumstances mentioned in sub-rule (1) of this rule shall display two black balls or shapes each at least two feet in diameter, one placed vertically below the other 12 feet apart, the upper one being 24 feet below the control car, and both being visible so far as practicable in all directions.

Where necessary in order to comply with this requirement, the said group of two black balls or shapes may be duplicated.

102. Moored.—(1) An airship when moored to a mooring mast shall display at or near the rear a white light visible, so far as practicable, in all directions at a distance of at least three miles.

(2) An airship, when moored to the ground or the surface of the water by a cable, shall display, forward, the white light required by clause (a) of sub-rule (1) of rule 100, and at the rear, the white light required by clause (d) of that sub-rule, and in addition the airship and its mooring cable shall be lighted or marked in accordance with such of the provisions of rules 97 and 98 as are applicable in the case of a captive balloon.

(3) An airship while picking up its moorings, although considered as being under way and not being under control, shall however display only the lights specified in rule 100 until it is finally made fast.

C.—Sound Signals.

103. Fog, mist, etc.—In fog, mist, falling snow or heavy rain-storm, whether by day or night, an aircraft on the water shall make the following sound signals, namely :—

(a) If not anchored or moored, a sound at intervals of not more than two minutes, consisting of two blasts of about five seconds duration with an interval of about one second between them.

(b) If at anchor or moored, the rapid ringing of an efficient bell or gong for about five seconds at intervals of not more than one minute.

SECTION II.

GROUND MARKINGS AND SIGNALLING.

A.—GROUND MARKING, LIGHTS AND SIGNALS ON AND IN THE VICINITY OF AERODROMES OPEN TO PUBLIC USE.

104. Ground markings.—At every land aerodrome open to public use, the boundaries of the landing area shall, by means of suitable markings, be rendered clearly visible both to aircraft in the air and to aircraft manoeuvring on the landing area. In addition, a circle marking may be placed on the landing area. All obstructions

existing on a landing area shall be clearly marked. In case part of the marked landing area should become unfit for use, this part shall be delimited by clearly visible markings or flags, and may, in addition, be indicated by one or more clearly visible crosses.

105. Ground Signals.—(1) At every aerodrome open to public use—

(a) the direction of the wind at the landing area shall be clearly indicated by one or more of the recognized methods, e.g., conical streamers, smudge fire, etc.;

(b) if there is a landing T, it shall be used to indicate the compulsory direction for landing and taking off, even should such direction not correspond to the direction of the wind. Normally, the T shall be so placed that the long arm lies along the direction of the wind, with the cross arm set at that end of the long arm from which the wind is blowing. In the event of there being no wind or a light irregular wind, the T shall be fixed in the direction in which the landing or departure is to be made, and the fact that it is fixed shall be signalled by the presence of a ball, mounted on a mast on the signal area and clearly visible both to aircraft in flight and to those manœuvring on the landing area.

(2) When, by way of exception, at certain aerodromes, the landing area is regarded as divided into two approximately equal zones, one for departure and the other for landing, as provided for in rule 126, this special arrangement must be indicated by a full star of five points (constituted by a regular non-convex pentagon which could be inscribed in a circle of not less than 45 feet diameter) as shown in figure 2 in Schedule IV.

(3) When under rule 118 the special rules for air traffic prescribed in Section V are temporarily suspended, wholly or partially, in respect of a specified aerodrome such suspension shall be indicated by a red square panel, each side of which measures at least ten feet, placed horizontally as shown in figure 3 in Schedule IV.

(4) If an order issued under rule 118 prescribes among other things that circuits outside the landing area and those for taking off and landing, which are referred to in clause (b) of rule 120 and rule 124 are to be right-handed, the red square panel, prescribed in sub-rule (3) of this rule, shall, along two of its sides, be bordered by a red rectangular panel by at least three feet in width, separated from the central panel by at least three feet. At the extremity of one of the rectangular panels shall be placed a red triangle so as to indicate that the direction of the circuit is right-handed as shown in figure 4 in Schedule IV. If, however, the only object of the order is that circuits should be right-handed, the red square panel shall not be displayed.

(5) When special circumstances call for a prohibition to land liable to be prolonged, use shall be made of a red square panel.

placed horizontally, each side of which measures at least ten feet and the diagonals of which are covered by yellow strips at least two feet in width, arranged in the form of an X as shown in figure 5 in Schedule IV.

(6) When the bad state of the landing area or any other reason calls for the observance of certain precautions in landing, use may be made of a red square panel, placed horizontally, each side of which measures at least ten feet and one of the diagonals of which is covered by a yellow strip at least two feet in width as shown in figure 6 in Schedule IV.

(7) When a landing by means of a radio-electric guidé is taking place the fact may be signalled by hoisting on a mast a yellow triangular equilateral pyramid, each side of which measures at least six feet as shown in figure 7 in Schedule IV.

(8) The signals referred to in the foregoing sub-rule shall, whenever possible, be displayed in a special part of the aerodrome selected as a signal area; by way of exception, the wind indicators and the landing T referred to in sub-rule (1) of this rule may be located elsewhere.

(9) During periods of poor visibility, the lights existing for night lighting shall be operated by day, whenever possible and in so far as necessary.

106. Ground lights.—(1) At every aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service, namely:—

(a) *Dangerous lights.*—No lights shall be exhibited at or in the neighbourhood of an aerodrome which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of the lights or signals prescribed in these rules.

(b) *Aerodrome beacon.*—The position of the aerodrome may be indicated by a luminous beacon.

(2) At every land aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service, namely:—

(a) *Lighting of obstructions.*—Fixed red lights shall be exhibited—

(i) on all obstructions within the landing area which constitute a danger to aircraft in motion on the landing area;

(ii) as far as possible, on all obstructions within 1,000 yards of the boundary of the landing area and constituting a danger to aircraft approaching or leaving the aerodrome in a normal manner. In case it should be impossible to exhibit fixed red lights on such obstructions, their horizontal projection and the central of the obstructions shall, as far as possible, be clearly indicated by synchronized red flashing or occulting lights, placed on a level with or near to the ground.

(b) *Lighting of landing T and of wind indicators.*—The landing T, if used, and at least one of the wind indicators shall be illuminated with fixed lighting, preferably white.

(c) *Lighting of signals.*—The signals displayed in the signal area shall be suitably illuminated.

(d) *Lighting of landing area*—

(i) the landing area or the part thereof on which landings should be made shall be illuminated by a floodlight or floodlight system during landing manœuvres;

(ii) in default, one of the following methods may be used:—

First method: A line of lights spaced 150 feet apart shall be laid out on the ground, consisting of a central section of six white lights to indicate that landings should be made on the adjacent portion of the landing area and on either side of this line, with at least two green lights at one end and at least two red lights at the other end to indicate that landings should be made from the direction of the green lights towards the red lights;

Second method: Lights shall be laid out on the ground in the form of a T, the long arm of which shall be composed of at least four lights in a line not less than 250 yards in length. The light at the foot of the T shall indicate the place where the aerodyne should first make contact with the ground and the cross arm of the T shall indicate the place where it should finish its run. Landings may be made on either side of the long arm of the T but always parallel to that arm; in the event, however, of the area situated on either side of the long arm becoming obstructed, the light indicating the cross arm on that side shall be removed and landing shall be effected on the opposite side.

The direction of landing and take-off will be given by the two alternative methods referred to above; the landing T shall not, therefore, be used.

(e) *Approach lighting.*—The most favourable sectors of approach to the landing area may be indicated by green lights.

(f) *Boundary lighting.*—The boundary of the landing area shall be marked by fixed yellow-orange lights, normally laid out 300 feet apart:

Provided that—

(i) when there are obstructions on the boundary of the landing area, the lights serving to mark such obstructions may take the place of boundary lights;

(ii) when the boundary lights are in the form of strips, their colour may be red;

(iii) when local conditions render unavoidable the use of gas boundary lights, they may be given an intermittent character;

(iv) when the boundary of the landing area cannot be marked, only the extremities of such landing area between which aircraft may move without danger shall be indicated by fixed yellow-orange lights.

(3) At every water aerodrome open to public use and used for night flying, the provisions of sub-rule (2) shall equally apply, except in cases of obvious impossibility.

B. Distress, Urgency and Safety Signals.

107. General.—(1) The following general provisions shall apply to all distress, urgency, and safety signals, namely:—

(a) the signals referred to in this rule may be transmitted only with the authorization of the commander or person responsible for the aircraft;

(b) when these signals are sent by radio-telegraphy or radio-telephony, the group or spoken expression shall be sent three times and followed by the group DE and the call sign, also sent three times, of the station which sends it. In the case of "safety" messages, the frequency to be employed is that for "distress" messages.

(2) *Distress Signals.*—When an aircraft is threatened by grave and imminent danger and requests immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message, namely:—

(a) By radio-telegraphy—
the signals... — — [See Note (1)];

(b) by radio-telephony—
the spoken expression "MAYDAY" (corresponding to the French pronunciation of the expression "m'aider");

(c) by visual signalling—

(i) the signal... — — — ... with signalling apparatus;

(ii) a succession of red pyrotechnical lights fired at short intervals;

(iii) the two-flag signal corresponding to the letters NC of the International Code of Signals. [See Note (2)];

(iv) the distant signal, consisting of a square flag having, either above or below it, a ball or anything resembling a ball. [See Note (2)];

(d) by sound signalling—

(i) the signal... — — — ... with any sound apparatus;

(ii) a continuous sounding with any sound apparatus. [See Note (2)].

(3) *Urgency Signals.*—(a) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, the following signals shall be used, either together or separately, before the sending of a message, namely:—

Note (1).—When the signal specified in clause (a) above is sent by radiotelegraphy on 500 kc/s (600 m.), it shall, when possible, in order to be received by automatic maritime apparatus, be followed by the automatic alarm signal consisting of a series of twelve dashes of four seconds each, separated by an interval of one second.

Note (2).—The signals specified in (iii) and (iv) of clause (c) and in (ii) of clause (d) above are normally for use by seaplanes on the surface of the water but they may also be used by aircraft in the air.

(i) By radio-telegraphy—

the group PAN, the letters of which must be well separated so that the signals A N may not be transformed into one signal P;

(ii) by radio-telephony—

the spoken expression PAN (corresponding to the French pronunciation of the word "panne");

in cases where, owing to the rapidity of the manœuvres to be executed, the aircraft is unable to transmit the intended message by radio-telegraphy or radio-telephony, the signal PAN not followed by a message retains this meaning;

(iii) by visual signalling—

by day: a succession of white pyrotechnical lights;

by night: a succession of white pyrotechnical lights, or a succession of short and intermittent flashes with the navigation lights.

(b) When an aircraft has a very urgent message to transmit concerning its own safety, or that of an aircraft, ship or other vehicle, or the safety of any person on board or within sight, the following signals shall be used, either together or separately, before the sending of the message. As a general rule they are addressed to specific authority.

(i) By radio-telegraphy—

the group XXX;

the letters of each group and the successive groups shall be clearly separated from each other;

(ii) by visual signalling—

either a succession of green pyrotechnical lights;

or a succession of green flashes with signalling apparatus.

(4) *Safety Signals*.—When an aircraft is about to transmit a message concerning the safety of navigation or giving important meteorological warnings, the following signals shall be used, either together or separately, before the sending of a message, namely:—

(a) By radio-telegraphy:—

the group T T T;

the letter of each group and the successive groups shall be clearly separated from each other;

(b) by radio-telephony—

the French word "SECURITE" (to which correspond in English pronunciation the syllabus SAY-CURE-E-TAY).

C. Other Signals to or from aircraft.

108. At aerodromes open to public use.—(1) By day and by night, when there is an officer controlling the traffic, he shall, except

as permitted by sub-rule (2) of this rule, use the following visual signals, namely :—

(a) to authorize movement on the landing area, but excluding authorization to take-off, he shall direct at the aircraft an intermittent white luminous beam ;

(b) to authorize taking-off, he shall direct at the aircraft a continuous white luminous beam ;

(c) to prohibit taking-off or any movement on the landing area, he shall direct at the aircraft an intermittent red luminous beam.

The signals in this sub-rule may be preceded by the last three letters of the registration group of the aircraft to which the signal is addressed; these three letters shall be sent in the International Morse Code, by using a luminous beam of the same colour as the signal which is to be sent.

(2) By day, when there is on the landing area an officer controlling the traffic, he may use the following signals, namely :—

(a) to authorize movement on the landing area, but excluding authorization to take-off, he shall wave a small white flag in the direction to be followed ;

(b) to authorize taking-off, he shall lower a small white flag in the direction of taking-off ;

(c) to prohibit taking-off or movement towards the taking-off point, he shall raise a small red flag ;

(d) to prohibit landing, he shall wave a small red flag vertically above his head.

(3) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control, shall, before landing, ask permission by a signal made either by radio-telegraphy or radio-telephony or by means of a lamp or a projector, the use of the navigation lights for this purpose not being permissible.

The visual signal, sent by International Morse Code, shall be composed of the last three letters of the registration group of the aircraft ; this signal shall be repeated for as long as may be necessary.

The reply will be given from the ground to the aircraft either by radio-telegraphy or radio-telephony or by visual signal, it being understood that when permission has been asked by visual signal the reply shall always be by visual signal. The visual signal shall consist of a repetition of the same three letter sign made with the signalling lights of the aerodrome.

These signalling lights shall be constituted either by a group of lights arranged on a horizontal plane at the apex of an equilateral triangle, each side of which measures from one to three yards, or by a luminous beam directed at the aircraft.

The colour green shall be used to give permission to land and the colour red to prohibit landing.

109. Signals for aircraft not to land.—(1) At every aerodrome, the firing of a red pyrotechnical light or the display of a red flare from the ground, whether by day or by night and notwithstanding any previous permission, shall be taken as an instruction to aircraft in flight that they are not to land for the moment and to aircraft manœuvring on the landing area that they are to stop moving.

(2) At aerodromes provided with the triangular device provided for in sub-rule (3) of rule 108, the emission by such device of intermittent red lights shall, whether by day or by night and notwithstanding any previous permission, instruct aircraft in flight that they are not to land for the moment.

110. Signals for aircraft to land.—To require an aircraft to land the following signals shall be used :—

By day and by night a series of projectiles discharged at intervals of ten seconds, each showing on-bursting green lights or stars.

In addition, if it is necessary to distinguish amongst several aircraft which is to land, a continuous white luminous beam shall be directed at that aircraft :

Provided that, when the authority who desires to give the order to land is able to establish a radio-electric communication with the aircraft, this order may be given by using the means of communication established.

111. Warning signal for prohibited areas.—To warn an aircraft that it is in the vicinity of a prohibited area (including areas flight over which is temporarily prohibited or restricted) and should change its course, the following signals shall be used :—

(a) By day : A series projectiles discharged at intervals of ten seconds, each showing on bursting black or white smoke.

(b) By night : A series of projectiles discharged at intervals of ten seconds, showing on bursting white lights or stars, or an intermittent white luminous beam directed at the aircraft :

Provided that, when the authority who desires to prescribe the change of course referred to in this rule is able to establish a radio-electric communication with the aircraft, this order may be given by using the means of communication established.

SECTION III.

GENERAL RULES FOR AIR TRAFFIC.

112. General.—(1) Subject to the provisions of sub-rule (6) of this rule and clause (1) of rule 116, mechanically-driven aerodynes shall always give way to non-mechanically-driven aerodynes and to aerostats, and mechanically-driven aerostats to non-mechanically-driven aerostats and aerodynes.

(2) An airship which is under way and which is not under control (or which has voluntarily stopped its engines) shall, for the application of the rules in Section III, be classed as a free balloon.

113. Risk of collision.—(1) When circumstances permit, an aircraft can ascertain risk of collision with another aircraft by carefully watching the successive compass bearings and angles of elevation of the latter. It shall consider that risk of collision with this other aircraft exists if neither the bearing nor the angle of elevation changes appreciably and if the distance between the two aircraft diminishes.

The term "risk of collision" includes all risk of accident due to undue proximity of other aircraft.

(2) Every aircraft which is required by these rules to give way to another to avoid collision, shall keep a safe distance, having regard to the circumstances of the case.

(3) While observing the provisions relative to risk of collision contained in sub-rules (1) and (2), a mechanically-driven aircraft must always manœuvre according to the provision of sub-rules (4) and (8), as soon as it is apparent that, if it pursued its course, it would not pass clear of another aircraft.

(4) When two mechanically-driven aircraft are meeting end on or nearly end on, each shall, without prejudice to the application of the provisions of sub-rule (1), alter its course to the right.

(5) Subject to the application of the provisions of sub-rule (1) of this rule and sub-rule (3) of rule 116, when two mechanically-driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

(6) An aircraft overtaking any other shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110° from ahead of the latter, i.e., in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that aircraft's side lights, shall be deemed to be an overtaking aircraft, and no subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the over-taken aircraft until it is finally past and clear.

As by day the overtaking aircraft cannot always know with certainty whether it is forward or abaft the direction mentioned above from the other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

(7) Every aircraft which is obliged by the rules in Part XII to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid passing over or under the other or crossing ahead of it.

(8) Where, by any of the rules in Part XII, one of two aircraft is to keep out of the way, the other shall keep its course and speed. When, however, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving-way aircraft alone, it shall take action as will best aid to avert collision.

(9) Every aircraft in a cloud, fog, mist or other conditions of bad visibility, shall proceed with caution, having careful regard to the existing circumstances.

(10) Every aircraft flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

114. Risk of collision on air traffic routes.—In order to obviate the increased risk of collision which exists on air traffic routes the following provisions shall be observed by aerodynes and airships when flying on or in the vicinity of such routes, namely:—

(1) An aircraft flying by compass along the straight line (rhumb line) joining two points on air traffic route in common use, shall keep such line at least 1,000 yards on its left.

(2) An aircraft following, either an officially recognized air traffic route, or a route frequented by aircraft and indicated on the ground by a line of landmarks such as a road, railway, river, canal, coastline, etc., shall keep such route at least 300 yards on its left.

(3) An aircraft shall not fly keeping on its right any of the lines or routes referred to in rule 114, except at a distance therefrom sufficient to avoid aircraft following such lines or routes in accordance with the said rule.

(4) An aircraft crossing one of the lines or routes referred to in rule 114 shall cross it at right angles as rapidly as possible.

(5) In the case of pre-arranged flights in group formation, the aircraft of the leader of the group shall lead the flight in such a manner that every aircraft in the group can comply with rule 114.

115. Position of pilot.—To facilitate the application of the rules for air traffic contained in this Part, the pilot of a mechanically-driven aerodyne shall, save in exceptional circumstances, be placed either in the plane of symmetry of the aerodyne or on the left-hand side of such plane.

SECTION IV.

SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF ALL AERODROMES.

116. Special rules.—The following provisions shall apply on and in the vicinity of all aerodromes, namely:—

(1) Aircraft about to land on an aerodrome shall be given free way.

(2) An aircraft about to take-off shall not attempt to do so until there is no risk of collision with another aircraft.

(3) In the case of two mechanically-driven aerodynes approaching an aerodrome for the purpose of landing, the aerodyne flying at the greater height shall be responsible for avoiding the aerodyne at the lower height, but the latter shall, if the contingency arises, comply with the provisions of sub-rule (4) of rule 113.

SECTION V.

SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF AERODROMES OPEN TO PUBLIC USE.

A.—General.

117. Extent of application.—(1) The provisions of Section V shall apply on and in the vicinity of aerodromes open to public use. They concern only land and water aerodromes for mechanically-driven aerodynes, which are designated in the present Section by the single word "aerodynes".

(2) Non-mechanically-driven aerodynes on and in the vicinity of aerodromes open to public use shall comply with the provisions of Section V as far as possible.

118. Exemptions.—The Central Government may by special order in writing in this behalf temporarily suspend the application of all or any of the provisions of Section V with reference to any aerodrome in India which is open to public use. Where any such order is for the time being in force with respect to any aerodrome the suspension shall be indicated by the appropriate signals provided for in sub-rule (3) of rule 105.

119. Neutral zones.—At land aerodromes, a neutral zone, situated along the perimeter of the landing area and at the approaches to the hangars, may be set apart for aerodynes manœuvring on the ground.

B.—Flight over or in the vicinity of the Landing Area.

120. Minimum flying altitude.—Subject to any special local regulations which may exist:

(a) flight over a landing area at a lower height than 2,000 feet is prohibited for aerodynes, save in the case of a departure or landing;

(b) every aerodyne flying outside landing area at a distance of less than 2,000 yards from the nearest point of such area shall, unless it is flying at a greater height than 2,000 feet, keep the landing area on its left.

121. Aerial acrobatics.—Aerodynes are prohibited from engaging in aerial acrobatics in the vicinity of aerodromes, at a distance of less than two miles from the nearest point of the perimeter of the aerodrome, unless they are flying at a greater height than 6,000 feet.

122. Landing by radio-electric guide.—When an aerodyne is about to land by means of a radio-electric guide, other aerodynes, in order to avoid collision, must conform to any local rules in force which may be applicable or, in default of such rules, fly as low as possible below the clouds.

123. Fixed balloons and kites.—No fixed balloon or kite shall be elevated in the vicinity of an aerodrome without a special authorization.

C.—Rules to be observed for Departures and Landings.

124. Circuits.—(1) An aerodyne before landing on an aerodrome shall make a circuit or partial circuit :

Provided that any Air Traffic Control Unit may, at its discretion, permit an aerodyne equipped with a radio apparatus capable of conducting two-way communications to make straight-in approach to land when such approach would not in the opinion of the Air-Traffic Control Unit, constitute any danger to the safe and orderly flow of air traffic or involve any risk of collision.

(2) Where an aerodyne starting from or about to land on an aerodrome makes a circuit or partial circuit of an aerodrome, the turning shall be made clear of the landing area and shall be left-handed (anti-clockwise), so that during such circuit the landing area shall always be on its left :

Provided that the turning shall be right-handed when the signal indicated in sub-rule (4) of rule 105 is displayed.

125. Direction of take-off or landing.—(1) Every aerodyne taking off from or landing at an aerodrome shall do so upwind, except when the natural conditions of the aerodrome do not permit. If, however there is a landing T as provided for in clause (b) of sub-rule (1) of rule 105, or a line of lights as provided for in sub-clause (ii) of clause (d) of sub-rule (2) of rule 106, the aerodyne shall take-off or land in the direction indicated by this T (i.e., by following the direction of the long arm of the T towards the cross arm of that T) or by the line of lights.

(2) Landings shall be preceded by a descent in a straight line, commencing at least 300 yards outside the perimeter of the landing area.

(3) Every aerodyne landing at an aerodrome shall leave clear on its left any aerodyne which has already landed or is already landing, or which is taking off or about to take-off.

(4) Every aerodyne taking off from an aerodrome shall leave clear on its left any aerodyne which is already taking off.

(5) In observing the provisions of rule 125, every aerodyne, when landing or taking off, shall leave a reasonable space on its right for other aerodynes to land or take-off.

(6) At an aerodrome, taking off or landing simultaneously by two or more aerodynes, unless pre-arranged, is prohibited.

(7) For the purposes of rule 125, two or more aerodynes taking off on landing simultaneously by pre-arrangement shall be regarded as a single aerodyne.

126. Zones for landings and departures.—(1) By way of exception, at certain aerodromes the landing area may be regraded as divided into two approximately equal zones by a vertical plane bearing in the direction of departure and landing defined in sub-rule (1) of rule 125. For an observer facing in the direction towards which departures and landings are to be made, the zone on the right will be the one reserved for landings and the zone on the left the one reserved for departures. This special arrangement must be indicated by the signal provided for in sub-rule (2) of rule 105.

(2) Every aerodyne landing at one of these aerodromes shall do so in conformity with the provisions of sub-rules (1) and (2) of rule 125, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodyne which has already landed or which is landing.

(3) Every aerodyne taking off from one of these aerodromes shall do so in conformity with the provisions of sub-rule (1) of rule 125, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodynes which are already taking off.

127. Take-offs.—On land aerodromes having a ground control, no aerodyne having proceeded on to the landing area with the intention of taking off shall take-off until it has received permission to do so by the signals prescribed in clause (b) of sub-rule (1), and clause (b) of sub-rule (2), of rule 108.

D.—Rules to be observed for manœuvres on the ground.

128. Land aerodromes.—(1) Every aerodyne moving on the ground in the landing area shall normally do so in the direction of landing. It may, however, in order to shorten its course, cross the landing area to reach its take-off point or the boundary, provided that, in the course of such movement, turns are always made to the left, that it gives free way to every aircraft leaving or landing, and that it conforms to the provisions of sub-rules (4) and (8) of rule 113.

(2) *Water aerodromes.*—The rules for land aerodromes contained in sub-rule (1) of this rule apply equally to water aerodromes, subject however to the provision contained in rule 129.

(3) On aerodromes having a ground control, in addition to the observance of the provisions of sub-rules (1) and (2) of this rule, no aerodyne shall proceed on to the landing area until it has received permission to do so by the signal prescribed in clause (a) of sub-rule (1), or clause (a) of sub-rule (2), of rule 108.

SECTION VI.

RULES RELATING TO AIRCRAFT ON OR NEAR THE SURFACE OF THE WATER.

129. Regulations for preventing collisions at sea.—Every aircraft manœuvring under its own power on the water shall conform to the regulations for preventing collisions at sea and for the purposes of these regulations shall be deemed to be steam-vessel:

Provided that—

(a) in conforming with the above-mentioned regulations, it shall be borne in mind that steam-vessels in narrow channels are not able to manœuvre so as to avoid collision with aircraft;

(b) the aircraft shall carry only the lights specified in Section I of this Part, and not those prescribed for steam-vessels in the regulations for preventing collisions at sea; it shall use the sound signals specified in the above-mentioned regulations only as specified in rule 103 and clause (d) of sub-rule (2) of rule 107; and it shall not be deemed to hear any sound signals;

(c) every aircraft in flight or in process of manœuvring near the surface of the water shall as far as possible keep clear of all vessels and avoid impeding the navigation thereof.

SECTION VII.

MISCELLANEOUS PROVISIONS.

130. Ballast.—The dropping of ballast other than fine sand or water from aircraft in the air is prohibited. ...

130A. Meteorological information.—(1) The person in charge of an aircraft flying along an international air traffic route or on a regular line or service of public air transport shall—

(a) before the aircraft commences any flight, procure information concerning the general meteorological situation and the way in which it is developing; and

(b) immediately before the departure of the aircraft on any flight ascertain, from such information as may be available at the aerodrome or other place of departure—

(i) what meteorological conditions are expected along the routes he intends to follow during the period of the flight, and

(ii) the latest observed meteorological conditions at places along the route or at places near the route where the meteorological conditions are likely to affect the flight.

(2) Where there is a forecasting service in operation at the aerodrome of departure, the person in charge of the aircraft shall personally consult the meteorologist in charge of the forecasting service.

131. Observance of general and special rules for air traffic.—In conforming with the provisions of Sections III, IV and V of this Part, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from these rules necessary in order to avoid immediate danger.

132. Neglect in the use of lights for signals, etc.—Nothing in this Part shall exonerate any aircraft, or the owner, pilot or crew thereof, from the consequences of any neglect in the use of lights or

signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

133. Special orders relative to navigation of aircraft in the immediate vicinity of an aerodrome.—Nothing in this Part shall interfere with the operation of any special rule or rules approved by the Central Government and published relative to navigation of aircraft in the immediate vicinity of any aerodrome or other place, and it shall be obligatory on all owners, pilots, or crews of aircraft to obey such rules.

PART XII-A.—Emergency Provisions.

133A. The Flying Control Regulations and Communication Procedure, as may from time to time be prescribed by Air Headquarters, India, or the Director-General of Civil Aviation in India, and promulgated by the said Director-General in Notices to Airmen, shall, with effect from the 1st October, 1944, apply to all civil aircraft being in or over India and shall have effect notwithstanding anything inconsistent therewith contained in the preceding Parts of these rules.

PART XIII.—Air Transport Services.

134. Air Transport Services.—(1) Except as provided in the Air Corporations Act, 1953, (27 of 1953), it shall not be lawful for any person other than the Corporation or their associates to operate any Scheduled air transport service from, to, in, or across India.

(2) The Central Government may permit any air transport undertaking of which the principal place of business is in any country outside India to operate an air transport service from, to, or across India in accordance with the terms of any agreement for the time being in force between the Government of India and the Government of that country, or, where there is no such agreement, of a temporary authorisation by the Government of India.

(3) No air transport service, other than a Scheduled air transport service or an air transport service, to which the provisions of sub-rule (1) or (2) apply, shall be operated except with the special permission of the Central Government and subject to such terms and conditions as it may think fit to impose in each case.

Rules 135, 135A, 135B, 135C, 135E, 135F, 136, 137, 138, 139, and 139A shall be omitted.

140. Minimum requirements to be complied with.—Any Scheduled air transport service operated by the Corporation shall comply with the safety requirements with respect to air routes, aircraft and aircrew prescribed in Schedule VIII to these rules.

140A. Director General's sanction to introduction of any new routes or alteration in any existing routes of Scheduled air transport services.—Before operating a Scheduled air transport service on a new route or making a substantial alteration in, or effecting the discontinuance of, any of the existing routes of such services, or introducing a new time-table for such service, the Corporation shall obtain the concurrence of the Director-General, in so far as such operation or, as the case may be, such discontinuance affects, or is likely to affect, the air route or aerodrome facilities, and give at least three days' previous notice to the Director-General before the date proposed for the operation of the new route, or for the substantial alteration of an existing route or for the introduction of a new time-table or, as the case may be, for the discontinuance of an existing route.

140B. Operations Manual.—(1) An Operations Manual in the form approved by the Director-General, shall be maintained by the Corporation.

(2) The Operations Manual shall, in addition to any other relevant information contain the following that is to say:—

- (a) instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations,
- (b) the flight crew for each stage of all routes to be flown including the designation of the succession of command

- (c) in-flight procedure,
- (d) emergency flight procedure,
- (e) the minimum safe flight altitude for each route to be flown,
- (f) the circumstances in which a radio listening watch is to be maintained,
- (g) A list of the navigational equipments to be carried.
- (3) A copy of the Operations Manual, or such part of the Manual as may be prescribed by the Director-General, shall be carried in all aircraft of the Corporation engaged in Scheduled air transport services.

140C. Route Guides.—All aircraft of the Corporation engaged in Scheduled air transport services shall carry a Route Guide, which shall be in addition to any other relevant information, contain the following that is to say :—

- (a) communication, facilities, navigation aids and a list of aerodromes, available on the route to be flown,
- (b) instrument 'let down' procedure for aerodromes on the route or, those likely to be used as 'alternates'
- (c) meteorological minima for each of the aerodromes on the route to be flown and that are likely to be used as regular or alternate aerodromes, and
- (d) specific instructions for computation of the quantities of fuel and oil to be carried on each route, having regard to all circumstances of the operation, including the possibility of the failure of one or more engines of the aircraft.

Rules 141, 142, 143, 144, 145, 146, 147, 147A, 148, 148A, 148B, 149, 150, 151 and 152 shall be omitted.

153. Carriage of mails.—The Corporation shall cause to be carried by its Scheduled air transport services such mails as may from time to time be required to be carried from one place to another by the Director-General, Posts and Telegraphs or any person authorised by him in this behalf.

Rules 154 and 155 shall be omitted.

Schedules VII and IX shall be omitted.

PART XIV.—General.

156. Inspection.—Any person authorized by the Central Government by special or general order in writing in this behalf may—

(a) at all reasonable times enter any place to which access is necessary for the purpose of exercising his powers or carrying out his duties under these rules ;

(b) at all times during working hours enter that portion of any factory or place in which aircraft or parts of aircraft or aero-engines or parts of aero-engines are being manufactured, overhauled, repaired or assembled and inspect any such factory or place, aircraft, aero-engines or parts and any drawings relating to such aircraft, aero-engines or parts ;

(c) at any time inspect any flying machines which is required by these rules to be certified as airworthy or in respect of which a certificate of airworthiness is in force ;

(d) enter, inspect and search any aircraft for the purpose of securing compliance with any of these rules.

157. Forgery, etc., of documents.—No person shall fraudulently lend any licence or certificate issued under these rules or allow it to be used by any other person.

158. Foreign military aircraft.—No person shall fly or land, or assist in flying or landing, any foreign military aircraft over or in India except on or with the invitation or permission in writing of the Central Government and on such conditions as may be specified in the invitation or permission.

159. Obstruction of authorized persons.—No person shall voluntarily obstruct any person acting in the exercise of his powers or in the discharge of his duties under these rules.

160. General power to exempt.—The Central Government may by general or special order in writing exempt any aircraft or class of aircraft or any person or class of persons from the operation of these rules, either wholly or partially, subject to such conditions, if any, as may be specified in such order.

161. Penalties.—(1) Any person contravening any of these rules shall, where no punishment is provided for such contravention in the Indian Aircraft Act, 1934 (XXII of 1934), be punishable to the extent laid down in Schedule VI to these rules.

It shall be a defence to any proceedings for contravention of or failure to comply with these rules if the contravention or failure is proved to have been due to accident, stress of weather or other unavoidable cause ; and it shall be a defence to any proceedings under these rules against the owner, hirer, operator, pilot or commander of an aircraft that the alleged contravention took place without his actual fault or privity.

IRAN

CIVIL AVIATION ACT

Approved on 19 July 1949¹

ARTICLE 1

The word aircraft, used in this Act, represents a means of transport which can derive its support in the atmosphere from the reaction of the air.

ARTICLE 2

This Act relates to civil aircraft and does not cover military aircraft.

ARTICLE 3

The Government has absolute and exclusive sovereignty over the air space above its territory and territorial waters.

ARTICLE 4

For the creation and promotion of civil aviation the Government shall:

(a) encourage and develop civil aviation organisations in order to provide for the needs of internal and external air transportation of passengers, cargo and or mail;

(b) organise internal air-routes so that all parts of the country may benefit from the advantages of air transportation, establish such airports as are needed, and provide the ground equipment required to insure the safety of flight;

(c) help Iranian aviation organisations to establish a non-monopolistic basis the air services required;

(d) foster air communication with foreign countries on a reciprocal basis for the purpose of developing and strengthening the social and economic relations of Iran with those countries.

ARTICLE 5

For the enforcement of this Act an independent Administration, to be known as the Department General of Civil Aviation, shall be established in the Ministry of Roads. The Department General of Civil Aviation shall be managed by a Director General who shall have the rank of Under-Secretary of State to the Minister of Roads, and shall be appointed for a period of three years by an Imperial Firman on a submission by the Council of Ministers. On the expiry of this period his appointment may be renewed in the same manner. The Depart-

¹ English text supplied by Iranian Government.

ment General of Civil Aviation shall act independently under the supervision of the Minister of Roads, but according to relevant administrative, financial and personnel regulations; and its organization shall be determined by Decree of the Council of Ministers. The principal duties of the Department General of Civil Aviation shall be as follows:

(a) creation of airports, establishment and operation of meteorological services, and special radio, telegraphic and telephonic communications for the regulation of aircraft movements and safety of flight, and, in general, any kind of assistance necessary for the development of civil aviation and safety of flight;

(b) supervision of civil aviation activities according to aviation regulations which are to be formulated for the purpose of preventing danger, avoiding harmful competition between air operators, and safeguarding public interest;

(c) training of civil aviation personnel by appropriate means;

(d) encouragement of industries connected with civil aviation;

(e) conduct of scientific and technical studies and research into matters relating to civil aviation;

(f) drafting of aviation agreements and conventions with foreign states, which are to be submitted by the Government to Parliament for ratification; and also attendance at international aviation conferences and participation in international aviation organisations, with the approval of the Council of Ministers.

ARTICLE 6

A board called the Civil Aviation Board shall be established in the Ministry of Roads. It shall be composed of seven members, selected for a period of three years, as follows:

two high ranking civil aviation officials, appointed by the Minister of Roads; one high ranking Judge, appointed by the Minister of Justice; one senior officer of the Imperial Iranian Air Force, appointed by the Minister of War; one high ranking official of the Ministry of Commerce and Industries appointed by the Minister of Commerce and Industries; one high ranking official of the Ministry of the Interior, appointed by the Minister of the Interior; and one representative of the Chamber of Commerce, appointed by the Chamber of Commerce.

The duties of the Civil Aviation Board shall be as follows:

(a) to study and advise on civil aviation problems referred to it by the Minister of Roads or by one of the members of the Board;

(b) in accordance with Articles 17 and 18 of the present Act, to advise on the issue, revocation, or temporary suspension of operating certificates, and the limitation of the rights mentioned in any operating certificate;

(c) to approve equitable tariffs for transportation by air of passengers and cargo.

Note: The Statute of the Civil Aviation Board, including procedure for the holding of sessions, reference of matters to the Board, investigation of such matters, issue of decisions and other questions relating to the functioning of the Board, shall be prepared by the Board and put into force as soon as it has been approved by the Council of Ministers.

ARTICLE 7

An Iranian aircraft is free to fly in Iran, provided it complies with the laws and regulations of the country.

ARTICLE 8

A foreign aircraft may, as long as it complies with the laws and regulations of the country, fly over or land in Iran and take up or put down passengers, cargo and or mail, provided that prior specific authorization has been obtained from the Imperial Government of Iran, or that authorization has been granted under an air agreement and that the government whose nationality the aircraft possesses has granted the same rights to Iranian aircraft.

ARTICLE 9

Commercial transportation by air of passengers, cargo and/or mail from one point to another in the country is reserved exclusively to Iranian aircraft.

ARTICLE 10

After approval of the Council of Ministers, the Department General of Civil Aviation may, for reasons of military necessity or public safety, prohibit or restrict, or subject to special conditions, the flight of Iranian and/or foreign aircraft over certain areas of Iranian territory.

ARTICLE 11

An aircraft shall be deemed to possess Iranian nationality when it is registered in the Aircraft Register kept in the Department General of Civil Aviation.

The conditions for registration are as follows:

a) the aircraft must not be registered in any other country, and if previously so registered its registration in that country must have been cancelled;

b) the aircraft must belong to Iranian nationals, either persons or companies;

c) if the owner of an aircraft is a company, the majority of the company's capital must belong to Iranian nationals and the registered office of the company must be in Iran. In companies whose capital is in the form of shares or parts of shares of equal value, the shares must be nominative. After registration, an Iranian certificate of nationality and registration shall be granted, and nationality and registration marks shall be allocated to the aircraft.

ARTICLE 12

If an Iranian-registered aircraft is subsequently registered in another country, or if there is a change of ownership or the owner dies or changes his nationality, or if one of the conditions necessary for the registration mentioned in Article 11 of the present Act no longer exists, the registration of the aircraft and also the certificate of nationality and registration shall be deemed cancelled as from the date of such occurrence.

ARTICLE 13

An aircraft registered in the Aircraft Register may be flown provided it has a valid certificate of airworthiness.

ARTICLE 14

No person may pilot an aircraft or, as a member of the crew, participate or assist in any way in operating the aircraft, nor can any person act as a flying instructor, unless he holds an appropriate and valid license.

ARTICLE 15

The Department General of Civil Aviation is the only authority empowered to issue any permit relating to civil aviation or aircraft certificate, or license for aeronautical personnel, or operating certificate.

ARTICLE 16

The Department General of Civil Aviation may, in cases of contravention of any one of the provisions of the present Act or its executory regulations and irrespective of penal proceedings, revoke or temporarily suspend any kind of permit or license or certificate, or limit the rights contained therein. It can also prohibit the flight of an aircraft in any circumstance where such a flight would involve danger to persons on board or persons or animals on the ground, or damage to movable or immovable property.

ARTICLE 17

Any person, natural or legal, desiring to undertake commercial air transportation of persons and/or cargo in Iran, must be an Iranian national and must have previously obtained an operating certificate from the Department General of Civil Aviation. This certificate will be granted only if the Civil Aviation Board is satisfied that the proposed undertaking is in the country's interest and is a public necessity, and when the said board is satisfied that the applicant is capable of performing such undertaking in the proper manner.

If the applicant is a company, the conditions required for aircraft registration mentioned in Article 11 of the present Act are compulsory in addition to the above conditions required for the issue of an operating certificate.

For any other kind of commercial flight and also for the establishment and operation of schools for the instruction or training of aeronautical personnel, the conditions mentioned in this Article are compulsory, but instead of an operating certificate a permit must have been previously obtained from the Department General of Civil Aviation.

ARTICLE 18

When any one of the conditions necessary for the issue of any kind of operating certificate no longer exists, or the holder of such a certificate fails to comply with any one of its provisions, the Department General of Civil Aviation may, on the recommendation of the Civil

Aviation Board which will take into consideration the gravity of the contravention or its recurrence, revoke or temporarily suspend the operating certificate, or limit the rights granted therein.

ARTICLE 19

Whenever the Department General of Civil Aviation requires land or building in connection with the construction of airports or for civil aviation purposes, it can take action under "The Construction and Widening of Roadways and Streets Act" approved on 23rd Aban 1312 shamsi.

ARTICLE 20

The Department General of Civil Aviation may use freely any public or private property, either land, building or structure, for the installation of air-navigation facilities necessary for the safety of flight, and has the right of entry to the said land, building or structure for the purpose of installing, operating or maintaining the said facilities, provided that it does not prevent the normal use of such property by the occupier.

If as a result of the installation, operation or maintenance of the said facilities, any damage is caused, compensation for such damage must be made by the Department General of Civil Aviation.

ARTICLE 21

The Government may, upon the proposal of the Department of Civil Aviation, prohibit or restrict by decree, the erection of any building or other obstacle within a specified distance from the limits of an airport or air-navigation facility, unless the erection of such building or obstacle does not create danger to aircraft in flight and has been approved by the Department General of Civil Aviation. If damage is caused to any person directly and solely as the result of this prohibition or restriction, compensation for such damage must be made by the Department General of Civil Aviation.

If any building or obstacle liable to be prohibited or restricted according to this Article, existed in the vicinity of a civil airport or air-navigation facility prior to the enforcement of the present Act, the Government may remove or restrict it according to Article 19 of the present Act.

ARTICLE 22

Regulations for the enforcement of the present Act and relating to the flight of Iranian and foreign civil aircraft, safety of flight, airports, nationality and registration of aircraft, airworthiness of aircraft, licenses of aviation personnel and technicians, institutions for the instruction and training of aeronautical personnel, aircraft factories and maintenance organizations, air transport, aviation accidents, telecommunications, temporary suspension or revocation of permits, licenses, or certificates and detention of aircraft shall be prepared by the Department General of Civil Aviation and put into force as soon as they are approved by the Council of Ministers.

ARTICLE 23

Any person who, with the intention of causing danger to an aircraft or to persons on board, exhibits a false aviation sign or signal in such a manner that it is likely to be mistaken for a true aviation sign or signal, or who renders an existing aviation sign or signal unserviceable, or who puts obstacles in the way of an aircraft, or who gives wrong information, or who takes any action in order to cause danger to an aircraft or to persons on board, shall be subject to disciplinary imprisonment of not less than 6 months and not more than three years; and if death or injury results he shall also be subject to the penalty laid down for the crime. In such cases the heavier penalty shall be imposed.

ARTICLE 24

Any person who knowingly pilots an aircraft with false nationality and registration marks, or knowingly pilots outside Iran an aircraft with Iranian nationality marks to which it has no right, shall be subject to disciplinary imprisonment of not less than 6 months and not more than 3 years.

ARTICLE 25

Any person who knowingly pilots an aircraft without nationality and registration marks shall be subject to disciplinary imprisonment of not less than 3 months and not more than one year.

ARTICLE 26

Any person who deliberately pilots an aircraft over Iran without authorization when, according to the present Act, the flight of the aircraft in Iran requires prior authorization from the Government, or who deliberately pilots an aircraft over prohibited areas or flies without complying with the limitations fixed or conditions required when, according to the present Act, the flight of aircraft over certain areas of the territory is prohibited, limited or subject to special conditions, shall be subject to a fine of not less than two thousand Rials and not more than twenty thousand Rials, or to disciplinary imprisonment of not less than 2 months and not more than one year, or to both. And if, according to other laws a heavier penalty is prescribed for such an act, the heavier penalty will be imposed.

ARTICLE 27

Any person who, with the intention of undertaking commercial air transportation, carries passengers, cargo and or mail in a foreign aircraft from one point in the country to another, shall be subject to a fine of not less than two thousand Rials and not more than twenty thousand Rials, or to disciplinary imprisonment of not less than two months and not more than one year, or to both.

ARTICLE 28

The following persons shall be subject to a fine of not less than one thousand Rials and not more than ten thousand Rials, or to disciplinary

imprisonment of not less than 2 months and not more than six months, or to both:

a) any person who engages in commercial air transportation of persons, cargo and or mail without an operating certificate;

b) any person who engages in any other kind of commercial flight, or establishes and operates a school for training civil aviation personnel without a permit from the Department General of Civil Aviation;

c) any person who pilots an aircraft or, as a member of the crew, participates or assists in any way in operating an aircraft, or who acts as a flying instructor without the appropriate license;

d) any person who pilots an aircraft without a certificate of airworthiness, or with one the validity of which has expired.

ARTICLE 29

Juridical relations between persons on board an aircraft flying over Iran are subject to the laws of the country whose nationality the aircraft possesses in questions in which territorial jurisdiction would normally have been competent.

ARTICLE 30

Offences and crimes committed on board an Iranian aircraft abroad shall be dealt with under Iranian penal law whenever the accused is arrested in Iran or the accused of foreign nationality is not extradited by the Iranian Government, or whenever the accused is extradited to Iran as the result of committing that offence or crime.

ARTICLE 31

Offences and crimes committed on board foreign aircraft in flight [shall be] within the competence of Iranian courts only in the following cases:

a) when the offence or crime is against public order or security;

b) when the accused or the victim is of Iranian nationality;

c) when the aircraft lands in Iran following the perpetration of the offence or crime.

The competent court in anyone of the above cases will be that at the place where the aircraft has landed or the accused is arrested.

ARTICLE 32

When an offence or crime is committed on board an aircraft flying over Iran or on board an Iranian aircraft flying abroad, the pilot-in-command of the aircraft shall, according to the provisions of the Penal Procedure Act, carry out preliminary inspections and investigations and collect and secure proofs and evidences of the offence or crime, and, in cases of necessity, may temporarily arrest suspects, examine passengers and crew, and seize objects which may be evidence of the offence or crime.

For the investigation of offences and crimes and preliminary inspection in conformity with this Article, the pilot-in-command of an aircraft is to act as a constable of the Ministry of Justice and is vested

with all the duties assigned to a police commissioner according to Chapter II of the Penal Procedure Act.

ARTICLE 33

After the landing of an aircraft in which, according to Article 32 of the present Act, an offence or a crime has been committed, the pilot-in-command shall make out a written report on the offence or crime and on the preliminary action he has taken, and send it to the Department General of Civil Aviation. Furthermore if the aircraft lands in Iran the pilot-in-command shall immediately inform the public prosecutor in the place where the aircraft has landed or his deputy of the offence or crime, the result of the inspections and investigations, and the actions taken, and shall surrender to the public prosecutor or the investigator the accused or the suspect with any proofs or evidence gathered, and shall then refrain from further action. In the case of an Iranian aircraft landing abroad after an offence or crime has been committed on board, the pilot-in-command shall notify the Iranian consul in the district in which the aircraft has landed and obtain his instructions.

ARTICLE 34

Contraventions of the provisions of the executory regulations of the present Act shall entail a fine of not more than ten thousand Rials and disciplinary imprisonment of not more than two months. The amount of the fine and the term of imprisonment for each contravention shall be fixed by regulations proposed by the Ministries of Justice and Roads and approved by the Council of Ministers.

ARTICLE 35

Offences and crimes mentioned in the present Act shall be dealt with immediately and without consideration of turn both in penal stages and in competent courts.

IRELAND

Number 40 of 1936.

**AIR NAVIGATION AND TRANSPORT
ACT, 1936.**

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AIR NAVIGATION AND TRANSPORT ACT 1936 (No. 40)

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TION AND TRANSPORT, AND TO PROVIDE FOR
OTHER MATTERS CONNECTED THEREWITH. [14th
August, 1936.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT
EIREANN AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Air Navigation and Transport Act, 1936. Short title.

2.—(1) In this Act—

Definitions.

the expression “ the Minister ” means the Minister for Industry and Commerce;

the expression “ the Paris Convention ” means the International Convention relating to the regulation of aerial navigation done at Paris on the 13th day of October, 1919, and includes any amendment to the said Convention which may be made under Article 34 thereof;

the expression “ the Warsaw Convention ” means the International Convention for the unification of certain rules relating to international carriage by air which was signed at Warsaw on the 12th day of October, 1929, and came into force in respect of Saorstát Eireann on the 19th day of December, 1935;

the expression “ the Rome Convention ” means the International Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface which was signed at Rome on the 29th day of May, 1933, and includes any amendment to the said Convention to which Saorstát Eireann is a party;

the word " aircraft " includes all balloons, whether fixed or free, kites, gliders, airships and flying machines;

the word " airship " means an aircraft using gas lighter than air as a means of support, and having means of propulsion;

the word " balloon " means an aircraft using gas lighter than air as a means of support and having no means of propulsion;

the word " seaplane " includes a flying boat and any other aircraft designed to manoeuvre on the waters;

the expression " State aircraft " means military aircraft and every aircraft exclusively employed in State services, including postal, customs, and police services;

the expression " Saorstát Eireann aircraft " means aircraft registered in Saorstát Eireann;

the expression " foreign aircraft " means aircraft which is registered in a country other than Saorstát Eireann;

the word " goods " includes mails and animals;

the word " aerodrome " means any definite and limited area (including water) intended to be used, either wholly or in part, for or in connection with the landing or departure of aircraft;

the word " land " includes land covered with water, any harbour, any part of the territorial waters of Saorstát Eireann, foreshore, any easement, water-right, fishing right or other of whatsoever kind right in over or in respect of land or water, but does not include land which belongs to Saorstát Eireann by virtue of Article 11 of the Constitution;

the expression " policy of insurance " includes a covering note;

the expression " the Company " means the Company to be formed and registered under Part VIII of this Act;

the expression " subsidiary company " means an air transport company in which more than one half of the issued share capital thereof is held by the Company;

the expression " local authority " means a body which is—

- (a) the council of a county or other borough, or
- (b) the council of a county, or
- (c) the council of an urban district;

the expressions " conservancy authority " and " harbour authority " have the same meanings respectively as in section 742 of the Merchant Shipping Act, 1894;

the word "prescribed" where it occurs in Part II of this Act means prescribed by order made by the Executive Council under the said Part II;

the word "prescribed" (except in Part II of this Act) means prescribed by regulations made by the Minister under this Act.

(2) References in this Act to any country or territory (including Saorstát Eireann) shall, unless the context otherwise requires be construed as including reference to the territorial waters (if any) adjacent to such country or territory.

3.—(1) Subject to the provisions of this section, this Act (except Part III thereof) shall not apply to any State aircraft. Application of Act to State aircraft.

(2) The Executive Council may by order direct that such provisions of this Act (except Part III thereof) or any order or regulations made thereunder as may be specified in such order shall, with or without modifications, apply to State aircraft, and whenever any such order is made and is in force, such of the said provisions as may be specified in such order shall, subject to such modifications (if any) as may be specified therein, have the force of law in Saorstát Eireann.

4.—Nothing in this Act or any order or regulation made thereunder shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority. Saving for lighthouse authorities.

5.—(1) An order made by the Executive Council under this Act may be made applicable to any aircraft in or over Saorstát Eireann or to Saorstát Eireann aircraft wherever they may be. General provisions in relation to Orders made by the Executive Council.

(2) An order made by the Executive Council under this Act may authorise the Minister to make regulations for carrying out the purposes of such order in respect of such matters and things as may be specified in such order.

(3) An order made by the Executive Council under this Act may contain such incidental, supplementary and consequential provisions as appear to the Executive Council to be necessary or expedient for the purposes of such order.

(4) An order made by the Executive Council under this Act may provide that any breach or contravention of such order shall

be an offence triable summarily and prescribe the punishments which may be inflicted by courts of summary jurisdiction on persons convicted by such courts of any such offence, but so that no such punishment shall exceed imprisonment for a term of six months or a fine of two hundred pounds or both such imprisonment and fine.

(5) The Executive Council may by order under this sub-section revoke or amend any order made by the Executive Council under this Act including an order made under this sub-section.

(6) Every order made by the Executive Council under this Act shall be laid before Dáil Eireann as soon as may be after it is made, and if a resolution annulling such order is passed by Dáil Eireann within the next subsequent twenty-one days on which Dáil Eireann has sat after such order is so laid before Dáil Eireann, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.

6.—The Minister may by order make regulations in relation **Regulations.**
to—

- (a) any matter or thing referred to in this Act (except Part II thereof) as prescribed;
- (b) any matter or thing in respect of which the Minister is authorised, by an order made by the Executive Council under this Act, to make regulations for carrying out the purposes of such order;
- (c) any matter or thing which the Minister is by this Act authorised to prescribe by regulations made under this Act.

7.—The following provisions shall have effect in relation to all **Fees.**
fees payable under this Act, that is to say:—

- (a) such fees shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance; and
- (b) the Public Offices (Fees) Act, 1879, shall not apply in respect of such fees.

8.—The Air Navigation Act, 1920, is hereby repealed.

Repeal of Air
Navigation Act,
1920.

9.—All expenses incurred by the Minister for Finance in the execution of this Act and all expenses so incurred by the Minister for Justice, the Minister for Local Government and Public Health, the Minister for Posts and Telegraphs, and the Minister, to such extent as may be sanctioned by the Minister for Finance, shall, if not otherwise provided for under this Act, be paid out of moneys provided by the Oireachtas.

Expenses.

PART II.

PROVISIONS IN RELATION TO THE PARIS CONVENTION.

10.—The Executive Council may from time to time make such orders as appear to them necessary or expedient for carrying out the Paris Convention and for giving effect thereto or to any of the provisions thereof, and every such order shall have the force of law in Saorstát Éireann.

Power to give
effect to the Paris
Convention.

11.—The Executive Council may from time to time by order direct that the provisions of the Paris Convention for the time being in force, or any of them, and whether or not those provisions are limited to aircraft of any special description or engaged in any special kind of navigation, shall apply to or in relation to any aircraft in or over Saorstát Éireann and whenever any such order is made such of the said provisions as are specified in such order shall apply to or in relation to any aircraft in or over Saorstát Éireann.

Power to apply
Paris Convention
to internal flying.

12.—Without prejudice to the generality of the powers conferred by the two immediately preceding sections, the Executive Council may by order made under either of the said sections make provision—

Special provisions
which may be
made by Order of
the Executive
Council.

(a) prescribing the authority by which any of the powers exercisable under the Paris Convention by a contracting State or by any authority therein are to be exercised in Saorstát Éireann;

(b) for the licensing, inspection, and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting the work therein carried on, for prohibiting or regulating the use of unlicensed aerodromes, and for the licensing of personnel employed at aerodromes in the inspection or supervision of aircraft;

- (c) as to the manner and conditions of the issue and renewal of any certificate or licence required by the order or by the Paris Convention, including the examination and tests to be undergone, and the form, custody, production, cancellation, suspension, endorsement and surrender of any such certificate or licence;
- (d) as to the registration of aircraft in Saorstát Éireann;
- (e) as to the conditions under which aircraft may be used for carrying passengers and goods;
- (f) as to the conditions under which aircraft may pass, or passengers or goods may be conveyed by aircraft, into or from Saorstát Éireann or from one part of Saorstát Éireann to another;
- (g) exempting from the provisions of the order or of the Paris Convention, or any of them, aircraft flown for experimental purposes, or any other aircraft or persons where it appears that the same should not apply;
- (h) prescribing the scales of charges at licensed aerodromes;
- (i) appointing any area to be a prohibited area for the purposes of the order;
- (j) prescribing the fees to be paid in respect of the grant of any certificate or licence or otherwise for the purposes of the order or the Paris Convention;
- (k) supplementing the Paris Convention, in such manner as appears necessary or convenient by regulations designed to promote the safety of aircraft and of persons and property carried therein, and to prevent aircraft endangering other persons and property;
- (l) for the control and regulation of aerial lighthouses, lights at or in the neighbourhood of aerodromes and aerial lighthouses and lights which are liable to endanger aircraft;

- (m) regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of any ensign established for purposes connected with air navigation;
- (n) prescribing any matter or thing referred to in this Part of this Act as prescribed.

13.—If any aircraft flies or attempts to fly over any area appointed as a prohibited area under or by virtue of an order made under this Part of this Act or enters or attempts to enter Saorstát Eireann in contravention of any such order, the following provisions shall have effect, that is to say:—

Power to compel compliance when aircraft disobey signals.

- (a) it shall be lawful for any officer designated for the purpose by such order to cause such signal as may be prescribed by such order to be given, and
- (b) if, after such signal has been given, the aircraft fails to respond to such signal by complying with the provisions of such order prescribing the action to be taken on such signal being given, it shall be lawful for such officer to fire at or into such aircraft and to use any and every other means at his disposal to compel compliance;
- (c) no action or other legal proceedings whatsoever, whether civil or criminal, shall be instituted in any court in Saorstát Eireann in respect of the doing of anything authorised to be done by any such officer under this section, whether such thing is done personally or by a person acting in aid of or under the direction of such officer.

14.—Any sums required for the contribution from Saorstát Eireann for the organisation and operations of the International Commission for Air Navigation set up under the Paris Convention, or occasioned by the sending of delegations, shall be paid by the Minister out of moneys provided by the Oireachtas.

Expenses of International Commission for Air Navigation, etc.

15.—Every order and regulation made under Part I of the Air Navigation Act, 1920, and in force at the passing of this Act shall be deemed for the purposes of this Act to be made under this Part of this Act and may accordingly be amended or revoked by an order of the Executive Council, and, until so revoked and subject to any such amendment, shall continue in force.

Continuance of orders and regulations made under Part I of the Air Navigation Act, 1920.

16.—Every certificate and licence granted under the Air Navigation Act, 1920, or under any order or regulations made thereunder and in force at the date of the passing of this Act shall continue in force and shall be deemed, for all purposes, to have been granted under this Act or such order or regulation.

Continuance of existing certificates and licences.

PART III.

CARRIAGE BY AIR.

CHAPTER I.

International Carriage by Air.

17.—(1) The provisions of the Warsaw Convention as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons, and subject to the provisions of this section and the next following section, have the force of law in Saorstát Éireann in relation to any carriage by air to which the Warsaw Convention applies, irrespective of the nationality of the aircraft performing that carriage.

Warsaw Convention to have the force of law in Saorstát Éireann.

(2) The Executive Council may by order from time to time certify who are the High Contracting Parties to the Warsaw Convention, in respect of what territories they are respectively parties, and to what extent they have availed themselves of the Additional Protocol to the Warsaw Convention, and any such order shall, except in so far as it has been superseded by a subsequent order under this sub-section, be conclusive evidence of the matters so certified.

(3) Any reference in the First Schedule to this Act to the territory of any High Contracting Party to the Warsaw Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.

(4) Any sum in francs mentioned in Article 22 of the First Schedule to this Act shall, for the purposes of an action against

the carrier, be converted into the currency of Saorstát Éireann at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

(5) For the purposes of this section references to agents in the First Schedule to this Act shall be construed as including references to servants.

18.—Any liability imposed by Article 17 of the First Schedule to this Act on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any statute or at common law, and the following provisions shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced, that is to say:—

Liability of carrier in the event of the death of a passenger.

- (a) the liability shall be enforceable for the benefit of such members of the passenger's family as sustained damages by reason of his death;
- (b) for the purposes of paragraph (a) of this section:—
 - (i) the expression "member of a family" means wife or husband, parent, stepparent, grandparent, brother, sister, half-brother, half-sister, child, step-child, grandchild,
 - (ii) in deducing any relationship any illegitimate person shall be treated as being, or as having been the legitimate child of his mother and reputed father;
- (c) an action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under paragraph (a) of this section, enforceable, but only one action shall be brought in Saorstát Éireann in respect of the death of any one passenger and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as either are resident in Saorstát Éireann or, not being resident there, express a desire to take the benefit of the action;
- (d) the amount which may be recovered in any such action shall not exceed the actual and the prospective loss resulting from such death to the members of the passenger's family;

(e) subject to the provisions of paragraph (f) of this section, the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions as the judge before or by whom such action is tried shall determine and direct;

(f) the court before whom any such action is brought may at any stage of the proceedings make such order as appears to the court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside Saorstát Eireann in respect of the death of the passenger in question.

19.—(1) Every High Contracting Party to the Warsaw Convention who has not availed himself of the provisions of the Additional Protocol thereto shall, for the purposes of any action brought in a Court of Saorstát Eireann in accordance with the provisions of Article 28 of the First Schedule to this Act to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that Court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on.

Actions against High Contracting Parties who undertake carriage by air.

(2) Nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

CHAPTER II.

Carriage by air which is not international.

20.—The Executive Council may by order apply the provisions of the First Schedule to this Act and any provision (other than the immediately preceding section) of Chapter I of this Part of this Act to such carriage by air, not being international carriage by air as defined in the said First Schedule, as may be specified in such order, subject however to such exceptions, adaptations and modifications as may be specified in such order, and wherever any such order is made the provisions of the said First Schedule and any provision of the said Chapter I specified in such order shall, subject however to such exceptions, adaptations and modifications (if any) as may be specified in such order,

Application of Chapter I of this Part of this Act to carriage by air which is not international.

have the force of law in Saorstát Éireann in relation to any carriage by air, not being international carriage by air as so defined, specified in such order.

PART IV.

LIABILITY IN RESPECT OF DAMAGE CAUSED BY AIRCRAFT TO PERSONS AND PROPERTY ON LAND OR WATER, SURVIVAL OF CAUSES OF ACTION ARISING OUT OF SUCH LIABILITY, LIMITATION OF SUCH LIABILITY, AND COMPULSORY INSURANCE BY OWNERS OF AIRCRAFT AGAINST SUCH LIABILITY.

CHAPTER I.

Liability in Respect of Damage Caused by Aircraft to Persons or Property on Land or Water.

21.—(1) Where material damage or loss is caused to any persons or property on land or water by, or by any person in, or any article or person falling from, an aircraft while in flight, taking off or landing, the following provisions shall have effect, that is to say:—

Liability for damage caused by aircraft to persons or property on land or water.

- (a) damages shall be recoverable from the owner of such 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 of the person by whom the same was suffered;
- (b) where such damage or loss is caused in circumstances in which—
 - (i) damages are recoverable from such owner in respect of such damage or loss by virtue only of the preceding provisions of this sub-section, and
 - (ii) a legal liability is created in some person, other than such owner, to pay damages in respect of such damage or loss, such owner shall be entitled to be indemnified by that other person against any claim in respect of such damage or loss.

(2) Where—

- (a) any aircraft has been bona-fide demised, let or hired out for a period exceeding fourteen days to any other person by the owner thereof, and
- (b) no pilot, commander, navigator, or operative member of the crew of such aircraft is in the employment of such owner,

sub-section (1) of this section shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

(3) Nothing in this section shall affect the operation of Part III of this Act or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

CHAPTER II

Survival of Causes of Action arising out of Liability in Respect of Damage Caused by Aircraft to Persons and Property on Land or Water, Limitation of such Liability and Compulsory Insurance by Owners of Aircraft against such Liability.

22.—This Chapter of this Part of this Act shall come into operation on such day as may be fixed therefor by order of the Minister.

Commencement of Chapter II of Part IV.

23.—(1) This section applies to every cause of action in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is caused to persons or property on land or water, by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off, or landing.

Survival of cause of action in respect of loss or damage caused by aircraft to persons and property on land or water.

(2) Subject to the provisions of this section, on the death of any person after the commencement of this Chapter of this Part of this Act, every cause of action to which this section applies subsisting against, or vested in him, shall survive (as the case may be) against, or for the benefit of his estate.

(3) Where—

- (a) a cause of action to which this section applies survives, by virtue of the immediately preceding sub-section, for the benefit of the estate of a deceased person, and

(b) the death of such person has been caused by the circumstances which gave rise to such cause of action, the damage recoverable for the benefit of his estate shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(4) No proceedings shall be maintainable in respect of a cause of action which, by virtue of this section, has survived against the estate of a deceased person unless either—

(a) proceedings against him in respect of such cause of action were pending at the date of his death, or

(b) such cause of action arises not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out administration.

(5) Where damage has been suffered by reason of any circumstances by reason of which a cause of action to which this section applies would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this section, to have been subsisting against him before his death such cause of action by reason of those circumstances as would have subsisted if he had died after the damage was suffered.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of the action in respect of which such proceedings are maintainable, shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by contract or promise.

24.—(1) Subject to the provisions of this section, a person or, as the case may be, his estate shall not, in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is without any gross negligence or wilful misconduct on his part and without any gross negligence or wilful misconduct (to which he was privy) on the part of his servants or agents, caused on any one occasion to persons or property on land or water by, or by a person in, or an article or person falling from, any one aircraft while in flight, taking off, or landing, be liable to pay by way of damages an amount exceeding in the aggregate—

Limitation of liability for damage caused by aircraft to persons and property on land or water.

- (a) in case such aircraft is an airship, twenty-five thousand pounds, or
- (b) in case such aircraft is a balloon (whether fixed or free), five thousand pounds, or
- (c) in case such aircraft is a glider, one thousand pounds, or
- (d) in any other case—
 - (i) a number of pounds of the currency of Saorstát Éireann equal to the number of pounds avoirdupois constituting the weight of such aircraft fully loaded, or
 - (ii) if the sum ascertained under sub-paragraph (i) of this paragraph is less than five thousand pounds or more than twenty-five thousand pounds, five thousand pounds or twenty-five thousand pounds, as the case may be.

(2) Without prejudice to the operation of the next following sub-section, a person or, as the case may be, his estate shall not be entitled to the benefit of sub-section (1) of this section in relation to any loss or damage, if, at the time of the happening of the event which was the cause of the loss or damage, he was not the owner of the aircraft concerned and was in, or in possession or control of, the aircraft without the authority or permission of the owner thereof.

(3) A person or, as the case may be, his estate shall not be entitled to the benefit of sub-section (1) of this section in relation to any claim made in respect of such loss or damage as is mentioned in the said sub-section (1) unless it is proved—

- (a) that a policy of insurance, issued by an approved aircraft insurer, which, subject to any restrictions or conditions specified therein, insures the owner of the aircraft concerned against all liability which he may incur in respect of such loss or damage, was in force in relation to such aircraft at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, or
- (b) if the claim is made against the person who at that time was the owner of the aircraft or against his estate, that the aircraft was then in the possession or control of some other person without the authority or permission of the owner, or
- (c) that the owner of the aircraft was at the said time an exempted person within the meaning of this Chapter of this Part of this Act.

(4) Where any person or the estate of any person is alleged to be under any liability in respect of such loss or damage as is mentioned in sub-section (1) of this section, and several claims are made or apprehended in respect of that liability, the said person or his personal representative, as the case may be, may make application to the High Court, and thereupon the court—

(a) may determine the amount of the liability and, subject to the provisions of the next following sub-section, distribute that amount rateably among the several claimants;

(b) may stay any proceedings pending in any other court in relation to the same matter; and

(c) may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the person by whom the application to the court was made.

(5) If, by virtue of this section, the amount of the liability is less than the total amount of the damages which the several claimants would, but for this section, be entitled to recover, the first-mentioned amount shall, as to one-half thereof, be appropriated in the first instance to meeting any claims in respect of loss of life or personal injury, and any part of that amount not so appropriated shall be distributed among the several claimants in proportion to their claims, including any claims in respect of loss of life or personal injury if and so far as they exceed the said appropriation.

(6) Nothing in this section shall be construed as affecting the amount of any compensation payable under the Workmen's Compensation Act, 1934 (No. 9 of 1934).

(7) Nothing in this section shall affect the operation of Part III of this Act or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

(8) The Minister may make regulations prescribing the manner in which the weight of an aircraft fully loaded is to be ascertained for the purposes of this section, and directing that, in the case of an aircraft of any particular class, such document (being a document which purports to show the weight of the aircraft fully loaded) as may be specified in the regulations shall be evidence of that weight.

25.—(1) After the commencement of this Chapter of this Part of this Act, it shall not be lawful for any person to fly, or cause or permit any other person to fly, an aircraft unless—

Obligation of owners of aircraft to be insured against certain third party risks.

(a) there is in force in relation to the flying of such aircraft by such person or such other person, a policy of insurance (in this Chapter of this Part of this Act referred to as an approved policy of insurance) issued by an approved aircraft insurer, which subject to any restrictions or conditions specified therein, insures the owner of such aircraft against all liability which he may incur in respect of loss or damage caused to persons or property on land or water in Saorstát Eireann by, or by any person in, or any article or person falling from, the aircraft while in flight, taking off, or landing; or

(b) the owner of such aircraft is an exempted person within the meaning of this Chapter of this Part of this Act.

(2) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the court, imprisonment for any term not exceeding six months or to both such fine and imprisonment.

26.—Where—

(a) any aircraft has been bona-fide demised, let or hired out for a period exceeding fourteen days to any other person by the owner thereof, and

(b) no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of such owner,

Hirers of aircraft to be treated as owners in certain circumstances.

the two immediately preceding sections shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

27.—(1) The Minister may from time to time by order declare that a specified person is an approved aircraft insurer for the purposes of this Part of this Act, and whenever any such order is made and in force the person declared thereby to be an approved aircraft insurer for the purposes of this Part of this Act shall be an approved aircraft insurer for that purpose. Approved aircraft insurer.

(2) The Minister may by order revoke an order made under this section.

28.—A policy of insurance shall be of no effect for the purposes of the preceding provisions of this Chapter of this Part of this Act unless and until there has been issued by the insurer to the insured a certificate (in this Part of this Act referred to as a certificate of insurance) in relation to such policy in such form and containing such particulars as the Minister may require. Certificate of insurance.

29.—(1) In this Chapter of this Part of this Act, the expression "exempted person" means a person— "Exempted persons".

(a) who has made and maintained, in respect of any aircraft of which he is the owner, the deposit of the appropriate amount with the Accountant of the Courts of Justice authorised by the next following section to be made by persons who desire to become exempted persons; and

(b) to whom a certificate (which is for the time being in force) has been granted by the Minister under the next following sub-section in respect of such aircraft.

(2) Where any person who is the owner of any aircraft satisfies the Minister that he has made in respect of such aircraft with the Accountant of the Courts of Justice a deposit of the appropriate amount, the Minister shall issue to such person a certificate (in this Chapter of this Part of this Act referred to as a certificate of security) in such form and containing such particulars as the Minister thinks proper.

(3) Where—

(a) a certificate of security has been issued to any person by the Minister under this section, and

(b) either—

(i) the amount, stated in a notice of deficiency given to such person by the Accountant of the Courts of

Justice in pursuance of the provisions of this Chapter of this Part of this Act relating to payment of judgment debts out of deposit, has not, within fourteen days after such person has received such notice, been deposited with the Accountant of the Courts of Justice, or

- (ii) the deposit made by such person at the time such certificate was granted has ceased to be maintained,

the Minister shall revoke such certificate.

(4) In this section the expression "the appropriate amount" means in relation to any deposit made with the Accountant of the Courts of Justice—

- (a) in case the person making such deposit is the owner of not more than two aircraft, the sum mentioned in sub-section (1) of the next following section in respect of such aircraft, and
- (b) in case such person is the owner of three or more aircraft, the sum mentioned in sub-section (2) of the next following section in respect of such aircraft.

30.—(1) Any person who is the owner of not more than two aircraft and who desires to become an exempted person may deposit and keep deposited with the Accountant of the Courts of Justice a sum equal to the maximum sum determined in relation to such aircraft by sub-section (1) of section 24 (which relates to limitation of liability for damage caused by aircraft to persons and property on land or water) of this Act. Deposits by exempted persons.

(2) Any person who is the owner of three or more aircraft and who desires to become an exempted person may deposit and keep deposited with the Accountant of the Courts of Justice a sum equal to the aggregate of the two greatest of the several maximum sums determined under sub-section (1) of section 24 of this Act in relation to those aircraft respectively.

(3) The Accountant of the Courts of Justice shall invest every sum deposited with him under this section in such of the securities authorised by law for the investment of funds in the High Court as the person making or maintaining such deposit shall direct, and the income accruing on such securities shall be paid to the said person.

(4) The Accountant of the Courts of Justice shall not accept a deposit under this section save on a warrant of the Minister.

(5) The Minister may by order make rules with respect to applications for warrants for the purposes of this section, the payment of deposits and the investment thereof or dealing therewith, the deposit of stocks, shares, or other securities in lieu of money, the payment of the income from time to time accruing due on any securities in which deposits are for the time being invested, and the withdrawal and transfer of deposits.

31.—(1) In this section—

the word "deposit" means a deposit of money or securities in lieu of money made with the Accountant of the Courts of Justice under this Chapter of this Part of this Act by way of qualification for being an exempted person; Payment of judgment debts out of deposit.

the word "depositor" means a person who has made a deposit.

(2) Where a person (in this section referred to as a judgment creditor) has recovered judgment in any court against a depositor for a sum to which this section applies the High Court may, on the application in a summary manner of the judgment creditor and if satisfied that the depositor has no goods which can be taken in execution to satisfy such judgment, order the amount of such judgment together with the costs of such order, the application therefor and the proceedings thereunder to be paid to the judgment creditor out of the deposit maintained by such depositor.

(3) Whenever the High Court makes an order under the immediately preceding sub-section in respect of a deposit the Accountant of the Courts of Justice shall pay the money stated in such order to the judgment creditor specified in such order out of such deposit and shall for that purpose sell so much of the investments representing such deposit as is necessary (after defraying the costs of such sale) to enable such money to be paid.

(4) Whenever the Accountant of the Courts of Justice, in pursuance of an order made by a court under this section, pays any money out of or sells any of the investments representing a deposit maintained with him by a depositor in pursuance of this Part of this Act, he shall forthwith calculate and ascertain the market value of so much of the investments representing such deposit as remains unsold and, if such market value together with any uninvested money included in such deposit falls short of the full proper

amount of such deposit, he shall give to the Minister and such depositor notice in writing of such deficiency and of the amount thereof.

(5) If, when a notice of deficiency of deposit is given to a depositor by the Accountant of the Courts of Justice in pursuance of the immediately preceding sub-section such depositor, not more than fourteen days after receiving such notice, deposits with the Accountant of the Courts of Justice a sum equal to the amount of the deficiency stated in such notice, the sum so deposited shall be added to and treated as part of the said deposit and such depositor shall be deemed to have maintained such deposit at its full proper amount.

(6) Whenever a depositor, if an individual, becomes bankrupt or insolvent or dies or, if a corporate body, is wound up or, if a partnership or other unincorporated association, is dissolved, the deposit made by such depositor shall be applicable in the first instance to payment only of the liabilities of the depositor for sums to which this section applies and when all such liabilities of such depositor have been discharged in full shall be applicable as general assets of the depositor.

(7) This section applies to any sum awarded against a depositor as damages in respect of damage or loss caused to persons or property on land or water by, or by a person in, or an article or person falling from, an aircraft, owned by such depositor, while in flight, taking off or landing.

32.—Whenever the High Court is satisfied, on the application made in a summary manner by a depositor or by a person claiming through or under a depositor and after notice to the Minister and after such publication of advertisements as the High Court shall direct, that it is just and expedient that the deposit or part of the deposit made by such depositor should be paid out to the person making such application, the High Court shall order such deposit or such part thereof as may be specified in such order to be paid out to such person either unconditionally or subject to such conditions as the High Court shall think proper to specify in such order, and shall direct the Accountant of the Courts of Justice to do all such things (including the sale of the investments representing such deposit or part of such investments) as appear to the High Court to be necessary or expedient for giving effect to such order.

Release of
deposits.

33.—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say:—

Regulations for purposes of Part IV.

- (a) applications for certificates of security;
- (b) the issue of copies or of new certificates in lieu of any such certificates which are lost or destroyed;
- (c) the carrying of documents in aircraft and the production of such documents on demand to such persons as may be specified in such regulations.

(2) If any person acts in contravention (whether by commission or by omission) of any regulations made under this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

CHAPTER III.

Provision in relation to the Rome Convention.

34.—This Chapter of this Part of this Act shall come into operation on such day as may be fixed therefor by order of the Minister.

Commencement of Chapter III of Part IV.

35.—(1) The Executive Council may, if it appears to them to be necessary or expedient for them so to do for the purposes of giving effect to the Rome Convention, make an order—

Provision for giving effect to the Rome Convention.

(a) directing either—

- (i) that the provisions set out in such order shall, in relation to aircraft registered in any such country (other than Saorstát Eireann) as may be specified in the order, have effect in lieu of the provisions of Chapters I and II of this Part of this Act, or
 - (ii) that all or any of the provisions of the said Chapters I and II shall, in relation to such aircraft, have effect subject to such modifications, adaptations and exceptions as may be specified in the order; and
- (b) making such provisions as appear to the Executive Council to be required for securing that a Saorstát Eireann aircraft shall not leave Saorstát Eireann on a flight to or over any such country, unless there is

on board the aircraft a certificate of insurance or a certificate of security in respect of the aircraft, being a certificate in such form and issued by such person and containing such particulars as may be appointed by the order.

(2) Where an order is made under the immediately preceding sub-section before the commencement of Chapter II of this Part of this Act, the said Chapter II shall, for the purposes of the said sub-section but not further or otherwise, be deemed to be in force.

(3) Every order made under this section shall have the force of law in Saorstát Éireann.

PART V.

ESTABLISHMENT AND MAINTENANCE OF AERODROMES BY THE MINISTER FOR INDUSTRY AND COMMERCE AND LOCAL AUTHORITIES, AND ACQUISITION OF LAND, ETC., FOR THOSE PURPOSES.

36.—The purposes of this Part of this Act for which land may be acquired by agreement or compulsorily shall include—

Extension of meaning of "the purposes of this Part of this Act".

(a) the purpose of securing that the land adjacent to an aerodrome which the Minister or a local authority has established or is about to establish shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching, or leaving the aerodrome; and

(b) the purposes of securing that trees and buildings on the land adjacent to an aerodrome, which the Minister or a local authority has established or is about to establish, are, with the object of ensuring the safety of aircraft approaching or leaving the aerodrome, demolished.

37.—The Minister may and any local authority may, with the consent of the Minister given after consultation with the Minister for Local Government and Public Health and subject to such conditions as he may impose, establish and maintain aerodromes and provide and maintain in connection therewith roads, bridges, approaches, apparatus, equipment, and buildings and other accommodation.

Power of Minister and local authority to establish and maintain aerodromes.

38.—(1) If the Minister is satisfied, with respect to any aerodrome maintained by a local authority under the immediately preceding section, that it is necessary or expedient that such local authority should be empowered to carry on in connection with such aerodrome any particular business, being a business which appears to him to be ancillary to the carrying on of an aerodrome, but which such local authority would not otherwise have power to carry on, he may by order authorise such local authority, subject to such conditions (if any) as may be specified in such order, to carry on that business in connection with such aerodrome.

Power of local authorities to carry on businesses in connection with aerodromes.

(2) The Minister may by order under this sub-section revoke or amend an order made under this section, including this sub-section.

(3) The Minister shall before making an order under this section consult the Minister for Local Government and Public Health in regard thereto.

39.—(1) Any person (in this section referred to as an authorised officer) authorised in that behalf by the Minister or a local authority may do either or both of the following things, that is to say:—

Right of entry on land by the Minister and local authorities.

- (a) enter on any land for the purpose of making thereon any inquiry, investigation, or examination preliminary or incidental to the acquisition of such land for the purposes of this Part of this Act;
- (b) enter, for the purposes of making thereon surveys, on any land which adjoins or is in the neighbourhood of land acquired or the acquisition of which is contemplated for the purposes of the said Part.

(2) If any person impedes or obstructs an authorised officer in the exercise of the powers conferred on such authorised officer by this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

40.—The Minister may for the purposes of this Part of this Act acquire by agreement any land.

Acquisition by the Minister of land by agreement.

41.—(1) If and whenever the Minister thinks proper to acquire compulsorily any land or to acquire or use compulsorily any right of impounding, diverting, or abstracting water for the purposes of this Part of this Act, the Minister may, with the consent of the Minister for Finance, by order declare his intention so to acquire such land or so to acquire or use such right, and every such order shall operate to confer on the Minister full power to acquire compulsorily the land or to acquire or use compulsorily the right mentioned therein under and in accordance with this section.

Compulsory acquisition of land, etc., by the Minister.

(2) The Minister shall not make an order under this section in relation to any land covered by water, or which is foreshore, or in relation to any right of impounding, diverting, or abstracting water without previous consultation with the Minister for Agriculture.

(3) Before making an order under this section, the Minister—

(a) shall deposit and keep open for inspection at some suitable place (public notice of which shall be given) such plans, specifications, and other documents as will show fully and clearly the land or right intended to be acquired or used by virtue of the order;

(b) shall give notice, in such manner as he may consider best adapted for informing persons likely to be affected by the order, of his intention to consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and

(c) shall, if he considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order.

(4) An order made under this section may incorporate—

(a) the Acquisition of Land (Assessment of Compensation) Act, 1919, and

(b) the Land Clauses Acts so far as the same are not inconsistent with the said Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) Nothing in this section shall authorise the Minister to acquire, use, or otherwise interfere with compulsorily under this section any land which at the date of the first publication of notice of the intention of the Minister to consider the making of

a special order in that behalf belongs to any railway, electricity, gas, or water undertaker and is used or authorised to be used by such undertaker for the purpose of his undertaking.

(6) The following provisions shall have effect in relation to any public inquiry held under this section:—

- (a) the Minister shall appoint a fit and proper person to hold such inquiry;
- (b) such person is hereby authorised to administer oaths to persons appearing as witnesses at such inquiry;
- (c) any person interested in the subject matter of such inquiry shall be entitled to appear personally or by counsel or solicitor and to adduce evidence.

42.—(1) The Minister may at any time dispose in such manner as he thinks proper of any land acquired by him under this Act which appears to him to be no longer required by him for the performance of his duties or the exercise of his functions under this Part of this Act. Disposal of surplus land by the Minister.

(2) Any moneys received by the Minister in respect of the disposal of land under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

43.—(1) A local authority may, with the consent of the Minister for Local Government and Public Health given after consultation with the Minister, acquire land (either inside or outside the functional area of such local authority) for the purpose of this Part of this Act either by agreement or compulsorily under this Act and the Acts incorporated therewith. Acquisition of land by local authorities.

(2) For the purpose of the acquisition of land by a local authority under this section, sections 203, 210, 212, 213, 214 and 215 of the Public Health (Ireland) Act, 1878, as amended by section 8 of the Public Health (Ireland) Act, 1896, and section 68 of the Local Government Act, 1925 (No. 5 of 1925), shall apply as if those sections as so amended were herein re-enacted and made applicable to such local authority with and subject to the modifications made by this Act in the procedure under the said sections.

(3) A local authority may at any time, with the consent of the Minister for Local Government and Public Health given after consultation with the Minister, sell or let by public auction or private treaty in suitable lots any land acquired by such authority

44.—Where a local authority proposes to acquire (otherwise than by agreement) land for the purposes of this Part of this Act, whether in exercise of a power conferred by a statute other than this Act or of a power expressly conferred by this Act, the advertisements mentioned in sub-section (2) of section 203 of the Public Health (Ireland) Act, 1878, may be published in any month and, in such case, the notices mentioned in the said sub-section shall be served in the month next succeeding the month in which the said advertisements are published.

Modification of procedure for acquisition of land.

45.—(1) Whenever the Minister or a local authority establishes and maintains or is about to establish an aerodrome under this Part of this Act, and such aerodrome is or will be situated by the sea or any navigable inlet thereof, the Minister, after consultation with the Minister for Agriculture may, if it is in his opinion in the public interest so to do, make an order under this section limiting or prohibiting the exercise of any right of navigation and any public or private right of fishing or landing fish or any other public or private right in respect of any part of the sea or any inlet thereof or foreshore in or adjacent to such aerodrome.

Interference with right of navigation and other rights.

(2) Whenever an order made under the next preceding sub-section of this section limits or prohibits the exercise of any private right of fishing or landing fish or any other private right in respect of any part of the sea or any inlet thereof or foreshore, the Minister shall pay compensation to the owner of or other person entitled to exercise such right and such compensation shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Whenever any order made under this section is for the time being in force any right to which such order relates shall be limited or prohibited in accordance with such order.

46.—The Minister may and any local authority may, with the consent of the Minister, compulsorily divert, close, remove or otherwise interfere with any public road or bridge.

Interference with public roads and bridges.

47.—If and whenever the execution of any works under this Part of this Act involves the diversion, removal, or other interference with any public road or bridge, the following provisions shall have effect, that is to say:—

Protection of
public roads and
bridges.

(a) where the execution of the works involves the closing of the road or bridge to traffic the Minister or the local authority (as the case may be) shall construct and shall maintain while such road or bridge is so closed to traffic a temporary road or bridge in the same or some other convenient situation sufficient to carry traffic of such quantity and character as normally uses such road or bridge;

(b) the Minister or the local authority (as the case may be) shall at or before the completion of the works either restore the road or bridge to its former condition or construct, after consultation with the Minister for Local Government and Public Health, a new permanent road or bridge in the same or some other convenient situation sufficient to carry the like amount (in quantity and character) of traffic as the original road or bridge was able to carry and not substantially less convenient in gradient and curve than such original road or bridge;

(c) where a permanent new bridge is constructed by the Minister or by a local authority outside its own functional area, and such bridge confers substantially greater advantages on the public of the county or other borough, county, or urban district in which it is constructed, than the original bridge, by affording an improved means of communication or otherwise, the Minister shall certify the cost of such new bridge and the Minister for Local Government and Public Health shall certify what part of such cost in his opinion ought reasonably to be borne by the council of such county or other borough, county, or urban district, and thereupon a sum equal to the part so certified of such cost shall be raised by such council as part of the expenses of the maintenance of the road of which such new bridge is part and shall be paid by such council to the Minister or such local authority (as the case may be);

- (d) if any doubt, dispute or question shall arise as to whether the Minister or a local authority in the construction, maintenance or restoration of any temporary or permanent road or bridge pursuant to this section has complied with the provisions of this section, or as to whether a permanent new bridge constructed by the Minister or by a local authority outside its own functional area confers substantially greater advantages on the public of the county or other borough, county, or urban district in which it is constructed than the original bridge, such doubt, dispute or question shall be decided by the Minister for Local Government and Public Health whose decision shall be conclusive and final.

48.—(1) Where a local authority (in this section referred to as an undertaking authority) has established and maintains or proposes to establish and maintain an aerodrome under this Part of this Act, any authority (in this section referred to as a non-undertaking authority) which is another local authority, a conservancy authority, or a harbour authority, may agree with such undertaking authority to make to such undertaking authority, on such conditions as may be agreed upon between the two authorities and subject to the provisions of this section, a contribution towards the expenses incurred by such undertaking authority in or in relation to the establishment and maintenance of such aerodrome.

Contributions by a local authority or conservancy or harbour authority to local authority maintaining an aerodrome and provisions in relation to management of such aerodrome by a joint committee

(2) An agreement under this section in relation to an aerodrome may be made by two or more non-undertaking authorities with an undertaking authority.

(3) An agreement under this section made between one or more non-undertaking authorities and an undertaking authority may incorporate a scheme for the management of the aerodrome to which the agreement relates through and by a committee of such undertaking authority, and in that case such scheme shall, where there is only one non-undertaking authority party to such agreement, provide that a specified number of the members of such committee shall be nominated by that non-undertaking authority or, where there are two or more non-undertaking authorities party to such agreement, provide that a number of such members specified in respect of each non-undertaking authority shall be nominated by such non-undertaking authority, and such scheme may empower such committee to do any act (including the institution of legal proceedings) in relation to the management of such aerodrome which such undertaking authority itself could lawfully do, and may provide for the application of the provisions

of section 58 of the Local Government Act, 1925 (No. 5 of 1925) to such committee as if such committee were a county authority within the meaning of that section, and for the furnishing by such undertaking authority to such committee of the moneys necessary to meet their expenses.

(4) The contribution payable by a non-undertaking authority in pursuance of an agreement made under this section shall be either a fixed annual sum or a fixed proportion of the expenses of maintaining the aerodrome to which the agreement relates or partly one and partly the other and shall be payable in such instalments and at such times as shall be set out in the agreement.

(5) No agreement made under this section shall come into force unless and until it has been sanctioned by the Minister for Local Government and Public Health.

(6) When an agreement made under this section between one or more non-undertaking authorities and an undertaking authority comes into force it shall be binding on and enforceable against each party to such agreement, and each such party and the committee of management (if any) shall have power to do all acts and to make all payments which are provided for in such agreement or in any scheme incorporated therewith.

49.—(1) The council of a county may borrow under Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, for the purpose of defraying any expenses incurred by such council under this Part of this Act in like manner as if such purpose were mentioned in that Article and money borrowed for any such purpose shall not be reckoned as part of the debt of such council for the purposes of any limitation on borrowing imposed by the said Article. Borrowing
by local
authorities.

(2) Any local authority (other than the council of a county) may borrow under the Public Health Acts, 1878 to 1931, for the purpose of defraying any expenses incurred by such local authority under this Part of this Act as if such purpose were a purpose for which such local authority is authorised to borrow under those Acts, but money borrowed for any such purpose shall not be reckoned as part of the debt of such local authority for the purposes of any limitation on borrowing imposed by those Acts.

(3) Loans may, for the purposes of this section, be made out of the Local Loans Fund to a local authority.

50.—All expenses incurred by a local authority under this Part of this Act shall be defrayed— Expenses of local authorities.

(a) in the case of the council of a county, by means of the poor rate raised equally over the whole of their county (exclusive of any borough or urban district included therein the council of which has made or is making contributions under the said Part in respect of an aerodrome established or about to be established in such county or in a county borough contiguous to such county);

(b) in the case of the councils of the county boroughs of Cork and Waterford, the council of a borough (other than a county borough or the borough of Dun Laoghaire) or the council of an urban district, out of any rate or fund applicable for the purposes of the Public Health (Ireland) Acts, 1878 to 1931, in like manner as if they had been incurred for the purposes of those Acts.

51.—All expenses incurred by a conservancy authority or a harbour authority under this Part of this Act shall be defrayed by such authority in the like manner in which other expenses of such authority are defrayed. Expenses of conservancy and harbour authorities.

52.—Any local authority may, subject to the provisions of any enactment relating to the appointment of officers by such local authority, appoint such and so many officers as it shall think requisite for the execution of the powers conferred on it by this Part of this Act, and every officer so appointed shall be paid such remuneration as such local authority shall, with the consent of the Minister for Local Government and Public Health, determine. Appointment of officers by local authorities.

53.—(1) Nothing in this Act shall be construed as prohibiting the granting, under any Act passed (whether before or after the passing of this Act) by the Oireachtas, of a lease or licence, in respect of any land which is State land and to which such Act applies, to the Minister or a local authority or the acceptance of such lease or licence by the Minister or a local authority. Provisions in relation to land belonging to the State.

(2) The Minister may for the purposes of this Part of this Act by order enclose any State land in respect of which he is authorised by law to grant leases and licences and any such State land may be used by the Minister for any purpose for which land acquired by him under this Part of this Act may be used.

(3) In this section the expression "State land" means land which for the time being belongs to Saorstát Eireann either by virtue of Article 11 of the Constitution or by any other means (present or future) whatsoever.

54.—Nothing in this Act shall deprive the Minister for Posts and Telegraphs of any rights and remedies under the Telegraph Acts, 1863 to 1928, or any statutory adaptation thereof or substitution therefor made by or under the authority of the Oireachtas.

Saving of rights, etc., of Minister for Posts and Telegraphs.

PART VI.

TRESPASS AND NUISANCE BY AIRCRAFT, AND DANGEROUS FLYING.

55.—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 the flight, so long as the provisions of Part II of this Act and any order made under the said Part II and any regulations made by virtue of any such order are duly complied with.

Restrictions on actions for damages in respect of trespass or nuisance by aircraft.

56.—(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of such aircraft and also (if such pilot or person in charge is not the owner of such aircraft) such owner shall each be severally guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the Court, either to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Penalty for dangerous flying.

(2) In this section the word "owner" in relation to an aircraft includes any person to whom the aircraft is hired at the time of the offence.

(3) Where a person charged with an offence under this section is the owner and is not the pilot or in charge of the aircraft in respect of which such offence is alleged to have been committed, it shall be a good defence for such person to prove that on the occasion on which such offence is alleged to have been committed such aircraft was being flown without his actual fault or privity.

(4) The provisions of this section shall be in addition to and not in derogation of any order made under Part II of this Act or any regulations made by virtue of any such order.

PART VII.

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS.

57.—(1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on, or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel. Wreck and salvage.

The preceding provisions of this sub-section shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters of Saorstát Éireann.

(2) The Executive Council may by order direct that any provisions of any Act for the time being in force which relate to wreck, to salvage of life of property, or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations, and modifications, if any, as may be specified in the order, apply in relation to aircraft as those provisions apply in relation to vessels and any such order shall have the force of law in Saorstát Éireann.

(3) For the purposes of this section, any provisions of an Act which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck, and the expression "Act" shall be deemed to include any local or special Act and any provisions of the Harbours, Docks, and Piers Clauses Act, 1847, as incorporated with any local or special Act, whenever passed.

(4) Any order, made by virtue of section 11 of the Air Navigation Act, 1920, and in force in Saorstát Éireann immediately before the date of the passing of this Act shall be deemed to be made under

this section and may accordingly be amended or revoked by an order made under this section and until so revoked and subject to any such amendment shall continue in force.

58.—(1) The power conferred by sub-section (1) of section 418 of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

Application to seaplanes of certain provision of the Merchant Shipping Acts, relating to collisions at sea and signals of distress.

- (a) between seaplanes on the surface of the water, and
- (b) between vessels and seaplanes on the surface of the water;

and accordingly the said section 418, and sections 419, 421 and 424 of the said Act, as amended by any subsequent enactment, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, subject however to the following modifications, that is to say:—

- (i) for the purpose of sub-section (2) of the said section 418, and for the purposes of the said section 424, sections 418, 419, 421, and 424 of the said Act shall be deemed to be the only provisions of Part V of the said Act relating to collision regulations or otherwise relating to collisions, and
- (ii) any references in the said section 419 to the master or to the person in charge of the deck shall be construed as references to the pilot or other person on duty in charge of the seaplane.

(2) The power conferred by sub-section (1) of section 25 of the Merchant Shipping (Safety and Load Lines Conventions) Act, 1933 (No. 42 of 1933), to prescribe what signals shall be signals of distress and urgency shall include power to prescribe what signals shall be signals of distress and urgency in the case of seaplanes on the surface of the water; and accordingly the said section 25 shall apply in relation to seaplanes on the surface of the water as it applies in relation to ships or vessels, subject however to the modification that the reference in sub-section (3) of the said section 25 to the master shall be construed as a reference to the pilot or other person on duty in charge of the seaplane.

(3) In this section the word "vessels" has the same meaning as in the Merchant Shipping Act, 1894.

(4) For the purposes of this and the next following section seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while in contact therewith.

59.—(1) Any enactment which confers or imposes on a conservancy authority or a harbour authority any power or duty to make bye-laws for the regulation of ships or vessels shall be construed and have effect as if the power or duty so conferred or imposed included a power or duty to make bye-laws for the regulation of seaplanes when on the surface of the water, and also a power to include in the bye-laws provisions authorising the harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised by such enactment to exercise as respects ships or vessels, subject however to this restriction, namely, that such bye-laws shall not in any circumstances require, or authorise a harbour master or other officer to require, the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

Power of conservancy and harbour authorities to make bye-laws for regulation of seaplanes when on the surface of the water.

(2) Where any enactment, whether by virtue of the immediately preceding sub-section or otherwise, confers or imposes on a conservancy authority or a harbour authority a power or duty to make bye-laws for the regulation of seaplanes when on the surface of the water, or to include in the bye-laws any such provisions as are mentioned in the said sub-section, the following provisions shall have effect, that is to say :—

- (a) in case such enactment does not provide that the bye-laws shall not come into force unless they have been confirmed or approved by some Minister and does not provide that the bye-laws shall be allowed or approved by a court or judge, any such bye-laws made after the date of the passing of this Act in relation to seaplanes shall not come into force unless and until they have been confirmed by the Minister;
- (b) in case such enactment provides that the bye-laws shall not come into force unless they have been allowed or approved by a court or judge, the conservancy authority or harbour authority shall, before making application to that court or judge for the allowance of the bye-laws, forward a copy thereof to the Minister, and the court or judge shall, before allowing or approving the bye-laws, take into consideration any representations made with respect thereto by or on behalf of the Minister.

(3) In this section—

the expression “enactment” includes any provisional order for the time being in force (whether or not it has been confirmed by an Act);

the word “bye-laws” includes rules and regulations.

60.—(1) The Minister may by order make regulations providing for the investigation of any accident arising out of or in the course of air navigation and occurring in or over Saorstát Eireann or to Saorstát Eireann aircraft elsewhere. Investigation of accidents.

(2) Without prejudice to the generality of the provisions of the immediately preceding sub-section, regulations under this section may contain provisions—

- (a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified in the regulations;
- (b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents any of the provisions of section 3 of the Notice of Accidents Act, 1894;
- (c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft;
- (d) authorising or requiring the cancellation, suspension, endorsement, or surrender of any licence or certificate granted under this Act or any order made thereunder, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed, or surrendered, and for the production of any such licence for the purpose of being so dealt with.

(3) Nothing in this section shall limit the powers of any authority under sections 530 to 537, inclusive, of the Merchant Shipping Act, 1894, or any enactment (including this Act) amending those sections.

(4) If any person acts in contravention (whether by omission or commission) of any regulations under this section, he shall be

guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, imprisonment for a term not exceeding three months.

(5) Any regulations made by the Minister under section 12 of the Air Navigation Act, 1920, and in force immediately before the date of the passing of this Act, shall be deemed to be made under this section and may be amended or revoked by regulations made under this section, and until so revoked and subject to any such amendment shall continue in force.

61.—(1) Where it is alleged by any person interested that a foreign aircraft making a passage through or over Saorstát Éireann infringes in itself or in any part of it any invention, design or model which is entitled to protection in Saorstát Éireann, it shall be lawful, subject to and in accordance with Rules of Court, to detain such aircraft until the owner thereof deposits or secures in respect of the alleged infringement a sum (in this section called the deposited sum), and thereupon the aircraft shall not, during the continuance or in the course of the passage, be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, in respect or on account of the alleged infringement. Infringement of patents.

(2) The deposited sum shall be such a sum as may be agreed between the parties interested, or in default of agreement shall be fixed by the Minister or some person duly authorised on his behalf, and payment thereof shall be made or secured to him in such manner as he shall approve, and the deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be appointed by Rules of Court, and such rules may provide generally for carrying this section into effect.

(3) In this section—

the word "owner" shall include the actual owner of an aircraft, and any person claiming through or under him;

the word "passage" shall include all reasonable landings and stoppages in the course of a passage.

62.—(1) Any offence under this Act or under an order or regulations made thereunder, and any offence whatever committed on a Saorstát Éireann aircraft, shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be, Jurisdiction.

(2) The Minister for Justice may by order make provision as to the courts in which proceedings may be taken for enforcing any claim under this Act, or any other claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

(3) The Minister for Justice may by order under this sub-section revoke or amend any order made by him under this section including an order under this sub-section.

(4) The Minister for Justice shall before making any order under this section consult with the Chief Justice in regard thereto.

(5) Any order made under sub-section (2) of section 14 of the Air Navigation Act, 1920, and in force in Saorstát Éireann immediately before the date of the passing of this Act shall be deemed to be made under this section and may accordingly be revoked or amended by an order under this section, and until so revoked and subject to any such amendment shall continue in force.

63.—The Executive Council may by order provide for the detention of aircraft to secure compliance with any of the provisions of this Act or any order or regulation made under or by virtue of this Act, or to prevent aircraft from flying when unfit to fly and every such order shall have the force of law in Saorstát Éireann. Detention of aircraft.

64.—(1) Where under this Act an aircraft is to be or may be detained, any authorised person may detain such aircraft. Enforcing detention of aircraft.

(2) If an aircraft, after detention or after service on the pilot of any notice or order for detention, takes off or attempts to take off before it is released by competent authority, the following provisions shall have effect, that is to say :—

(a) the pilot and also the owner and any person who causes the aircraft to take off, or to attempt to take off shall each severally be guilty of an offence under this section ;

(b) if such aircraft when so taking off has on board in the execution of his duty an authorised officer, the owner and pilot of such aircraft shall each severally be guilty of an offence under this section, and shall, if

guilty of such offence, also be liable to pay to the Minister all expenses of and incidental to such officer being so taken on such aircraft.

(3) Where a person charged with an offence under this section is not the pilot of the aircraft in respect of which such offence is alleged to have been committed, it shall be a good defence for such person to prove that on the occasion on which such offence is alleged to have been committed he was not a party nor privy to the taking off or attempted taking off of such aircraft.

(4) Any expenses payable to the Minister under sub-section (2) may be recovered by the Minister as a simple contract debt in a court of competent jurisdiction.

(5) Every person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

(6) Each of the following shall be an authorised officer for the purposes of this section, that is to say:—

- (a) a commissioned officer of the Defence Forces of Saorstát Éireann;
- (b) an officer of the Minister;
- (c) an officer of customs and excise;
- (d) any person authorised by the Minister in that behalf.

65.—(1) Where under this Act or any order or regulation made thereunder an aircraft is to be detained, an officer of customs and excise shall, and where under this Act an aircraft may be detained, an officer of customs and excise may refuse to clear that aircraft outwards or to grant a transire to such aircraft.

Other provisions
in relation to
detained aircraft.

(2) Where any provision of this Act or any order or regulation made thereunder provides that an aircraft may be detained until any document is produced to the proper officer of customs and excise, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transire to such aircraft.

66.—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say:—

- (a) subject to the provisions of sub-section (1) of this section, for requiring any person—

Information as to
air transport
undertakings and
use of customs
aerodromes.

(i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in such regulations, or

(ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in such regulations such information relating to the use of aircraft for the purposes of his said business and to the persons employed in connection with that use or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom as may be prescribed by such regulations;

(b) for requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such provisions of such regulations as relate to him;

(c) for prescribing the times at which, and the form and manner in which any information required under such regulations is to be furnished.

(2) A person carrying on any such business as is mentioned in clause (i) of paragraph (a) of the immediately preceding subsection shall not be required by regulations made under this section to furnish information relating to the use of aircraft on journeys wholly outside Saorstát Éireann or relating to persons exclusively employed outside Saorstát Éireann unless the person carrying on the business is—

(i) a citizen of Saorstát Éireann resident in Saorstát Éireann, or

(ii) a person who is exempted from the application of the Aliens Act, 1935 (No. 14 of 1935), by virtue of an order made under section 10 of the said Act, and is resident in Saorstát Éireann, or

(iii) a body corporate incorporated under the law of Saorstát Éireann.

(3) If any person contravenes (whether by omission or commission) any regulation made under this section, such person shall be guilty of an offence under this section and shall be liable on

summary conviction thereof to a fine not exceeding twenty pounds and in the case of a continuing offence a further fine not exceeding five pounds for each day during which the offence is continued.

(4) In this section the expression "customs aerodrome" means an aerodrome for the time being approved, in pursuance of an order made under Part II of this Act and for the time being in force, as a place of landing and departure of aircraft for the purposes of the enactments relating to customs.

67.—Section 2 of the Conveyance of Mails Act, 1893, shall apply to every service by air for the public carriage of passengers and goods carried on by any person, subject to the following modifications, that is to say:—

- (a) references to a tramway company shall be construed as references to any such person,
- (b) references to a tramway shall be construed as references to any such service,
- (c) references to carriage shall be construed as references to aircraft,
- (d) the references in the said section 2 to the Railway and Canal Commission shall be construed as references to the Railway Tribunal.

PART VIII.

THE COMPANY, SUBSIDIARY COMPANIES AND AER LINGUS, TEORANTA.

68.—As soon as may be after the passing of this Act the Minister for Finance shall, after consultation with the Minister, take all such steps as appear to him to be necessary or desirable to procure that a limited company (in this Act referred to as the Company) conforming to the conditions laid down in the Second Schedule to this Act shall be formed and registered in Saorstát Éireann under the Companies Acts, 1908 to 1924.

Formation and registration of the Company.

69.—(1) The Minister for Finance may out of moneys provided by the Oireachtas lend to the Company upon such terms and conditions as to time and manner of repayment, rate of interest, security and other matters whatsoever as he shall think proper, a sum not exceeding five thousand pounds.

Loan to Company to pay expenses of formation.

(2) Any moneys lent to the Company under this section shall be applied by the Company in or towards paying the expenses of

the promotion, formation and registration of the Company and the other preliminary expenses of the Company, and for no other purposes.

(3) All sums paid to the Minister for Finance by the Company in or towards repayment of any moneys lent to the Company under this section or in payment of the interest on such moneys shall be paid into the Exchequer.

70.—No issue of the share capital of the Company (other than share capital issued to subscribers of the Memorandum of Association of the Company) shall be made at any time, unless the Minister for Finance, after consultation with the Minister, has authorised such issue.

Issue of share capital of the Company.

71.—The Minister for Finance may from time to time take up by subscription any class or classes of shares of the Company, but the total amount of shares so taken up shall not exceed (in nominal value) the sum of one million pounds.

Acquisition of shares by Minister for Finance by subscription.

72.—The Minister for Finance may, subject to such conditions as he may think fit, agree with the Company that, if any shares in the Company about to be offered at any time for subscription are not within a specified time taken up by the public, he will take up and pay for such shares or some specified proportion thereof.

Underwriting by the Minister for Finance of issue of shares.

73.—The Minister for Finance may, so long as he holds any of the shares of the Company, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares, and where such rights or powers are exercisable by attorney the said Minister may, if he so thinks proper, exercise such rights or powers by his attorney.

Powers of the Minister for Finance as shareholder.

74.—(1) The Minister for Finance may hold for as long as he thinks fit any shares of the Company acquired by him under this Act and may as and when he thinks fit sell all or any of such shares.

Powers of Minister for Finance in respect of shares held by him.

(2) The net proceeds of every sale by the Minister for Finance of shares of the Company held by him shall be paid into or disposed of for the benefit of the Exchequer in such manner as he may direct.

75.—Whenever the Company proposes to issue any debentures the Minister for Finance may, if he thinks fit, guarantee, in such form and manner as he may think proper, the due payment by the Company in accordance with the terms of such debentures of the principal moneys and interest secured by such debentures.

State guarantee of debentures of the Company.

76.—(1) All moneys from time to time required by the Minister for Finance—

Advance of moneys out of the Central Fund.

(a) to meet payments required to be made by him to the Company in respect of any shares subscribed for or taken up by him under this Act, or

(b) to meet sums which become payable under any guarantee given by him under this Act in respect of moneys secured by debentures issued by the Company,

shall be advanced out of the Central Fund or the growing produce thereof.

(2) For the purpose of providing money for the sums advanced out of the Central Fund under this section, the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing the said Minister may create and issue securities bearing such rate of interest, and subject to such conditions as to repayment, redemption or otherwise as he shall think fit.

(3) The principal and interest of any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof.

(4) Any money raised by securities issued under this section shall be placed to the credit of the account of the Exchequer and shall form part of the Central Fund and be available in any manner in which such Fund is available.

(5) Any moneys advanced out of the Central Fund or the growing produce thereof for the purposes mentioned in paragraph (b) of sub-section (1) of this section shall be repaid to the Central Fund (with interest thereon at such rates as the Minister for Finance shall appoint) by the Company in such amounts and at such times as the said Minister shall appoint, and if and so far as any such moneys are not repaid by the Company to the Central Fund, such sums shall be repaid to the Central Fund out of moneys provided by the Oireachtas.

77.—All dividends, bonus and other moneys received by the Minister for Finance in respect of shares of the company held by him shall be paid into the Exchequer.

Payments of dividends, etc., into the Exchequer.

78.—Notwithstanding anything contained in the Companies Acts, 1908 to 1924, no alteration in the Memorandum of Association or Articles of Association of the Company shall, so long as the Minister for Finance holds any shares of the Company, be valid or effectual unless made with the previous approval of the Minister for Finance given after consultation with the Minister.

Alteration of Memorandum and Articles of Association of the Company.

79.—(1) The Minister for Finance may, subject to the provisions of this section, from time to time by order authorise the payment of subsidies to the company on such terms and conditions as may be specified in such order.

Subsidies.

(2) Every order made under this section shall be laid before Dáil Eireann as soon as may be after it is made, but shall not come into force unless—

(a) such order is confirmed by resolution of Dáil Eireann, or

(b) a period of twenty-one days on which Dáil Eireann has sat after such order was so laid before it has elapsed and a resolution annulling such order has not been passed by Dáil Eireann within the said period.

(3) The aggregate amount which may be authorised to be paid to the Company by any orders made under this section shall not exceed five hundred thousand pounds, and no such order may be made after the expiration of five years from the date of the passing of this Act.

(4) Where an order made under this section has come into force any moneys required for payment of the subsidy specified in such order shall be paid out of moneys provided by the Oireachtas.

80.—(1) As soon as may be after the registration of the Company, the Company may, with the consent of the Minister for Finance, lend to Aer Lingus, Teoranta, such sum as the Minister for Finance shall certify to be sufficient to discharge any liabilities which Aer Lingus, Teoranta, may have incurred and are then unsatisfied.

Loan by the Company to Aer Lingus, Teoranta.

(2) The following provisions shall have effect in relation to the repayment of any sum lent by the Company to Aer Lingus, Teoranta, under this section, that is to say :—

(a) such sum shall be so repaid in such one of the following ways as the Minister for Finance may direct, that is to say:—

- (i) by the issue of debentures of an amount equal to such sum,
- (ii) by the issue of shares of a nominal amount equal to such sum,
- (iii) as to part of such sum, by the issue of debentures of an amount equal to such part and, as to the remainder of such sum, by the issue of shares of a nominal amount equal to such remainder;

(b) where any debentures are so issuable such debentures shall carry such rate of interest as the said Minister shall direct, and

(c) where any shares are so issuable such shares or any part thereof may as the said Minister directs be shares having priority over ordinary shares and in such case shall carry such rate of dividend as the said Minister shall direct.

81.—(1) Each company to which this section applies shall within ninety days after the end of every accounting year furnish to the Minister for Finance a balance sheet for such accounting year duly audited by the auditor of such company, and also a profit and loss account for the same accounting year similarly audited.

Obligation to furnish balance sheets, etc., to the Minister for Finance.

(2) The balance sheet and profit and loss account to be furnished by each company to which this section applies shall be drawn up in such manner as shall be prescribed by regulations made under this section, and such balance sheet shall contain (in addition to any matter required by such regulations) a summary of the capital, assets and liabilities of such company, together with such particulars as will disclose the nature of such assets and liabilities and the manner in which the value of the assets was arrived at.

(3) Each company to which this section applies shall on demand furnish to the Minister for Finance such explanations as the said Minister shall think proper to require in respect of any balance sheet or profit and loss account furnished pursuant to this section.

(4) A copy of every balance sheet and profit and loss account furnished to the Minister for Finance pursuant to this section

shall be laid by him before Dáil Eireann within one month after such balance sheet and profit and loss account are so furnished to him.

(5) Each company to which this section applies shall whenever and so often as the Minister for Finance may require furnish to the said Minister such particulars as he may require in respect of the activities of such company.

(6) The Company shall whenever and so often as the Minister for Finance may require, furnish to the said Minister such particulars (being particulars within the power, possession or procurement of the Company) as he may require in relation to any undertaking (other than Aer Lingus, Teoranta, or a subsidiary company) in which it may hold an interest.

(7) If the Company, or Aer Lingus, Teoranta, or any subsidiary company makes default in complying with the obligations imposed on it by this section, the Company, or Aer Lingus, Teoranta, or such subsidiary company (as the case may be), and every director, manager or other officer thereof who knowingly and wilfully authorised or permitted such default, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for every day during which the default continues.

(8) The Minister for Finance may by order make regulations prescribing any matter referred to in this section as prescribed by regulations made under this section.

(9) This section applies to—

- (a) the Company;
- (b) Aer Lingus, Teoranta;
- (c) every subsidiary company.

(10) An offence under this or the next following section may be prosecuted by or at the suit of the Minister for Finance as prosecutor.

82.—(1) An inspector shall be entitled to enter the premises of any company to which this section applies and inspect any books or documents in such premises.

Inspection of books and documents of the Company, Aer Lingus, Teoranta, and subsidiary companies.

(2) If any person—

- (a) impedes or obstructs an inspector in the exercise of any of the powers conferred on an inspector by this section; or
- (b) fails to produce any such books or documents as aforesaid;

such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(3) In this section the word "inspector" means a person authorised in writing by the Minister for Finance to exercise the powers conferred on an inspector by this section.

(4) This section applies to—

- (a) the Company;
- (b) Aer Lingus, Teoranta;
- (c) every subsidiary company.

83.—The Control of Manufactures Acts, 1932 and 1934, shall not apply in respect of any act or thing done by the Company, Aer Lingus, Teoranta, or any subsidiary company.

Non-application of Control of Manufactures Acts, 1932 and 1934.

PART IX.

RESTRICTION ON SERVICES FOR INTERNAL CARRIAGE BY AIR OF PASSENGERS AND GOODS.

84.—(1) It shall not be lawful for any person to carry on an internal air service unless—

- (a) such person is the Company, or Aer Lingus, Teoranta, or a subsidiary company, or
- (b) such person is granted by the Minister under this section permission to carry on such service, and such service is carried on under and in accordance with such permission.

Restriction on carriage by air of passengers and goods between places within Saorstát Éireann.

(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and in the case of a continuing offence a further fine not exceeding ten pounds for each day during which the offence is continued.

(3) The Minister may, if he thinks fit, grant to a person who is for the time being authorised to establish an international service permission in writing to carry on an internal air service, subject to a condition that such internal service shall be carried on only by means of aircraft operating such international service and such other conditions as the Minister thinks proper.

(4) In this section the expression "internal air service" means a service by air for the public carriage of passengers, and goods or any of them originating at and destined for places within Saorstát Éireann.

PART X.

CONTROL AND REGULATION OF CERTAIN CLASSES OF AVIATION BUSINESS.

85.—(1) In this Part of this Act—

the expression “aviation (private hire) business” means the business of hiring out for reward aircraft, for the purpose of the carriage of passengers or goods, under a contract whereby the aircraft is chartered as a whole for a particular journey or journeys, as specified in the journey log book of such aircraft, irrespective of the number of passengers or the quantity of goods to be carried;

Definitions for purposes of Part X.

the expression “aviation (pleasure flights) business” means the business of giving for reward pleasure flights in aircraft beginning and ending, without landing in the course of the flight, at the same aerodrome;

the expression “aviation (instruction) business” means the business of giving for reward instruction in aviation.

(2) For the purposes of this Act an aviation (private hire) business, an aviation (pleasure flights) business, and an aviation (instruction) business shall each constitute a separate class of aviation business.

86.—(1) The Minister may by order appoint a day to be the appointed day for the purposes of this Part of this Act.

The appointed day for the purposes of Part X.

(2) In this Part of this Act the expression “the appointed day” means the day appointed by the Minister under this section to be the appointed day for the purposes of this Part of this Act.

87.—(1) On and after the appointed day it shall not be lawful for any person, in the course of an aviation (private hire) business carried on by him, to carry by any aircraft in Saorstát Eireann any passenger or goods, unless—

Prohibition of carrying on aviation business of a class to which Part X applies by unlicensed persons.

(a) such person is the holder of a licence (in this Part of this Act referred to as an aviation business licence) granted under this Part of this Act, authorising him to carry on such business, or

(b) such aircraft—

(i) started its journey from a place outside Saorstát Eireann, and

(ii) was privately chartered as a whole, and

- (iii) does not, while in Saorstát Éireann, carry for reward any passengers, other than some or all of the passengers it carried on its first landing in Saorstát Éireann.

(2) On and after the appointed day it shall not be lawful for any person, in the course of an aviation (pleasure flights) business carried on by him, to carry by air in Saorstát Éireann any passenger unless such person is the holder of a licence (in this Part of this Act also referred to as an aviation business licence) granted under this Part of this Act authorising him to carry on such business.

(3) On and after the appointed day it shall not be lawful for any person, in the course of an aviation (instruction) business carried on by him, to carry by air in Saorstát Éireann any other person, unless such first-mentioned person is the holder of a licence (in this Part of this Act also referred to as an aviation business licence) granted under this Part of this Act authorising him to carry on such business.

(4) Every person who acts in contravention of this section shall be guilty of an offence under this section, and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, and in the case of a continuing offence, a further fine not exceeding ten pounds for every day during which the offence is continued.

(5) A certificate purporting to be signed by an officer of the Minister and to certify that on a specified day or days or during the whole of a specified period a specified person was not the holder of an aviation business licence in respect of a specified class of aviation business shall, without proof of the signature of the person purporting to sign such certificate or that he was an officer of the Minister, be evidence until the contrary is proved of such of the matters aforesaid as are purported to be certified in and by such certificate.

88.—(1) Any person may apply to the Minister for an aviation business licence authorising him to carry on a specified class of aviation business. Application for aviation business licences.

(2) Every application for an aviation business licence shall be in the prescribed form and contain the prescribed particulars.

89.—Whenever any person applies to the Minister under and in accordance with the immediately preceding section for an aviation business licence in respect of a particular class of aviation business the following provisions shall have effect, that is to say:—

Grant of aviation business licence.

- (a) in case such person satisfies the Minister that he was on the 1st day of January, 1936, carrying on in Saorstát Eireann a business of a class similar to that in respect of which such application relates, the Minister shall grant such licence to such person, and
- (b) in every other case, the Minister may, in his absolute discretion either grant or refuse to grant such licence.

90.—Every aviation business licence in respect of a particular class of aviation business shall be expressed and operate to authorise the person who is for the time being the licensee under such licence to carry on the aviation business of that class, but subject to the provisions of this Act and any orders or regulations made thereunder, and to the conditions (if any) attached to such licence.

Operation of aviation business licence.

91.—(1) Whenever the Minister grants an aviation business licence, he may attach to such licence any conditions that he may think proper, and in particular, and without prejudice to the generality of the foregoing power, conditions as to all or any of the following matters, that is to say:—

Attachment of conditions to aviation business licence.

- (a) the limitation of the area in relation to which the class of business to which such licence relates is to be carried on,
- (b) wages and conditions of employment of the employees of such business, and
- (c) the employment of citizens of Saorstát Eireann and the use of Saorstát Eireann manufactures in connection with such business.

(2) Whenever the Minister attaches any conditions to an aviation business licence he shall specify such conditions in such licence.

92.—(1) The Minister may, if he so thinks fit, on the application of the holder of an aviation business licence, amend (whether by addition, omission or variation) the conditions attached to such licence.

Amendment of conditions of aviation business licence.

(2) The Minister may on his own motion amend (whether by addition, omission or variation) in such manner as he thinks fit the conditions attached to an aviation business licence.

(3) Whenever the Minister proposes to amend, in exercise of the power conferred on him by the immediately preceding sub-section, the conditions attached to an aviation business licence, he shall cause a notice to be served by post on the licensee under such licence specifying the amended conditions which are to attach to such licence and upon service of such notice the said amended conditions shall attach to such licence.

93.—If any person who is the licensee under an aviation business licence fails, neglects, or refuses to observe or comply with any of the conditions attached to such licence, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and in the case of a continuing offence a further fine not exceeding five pounds for every day during which the offence is continued.

Breach of conditions attached to aviation business licence.

94.—(1) Every aviation business licence shall specify the date on which it commences and every such licence shall commence on the date so specified.

Commencement and duration of aviation business licence.

(2) Every aviation business licence shall (unless it previously lapses or is revoked under this Part of this Act) continue in force for a period of twelve months from the date on which it commenced and shall then expire unless it is renewed under this Part of this Act.

95.—(1) Every person who is the licensee under an aviation business licence which is in force (whether by virtue of the original grant or of a renewal of such licence) may, within the prescribed time and while such licence continues so in force, apply to the Minister for a renewal of such licence.

Application for renewal of aviation business licence.

(2) Every application for the renewal of an aviation business licence shall be made in the prescribed form and shall contain the prescribed particulars.

96.—(1) The Minister may refuse an application for a renewal of an aviation business licence on one or more of the following grounds, but on no other ground, that is to say :—

Grant of renewal of aviation business licence.

- (a) on the ground that in his opinion there was, during the currency of the licence or of the last renewal thereof, a breach of or a failure to observe or comply with one or more of the conditions attached to such licence;
- (b) on the ground that in his opinion there was, during such currency, a breach of or a failure to observe or comply with the provisions of this Act or of any orders or regulations made thereunder;
- (c) on the ground that the licensee under such licence has, during such currency, been convicted of an offence (whether under this or any other Act) in relation to the aviation business to which such licence relates or to the aircraft used therein.

(2) Whenever the Minister grants a renewal of an aviation business licence, the Minister may amend (whether by addition, omission or variation) in such manner as he thinks proper the conditions attached to such licence.

97.—Every renewal of an aviation business licence shall commence immediately upon the expiration of the licence or of the renewal of the licence (as the case may be) of which it is a renewal and shall (unless it previously lapses or is revoked under this Act) continue in force for a period of twelve months from the date on which it commenced.

Duration of renewal of aviation business licence.

98.—(1) The Minister may at any time revoke an aviation business licence upon the application of the licensee thereunder.

Revocation of aviation business licence.

(2) The Minister may at any time on his own motion and at his absolute discretion revoke or suspend for such time as he shall think proper an aviation business licence on any ground on which he is authorised by this Part of this Act to refuse an application for the renewal of such licence.

(3) The Minister may at any time on his own motion and at his absolute discretion revoke an aviation business licence if he is satisfied that such licence was obtained by fraud or misrepresentation.

99.—(1) An aviation business licence shall not be transferable by the licensee thereunder or by operation of law to any other person. Transfer of aviation business licence.

(2) Whenever the ownership of an aviation business has been transferred, whether by act of the parties or operation of law, from the licensee under the aviation business licence relating to such business to another person, the Minister, if he so thinks proper, may, on the application of such person, transfer such licence to such person.

(3) Every application for the transfer of an aviation business licence under this section shall be made in the prescribed form and contain the prescribed particulars.

(4) Where an aviation business licence is transferred under this section such licence shall be deemed to have been transferred as on the date on which the business to which such licence relates was transferred.

100.—Whenever the licensee under an aviation business licence dies, the following provisions shall have effect, that is to say :— Death of licensee under aviation business licence.

- (a) the aviation business to which such licence relates may be carried on under such licence until the happening of whichever of the following events first happens, that is to say, the grant of probate of the will or letters of administration of the personal estate of the licensee, or the expiration of such licence, or the expiration of three months from the death of such licensee;
- (b) the said aviation business may, while such licence is in force, be carried on by the personal representative of such licensee until the expiration of six months from the death of such licensee or the expiration of such licence, whichever first happens;
- (c) the personal representative of such licensee may apply to the Minister for a renewal or a transfer (as the circumstances may require) of such licence to himself and upon such application being made the following provisions shall have effect, that is to say :—
 - (i) if such application is for a renewal, the Minister may refuse such application but only on a ground upon which he would be authorised by this Act to refuse the application if such licensee had survived and had himself made the application;
 - (ii) if such application is for a transfer, the Minister shall grant such application.

101.—(1) Every person who applies under this Part of this Act for a grant, renewal or transfer of an aviation business licence shall, when required by the Minister so to do, furnish to the Minister all such information as the Minister may require for the consideration of such application.

Furnishing of information and verification by applicants for grant, renewal and transfer of aviation business licences.

(2) The Minister may require any statement of fact made in an application for the grant, renewal or transfer of an aviation business licence or made to the Minister in response to a request for information under the next preceding sub-section to be verified by the statutory declaration of some person having personal knowledge of the fact so stated.

(3) If any person fails to furnish any information or any verification which he is required by the Minister under this section to furnish, the Minister may, on the ground of such failure and without prejudice to any other power of refusal conferred on him by this Part of this Act, refuse the application in relation to which such information or verification is so required.

102.—(1) There shall be paid to the Minister on every application under this Part of this Act for the grant, renewal, or transfer of an aviation business licence a fee of such amount as may be from time to time fixed by the Minister, with the consent of the Minister for Finance, and the payment of such fee (which shall be retained whether the application is or is not granted) shall be a condition precedent to the consideration of such application.

Fees on grant, etc., of aviation business licence.

(2) Different fees may be fixed in respect of grants, renewals and transfers respectively of aviation business licences and in respect of aviation business licences authorising the carrying on of different classes of aviation businesses.

103.—(1) The Minister may, by regulation made by him under this Act, prescribe the accounts to be kept by every person carrying on an aviation business under an aviation business licence and also the statements of accounts, returns of traffic, and other returns to be furnished periodically by every such person to the Minister and the times and occasions at which such returns are to be so furnished.

Accounts and returns by licensees under aviation business licences.

(2) The Minister may, by the conditions attached to an aviation business licence, require the licensee under such licence to keep accounts or make returns differing (whether by addition, omission, or variation) from the accounts or returns prescribed by regulations made under this Part of this Act, and where any such condition is attached to an aviation business licence, the said regulations shall have effect in respect of the licensee under such licence subject to such condition.

(3) The Minister may publish, as and when he thinks proper, all or any returns made to him under this section and also statistics compiled by him from such returns.

(4) Every person who shall fail to keep the accounts or make the returns which he is required by regulations made under this Act or by a condition attached to an aviation business licence to keep or make shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and, in the case of a continuing offence, a further fine not exceeding one pound for every day during which the offence continues.

FIRST SCHEDULE.

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR.

CHAPTER 1.—*Scope—Definitions.*

ARTICLE 1.

(1) The present Convention shall apply to all international carriage of persons, luggage or goods performed by aircraft for reward. It shall apply equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) The expression "international carriage" within the meaning of the present Convention shall be any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party shall not be deemed to be international for the purposes of the present Convention.

(3) A carriage to be performed by several successive air carriers shall be deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

ARTICLE 2.

(1) This Convention shall apply to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) The present Convention shall not apply to carriage performed under the terms of any international postal Convention.

CHAPTER II.—*Documents of Carriage.*

Section 1.—*Passenger Ticket.*

ARTICLE 3.

(1) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars:—

(a) the place and date of issue;

(b) the place of departure and of destination;

(c) the agreed stopping places, provided that the carrier may, in case of necessity, alter the said stopping places without thereby depriving the carriage of its international character;

(d) the name and address of the carrier or carriers;

(e) a statement that the carriage is subject to the rules relating to liability established by the present Convention.

(2) The absence, irregularity or loss of the passenger ticket shall not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of the present Convention. Nevertheless, if the carrier accepts a passenger without

a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

Section 2.—*Luggage Ticket.*

ARTICLE 4.

(1) For the carriage of luggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a luggage ticket.

(2) The luggage ticket shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The luggage ticket shall contain the following particulars:—

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the name and address of the carrier or carriers;
- (d) the number of the passenger ticket;
- (e) a statement that delivery of the luggage will be made to the bearer of the luggage ticket;
- (f) the number and weight of the packages;
- (g) the amount of the value declared in accordance with Article 22, paragraph (2);
- (h) a statement that the carriage is subject to the rules relating to liability established by the present Convention.

(4) The absence, irregularity or loss of the luggage ticket shall not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of the present Convention. Nevertheless, if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (d), (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

Section 3.—*Air Consignment Note.*

ARTICLE 5.

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air consignment note"; every consignor has the right to require the carrier to accept this document.

(2) Nevertheless, the absence, irregularity or loss of this document shall not affect the existence or the validity of the contract of carriage which shall none the less be governed by the rules of the present Convention subject to the provisions of Article 9.

ARTICLE 6.

(1) The air consignment note shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier," and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(3) The signature of the carrier shall be affixed on his acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

ARTICLE 7.

The carrier of goods is entitled to require the consignor to make out separate consignment notes when there is more than one package.

ARTICLE 8.

The air consignment note shall contain the following particulars:—

- (a) the place and date of its execution;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may, in case of necessity, alter the said stopping places without thereby depriving the carriage of its international character;
- (d) the name and address of the consignor;
- (e) the name and address of the first carrier;
- (f) the name and address of the consignee, if the case so requires;
- (g) the nature of the goods;
- (h) the number of the packages, the method of packing and the particular marks or numbers upon them;
- (i) the weight, the quantity and the volume or dimensions of the goods;
- (j) the apparent condition of the goods and of the packing;
- (k) the freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;
- (l) if the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred;
- (m) the amount of the value declared in accordance with Article 22, paragraph (2);
- (n) the number of parts of the air consignment note;
- (o) the documents delivered to the carrier to accompany the air consignment note;
- (p) the time fixed for the completion of the carriage and a brief indication of the route to be followed (*via*), if these matters have been arranged;
- (q) a statement that the carriage is subject to the rules relating to liability established by the present Convention.

ARTICLE 9.

If the carrier accepts goods without an air consignment note having been made out, or if such note does not contain all the particulars set out in Article 8 (a) to (q) inclusive and (q), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

ARTICLE 10.

(1) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(2) He shall be liable for all damage caused to the carrier or to any other person by the irregularity, inexactitude or insufficiency of the said particulars and statements.

ARTICLE 11.

(1) In the absence of proof to the contrary the air consignment note shall be evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of carriage.

(2) In the absence of proof to the contrary the statements in the air consignment note relating to the weight, dimensions and packing of the goods, as well as those relating to the number of packages, shall be evidence thereof; those relating to the quantity, volume and condition of the goods shall only constitute evidence against the carrier in so far as they have been, and are stated in the air consignment note to have been, checked by him in the presence of the consignor, or where the statements relate to the apparent condition of the goods.

ARTICLE 12.

(1) On condition that he carries out all his obligations under the contract of carriage, the consignor has the right to deal with the goods either by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey at a landing place, or by requiring them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by demanding their return to the aerodrome of departure, provided that the exercise of this right shall not prejudice either the carrier

or other consignors and that any expenses which result therefrom will be refunded.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air consignment note delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of the air consignment note.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

ARTICLE 13.

(1) Except in the circumstances set out in the preceding article, the consignee is entitled, on the arrival of the goods at the place of destination, to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(2) Unless it is otherwise agreed, the carrier shall notify the consignee on the arrival of the goods.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived on the expiration of a period of seven days after the date on which they ought to have arrived, the consignee shall be entitled to enforce against the carrier the rights which result from the contract of carriage.

ARTICLE 14.

The consignor and the consignee can enforce all the rights conferred on them respectively by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

ARTICLE 15.

(1) Articles 12, 13, and 14 shall not prejudice either the relations of the consignor or the consignee with each other or the relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) Any condition which departs from the provisions of Articles 12, 13 and 14 should be embodied in the air consignment note.

ARTICLE 16.

(1) The consignor shall be obliged to furnish such information and attach to the air consignment note such documents as are necessary for the completion of the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the carrier for any damage which may result from the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier shall not be obliged to inquire into the correctness or sufficiency of such information or documents.

CHAPTER III.—*Liability of the Carrier.*

ARTICLE 17.

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

ARTICLE 18.

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not include any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or trans-shipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which occurred during the carriage by air.

ARTICLE 19.

The carrier is liable for damage resulting from any delay in the carriage by air of passengers, luggage or goods.

ARTICLE 20.

(1) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

ARTICLE 21.

Where the carrier proves that the negligence of the person suffering damage has caused or contributed to the damage the Court may, in accordance with the provisions of its own law, exonerate the carrier or mitigate his liability.

ARTICLE 22.

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with the law of the Court seized of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed the aforesaid maximum. Nevertheless, by special agreement with the carrier, the passenger may arrange a higher limit of liability.

(2) In the carriage of registered luggage and of goods, the liability of the carrier is limited to a sum of 250 francs per kilo-

gram, unless the consignor makes, when handing over the package to the carrier, a special declaration of the value at delivery and pays a supplementary sum if so required. In that case the carrier will be liable up to the amount of the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of $65\frac{1}{2}$ milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

ARTICLE 23.

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in the present Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of the present Convention.

ARTICLE 24.

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in the present Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right of action and what are their respective rights.

ARTICLE 25.

(1) The carrier shall not have the right to avail himself of the provisions of the present Convention which exclude or limit his liability, if the damage is due to malice or to such default on his part as, in accordance with the law of the Court seised of the case, is considered to involve malice.