

(2) This right will be equally denied to him if the damage has been caused in similar conditions by one of his agents in the scope of his employment.

ARTICLE 26.

(1) Acceptance of the luggage or goods without complaint by the consignee shall, in the absence of proof to the contrary, constitute evidence that the consignment has been delivered in good condition and in accordance with the document of carriage.

(2) In case of damage, the consignee must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the period prescribed for such complaint.

(4) Failing complaint within the prescribed periods, no action shall lie against the carrier, save in the case of fraud on his part.

ARTICLE 27.

In the case of the death of the person liable, an action for damages lies in accordance with the terms of the present Convention against his personal representatives.

ARTICLE 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is domiciled, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court seised of the case.

ARTICLE 29.

(1) The right to damages shall be barred if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft should have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the aforesaid period shall be determined by the law of the Court seized of the case.

ARTICLE 30.

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier accepting passengers' luggage or goods is subject to the rules set out in this Convention and is deemed to be one of the contracting parties to the contract of carriage in so far as that contract deals with such part of the carriage as is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) In the case of luggage or goods, the consignor will have a right of action against the first carrier, and the consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly liable to the consignor or consignee.

CHAPTER IV.—*Provisions relating to Combined Carriage.*

ARTICLE 31.

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of the present Convention apply only to the carriage by air, if such carriage falls within the terms of Article 1.

(2) Nothing in the present Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of the present Convention are observed as regards the carriage by air.

CHAPTER V.—*General and Final Provisions.*

ARTICLE 32.

Any clause contained in the contract and all special agreements entered into before the damage by which the parties purport to depart from the rules laid down by the present Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of goods arbitration clauses are allowed, subject to the present Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

ARTICLE 33.

Nothing contained in the present Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of the present Convention.

ARTICLE 34.

The present Convention shall not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor shall it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

ARTICLE 35.

The expression " days " when used in the present Convention means current days not working days.

ARTICLE 36.

The present Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall

be sent by the Polish Government to the Government of each of the High Contracting Parties.

ARTICLE 37.

(1) The present Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which will notify the deposit to the Government of each of the High Contracting Parties.

(2) As soon as the present Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Parties who shall have ratified and the High Contracting Party who deposits his instruments of ratification on the ninetieth day after such deposit.

(3) It shall be the duty of the Government of the Republic of Poland to notify to the Government of each of the High Contracting Parties the date on which the present Convention comes into force as well as the date of the deposit of each ratification.

ARTICLE 38.

(1) The present Convention shall, after it has come into force, remain open for accession by any State.

(2) The accession shall be effected by a notification addressed to the Government of the Republic of Poland, which will inform the Government of each of the High Contracting Parties thereof.

(3) The accession shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

ARTICLE 39.

(1) Any one of the High Contracting Parties may denounce the present Convention by a notification addressed to the Government of the Republic of Poland, which will at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and in respect only of the party who shall have proceeded to denunciation.

ARTICLE 40.

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of accession, declare that the acceptance which he gives to the present Convention does not apply to all or any of his colonies, protectorates, territories under mandate, or any other territory subject to his sovereignty or his authority, or any territory under his suzerainty.

(2) Accordingly any High Contracting Party may subsequently accede separately in the name of all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority or any territory under his suzerainty which have been thus excluded by his original declaration.

(3) Any High Contracting Party may denounce the present Convention, in accordance with its provisions, separately or for all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority, or any other territory under his suzerainty.

ARTICLE 41.

Any High Contracting Party shall be entitled not earlier than two years after the coming into force of the present Convention to call for the assembling of a new international Conference in order to consider any improvements which might be made in the present Convention. To this end he will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

The present Convention, done at Warsaw on the 12th October, 1929, shall remain open for signature until the 31st January, 1930.

(Here follow the signatures on behalf of the following countries :—

Germany, Austria, Belgium, Brazil, Denmark, Spain, France, Great Britain, and Northern Ireland, the Commonwealth of Australia, the Union of South Africa, Greece, Italy, Japan, Latvia, Luxembourg, Norway, the Netherlands, Poland, Roumania, Switzerland, Czecho-Slovakia, the Union of Soviet Socialist Republics, and Yugoslavia.)

ADDITIONAL PROTOCOL.

(*With reference to Article 2.*)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that paragraph (1) of Article 2 of the present Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

[*Same signatures as those to the Convention shown above.*]

SECOND SCHEDULE.

CONDITIONS TO WHICH THE COMPANY IS TO CONFORM.

1. The Memorandum and Articles of Association of the Company shall be subject to the approval of the Minister for Finance after consultation by him with the Minister for Industry and Commerce.

2. The amount of the share capital of the company shall be such sum not exceeding one million pounds as the Minister for Finance shall approve.

3. The Memorandum of Association of the Company shall provide—

(a) that the registered office of the Company shall be situate in Dublin;

(b) that the principal objects of the Company shall include—

- (i) the establishment, maintenance and working of lines of aerial conveyances between places in Saorstát Éireann and between Saorstát Éireann and other countries either directly or by means of Aer Lingus Teoranta and other air transport undertakings in which the Company has a controlling interest;
- (ii) the acquisition and holding of shares in Aer Lingus Teoranta;
- (iii) the promotion of and the holding of shares in such other air transport undertakings;
- (iv) the holding of shares in and making of working arrangements with air transport undertakings, other than those mentioned in the immediately preceding clause;
- (v) the giving, with the consent of the Minister for Finance, of financial or other assistance to such air transport undertakings;

(c) that the liability of the members of the Company shall be limited;

(d) that the share capital of the Company shall be divided into shares of one pound each, and that the Company shall, with the consent of the Minister for Finance, have power to divide the shares in the capital of the Company into several classes and to attach thereto respectively any preferential, deferred, qualified or special rights, privileges or conditions.

4. The Articles of Association of the Company shall provide—

(a) that the number of directors of the Company shall be five;

(b) that so long as the Minister for Finance holds not less than one-tenth (in nominal value) of the issued shares of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding, three of the Directors of the Company shall be nominated by the said Minister after consultation with the Minister for Industry and Commerce;

(c) that the Company shall for the purposes of the Company have power to raise money by means of debentures, subject however as follows:—

(i) the amount so raised shall not exceed at any time the paid up share capital of the company,

(ii) the said power shall not, so long as the Minister for Finance holds not less than one-tenth of the share capital of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding, be exercised without the consent of the said Minister;

(d) that so long as the Minister for Finance holds any shares of the Company, no person shall be capable of being appointed auditor of the Company unless the approval of the said Minister to the nomination of such person to the office of auditor has been given

Number 10 of 1942.

AIR NAVIGATION AND TRANSPORT
(AMENDMENT) ACT, 1942.

803

**AIR NAVIGATION AND TRANSPORT (AMENDMENT)
ACT, 1942 (No. 10)**

ARRANGEMENT OF SECTIONS.

Section.

1. The Principal Act.
2. Amendment of section 79 of the Principal Act.
3. Short title and collective citation.

AN ACT TO AMEND SECTION 79 OF THE AIR NAVIGATION
AND TRANSPORT ACT, 1936. [26th May, 1942.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1.—In this Act the expression “the Principal Act” means the Air Navigation and Transport Act, 1936 (No. 40 of 1936).

The
Principal
Act.

2.—Section 79 (which relates to subsidies) of the Principal Act shall be construed and have effect—

Amendment of
section 79 of the
Principal Act.

(a) as if the following sub-section were inserted therein in lieu of sub-section (2), that is to say:—

“(2) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.”; and

(b) as if for the reference in sub-section (3) to five years from the date of the passing of the Principal Act there were substituted a reference to five years from the date of the passing of this Act; and

(c) as if the following sub-section were inserted therein in lieu of sub-section (4), that is to say:—

“(4) Any moneys required for the payment of the subsidy specified in an order made under this section shall be paid out of moneys provided by the Oireachtas.”.

3.—This Act may be cited as the Air Navigation and Transport (Amendment) Act, 1942, and the Principal Act and this Act may be cited together as the Air Navigation and Transport Acts, 1936 and 1942.

Short title and
collective citation.

Number 23 of 1946.

AIR NAVIGATION AND TRANSPORT ACT, 1946.

807

AIR NAVIGATION AND TRANSPORT ACT 1946 (No. 23)

ARRANGEMENTS OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title and collective citation.
2. Interpretation.
3. Application to State aircraft.
4. Saving for lighthouse authorities.
5. General provisions in relation to orders made by the Minister
6. Regulations and directions.
7. Expenses.

PART II.

PROVISIONS IN RELATION TO THE CHICAGO CONVENTION.

8. Coming into operation of the Chicago Convention.
9. Power to give effect to the Chicago Convention.
10. Power to apply Chicago Convention to internal flying.
11. Special provisions which may be made by order of the Minister.
12. Power to compel compliance when aircraft disobeys signals.
13. Penalties.
14. Fees on certificates and licences.
15. Expenses of International Civil Aviation Organisations.
16. Detention of aircraft.
17. Exemption in respect of infringement of patents, etc., by certain foreign aircraft.

PART III.

MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT.

Section.

18. Transfer to Minister of powers of Government under sections 10, 11, 12 and 63 of the Principal Act, and consequential amendment of section 5 of the Principal Act.
19. Amendment of section 79 of the Principal Act.

PART IV.

PROVISIONS IN RELATION TO AER RIANTA, TEORANTA.

20. Definitions for purposes of Part IV.
21. Increase of capital of the Company.
22. Power of Minister for Finance to acquire new shares by subscription and to underwrite issue of shares.
23. Provisions in respect of new shares held by the Minister for Finance.
24. Advances of moneys out of the Central Fund.
25. Extension of objects of the Company.
26. Directors.
27. Alteration of memorandum and articles of association of the Company.

PART V.

PROVISIONS IN RELATION TO AER LINGUS, TEORANTA.

28. Alteration of memorandum of association of Aer Lingus, Teoranta.

AN ACT TO ENABLE EFFECT TO BE GIVEN TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION OPENED FOR SIGNATURE AT CHICAGO ON THE 7TH DAY OF DECEMBER, 1944, TO AMEND THE AIR NAVIGATION AND TRANSPORT ACT, 1936, TO PROVIDE FOR CERTAIN MATTERS IN RELATION TO AER RIANTA, TEORANTA AND AER LINGUS, TEORANTA, AND TO PROVIDE FOR OTHER MATTERS (INCLUDING THE CHARGING OF FEES) CONNECTED WITH THE MATTERS AFORESAID. [31st July, 1946.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—(1) This Act may be cited as the Air Navigation and Transport Act, 1946. Short title and collective citation.

(2) The Air Navigation and Transport Acts, 1936 and 1942, and this Act may be cited together as the Air Navigation and Transport Acts, 1936 to 1946.

2.—(1) In this Act— Interpretation.
the expression “the Chicago Convention” means the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December, 1944, and includes any amendment of the said Convention which may be made under Article 94 thereof; Chicago Convention.

the expression "Irish aircraft" means aircraft registered in the State; Irish aircraft.

the expression "the Minister" means the Minister for Industry and Commerce; Minister.

the expression "the operative date" means the date of the passing of this Act; operative date.

the word "prescribed" means prescribed by an order made by the Minister under this Act; prescribed.

the expression "the Principal Act" means the Air Navigation and Transport Act, 1936 (No. 40 of 1936), as adapted in consequence of the enactment of the Constitution and as amended by the Air Navigation and Transport (Amendment) Act, 1942 (No. 10 of 1942). Principal Act.

(2) References in this Act to any country or territory (including the State) shall, unless the context otherwise requires, be construed as including references to the territorial waters (if any) adjacent to such country or territory.

(3) This Act shall be construed as one with the Air Navigation and Transport Acts, 1936 and 1942.

3.—(1) Subject to the provisions of this section, this Act shall not apply to any State aircraft. Application to State aircraft.

(2) The Minister may by order direct that such provisions of this Act or any order 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 the State.

4.—Nothing in this Act or any order 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 Minister under this Act may be made applicable to any aircraft in or over the State or to Irish aircraft wherever they may be. General provisions in relation to orders made by the Minister.

(2) The Minister shall not, in any order made by him under this Act, make provisions in relation to the Customs except with the concurrence of the Minister for Finance.

(3) An order made by the Minister under this Act may authorise the Minister to make regulations and give directions for carrying out the purposes of such order in respect of such matters and things as may be specified in such order.

(4) An order made by the Minister under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of such order.

(5) (a) The Minister may by order under this subsection revoke or amend any instrument to which this subsection applies.

(b) This subsection applies to—

- (i) any order or regulations made under Part I of the Air Navigation Act, 1920, as adapted by or under subsequent enactments, which was continued in force by section 15 of the Principal Act and is in force immediately before the operative date,
- (ii) any order made by the Government under Part II or under section 63 of the Principal Act,
- (iii) any order made by the Government under section 5 of the Principal Act amending any such order or regulation as is referred to in subparagraph (i) or subparagraph (ii) of this paragraph,
- (iv) any order made by the Minister under this Act.

(6) Every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.

6.—The Minister may make regulations or give directions in relation to any matter in respect of which the Minister is authorised by an order made by the Minister under this Act to make regulations or give directions for carrying out the purposes of such order. Regulations and directions.

7.—All expenses incurred by the Minister in the execution of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses,

PART II.

PROVISIONS IN RELATION TO THE CHICAGO CONVENTION.

8.—The Chicago Convention shall come into operation in the State on such day as the Minister may by order fix (which said order the Minister is hereby authorised to make).

Coming into operation of the Chicago Convention.

9.—The Minister may from time to time make such orders as appear to him necessary or expedient for carrying out the Chicago convention and for giving effect thereto or to any of the provisions thereof and every such order shall have the force of law in the State.

Power to give effect to the Chicago Convention.

10.—The Minister may from time to time by order direct that the provisions of the Chicago 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 the State 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 the State.

Power to apply Chicago Convention to internal flying.

11.—Without prejudice to the generality of the powers conferred by sections 9 and 10 of this Act, the Minister may by order made under either of the said sections make provision—

Special provisions which may be made by order of the Minister.

- (a) prescribing the authority by which any of the powers exercisable under the Chicago Convention by a contracting State or by any authority therein are to be exercised in the State;
- (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 Chicago 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 the State;
- (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 the State or from one part of the State to another;
- (g) exempting from the provisions of the order or of the Chicago 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 Chicago Convention;
- (k) supplementing the Chicago 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.

12.—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 the State in contravention of any such order, the following provisions shall have effect, that is to say:—

Power to compel compliance when aircraft disobeys 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 the State in respect of the doing of anything authorised to be done by any such officer under this section, whether such doing is done personally or by a person acting in aid of or under the direction of such officer.

13.—(1) If—

Penalties.

- (a) an aircraft flies in contravention of any instrument to which this section applies or any provision of any such instrument, or
- (b) an aircraft fails to comply with any instrument to which this section applies or any provision of any such instrument, or
- (c) any act is committed in respect of any aircraft which is a contravention of any provisions of an instrument to which this section applies or is deemed by any such instrument to be such contravention,

then, the owner or hirer (not being the State) of such aircraft and also the pilot or commander thereof shall be deemed to have contravened or, as the case may be, failed to comply with such instrument.

(2) Every person who obstructs or impedes any person acting under the authority of the Minister in the exercise or performance of any of the powers or duties conferred or imposed on the Minister by an instrument to which this section applies shall be deemed to have acted in contravention of such instrument.

(3) Every person who contravenes or fails to comply with or who is deemed by this section to have contravened or failed to comply with an instrument to which this section applies shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or, at the discretion of the Court, to both such imprisonment and fine.

(4) In any prosecution of a person for an alleged contravention of or failure to comply with any instrument to which this section applies it shall be a defence for such person to prove that such contravention or failure was due to stress of weather or other unavoidable cause, and in any prosecution of the owner, hirer, pilot or commander of an aircraft for such alleged contravention or failure it shall be a defence for such owner, hirer, pilot or commander to prove that such alleged contravention or failure took place without his actual default or privity.

(5) This section applies to any instrument, being—

- (a) an order made by the Minister under this Part, or
- (b) any regulation made or direction given under any such order.

14.—The following provisions shall have effect in relation to all fees payable under this Part, that is to say— Fees on certificates and licences.

- (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.

15.—Any sums required for the contribution from the State for the organisation and operations of— Expenses of International Civil Aviation Organisations.

- (a) the Provisional International Civil Aviation Organisation set up under the Interim Agreement on International Civil Aviation opened for signature at Chicago on the 7th day of December, 1944, or
- (b) the International Civil Aviation Organisation set up under the Chicago Convention,

shall be paid by the Minister out of moneys provided by the Oireachtas.

16.—(1) The Minister may by order provide for the detention of aircraft to secure compliance with the Chicago Convention or any order made under this Part or any regulation made or direction given under any such order. Detention of aircraft.

(2) The references, in sections 64 and 65 of the Principal Act, to the Principal Act shall be construed as including references to this Act.

17.—(1) Where—

Exemption in respect of infringements of patents, etc. by certain foreign aircraft.

- (a) a foreign aircraft to which this section applies makes, while engaged in international air navigation, an authorised entry into the territory of the State or an authorised transit across such territory with or without landing, and
- (b) the construction, mechanism, parts, accessories or operation of the aircraft infringe any patent, design or model duly granted or registered in the State,

then, notwithstanding anything in the Act of 1927, no action or proceedings shall lie or be taken in respect of such infringement.

(2) Where—

- (a) spare parts or spare equipment for a foreign aircraft to which this section applies and which is engaged in international air navigation are or is stored in the State, and
- (b) the said spare parts or spare equipment infringe or infringes any patent, design or model duly granted or registered in the State,

then, notwithstanding anything contained in the Act of 1927, the following provisions shall have effect—

- (i) no action or proceedings shall lie or be taken in respect of such storage, unless such spare parts or equipment are or is sold or distributed in the State or commercially exported from the State,
- (ii) no action or proceedings shall lie or be taken in respect of the user and installation in the State of such parts or equipment in the repair of any such aircraft.

(3) Subsection (1) of section 61 of the Principal Act shall not apply to any foreign aircraft to which this section applies which, while engaged in international air navigation, makes an authorised entry into the territory of the State or an authorised transit across such territory with or without landing.

(4) In this section—

the expression “the Act of 1927” means the Industrial and Commercial Property (Protection) Act, 1927 (No. 16 of 1927), as amended by the Industrial and Commercial Property (Protection) (Amendment) Act, 1929 (No. 13 of 1929);

the expression “foreign aircraft to which this section applies” means aircraft of a State (other than the State) which—

(a) is a party to the Chicago Convention, and

(b) either—

(i) is a party to the International Convention for the Protection of Industrial Property, or

(ii) has enacted patent laws which recognise and give adequate protection to inventions made by the nationals of the other States parties to the Chicago Convention.

PART III.

MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT.

18.—(1) On the operative date, the powers conferred on the Government by sections 10, 11, 12 and 63 of the Principal Act shall, by virtue of this section, be transferred to, and vest in, the Minister.

Transfer to Minister of powers of Government under sections 10, 11, 12 and 63 of the Principal Act, and consequential amendment of section 5 of the Principal Act.

(2) References in sections 10, 11, 12 and 63 of the Principal Act to the Government shall, on and after the operative date, be construed as references to the Minister.

(3) Subsection (5) of section 5 of the Principal Act shall, in so far as it relates to the revocation or amendment of an order made under sections 10, 11, 12 or 63 of the Principal Act, cease to have effect.

19.—(1) Subsection (3) of section 79 of the Principal Act shall be construed and have effect—

Amendment of section 79 of the Principal Act.

(a) as if the words “seven hundred and fifty thousand pounds” were substituted for the words “five hundred thousand pounds”,

(b) as if for the reference therein to five years from the date of the passing of the Principal Act there were substituted a reference to five years from the date of the passing of this Act.

(2) Paragraph (b) of section 2 of the Air Navigation and Transport (Amendment) Act, 1942 (No. 16 of 1942), is hereby repealed.

PART IV.

PROVISIONS IN RELATION TO AER RIANTA, TEORANTA.

20.—In this Part—

the expression “the Company” means Aer Rianta, Teoranta, being the Company formed in pursuance of section 68 of the Principal Act; Definitions for purposes of Part IV. Company.

the expression “new shares” means shares of the Company the issue of which is authorised under section 21 of this Act; new shares.

the expression “old shares” means shares of the Company issued under the Principal Act. old shares.

21.—(1) Notwithstanding anything to the contrary contained in the Principal Act, or the memorandum or articles of association of the Company, it shall be lawful for the Company to increase its capital to a total of £2,000,000 (two million pounds) divided into two million shares of one pound each, and for that purpose to make such alterations as may be requisite in its memorandum and articles of association and, in particular, to make such alterations in its memorandum and articles of association as may be necessary to authorise the directors to issue shares of one pound each ranking *pari passu* with the old shares. Increase of capital of the Company

(2) No issue of new shares shall be made unless the Minister for Finance, after consultation with the Minister, has authorised such issue.

(3) Section 112 of the Stamp Act, 1891, shall not operate so as to require the Company to deliver to the Revenue Commissioners any statement or to pay any stamp duty under that section in respect of the increase of the capital of the Company authorised by this section or in respect of the new shares.

22.—(1) The Minister for Finance may from time to time take up by subscription any class or classes of the new shares.

(2) The Minister for Finance may, subject to such conditions as he thinks fit, agree with the Company that, if any new shares of the Company about to be offered at any time for subscription

Power of Minister for Finance to acquire new shares by subscription and to underwrite issue of shares.

are not within a specified time taken up by the public, he will take up and pay for such new shares or some specified portion thereof.

23.—Sections 73, 74 and 77 of the Principal Act shall apply to new shares held by the Minister for Finance in like manner as they apply to old shares held by him.

Provisions in respect of new shares held by the Minister for Finance.

24.—(1) All moneys from time to time required by the Minister for Finance to meet payments required to be made by him to the Company in respect of any new shares subscribed for or taken up by him under this Act shall be advanced out of the Central Fund or the growing produce thereof.

Advances of moneys out of the Central Fund.

(2) For the purpose of providing moneys 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 thinks fit, and shall pay the moneys so borrowed into the Exchequer.

(3) The principal of and interest on any securities issued by the Minister for Finance under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

25.—(1) Paragraph 3 of the Second Schedule to the Principal Act is hereby amended by the substitution of the following subparagraph for subparagraph (b), that is to say—

Extension of objects of the Company.

“(b) the principal objects of the Company shall include—

- (i) the establishment, maintenance and working of lines of aerial conveyances between places in the State and between the State and other countries either directly or by means of Aer Lingus, Teoranta and other air transport undertakings (in this paragraph referred to as controlled air transport undertakings) in which the Company has a controlling interest,
- (ii) the acquisition and holding of shares in Aer Lingus, Teoranta,

- (iii) the promotion of and holding of shares in controlled transport undertakings and in aircraft maintenance, repair and manufacture undertakings,
- (iv) the holding of shares in and the making of working arrangements with air transport undertakings (other than controlled air transport undertakings) and aircraft maintenance, repair and manufacture undertakings,
- (v) the giving, with the consent of the Minister for Finance, financial or other assistance to air transport undertakings and aircraft maintenance, repair and manufacture undertakings."

(2) At any time after the passing of this Act, the Company may, with the approval of the Minister for Finance, given after consultation with the Minister, so alter its memorandum of association as to extend its objects in conformity with the amendment effected by subsection (1) of this section.

26.—Paragraph 4 of the Second Schedule to the Principal Act is hereby amended by the substitution of the following subparagraphs for subparagraphs (a) and (b), that is to say:— Directors.

" (a) the number of the directors of the Company shall be not more than seven nor less than three,

(b) so long as the Minister for Finance holds not less than one-tenth (in nominal value) of the issued shares of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding, a majority of the directors of the Company shall be nominated by the said Minister after consultation with the Minister for Industry and Commerce."

27.—(1) In addition to the alterations specifically authorised by this Part to be made in the memorandum and articles of association of the Company, it shall be lawful for the Company to make all such alterations in its memorandum and articles of association as are necessary or proper by way of supplement to, or in consequence of, any alteration so specifically authorised and also such other alterations as shall be necessary or proper to give effect to the provisions of this Part.

Alteration of memorandum and articles of association of the Company.

(2) Neither section 78 of the Principal Act nor Clauses 7 and 8 of the memorandum of association of the Company shall apply to alterations made in the memorandum and articles of association of

the Company under or in pursuance of this Part, and in lieu thereof it is hereby enacted that all such alterations shall be in such form consistent with this Part as shall be approved by the Minister for Finance, after consultation with the Minister.

(3) For the purposes of effecting any alterations in the articles of association of the Company authorised by this Part, section 13 of the Companies (Consolidation) Act, 1908, shall be construed as if the words "extraordinary resolution" were substituted for the words "special resolution" where the latter words first occur.

(4) Section 9 of the Companies (Consolidation) Act, 1908, shall not apply in respect of any alteration authorised by this Part to be made by the Company in its memorandum of association, and in lieu thereof it is hereby enacted that every such alteration may be made by extraordinary resolution, as defined by section 69 of the said Act, and that, in addition to complying with section 70 of the said Act, the Company shall, within the time mentioned in the said section 70, deliver to the registrar of companies a printed copy of the memorandum as so altered and the said registrar shall register it and certify the registration under his hand, and such certificate shall be conclusive evidence that all the requirements of the said Act, as amended by this subsection with respect to such alteration, have been complied with and thenceforth the memorandum as so altered shall be the memorandum of the Company.

PART V.

PROVISIONS IN RELATION TO AER LINGUS, TEORANTA.

28.—Notwithstanding anything contained in the Companies (Consolidation) Act, 1908, Aer Lingus, Teoranta may, by extraordinary resolution, as defined by section 69 of the said Act, alter its memorandum of association by deleting clauses 6 and 7 thereof.

Alteration of memorandum association of Aer Lingus, Teoranta.

Number 4 of 1950.

AIR NAVIGATION AND TRANSPORT
ACT, 1950.

823

AIR NAVIGATION AND TRANSPORT ACT 1950 (No. 4)

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title and collective citation.
2. Interpretation.
3. Prosecution of offences under the Principal Act, the Act of 1946 and this Act.
4. Repeals.

PART II.

MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT AND THE ACT OF 1946.

5. Amendment of definition of "State aircraft".
6. Meaning in Part V of the Principal Act of "the purposes of this Part of this Act".
7. Amendment of section 37 of the Principal Act.
8. Entry on land, etc., compulsorily acquired under the Principal Act before conveyance or ascertainment of compensation.
9. Construction of references to Chicago Convention in Part II of the Act of 1946.

PART III.

VESTING OF CERTAIN LAND IN THE MINISTER AND PROVISIONS IN RELATION TO THAT AND OTHER LAND ACQUIRED BY THE MINISTER.

10. Vesting in the Minister of lands described in the Second Schedule, and cesser of application of State Lands Act, 1924, to lands described in Part I of the Second Schedule.
11. Application of Principal Act to lands described in Second and Third Schedules.

Section.

12. Disposal of land acquired by the Minister under the Principal Act and lands described in the Second and Third Schedules.

PART IV.

PROVISIONS FOR SECURING THE SAFE AND EFFICIENT NAVIGATION
OF AIRCRAFT IN THE VICINITY OF AERODROMES.

13. Right of Minister to erect and maintain certain apparatus in land in vicinity of aerodromes.
14. Restrictions on use of land in the vicinity of aerodromes.

PART V.

PROVISIONS IN RELATION TO STATE AERODROMES.

15. Definitions for purposes of Part V.
16. Bye-laws in relation to State aerodromes.
17. Bye-laws defining duties of persons in command of aircraft which are for the time on the ground in a State aerodrome.
18. Publication of bye-laws.
19. Removal and arrest of offenders in State aerodromes.
20. Removal of vehicles, etc.
21. Obstruction of and assaults on authorised officers.
22. State aerodrome to be a public place and roads therein to be roads for purposes of Part X of the Road Traffic Act, 1933.
23. Management of Dublin Airport.
24. Power of Minister to supply water at a State aerodrome.

PART VI.

PAYMENT OF SUBSIDIES TO AER RIANTA, TEORANTA.

Section.

25. Payment of subsidies to Aer Rianta, Teoranta.

FIRST SCHEDULE.

ENACTMENT REPEALED.

SECOND SCHEDULE.

THIRD SCHEDULE.

AN ACT TO AMEND AND EXTEND THE AIR NAVIGATION AND TRANSPORT ACTS, 1936 TO 1946, TO VEST CERTAIN LANDS IN THE MINISTER FOR INDUSTRY AND COMMERCE, TO PROVIDE FOR THE PAYMENT OF SUBSIDIES TO AER RIANTA, TEORANTA, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [15th March, 1950.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—(1) This Act may be cited as the Air Navigation and Transport Act, 1950. Short title and collective citation.

(2) The Air Navigation and Transport Acts, 1936 to 1946, and this Act may be cited together as the Air Navigation and Transport Acts, 1936 to 1950.

2.—(1) In this Act— Interpretation.
the expression “the Act of 1946” means the Air Navigation and Transport Act, 1946 (No. 23 of 1946); Act of 1946.
the expression “the Minister” means the Minister for Industry and Commerce; Minister.

the expression " the Principal Act " means the Air Navigation and Transport Act, 1936 (No. 40 of 1936). Principal Act.

(2) This Act shall be construed as one with the Air Navigation and Transport Acts, 1936 to 1946.

3.—An offence under any subsection or section contained in the Principal Act, the Act of 1946 or this Act may be prosecuted by or at the suit of the Minister as prosecutor. Prosecution of offences under the Principal Act, the Act of 1946 and this Act.

4.—The enactment set out in column (2) of the First Schedule to this Act is hereby repealed to the extent specified in column (3) of the said Schedule. Repeals.

PART II.

MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT AND THE ACT OF 1946.

5.—The expression " State aircraft ", where it occurs in the Principal Act or the Act of 1946, shall, in lieu of the meaning assigned to that expression by subsection (1) of section 2 of the Principal Act, mean aircraft of any country used in military, customs and police services. Amendment of definition of " State aircraft."

6.—(1) Section 36 of the Principal Act shall be construed as if there were inserted therein the following new paragraph—
 "(c) any purpose related to the development of civil aviation where such development affects an aerodrome which the Minister or a local authority has established or is about to establish or affects any land adjacent to such aerodrome."
Meaning in Part V of the Principal Act of " the purposes of this Part of this Act."

(2) For the avoidance of doubts it is hereby declared that the purposes of Part V of the Principal Act for which land may be acquired by agreement or compulsorily include and always included the establishment of an aerodrome.

7.—Section 37 of the Principal Act is hereby amended by the insertion, after the word " approaches " of the words " water supply works and watermains, sewers and sewage disposal works, electric lines, lights, signs ". Amendment of section 37 of the Principal Act.

8.—(1) In this section the expression "water right" means a right of impounding, diverting or abstracting water.

Entry on land, etc., compulsorily acquired under the Principal Act before conveyance or ascertainment of compensation.

(2) At any time after the Minister becomes entitled under subsection (1) of section 41 of the Principal Act to acquire compulsorily any land or any water right or to use compulsorily any water right and before conveyance or ascertainment of compensation, the Minister may, subject to the subsequent provisions of this section, enter on and take possession of that land or exercise that water right.

(3) Where the Minister exercises any power conferred on him by subsection (2) of this section in relation to any land or water right, then—

(a) subject to paragraph (b) of this subsection, the Minister shall pay to the person, who is the occupier of that land or the owner of that water right, interest on the amount of the compensation payable to such person at the rate of three per cent. per annum from the date on which such power was exercised until payment of such compensation,

(b) if—

(i) the Minister has made an unconditional offer in writing of any sum as such compensation to such person, and

(ii) the offer is not accepted by such person, and

(iii) the sum awarded as compensation by the official arbitrator to such person does not exceed the sum so offered,

no interest shall be payable on such compensation in respect of any period after the date of the offer.

(4) The Minister shall not—

(a) enter on or take possession of any land under subsection (2) of this section without giving to the occupier thereof at least one month's or, in the case of an occupied dwelling-house, three months' previous notice in writing of his intention to do so, or

(b) exercise any water right under subsection (2) of this section without giving the owner thereof at least one

month's previous notice in writing of his intention to do so.

(5) A notice under subsection (4) of this section may be given to any person by sending it by prepaid post in an envelope addressed to that person at his usual or last known address.

(6) Where, for any reason, the envelope mentioned in subsection (5) of this section cannot be addressed in the manner provided by that subsection, it may be addressed to the person for whom it is intended in either or both of the following ways—

(a) by the description "the occupier" or "the owner" (as the case may be) without stating his name,

(b) at the land or the situation of the property to which the notice contained in the envelope relates.

9.—In Part II of the Act of 1946, references to the Chicago Convention shall be construed as including references to any Annex to the Chicago Convention relating to international standards and recommended practices (being an Annex adopted in accordance with the Chicago Convention) and any amendment of any such Annex made in accordance with the Chicago Convention.

Construction of references to Chicago Convention in Part II of the Act of 1946.

PART III.

VESTING OF CERTAIN LAND IN THE MINISTER AND PROVISIONS IN RELATION TO THAT AND OTHER LAND ACQUIRED BY THE MINISTER.

10.—(1) (a) On the passing of this Act, the lands described in Part I of the Second Schedule to this Act (which said lands form part of Dublin Airport) shall, by virtue of this subsection, vest in the Minister for all the interest therein which immediately before the passing of this Act belonged to the State.

Vesting in the Minister of lands described in the Second Schedule and cesser of application of State Lands Act, 1924 to lands described in Part I of the Second Schedule.

(b) The State Lands Act, 1924 (No. 45 of 1924), shall cease to apply to the lands described in Part I of the Second Schedule to this Act.

(2) On the passing of this Act, the lands described in Part II of the Second Schedule to this Act (which said lands form another part of Dublin Airport) shall, by virtue of this subsection, vest in the Minister for all the interest therein which immediately before the passing of this Act was vested in the Minister for Defence.

(3) Subsections (1) and (2) of this section shall, for the purposes of section 6 of the Conveyancing Act, 1881, have effect as conveyances of land.

(4) (a) Where any person is registered under the Registration of Title Act, 1891, as the owner of any interest in any land which, by virtue of subsection (1) or (2) of this section vests in the Minister, the Registrar of Titles shall, on production of a certificate under the official seal of the Minister certifying that such land, has by virtue of such subsection, vested in him, cause the Minister to be registered as the owner of such interest instead of such person.

(b) No fees shall be payable in respect of any proceedings in the Land Registry under this subsection.

11.—The lands described in the Second Schedule to this Act and the lands described in the Third Schedule to this Act (which said last-mentioned lands form part of Shannon Airport and were acquired by the Minister under the Emergency Powers (No. 315) Order, 1944 (S. R. & O., No. 74 of 1944)), shall, for the purposes of the Principal Act, be deemed to have been acquired thereunder.

Application of Principal Act to lands described in Second and Third Schedules.

12.—(1) In this section, the word “dispose”, in relation to land, means deal with the land in any of the following ways—

(a) sell it,

(b) lease or let it,

(c) grant a licence of it,

(d) grant (by way of lease, letting or licence) a right in respect of it,

Disposal of land acquired by the Minister under the Principal Act and lands described in the Second and Third Schedules.

and the word “disposal” shall be construed accordingly.

- (2) (a) The Minister, with the consent, either general or particular, of the Minister for Finance, may dispose of the whole or any part of—
- (i) land acquired by him (whether before or after the passing of this Act) under the Principal Act,
 - (ii) the lands described in the Second and Third Schedules to this Act.
- (b) The power of disposal conferred by paragraph (a) of this subsection shall extend to parts of buildings.
- (c) The Minister shall not, in exercise of his powers under paragraph (a) of this subsection, dispose of any State minerals within the meaning of the Minerals Development Act, 1940 (No. 31 of 1940), except sand, gravel, stone or clay which is not more than twenty feet below the surface.
- (3) Any moneys received by the Minister in respect of the disposal of land under subsection (2) of 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.

PART IV.

PROVISIONS FOR SECURING THE SAFE AND EFFICIENT NAVIGATION OF AIRCRAFT IN THE VICINITY OF AERODROMES.

- 13.—(1) (a) The Minister may cause to be erected, placed and attached upon, in or to any land or building in the vicinity of an aerodrome and may thereafter maintain and use such apparatus (including electric lines) as he considers necessary for the purpose of indicating any position or any obstruction or of signalling or supplying information to persons navigating aircraft to, or from, or in the vicinity of, the aerodrome.
- Right of Minister to erect and maintain certain apparatus in land in vicinity of aerodromes.
- (b) Before erecting, placing or attaching any apparatus upon, in or to any land or building in pursuance of this subsection, the Minister shall give

one month's previous notice to the owner and occupier thereof indicating his proposal.

(c) If any person wilfully obstructs or destroys, tampers with, pulls down, or defaces any apparatus erected, placed or attached upon, in or to any land or building in pursuance of this subsection, that person shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(2) (a) For the purposes of exercising the powers conferred by subsection (1) of this section, any authorised person and any persons acting under his direction may enter upon and pass over (with or without vehicles) any land.

(b) If any person (in this paragraph referred to as the offender) obstructs an authorised person or any person acting under his direction in the exercise of the powers conferred by this subsection, the offender shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(c) In this subsection the expression "authorised person" means any person belonging to a class authorised in writing by the Minister to exercise the powers conferred by this subsection on authorised persons.

(3) If any person having an estate or interest in land proves that his estate or interest is injuriously affected by the exercise of the powers conferred by subsection (1) of this section, he shall be entitled to recover from the Minister compensation for the injury to that estate or interest, and any question whether compensation is payable under this section or as to the amount of any compensation so payable shall, in default of agreement, be determined by an arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and under and in accordance with that Act.

14.—(1) Whenever the Minister is of opinion that the unrestricted use of a particular area of land in the vicinity of an aerodrome would interfere with the navigation of aircraft flying to or

Restrictions on use of land in the vicinity of aerodromes.

from that aerodrome, he may by order (in this section referred to as a protected area order) do the following things—

- (a) declare that that particular area of land shall be a protected area for the purposes of the order,
- (b) declare that, within the protected area, it shall not be lawful for any person, save under and in accordance with a permit granted by the Minister,—
 - (i) to erect or add to any building, or
 - (ii) to erect or place any post, pole or other thing, so that any part of the building, post, pole or thing (in this section referred to as an obstruction) will be at a greater height than that fixed by the order.

(2) The following provisions shall apply in respect of every protected area order—

- (a) the Minister shall cause the order to be published in the *Iris Oifigiúil* and in such newspapers circulating in the area to which the order relates as the Minister thinks proper,
- (b) the order may divide the area to which it relates into such and so many sub-areas as the Minister thinks fit and, in that case, may contain different provisions in relation to each of those sub-areas,
- (c) the order may exempt from its operation any specified obstructions or class of obstructions,
- (d) there shall be attached to the order a map showing the area to which the order relates and, where that area is divided into sub-areas, each of those sub-areas,
- (e) the map attached to the order may be omitted from the order in any publication thereof in pursuance of paragraph (a) of this subsection, but copies of the order with the map attached thereto shall be deposited in the offices of the Department of Industry and Commerce at Kildare Street, Dublin, and shall be there kept open for public inspection at all reasonable times.

(3) The Minister may by order revoke or amend a protected area order.

(4) Every protected area order shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by either such House within the next subsequent twenty-one days on which such House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

(5) The Minister may grant permits for the purposes of a protected area order, and the following provisions shall apply in relation to any permit so granted—

(a) the Minister may—

(i) attach to it such conditions as he thinks fit,

(ii) revoke or amend it;

(b) the permit shall not operate as a release from any restrictions imposed under the Town and Regional Planning Acts, 1934 and 1939, or any other enactment and applicable to the area to which the order relates.

(6) (a) If any person, having an estate or interest in land within an area to which a protected area order applies, proves that his estate or interest is injuriously affected by the refusal of the Minister to grant him a permit or by any conditions attached to a permit granted to him by the Minister, he shall be entitled to recover compensation from the Minister for the injury to that estate or interest, and any question whether compensation is payable under this subsection or as to the amount of any compensation so payable shall, in default of agreement, be determined by an arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and under and in accordance with that Act.

(b) Where a person would, but for this paragraph, be entitled to compensation under this subsection and also under any other enactment in respect of the same matter, he shall not be entitled to compensation in respect of that matter under both this subsection and that other enactment, but may elect to receive compensation under either this subsection or that other enactment.

(7) If any person erects or adds to a building or erects or places any post, pole or other thing in contravention of a protected area order—

(a) that person shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding fifty pounds, and

- (b) the Minister may, whether or not any proceedings are taken in respect of the offence, cause such alterations to be made in the building, post, pole, or thing in respect of which the contravention took place as may be necessary in his opinion to ensure compliance with the order, and the expenses incurred by the Minister in so doing shall be recoverable by the Minister from the person by whom the contravention is committed as a simple contract debt in any court of competent jurisdiction.

PART V.

PROVISIONS IN RELATION TO STATE AERODROMES.

15.—(1) In this Part—

the expression “ authorised officer ” means a person being—

Definitions for
purposes of
Part V.

- (a) a member of the Garda Síochána, or

authorised
officer.

- (b) any person belonging to a class authorised in writing by the Minister to exercise the powers conferred on authorised officers by sections 19 and 20 of this Act;

the word “ bye-laws ” means bye-laws made under this Part;

bye-laws

the expression “ State aerodrome ” means an aerodrome established by the Minister under section 37 of the Principal Act.

State
aerodrome.

(2) References in this Part to a contravention of a bye-law include references to a failure or refusal to comply with the bye-law.

16.—(1) The Minister may make, in relation to any State aerodrome, bye-laws for any one or more of the following purposes—

Bye-laws in
relation to State
aerodromes.

- (a) the exclusion therefrom of persons,
(b) the exclusion therefrom of vehicles,
(c) the admission thereto of persons,
(d) the admission thereto of vehicles,

- (e) the formation of queues of persons and vehicles within, or seeking admission to, the aerodrome,
- (f) the prohibition of trespassing on the aerodrome by persons or animals,
- (g) the securing of the safety of the aerodrome and of aircraft using it against damage and, in particular, damage by fire,
- (h) the restriction of smoking in the aerodrome,
- (i) the preservation of order and good conduct in the aerodrome,
- (j) the prevention of nuisances in the aerodrome,
- (k) the safe custody and re-delivery or disposal of any property found in the aerodrome or in any aircraft or vehicle therein, the fixing of the charges to be made in respect of such safe custody or re-delivery, and the application, if any such property is disposed of by being sold, of the moneys arising from the sale,
- (l) generally for the proper management, operation and supervision of the aerodrome.

(2) The Minister may, in relation to any State aerodrome, make bye-laws for all or any of the following purposes—

- (a) the specification of the routes to be followed by vehicles,
- (b) the prohibition or restriction of the use of specified roadways by vehicles generally or during particular hours or at particular times or in particular circumstances,
- (c) the prohibition of the driving of vehicles on a specified roadway otherwise than in a specified direction,
- (d) the regulation of traffic generally.

(3) The Minister may make, in relation to any State aerodrome, bye-laws for all or any of the following purposes—

- (a) fixing the places (in this section referred to as parking

places) in which vehicles, whether unattended or not, may remain stationary either indefinitely or for any period not exceeding a specified period,

- (b) appointing the conditions to be observed in regard to vehicles remaining stationary in parking places,
 - (c) fixing the period during which, the purposes for which and the conditions under which vehicles may remain stationary in places, other than parking places,
 - (d) prohibiting the keeping or leaving any vehicles stationary in any place (including parking places) for a period exceeding the period authorised in that behalf by the bye-laws or for a purpose other than a purpose so authorised in that behalf or otherwise than for a purpose (if any) or in accordance with the conditions (if any) prescribed in that behalf by the bye-laws.
- (4) The Minister may make bye-laws prohibiting the driving of vehicles within a State aerodrome at a speed exceeding a specified speed.
- (5) In making, under this section, any bye-laws in relation to a State aerodrome, the Minister may—
- (a) define, in such manner as he thinks proper, what shall constitute, for the purposes of any provision of the bye-laws, a class of persons or vehicles,
 - (b) make different provisions in relation to different parts of the aerodrome,
 - (c) make different provisions in relation to different classes of persons to whom the bye-laws apply,
 - (d) make different provisions in relation to different classes of vehicles to which the bye-laws apply,
 - (e) exempt from the operation of the bye-laws any particular class of persons or vehicles.
- (6) If any person contravenes any bye-law made under this section, that person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.
- (7) Where any matter in respect of which bye-laws are made under this section is the subject of any enactment (other than this

Act) or any instrument made thereunder, then, the operation of that enactment or instrument, in so far as it relates to that matter, shall be suspended during the continuance in force of those bye-laws.

17.—(1) The Minister may, in relation to any State aerodrome, make bye-laws defining the duties of persons in command of aircraft which are for the time being on the ground in that State aerodrome.

Bye laws defining duties of persons in command of aircraft which are for the time on the ground in a State aerodrome.

(2) If any person in command of an aircraft, which is for the time being on the ground in a State aerodrome to which any bye-law made under this section relates, contravenes the bye-law, he shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding one month.

18.—Bye-laws in relation to a State aerodrome shall be displayed at the aerodrome in such manner as the Minister considers best adapted for giving information to persons affected by the bye-laws.

Publication of bye-laws.

19.—(1) If, in any State aerodrome to which a bye-law relates, any person (in this subsection referred to as the offender) contravenes the bye-law—

Removal and arrest of offenders in State aerodromes.

(a) an authorised officer may do either or both of the following things—

(i) require the offender to give his name and address,

(ii) order the offender to leave the aerodrome;

(b) if the offender, on being required by an authorised officer to give his name and address, refuses to give his name or refuses to give his address or gives a name or address which is known to, or reasonably suspected by, the authorised officer to be false or fictitious, the authorised officer may without warrant arrest him;

(c) if the offender, on being ordered by an authorised officer to leave the aerodrome, refuses or fails to do so, the authorised officer may either remove him from the aerodrome by force or without warrant arrest him.

(2) Where an authorised officer, who is not a member of the Garda Síochana, arrests a person under this section, he shall, forthwith, deliver him into the custody of a member of the Garda Síochana to be dealt with according to law.

(3) If any person—

- (a) on being required by an authorised officer acting under this section to give his name and address, refuses to give his name or address or gives a false or fictitious name or address, or
- (b) on being required by an authorised officer acting under this section to leave a State aerodrome, refuses or fails to leave it, or
- (c) having left a State aerodrome in pursuance of the requirement of an authorised officer acting under this section or having been removed from a State aerodrome under this section, returns thereto on the same day,

that person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

20.—Where an authorised officer finds any vehicle, animal or other thing in a State aerodrome in contravention of a bye-law relating to that aerodrome, he may remove the vehicle, animal or other thing to a place either inside or outside that aerodrome.

Removal of
vehicles, etc.

21.—If any person—

- (a) obstructs or impedes an authorised officer in the lawful execution of his powers and duties as an authorised officer under section 19 or 20 of this Act, or
- (b) assaults an authorised officer in the lawful execution of those powers and duties,

Obstruction of
and assault on
authorised
officers.

that person shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding twenty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months.

22.—For the avoidance of doubts it is hereby declared that—

(a) a State aerodrome is a public place for the purposes of any enactment;

(b) the word “road” shall, for the purposes of Part X of the Road Traffic Act, 1933 (No. 11 of 1933) include a road in a State aerodrome.

State aerodrome to be a public place and roads therein to be roads for purposes of Part X of the Road Traffic Act, 1933.

23.—For the purposes of the management of Dublin Airport, Aer Rianta, Teoranta, may, unless and until the Minister otherwise directs, act as his agent.

Management of Dublin Airport.

24.—(1) The Minister may sell water from any water supply works maintained by him in connection with a State aerodrome.

Power of Minister to supply water at a State aerodrome.

(2) Notwithstanding anything contained in the Waterworks Clauses Act, 1847, or the Waterworks Clauses Act, 1863,—

(a) the Minister may, from water supplied to him at a State aerodrome by a sanitary authority, sell, with the consent of that sanitary authority, water to any person, and, for that purpose, may affix pipes and apparatus to any pipes used for the conveyance of the water supplied by that sanitary authority,

(b) where water is sold to a person under paragraph (a) of this subsection, that person may take and use the water so sold.

PART VI.

PAYMENT OF SUBSIDIES TO AER RIANTA, TEORANTA.

25.—(1) (a) The Minister for Finance may from time to time by order authorise the payment of subsidies to Aer Rianta, Teoranta, on such terms and conditions as may be specified in the order but no such order may be made after the expiration of five years from the passing of this Act.

Payment of subsidies to Aer Rianta, Teoranta.

(b) Every order made under this subsection shall be laid before each House of the Oireachtas as soon

as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.

(2) Any moneys required for the payment of subsidies under this section shall be paid out of moneys provided, whether before or after the passing of this Act, by the Oireachtas.

FIRST SCHEDULE.

Section 4

ENACTMENT REPEALED.

Number and Year (1)	Short title (2)	Extent of Repeal (3)
No. 40 of 1936	The Air Navigation and Transport Act, 1936.	Subsection (1) of section 2, in so far as that subsection defines the expression "State aircraft." Section 42.

SECOND SCHEDULE.

Sections 10, 11 and 12.

PART I.

1. The lands (in this paragraph referred to as the originally demised lands) demised by a Lease dated the 27th day of June, 1906, and made between Sir Compton Meade Domville of the one part and Sarah O'Toole of the other part and therein described as "All that and those the said part of the lands of Collinstown and Rock with the house thereon containing one hundred and eighty-six acres and thirty-eight perches be the same more or less situate lying and being in the Barony of Coolock and County of Dublin and delineated on the map in the fold hereof" except—

- (a) that part of the originally demised lands, namely, part of the said lands of Collinstown containing one acre statute measure, which was acquired in the year 1915 by the

North Dublin Rural District Council for the purpose of the Labourers (Ireland) Acts, 1883 to 1906,

- (b) that part of the originally demised lands which was assigned to one Anne Moran by a Deed of Exchange dated the 21st day of June, 1929, made between the said Anne Moran of the one part and the Minister for Defence of the other part and is therein described as "All that part of the lands of Rock containing seven acres three roods and thirty-four perches statute measure or thereabouts and shown on the plan annexed hereto and therein coloured green situate in the Barony of Coolock and County of Dublin",
- (c) that part of the originally demised lands which is comprised in a Lease dated the 20th day of May, 1930, made between the Minister for Finance of the one part and the North Dublin Rural District Council of the other part and is therein described as "All That and Those that part of the lands of Collinstown containing two acres and thirty six and one third perches statute measure or thereabouts as delineated and described and outlined in red on the map endorsed hereon being that portion of the lands comprised in the part of Collinstown Aerodrome lying between the Cuckoo Stream and the public road and adjoining the existing labourers' cottages and plots situate in the Barony of Coolock and County of Dublin."

2. The lands comprised in Folio 1951 County of Dublin in Register of Freeholders maintained under the Registration of Title Act, 1891.

3. The Lands granted by a Lease in Perpetuity dated the 1st day of March, 1920, expressed to be made between Robert Donovan of the one part and the President of the Air Council of the other part and therein described as "All that part of the lands of Little Forest containing sixteen acres one rood and nineteen perches or thereabouts statute measure and situate in the Parish of Swords Barony of Nethercross and County of Dublin and for the purposes of identification described in the plan annexed hereto and therein surrounded with a Red Verge line."

4. The lands comprised in Folio 1936 County Dublin of the Register of Freeholders maintained under the Registration of Title Act, 1891.

PART II.

1. That part of the lands comprised in Folio 3924 County Dublin of the Register of Freeholders maintained under the Registration of Title Act, 1891, which consists of part of the lands of Forrest Little containing six acres two roods and twenty-eight perches or thereabouts statute measure situate in the Barony of Nethercross and County of Dublin.

2. The lands comprised in and conveyed by an Indenture dated the 13th day of June, 1927, made between David Barry of the one part and the Minister for Defence of the other part.

THIRD SCHEDULE.

Sections 11 and 12.

1. The lands comprised in Folio 15167 County Clare of the Register of Freeholders maintained under the Registration of Title Act, 1891.

2. The lands vested in the Minister by an order made on the 8th day of March, 1945, by the Minister in exercise of powers conferred by the Emergency Powers (No. 315) Order, 1944 (S. R. & O., No. 74 of 1944), which said lands are described in the first-mentioned Order as "All that portion of the former Monteagle Arms Hotel premises situate in the townland of Foynes, barony of Shanid and County of Limerick, being part of the lands registered in Folio 2910 of the Register County Limerick and comprised of (1) an open yard of 1927 square feet or thereabouts in area and buildings of 1431 square feet or thereabouts in floor area, as shown more particularly hatched blue on the annexed map and (2) an open yard of 1470 square feet or thereabouts in area as shown more particularly coloured pink on the said annexed map."

Number 1 of 1959.

AIR NAVIGATION AND TRANSPORT ACT, 1959.

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title and collective citation.
2. Commencement.
3. Interpretation.

PART II.

AMENDMENTS OF THE PRINCIPAL ACT.

4. Amendment of section 18 of the Principal Act.
5. Amendment of the First Schedule to the Principal Act.

PART III.

PROVISIONS IN RELATION TO THE 1955 PROTOCOL TO THE
WARSAW CONVENTION.

6. Application of Part III.
7. 1955 Protocol to the Warsaw Convention to have the force of law in the State.

PART IV.

CARRIAGE BY AIR WHICH IS NOT INTERNATIONAL.

8. Amendment of section 20 of the Principal Act.

SCHEDULE.

AIR NAVIGATION AND TRANSPORT ACT, 1959.

AN ACT TO AMEND SECTION 18 OF AND THE FIRST SCHEDULE TO THE AIR NAVIGATION AND TRANSPORT ACT, 1936, TO ENABLE EFFECT TO BE GIVEN TO A PROTOCOL (SIGNED AT THE HAGUE ON THE 28TH DAY OF SEPTEMBER, 1955) TO AMEND THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR SIGNED AT WARSAW ON THE 12TH DAY OF OCTOBER, 1929, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [18th March, 1959.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

PART I.**PRELIMINARY AND GENERAL.**

1.—(1) This Act may be cited as the Air Navigation and Transport Act, 1959. Short title
and collective
citation.

(2) The Air Navigation and Transport Acts, 1936 to 1950, and this Act may be cited together as the Air Navigation and Transport Acts, 1936 to 1959.

2.—(1) This Act (except Parts III and IV and the Schedule) shall come into operation immediately upon the passing thereof. Commencement

(2) The following provisions of this Act, namely, Parts III and IV and the Schedule, shall come into operation on such day as shall be fixed for that purpose by order of the Government.

3.—In this Act—

“the Principal Act” means the Air Navigation and Transport Act, 1936;

Interpretation.
1936, No. 40.

“the 1955 Protocol to the Warsaw Convention” means the Protocol (signed at The Hague on the 28th September, 1955) to amend the Warsaw Convention;

“the Warsaw Convention” has the same meaning as in the Principal Act.

PART II.

AMENDMENTS OF THE PRINCIPAL ACT.

4.—(1) The following clause shall be substituted for clause (ii) of paragraph (b) of section 18 of the Principal Act—

Amendment of
section 18 of
the Principal
Act.

“ (ii) in deducing any relationship—

(I) a person adopted under the Adoption Act, 1952 (No. 25 of 1952), shall be considered as the child of the adopter or adopters born to him, her or them in lawful wedlock and not to be the child of any other person,

(II) subject to sub-clause (I) of this clause, an illegitimate person shall be considered the legitimate offspring of his mother and reputed father,

(III) a person in *loco parentis* to another shall be considered the parent of that other;”.

(2) Subsection (1) of this section shall not apply in respect of an action to enforce the liability of a carrier in respect of the death of a passenger where the death occurred before the passing of this Act.

5.—The First Schedule to the Principal Act is hereby amended in the following respects—

Amendment of
the First
Schedule to
the Principal
Act.

(a) the word “baggage” shall be substituted for the word “luggage” wherever the latter word occurs,

(b) the expression “baggage ticket” shall be substituted for the expression “luggage ticket” wherever the latter expression occurs,

- (c) the word "cargo" shall be substituted for the word "goods" wherever the latter word occurs,
- (d) the expression "air waybill" shall be substituted for the expression "air consignment note" wherever the latter expression occurs.

PART III.

PROVISIONS IN RELATION TO THE 1955 PROTOCOL TO THE WARSAW CONVENTION.

6.—This Part shall apply only in respect of States which are parties to the 1955 Protocol to the Warsaw Convention. Application of Part III.

7.—(1) The provisions of the 1955 Protocol to the Warsaw Convention, as set out in the Schedule to this Act, shall have the force of law in the State, and the following provisions of the Principal Act, namely section 18 (as amended by section 4 of this Act) and the First Schedule (as amended by section 5 of this Act) shall have effect accordingly. 1955 Protocol to the Warsaw Convention to have the force of law in the State.

(2) The Government may by order from time to time certify who are the parties to the 1955 Protocol to the Warsaw Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the right of reservation provided for in Article XXVI of the 1955 Protocol to the Warsaw Convention.

(3) Any sum in francs mentioned in Article 22 of the First Schedule to the Principal Act, as amended by Article XI of the Schedule to this Act, shall, for the purposes of an action against the carrier, be converted into the currency of the State 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.

PART IV.

CARRIAGE BY AIR WHICH IS NOT INTERNATIONAL.

8.—In section 20 of the Principal Act—

- (a) references to the First Schedule to the Principal Act shall be construed as references to the said First Schedule as amended by section 5 of this Act and by the Schedule to this Act,

Amendment of section 20 of the Principal Act.

- (b) the reference to section 18 of the Principal Act shall be construed as a reference to the said section 18 as amended by section 4 of this Act.

Number 29 of 1959.

AIR NAVIGATION AND TRANSPORT
(No. 2) ACT, 1959.

851

ARRANGEMENT OF SECTIONS.

Section.

1. Interpretation.
2. Increase of capital of the Company.
3. Restriction on State guarantee of debentures of the Company.
4. Short title and collective citation.

AIR NAVIGATION AND TRANSPORT (No. 2) ACT, 1959.

AN ACT TO AMEND AND EXTEND THE AIR NAVIGATION
AND TRANSPORT ACTS, 1936 TO 1959.

[11th August, 1959.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

1.—In this Act—

Interpretation.

“ the Company ” means Aer Rianta, Teoranta, being the company formed in pursuance of section 68 of the Principal Act ;

“ the Principal Act ” means the Air Navigation and Transport Act, 1936.

2.—Subsection (1) of section 21 of the Air Navigation and Transport Act, 1946, is hereby amended by the substitution of “ £10,000,000 (ten million pounds) divided into ten million shares of one pound each ” for “ £2,000,000 (two million pounds) divided into two million shares of one pound each ”, and any reference in Part IV of that Act to the said section 21 shall be construed as including a reference to that section as amended by this section.

Increase of capital of the Company.
1946, No. 23.

3.—The power to give guarantees with respect to debentures issued by the Company which is conferred on the Minister for Finance by section 75 of the Principal Act shall not be so exercised that the total amount of principal moneys the due payment of which stands at any time guaranteed pursuant to that section exceeds £5,000,000 (five million pounds).

Restriction on State guarantee of debentures of the Company.

4.—(1) This Act may be cited as the Air Navigation and Transport (No. 2) Act, 1959.

Short title and collective citation.

(2) The collective citation the Air Navigation and Transport Acts, 1936 to 1959, shall include this Act.

Number 36 of 1959.

**SHANNON FREE AIRPORT DEVELOPMENT
COMPANY LIMITED ACT
1959 (No. 36)**

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Power to Minister for Finance to take up shares of the Company.
3. Advances of moneys out of the Central Fund.
4. Holding and sale by the Minister for Finance of shares.
5. Exercise by the Minister for Finance of right or power exercisable by holder of shares.
6. Disposition of dividends, etc., on shares held by the Minister for Finance.
7. Exemption from stamp duty.
8. Grants to the Company.
9. Restriction on amount of certain grants made by the Company.
10. Provisions having effect in certain circumstances.
11. Restriction on making of grants by An Foras Tionscal.
12. Expenses.
13. Short title.

SCHEDULE.

PROVISIONS HAVING EFFECT SO LONG AS THE MINISTER FOR FINANCE HOLDS ANY SHARES OF THE COMPANY OR ANY MONEYS BORROWED BY THE COMPANY THE DUE REPAYMENT OF WHICH IS GUARANTEED BY THAT MINISTER HAVE NOT BEEN REPAID OR ANY MONEYS PAID BY THE MINISTER UNDER A GUARANTEE HAVE NOT BEEN REPAID TO HIM BY OR RECOVERED BY HIM FROM THE COMPANY.

**SHANNON FREE AIRPORT DEVELOPMENT COMPANY
LIMITED ACT, 1959.***

AN ACT TO AUTHORISE THE MINISTER FOR FINANCE
TO TAKE UP SHARES OF THE SHANNON FREE
AIRPORT DEVELOPMENT COMPANY LIMITED, TO
PROVIDE FOR THE MAKING OF GRANTS TO THAT
COMPANY AND TO PROVIDE FOR OTHER MATTERS
CONNECTED WITH THE MATTERS AFORESAID.

[8th December, 1959.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

1.—In this Act—

Definitions.

“the airport” means the entire area within the outer margin of the red line marked ABCDEFG on the map annexed to the Customs-Free Airport (Variation of Limits) Order, 1958, but, where, after the passing of this Act, any order is made under section 2 of the Customs-Free Airport Act, 1947, altering that area and is for the time being in force, means that area as so altered;

S.I. 1958, No. 258.

1947, No. 5.

“the Company” means the Shannon Free Airport Development Company Limited;

“the Minister” means the Minister for Transport and Power.

2.—The Minister for Finance may from time to time take up by subscription any class or classes of shares of the Company and the amounts, not exceeding in the aggregate one and one-half million pounds, which may be subscribed under this section shall be determined by the Minister for Finance after consultation with the Minister.

Power to Minister
for Finance to
take up shares
of the Company.

* The official translation of this Act is printed opposite.

3.—(1) All moneys from time to time required by the Minister for Finance to meet payments required to be made by him to the Company in respect of any shares taken up by him under this Act shall be advanced out of the Central Fund or the growing produce thereof.

Advances of moneys out of the Central Fund.

(2) For the purpose of providing moneys 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 he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay the moneys so borrowed into the Exchequer.

(3) The principal of and interest on any securities issued by the Minister for Finance under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

4.—(1) The Minister for Finance may hold for so long as he thinks fit any shares of the Company taken up by him under this Act and may, as and when he thinks fit, sell all or any of such shares.

Holding and sale by the Minister for Finance of shares.

(2) The net proceeds of a sale by the Minister for Finance of shares of the Company shall be paid into or disposed of for the benefit of the Exchequer.

5.—Where the Minister for Finance holds shares of the Company, he may exercise a right or power exercisable by the holder of the shares and, where the right or power is exercisable by attorney, he may, if he so thinks proper, exercise it by his attorney.

Exercise by the Minister for Finance of right or power exercisable by holder of shares.

6.—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 or disposed of for the benefit of the Exchequer.

Disposition of dividends, etc., on shares held by the Minister for Finance.

7.—Section 112 of the Stamp Act, 1891, shall not operate so as to require the Company to deliver to the Registrar of Joint Stock Companies any statement or to pay any stamp duty under that section in respect of any increase of the capital of the Company.

Exemption from stamp duty.
1891, c.39.

8.—(1) The Minister, with the consent of the Minister for Finance, may, out of moneys provided by the Oireachtas, make grants to the Company—

Grants to the Company.

(a) to enable the Company to do such things as are calculated either directly or indirectly to encourage or facilitate the establishment and carrying on of commercial, industrial and trading enterprises at the airport, and

(b) to meet the running expenses of the Company.

(2) The aggregate amount of grants under this section shall not exceed five hundred thousand pounds.

9.—(1) Where a grant is made by the Company for the provision of machinery and equipment in connection with any industrial or commercial enterprise at the airport, the amount of the grant shall not exceed one-half of the cost of the machinery and equipment.

Restriction on amount of certain grants made by the Company.

(2) Where a grant is made by the Company for the training of workers for the purpose of any industrial or commercial enterprise at the airport, the amount of the grant shall not exceed the actual amount of wages paid to such workers during the period of their training, together with, in the case of workers trained outside the State, the amount of their travelling and subsistence expenses.

10.—The provisions of the Schedule to this Act shall have effect so long as—

Provisions having effect in certain circumstances.

(a) the Minister for Finance holds any shares of the Company, or

(b) any moneys borrowed by the Company the due repayment of which is guaranteed by the Minister for Finance under the State Guarantees Act, 1954, as amended by the State Guarantees Act, 1954 (Amendment of Schedule) Order, 1959, have not been repaid, or

1954, No. 9.

S.I. 1959, No. 49.

(c) any moneys borrowed by the Company, the due repayment of which is so guaranteed and the amount of which has been paid by the Minister for Finance under the guarantee, have not (together with interest thereon at the rates appointed by that Minister) been repaid by the Company to him or recovered from the Company by him.

11.—After the passing of this Act, An Foras Tionscal shall not make a grant in respect of the establishment, development or maintenance of an industrial undertaking at the airport. Restriction on making of grants by An Foras Tionscal.

12.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

13.—This Act may be cited as the Shannon Free Airport Short title. Development Company Limited Act, 1959.

SCHEDULE.

Section 10.

PROVISIONS HAVING EFFECT SO LONG AS THE MINISTER FOR FINANCE HOLDS ANY SHARES OF THE COMPANY OR ANY MONEYS BORROWED BY THE COMPANY THE DUE REPAYMENT OF WHICH IS GUARANTEED BY THAT MINISTER HAVE NOT BEEN REPAID OR ANY MONEYS PAID BY THE MINISTER UNDER A GUARANTEE HAVE NOT BEEN REPAID TO HIM BY OR RECOVERED BY HIM FROM THE COMPANY.

1. Notwithstanding anything contained in the Companies Acts, 1908 to 1959, or in the memorandum or articles of association of the Company, an alteration in the said memorandum or articles shall not be valid or effectual unless made with the previous approval of the Minister for Finance given after consultation with the Minister. Restriction on alteration of memorandum and articles of association.

2. (1) The Company shall keep, in such form as may be approved by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts of all moneys received and expended by it and, in particular, shall keep, in such form as aforesaid, all such special accounts as the Minister may from time to time direct. Accounts and audits.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Company to an auditor for audit at such time as the Minister, with the concurrence of the Minister for Finance, directs and the Company shall furnish a copy of the accounts as so audited, together with a copy of the auditor's report thereon, to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

3. (1) The Company shall, in each year, at such date as the Minister may direct, make a report to the Minister of its activities during the preceding year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas. Annual report.

(2) Whenever the Minister so directs, such annual report shall also include information on such particular aspects of the Company's activities under this Act as the Minister may specify.

4. (1) Where a director of the Company is nominated either as a candidate for election to either House of the Oireachtas or as a member of Seanad Éireann, he shall thereupon cease to be a director of the Company. Membership of either House of the Oireachtas by directors, officers or servants of the Company.

(2) Where a person who is either an officer or a servant in the employment of the Company becomes a member of either House of the Oireachtas—

(a) he shall, during the period (in this section referred to as the secondment period) commencing upon his becoming entitled under the Standing Orders of that House to sit therein and ending either when he ceases to be a member of that House or, if it should sooner happen, upon his resignation or retirement from such employment or upon the termination of such employment by the Company, stand seconded from such employment,

(b) he shall not be paid by, or entitled to receive from, the Company any salary or wages, as the case may be, in respect of the secondment period,

(c) if there is in force a scheme made by the Company for the payment of superannuation benefits to or in respect of the officers or servants of the Company and the scheme establishes a fund to which the Company and the person pay contributions—

(i) the secondment period shall, for the purposes of the scheme, be deemed to be service of that person which is reckonable for superannuation benefits under the scheme if, but only if—

- (I) he was in the permanent employment of the Company and was a contributor under the scheme immediately before the commencement of the secondment period,
 - (II) he elects, by notice in writing given to the Company within three months after the commencement of the secondment period, to pay contributions under the scheme in respect of the secondment period in accordance with the provisions of this paragraph, and
 - (III) he pays, at such times and in such manner as the committee duly appointed under the scheme to administer the scheme may specify, contributions under the scheme in respect of the secondment period equal in amount to the aggregate of the contributions which he would have paid and the contributions which the Company would have paid in respect of the secondment period if he had remained without secondment under this paragraph in the service of the Company during the secondment period and had been in receipt of remuneration from the Company during that period,
- (ii) the Company shall not pay any contributions under the scheme in respect of the secondment period, but that part of the contributions payable by him as aforesaid which is equal to the amount of the contributions which the Company would have paid under the scheme in respect of the secondment period if he had remained without secondment under this subparagraph in the service of the Company during the secondment period and had been in receipt of remuneration from the Company during that period shall, for the purposes of the scheme, be deemed to have been paid by the Company,
 - (iii) if the secondment period is terminated by his death or by his retirement from such employment, he shall, for the purposes of the scheme, be deemed to have died in or to have been retired from the service of the Company, as the case may be, and to have been in receipt of remuneration from the Company immediately before such death or retirement, as the case may be,

(iv) if he does not pay or if, having paid contributions under the scheme in accordance with the provisions of this subparagraph, he ceases to pay contributions as aforesaid, he shall, for the purposes of the scheme, be deemed to have resigned from such employment—

(I) in case he ceases to pay contributions as aforesaid, on the date of the last payment, and

(II) in any other case, immediately before the commencement of the secondment period.

(3) If a person who is or was an officer or servant of the Company becomes entitled to a pension under the Ministerial and Parliamentary Offices Acts, 1938 to 1952—

(a) he shall not be entitled to reckon the whole or any part of his period of pensionable service, within the meaning of those Acts, for any superannuation benefits payable under a scheme made by the Company for the payment of superannuation benefits to or in respect of the officers or servants of the Company,

(b) if he has paid any contributions in accordance with the provisions of subparagraph (2) of this paragraph in respect of that period, so much thereof as is equal to the amount of the contributions which he would have paid in respect of that period under the scheme if he had remained without secondment under subparagraph (2) of this paragraph in the service of the Company during that period and had been in receipt of remuneration from the Company during that period, shall be returned to him if and when a payment of benefit or a return of other contributions is made to him under the scheme.

(4) A reference in subparagraph (2) or subparagraph (3) of this paragraph to the receipt by any person of remuneration from the Company shall be taken as a reference to the receipt by that person of remuneration from the Company at the rate at which he was being remunerated by the Company on the last day of his employment with the Company before his secondment under subparagraph (2) of this paragraph.

(5) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming a director of the Company or an officer or servant of the Company.

5. A scheme made by the Company for the payment of superannuation benefits to or in respect of the officers or servants of the Company shall not be valid unless made with the consent of the Minister given with the concurrence of the Minister for Finance.

Restriction on making of superannuation scheme.

ISRAEL

PRELIMINARY

The Ministry of Transport and Communications, Legal Advisor's Office, of Israel, informed the editor, in regard to aviation laws in force, as follows:

The Israeli Parliament has adopted in 1950, the Aviation Law 1950 (Sefer Hahukim No. 33 dated 6.2.50, page 73).

The said law contains various amendments to the Palestine Mandatory Aviation Law, namely the U.K. Air Navigation (Colonies, Protectorates and Mandated Territories) Order 1927.

The new law was destined to enable the application of the 1927 law in Israel and to amend it so as to adapt it to the needs of the State of Israel and to the new international instrument governing the subject.

The 1927 Law as so amended has been sufficient to cover current activities of the Civil Aviation authorities in Israel.

A special commission of experts is about to be set up in the near future by the Minister of Transport and Communications for the preparation of a new basic Civil Aviation Law.

This Ministry has prepared a new law governing Carriage by Air, based upon the 1929 Warsaw Convention and the 1955 Hague Protocol. The new law will govern both international and internal carriage. This law is to replace the Carriage By Air (Colonies, Protectorates and Mandated Territories) Order, 1934 (Palestine Gazette No. 511 of 9.5.1935), which gave effect in Palestine to the 1929 Warsaw Convention.

As regards technical regulations, we had the advantage of advice of the ICAO Technical Assistance Mission for the working out of new sets of regulations concerning:

- (a) Licensing of aviation personnel.
- (b) Airworthiness of aircraft.

These regulations have been prepared by this office and were considered and approved by a committee composed of experts in aviation from amongst the Israeli Aviation companies, The Israeli Aircraft Maintenance Institute and the Israeli Aviation Authorities.

The licensing of personnel regulations have been duly published in the State's Official Gazette (Kovetz Hatakanot No. 615 of the 18.6.1956).

The airworthiness regulations were given effect to, on an administrative basis, by the Director of Civil Aviation and after an experimental period of administrative application, they will be duly promulgated.

There was no need for a new basic law to give a legal basis to those regulations; the existing law, as supplemented in 1950 was sufficient in this respect.

There are various other regulations promulgated by the Minister of Transport and Communications, such as the Civil Aviation Regulations (Licensing of Air Transport Services), 1956 (Kovetz Hatakanot No. 624 of 26.7.1956) and also the Civil Aviation Regulations (Fees), 1956 (Kovetz Hatakanot No. 624 of 26.7.1956).

No. 14

AIR NAVIGATION (AMENDMENT) LAW, 5710—1950*

1. The Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927¹), shall henceforward be referred to, and that title, wherever appearing, shall henceforward be read, as "the Air Navigation Law, 1927".

Change of
title.

2. The Air Navigation Law, 1927, shall be amended as follows:

Amendment
of Air
Navigation
Law, 1927.

(a) The expression "Order" shall, wherever appearing, be replaced by the expression "Law".

(b) The words "British aircraft" or "British aircraft registered in the Colony" shall, wherever appearing, be replaced by the words "Israel aircraft".

(c) The words, "a licensed aerodrome, a Royal Air Force aerodrome, an aerodrome under the control of the Secretary of State for Air or the Governor" shall, wherever appearing, be replaced by the words "an aerodrome".

(d) Paragraph (2) of article 2 shall be replaced by the following paragraph:

"(2) "Israel aircraft" means aircraft registered in the State in accordance with this Law".

(e) Subparagraph (b) of article 3 shall be replaced by the following subparagraph:

"(b) to all foreign aircraft when such aircraft are in or over the State;"

(f) In article 5 —

(1) condition (iv) specified in paragraph (1) shall be deleted;

(2) proviso (a) shall be replaced by the following proviso:

"(a) Condition (i) shall not apply to Israel aircraft, and shall not apply to the aircraft of a state with which a convention relating to air navigation entered into by or on behalf of the State is for the time being in force, so long as the conditions of the convention are complied with by such state."

(g) Articles 6, 8, 8A, 8B and 9 shall be repealed.

(h) The following article shall be inserted after article 7:

"Place of
departure
and landing
of aircraft.

8. An aircraft shall not depart or land within the area of the State except on an aerodrome approved by the Minister of Communications as an aerodrome for the category of aircraft to which such aircraft belongs."

(i) The word "licensed" in proviso (ii) to article 10(2) shall be deleted.

(j) Article 19 shall be replaced by the following article:

"Prohibited
carriage.

19. A foreign aircraft or an aircraft engaged in international navigation shall not carry explosives of war, arms of war, or munitions of war, except for use in signalling in accordance with the provisions of Schedule IV."

(k) Article 22A shall be repealed.

* Passed by the Knesset on the 13th Shevat, 5710 (31st January, 1950) and published in *Sefer Ha-Chukkim* No. 33 of the 19th Shevat, 5710 (6th February, 1950) p. 73; the Bill and an Explanatory Note were published in *Hatsa'ot Chok* No. 26 of the 20th Kisleav, 5710 (11th December, 1949) p. 31.

1) *Laws of Palestine* vol. III, p. 2411 (English Edition).

(j) In article 28(3) —

(1) subparagraph (i) shall be replaced by the following subparagraph:

"(i) for the reason only of non-compliance with condition (iv) specified in paragraph (1) of article 4, or so much of condition (v) specified in paragraph (1) of article 5 as requires certificates of airworthiness to be carried in aircraft, or";

(2) the words "paragraphs (1) and (2) of Article 8" in subparagraph (ii) shall be deleted.

(m) In article 29 —

(1) the words "or the licence of any aerodrome in the Colony" in paragraph (1) shall be deleted;

(2) paragraph (4) shall be deleted;

(3) the words "or liable to be suspended under paragraph (4) of this article" in paragraph (5) shall be deleted.

(n) In article 31(1) —

(1) the definition of "Aerodrome" shall be replaced by the following definition:

"'Aerodrome' means any ground or water area held and administered by the State and intended to be used, either wholly or in part, for the departure or landing of aircraft;";

(2) the definitions of "Proprietor of an aerodrome" and "Licensed aerodrome" shall be deleted.

(o) In Schedule I —

(1) paragraph 1 shall be replaced by the following paragraph:

"1. The Minister of Communications may establish a Registry of Aircraft and may appoint an officer to act as Registrar of Aircraft (hereinafter referred to as "the Registrar").";

(2) paragraph 2 shall be replaced by the following paragraph:

"2. (1) An aircraft shall not be registered in the State unless —

(a) its ordinary base is situate in the State;

(b) it is owned wholly either —

(i) by a resident; or

(ii) by a company or corporation founded and duly registered in the State, the principal place of business of which is in the State and at least two-thirds of the directors of which are residents, and which is both nominally and actually controlled by residents;

(c) the Minister of Communications has permitted such registration in writing;

provided that the Minister of Communications may direct the registration of an aircraft in the State even where the conditions specified in this subparagraph are not fulfilled, if he is satisfied that the registration is required in the public interest.

(2) The Minister of Communications may grant, refuse to grant and withdraw a permission under subparagraph 1(c), and may also attach conditions to such a permission and add to and vary all or any of such conditions.

(3) An aircraft shall not remain registered in the name of a natural or juristic person no longer fulfilling the conditions specified

in subparagraph (1) or a condition attached by the Minister of Communications to a permission under this paragraph.

(4) "Resident", for the purposes of this paragraph, means a person who has been a permanent resident of the State since the 5th Iyar, 5708 (14th May, 1948) or who entered the State legally after the said date and has on the date of submission of his application been a permanent resident of the State for at least three months."

(3) in the fourth paragraph —

(i) the words "the Secretary of State for Air" shall, wherever appearing, be replaced by the words "the Minister of Communications";

(ii) subparagraph (2) shall be replaced by the following subparagraph:

(2) If the Registrar has doubts as to whether an application is in order and complies with all the conditions as aforesaid, he shall refer the matter to the Minister of Communications, who may at his discretion order or prohibit registration."

(4) paragraphs 5 and 9 shall be repealed;

(5) in the tenth paragraph, the words "the Air Ministry" shall be replaced by the words "the Minister of Communications";

(6) paragraph 14 shall be replaced by the following paragraph:

"14. The nationality and registration marks of an aircraft shall be such as the Registrar may prescribe."

(p) In Schedule II —

(1) in the first paragraph —

(i) the words "which the Minister of Communications or a person appointed by him in that behalf has at his discretion" shall be inserted between the words "certificate of airworthiness" and the words "validated or issued";

(ii) the following sentence shall be added at the end:

"A certificate of airworthiness shall be validated or issued in accordance with such conditions and directions as the Minister of Communications may from time to time prescribe."

(2) in the second paragraph —

(i) the words "in any other part of His Majesty's dominions or" shall be deleted;

(ii) the words "on behalf of His Majesty" shall be replaced by the words "on behalf of the State";

(iii) the words "over British territory" shall be replaced by the words "over the area of the State";

(3) paragraph 3 shall be repealed.

(q) In Schedule V, the words "in any other part of His Majesty's dominions or" in paragraph 2(1)(b) shall be deleted.

JAPAN

CIVIL AERONAUTICS LAW

Law No. 231 of July 15, 1952 as amended by Law No. 278 of 1952, by Law No. 66 of 1953, by Law No. 151 of 1953, and by Law No. 60 of 1954.¹

Law No. 63 of April 15, 1958, concerning a partial amendment to the Civil Aeronautics Law.

TABLE OF CONTENTS

CHAPTER I—GENERAL PROVISIONS

Article 1. Purpose.

Article 2. Definitions.

CHAPTER II—REGISTRATION

Article 3. Registration.

Article 3-(2). Acquisition of Nationality.

Article 3-(3). Contest.

Article 4. Requirements for Registration.

Article 5. New Registration.

Article 6. Issuance of Registration Certificate.

Article 7. Alteration of Registration.

Article 7-(2). Transfer of Registration.

Article 8. Cancellation of Registration.

Article 8-(2). Copy, etc. of Aircraft Register.

Article 8-(3). Stamp of Registration Mark.

Article 8-(4). Compulsory Execution Concerning Newly Registered Aeroplane and Rotocraft.

Article 9. Delegation to Order.

CHAPTER III—SAFETY OF AIRCRAFT

Article 10. Airworthiness Certification.

Article 10-(2). Airworthiness Certification.

Article 11. Airworthiness Certification.

Article 12. Type Certification.

Article 13. Type Certification.

Article 14. Duration of Airworthiness Certification.

Article 14-(2). Suspension of Validity of Airworthiness Certification, etc.

Article 15. Invalidation of Airworthiness Certification.

Article 16. Inspection on Repair or Remodelling.

Article 17. Spare Parts Certifications.

Article 18. Maintenance of Engine, etc.

Article 19. Maintenance or Remodelling of Aircraft.

Article 20. Specified Radio Apparatus.

Article 21. Delegation to Order.

CHAPTER IV—AIRMAN

Article 22. Competence Certification for Airman and Aircraft Crew Licencing.

Article 23. Certificate of Competence.

Article 24. Qualifications.

Article 25. Restriction to Competence Certification.

Article 26. Qualifications for Application.

Article 27. Causes for Ineligibility, etc.

Article 28. Scope of Duties.

¹The translation published by Fuji Kogyo Pub. Co. (Tokyo, 1955) has been edited.

- Article 29. Conduct of Examination.
- Article 29-(2). Alteration of Restriction of Competence Certification.
- Article 30. Cancellation, etc. of Competence Certification.
- Article 31. Aircraft Crew Licencing.
- Article 32. Aircraft Crew Licencing.
- Article 33. Aircraft Crew Licencing.
- Article 34. Instrument Flight Certification and Training for Pilotage Certification.
- Article 35. Student Pilot.
- Article 36. Delegation to Order.

CHAPTER V—AIRWAYS, AIRDROMES AND AIR NAVIGATIONAL AID

- Article 37. Designation of Airway.
- Article 38. Provision of Airdrome or Air Navigational Aid.
- Article 39. Examination of Application.
- Article 40. Notification, etc., of Airdrome for Public Use.
- Article 41. Completion of Airdrome Construction Work.
- Article 42. Completion Inspection.
- Article 43. Alteration of Airdrome or Air Navigational Aid.
- Article 44. Suspension or Discontinuance of Use.
- Article 45. Suspension or Discontinuance of Use.
- Article 46. Notification of Airdrome or Air Navigational Aid.
- Article 47. Administration of Airdrome or Air Navigational Aid.
- Article 48. Cancellation of Permission.
- Article 49. Restriction, etc., of Object.
- Article 50. Restriction, etc., of Object.
- Article 51. Installation of Aeronautical Obstruction Light.
- Article 52. Restriction of Similar Light.
- Article 53. Prohibition of Staining Act, etc.
- Article 54. Charges for Use.
- Article 55. Succession of Status of Provider of Airdrome, etc.
- Article 56. Provision or Administration of Airdrome, etc., by the Minister of Transportation.
- Article 56-(2). Designation, etc., of Facilities for Public Use.

CHAPTER VI—OPERATION OF AIRCRAFT

- Article 57. Display of Nationality Mark, etc.
- Article 58. Aircraft Logbook.
- Article 59. Documents to be carried in Aircraft.
- Article 60. Compulsory Radio Equipment.
- Article 61. Safety Equipment.
- Article 62. Equipment in Case of Special Flights.
- Article 63. Fuel of Aircraft.
- Article 64. Aircraft Lights.
- Article 65. Persons by whom Aircraft to be manned.
- Article 66. Persons by whom Aircraft to be manned.
- Article 67. Documents to be carried by Airman.
- Article 68. Standards of Crew Assignment.
- Article 69. Recent Flight Experience.
- Article 70. Intoxicating Liquor, etc.
- Article 71. Physical Deficiencies.
- Article 72. Route Qualification of Pilot-in-Command.
- Article 73. Power of Pilot-in-Command.
- Article 74. Measures in Case of Danger.
- Article 75. Measures in Case of Danger.
- Article 76. Obligation to Report.
- Article 77. Aircraft Dispatcher.
- Article 78. Aircraft Dispatcher.
- Article 79. Place for Landing and Take-off.
- Article 80. Prohibited Area.
- Article 81. Minimum Safe Altitude.
- Article 82. Cruising Altitude.
- Article 83. Prevention of Collisions.
- Article 84. Formation Flight.
- Article 85. Prohibition of Rude Operation.
- Article 86. Prohibition of Carriage of Explosives, etc.

- Article 87. Pilot-less Aircraft.
- Article 88. Towing of Object.
- Article 89. Dropping of Object.
- Article 90. Parachute Jumping.
- Article 91. Acrobatic Flight.
- Article 92. Performance of Training for Student Pilot.
- Article 93. Places of Training, etc., for Aircraft Pilotage.
- Article 94. Flight under Visual Flight Rules Conditions.
- Article 95. Flight under Instrument Flight Rules Conditions.
- Article 96. Air Traffic Instructions.
- Article 97. Flight Plan and Approval therefor.
- Article 98. Notification of Arrival.
- Article 99. Prohibition of Entry in Landing Strip.

CHAPTER VII—AIR TRANSPORTATION, ETC.

- Article 100. Licence.
- Article 101. Licencing Standards.
- Article 102. Inspection prior to Inauguration of Operation.
- Article 103. Obligation to commence Operation.
- Article 104. Approval of Operation and Maintenance Manuals.
- Article 105. Approval of Fares and Charges.
- Article 106. Approval of Conditions of Transportation.
- Article 107. Notice of Fares and Charges, etc.
- Article 108. Business Program.
- Article 109. Business Program.
- Article 110. Agreement concerning Transportation.
- Article 111. Exception from Application of the Law concerning the Prohibition of Private Monopoly and the Methods of Preserving Fair Trade.
- Article 112. Order for Improvement of Business.
- Article 113. Utilization of Title, Loan of Business, etc.
- Article 114. Transfer and Taking Over of Business.
- Article 115. Amalgamation of Business.
- Article 116. Inheritance.
- Article 117. Suspension of Business.
- Article 118. Closure of Business.
- Article 119. Discontinuance of Business and Cancellation of Licence.
- Article 120. Invalidation of Licence.
- Article 121. Non-Scheduled Air Transportation.
- Article 122. Non-Scheduled Air Transportation.
- Article 123. Aircraft-Using Enterprise.
- Article 124. Aircraft-Using Enterprise.
- Article 125. Conditions attached to Licence, etc.

CHAPTER VIII—FOREIGN AIRCRAFT

- Article 126. Flight of Foreign Aircraft.
- Article 127. Use of Foreign Aircraft Inside Japan.
- Article 128. Prohibition of Carriage of Munitions.
- Article 129. International Air Transport Enterprise by Foreign Nationals.
- Article 129-(2). Approval of Fares, Rates and Charges.
- Article 129-(3). Business Program.
- Article 129-(4). Order for Alteration of Business Program, etc.
- Article 129-(5). Suspension of Business and Cancellation of Permission.
- Article 130. Cabotage.
- Article 130-(2). Transportation of Passengers, etc., Taking Off or Landing Inside of Japan.
- Article 131. Recognition of Certificates, etc.
- Article 131-(2). Terms and Conditions, etc.

CHAPTER IX—MISCELLANEOUS PROVISIONS

- Article 132. Investigation of Accident.
- Article 133. Report on Air Transport Agent, etc.
- Article 134. Collection of Report and Entry for Inspection.
- Article 135. Payment of Fee.
- Article 136. Inquiry to Transportation Council.
- Article 137. Appeal.

CHAPTER X—PENAL PROVISIONS

- Article 138. Penalty for Endangering Air Navigation, etc.
- Article 139. Penalty for Endangering Air Navigation, etc.
- Article 140. Penalty for Endangering Air Navigation, etc.
- Article 141. Penalty for Endangering Air Navigation, etc.
- Article 142. Penalty for Endangering Air Navigation, etc.
- Article 143. Penalty for Using Non-Airworthiness-Certified Aircraft, etc.
- Article 143-(2). Penalty for Designated Airworthiness Inspector.
- Article 144. Penalty for Non-Display, etc.
- Article 145. Penalty for Non-Manning of Specified Airmen, etc.
- Article 146. Penalty relating to Provision of Airdrome or Air Navigational Aid, etc.
- Article 147. Penalty relating to Provision of Airdrome or Air Navigational Aid, etc.
- Article 148. Penalty relating to Provision of Airdrome or Air Navigational Aid, etc.
- Article 148-(2). Penalty relating to Provision of Airdrome or Air Navigational Aid, etc.
- Article 149. Penalty for Conducting Air Service without Specified Qualifications, etc.
- Article 150. Penalty for Not Carrying of Competence Certificate, etc.
- Article 151. Penalty relating to Duties of Pilot-in-Command, etc.
- Article 152. Penalty relating to Duties of Pilot-in-Command, etc.
- Article 153. Penalty relating to Duties of Pilot-in-Command, etc.
- Article 154. Penalty relating to Duties of Pilot-in-Command, etc.
- Article 155. Penalty relating to Business of Air Transport Enterprise, etc.
- Article 156. Penalty relating to Business of Air Transport Enterprise, etc.
- Article 157. Penalty relating to Business of Air Transport Enterprise, etc.
- Article 157-(2). Penalty relating to Business of Air Transport Enterprise, etc.
- Article 158. Penalty for Evading of Entry, etc.
- Article 159. Dual Punishment.
- Article 160. Non-Criminal Fine.
- Article 161. Non-Criminal Fine.
- Article 162. Non-Criminal Fine.
- Supplementary Provisions.

CHAPTER I—GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of this Law is to promote the development of civil aviation by providing for methods of insuring the safety of navigation of aircraft in conformity with the provisions of the Convention on International Civil Aviation and with the standards, practices and procedures as annexed thereto, and by establishing an order of enterprises operating aircraft.

(Definitions)

Article 2. In this Law, "aircraft" shall mean any airplane, rotorcraft, glider and airship which can be used for air navigation with a person on board and any contrivance usable for air navigation which may be designated by cabinet order.

2. In this Law, "air service" shall mean any operation performed on board (including handling of radio equipment on board and excepting training as aircraft pilot) an aircraft, and certification as provided for by Article 19, to be performed on repaired or remodelled aircraft.

3. In this Law, "airman" shall mean any person who has obtained a competence certification as airman under Article 22, paragraph 1.

4. In this Law, "air navigational aid" shall mean any facility in aid of navigation of aircraft by means of electric wave, light, colour or sign as may be specified by Ordinance of the Ministry of Transportation.

5. In this Law, "landing strip" shall mean a rectangular part of an airdrome, which is provided for the landing (including such area on water) or take-off (including such area on water) of aircraft in definite directions.

6. In this Law, "approach area" shall mean an area defined by two connecting points at the shorter side of a landing strip with two points 375 meters (600 meters in the case of a landing strip used for instrument flight) distant from a point on a straight line crossing at a point 3000 meters distant from that side and at right angles with the extension of the center-line of the landing strip in the same direction as the former two points.

7. In this Law, "approach surface" shall mean an area abutting on the shorter side of a landing strip and sloping upwards at an angle from the horizontal plane as specified by Ordinance of the Ministry of Transportation, the projection of which corresponds with the approach area.

8. In this Law, "horizontal surface" shall mean that part of a horizontal plane including a point 45 meters vertically above the aerodrome reference point, which is enclosed by a circle described with that point as its center and with a radius of a length as specified by Ordinance of the Ministry of Transportation.

9. In this Law, "transitional surface" shall mean an area abutting at the outer sides of the approach surfaces and the longer sides of the landing strip and sloping upwards and outwards at an angle of 7:1 from the horizontal plane to the intersection with the horizontal surface.

10. In this Law, "aeronautical light" shall mean any navigational aid in aid of navigation of aircraft by means of light as specified by Ordinance of the Ministry of Transportation.

11. In this Law, "air traffic control area" shall mean any air space on any airway, which is 200 meters or more of height above the land or water and which may be specified for the safety of air traffic by the Minister of Transportation.

12. In this Law, "air traffic control zone" shall mean any air space above any airdrome for public use and its vicinity, which may be specified for the safety of air traffic on and above such airdrome by the Minister of Transportation.

13. In this Law, "visual flight rules conditions" shall mean weather conditions equal to or above those which may be stipulated by Ordinance of the Ministry of Transportation taking the visibility and conditions of clouds into consideration.

14. In this Law, "instrument flight rules conditions" shall mean weather conditions other than visual flight rules conditions.

15. In this Law, "instrument flight" shall mean a flight which is performed in sole reliance on flight instruments and without depending upon any visible object outside the aircraft.

16. In this Law, "air transportation" shall mean an enterprise for the transportation of passengers or freight by using aircraft for profit on demand of other persons.

17. In this Law, "scheduled air transportation" shall mean an enterprise for transportation by aircraft navigating on a definite route between one point and any other point and in accordance with a scheduled date and time.

18. In this Law, "non-scheduled air transportation" shall mean air transportation other than scheduled air transportation.

19. In this Law, "enterprise using aircraft" shall mean any enterprise which performs any contract for trips other than the transportation of passengers or freight by using aircraft for profit on demand of other persons.

CHAPTER II—REGISTRATION

(Registration)

Article 3. The Minister of Transportation shall register an aircraft in the Aircraft Register in accordance with the provisions of this Chapter.

(Acquisition of Nationality)

Article 3-(2). An aircraft shall acquire Japanese nationality when registered.

(Contest)

Article 3-(3). No acquisition, loss or change of ownership in any registered airplane and rotorcraft, may be set up against a third person unless the aircraft has been registered.

(Requirements for Registration)

Article 4. An aircraft owned by any one of the following persons shall not be eligible for registration:

- (1) Any person who does not have Japanese nationality;
- (2) Any foreign state or public entity or its equivalent in any foreign state;
- (3) Any juridical person or body established in accordance with the laws and ordinances of any foreign state;
- (4) Any juridical person of which the representative is any one of those mentioned in the preceding three items or of which more than one-third of the officers are such persons or more than one-third of voting interests is owned by such persons.

2. An aircraft which has the nationality of any other country shall not be eligible for registration.

(New Registration)

Article 5. Registration of any aircraft not yet registered, hereinafter called "new registration," shall be made upon application of the owner, by entering the following items in the Aircraft Register and by designating and entering registration marks therein:

- (1) Type of aircraft;
- (2) Manufacturer of aircraft;
- (3) Serial number of aircraft;
- (4) Home base of aircraft;
- (5) Full name or title and address of owner;
- (6) Date of registration.

(Issuance of Registration Certificate)

Article 6. The Minister of Transportation shall issue in the case of a new registration, a registration certificate to the applicant.

(Alteration of Registration)

Article 7. If there have been any changes in the items mentioned in Article 5, item (4) or (5) with regard to any newly registered aircraft (hereinafter referred to as "registered aircraft"), the owner shall make application for a change of the registration within a period of not more than 15 days thereafter. However, this shall not apply in

a case where an application either for a transfer of the registration in accordance with the provisions of the following Article, or for cancellation of the registration in accordance with the provisions of Article 8 has to be made.

(Transfer of Registration)

Article 7-(2). If there has been a change in the owner of any registered aircraft, the new owner shall make application for transfer of the registration within a period of not more than 15 days thereafter.

(Cancellation of Registration)

Article 8. The owner of a registered aircraft shall apply for cancellation of the registration in the following cases within a period of not more than 15 days thereafter:

(1) If the registered aircraft has been lost or dismantled (excepting dismantling for the purpose of repair, remodeling, transportation or custody;

(2) If the registered aircraft has been missing for more than 2 months;

(3) If the registered aircraft has become ineligible for registration under the provisions of Article 4.

2. In the case of the preceding paragraph, when the owner of a registered aircraft does not apply for cancellation of the registration, the Minister of Transportation shall give notice to the owner to do so within a period of more than 7 days which shall be fixed by him.

3. If the owner of a registered aircraft does not apply, in cases where the notice under the preceding paragraph has been given, for cancellation of the registration, the Minister of Transportation shall cancel the registration and inform the owner thereof.

(Copy, etc., of Aircraft Register)

Article 8-(2). Any person may request from the Minister of Transportation the delivery of a copy or abstract of the Aircraft Register or permission for inspection of any part of the Aircraft Register in which he has an interest.

(Stamp of Registration Mark)

Article 8-(3). When an airplane or rotorcraft has been newly registered, the Minister of Transportation shall stamp its registration mark on the aircraft.

2. In accordance with the preceding paragraph, the owner of any aircraft shall present the aircraft to the Minister of Transportation on the date designated by the latter in order to obtain the stamp under the said paragraph.

3. No person shall alter indications of registration marks stamped in accordance with the provisions of paragraph 1.

(Compulsory Execution concerning Newly Registered Aeroplane and Rotorcraft)

Article 8-(4). Compulsory execution against any newly registered airplane and rotorcraft, shall be decreed by any local court as a court of jurisdiction.

2. Rules concerning the compulsory execution under the preceding paragraph shall be prescribed by the Supreme Court.

3. The provisions of the preceding two paragraphs shall apply accordingly to the public sale of any newly registered airplane or rotorcraft.

(Delegation to Order)

Article 9. Descriptions of the Aircraft Register, recovery of registration, alteration of registration and other matters concerning registration shall be stipulated by Cabinet Order.

2. Details concerning the certificate of aircraft registration and the stamping of registration mark shall be stipulated by Ordinance of the Ministry of Transportation.

CHAPTER III—SAFETY OF AIRCRAFT

(Airworthiness Certification)

Article 10. Upon application, the Minister of Transportation shall grant an airworthiness certification of any aircraft.

2. No aircraft shall be certified as airworthy under the preceding paragraph unless it has Japanese nationality.

However, this shall not apply to such aircraft as may be designated by Cabinet Order.

3. An airworthiness certification shall be granted by designating the purpose of use, speed, maximum takeoff weight, maximum landing weight, center of gravity and operational limits of the engine of the aircraft.

4. In cases where there has been an application under paragraph 1, the Minister of Transportation shall grant an airworthiness certification when he deems the aircraft to be consistent with such technical standards of safety as may be stipulated by Ordinance of the Minister of Transportation after he has made an inspection to ascertain whether the strength, construction and performance of the aircraft is consistent therewith. However, with regard to aircraft of such type or a type certified under Article 12, paragraph 1, or an imported aircraft or such other aircraft as may be specified by Cabinet Order, a part of the inspection may be omitted.

5. The certification of airworthiness shall be made by issuing an airworthiness certificate to the applicant.

Article 10-(2). Any person who has obtained the approval of the Minister of Transportation for having the qualification and experience as may be stipulated by Ordinance of the Ministry of Transportation (hereinafter referred to as "designated airworthiness inspector") may conduct the airworthiness certification with regard to gliders as may be stipulated by Ordinance of the Ministry of Transportation.

2. The provisions of paragraphs 2 to 5 inclusive of the preceding Article shall apply to the airworthiness certification under the preceding paragraph.

Article 11. No aircraft shall be used for air navigation unless certified as airworthy under Article 10 paragraph 1, or paragraph 1 of the preceding Article. However, this shall not apply in cases where the Minister of Transportation has permitted its use for conducting a test flight, etc.

(Type Certification)

Article 12. Upon application, the Minister of Transportation will make a type certification of the design of the type of an aircraft.

2. In cases where there has been an application under the preceding paragraph, the Minister of Transportation shall grant a type certification under the same paragraph when he deems the strength, con-

struction and performance of the type of the aircraft in the application to be consistent with the standards under Article 10 paragraph 4.

3. The type certification shall be granted by issuing a type certificate to the applicant.

4. When making a type certification under paragraph 1, the Minister of Transportation shall ask in advance the opinion of the Minister of International Trade and Industry.

Article 13. Any person who has obtained a type certification shall, when he intends to alter the design of the aircraft of the said type, obtain an approval of the Minister of Transportation. The same shall apply when the aircraft of a type certified as type is no longer consistent with the standards under the said paragraph, in cases where there has been any alteration in the standards under Article 10 paragraph 4.

2. In cases where there has been an application under the preceding paragraph, the Minister of Transportation shall approve it when the design as applied for is consistent with the standards under Article 10, paragraph 4, after he has made an inspection to ascertain this fact.

3. The provision of paragraph 4 of the preceding paragraph shall apply in cases where the Minister of Transportation intends to grant approval under the preceding paragraph.

(Duration of Airworthiness Certification)

Article 14. The duration of a certification of airworthiness shall be one year. However, with regard to any aircraft used for any transport enterprise, it shall be such period as may be stipulated by the Minister of Transportation.

(Suspension of Validity of Certification of Airworthiness, etc.)

Article 14-(2). When the Minister of Transportation deems that the aircraft or aircraft of the same type fails to conform with the standards under Article 10 paragraph 4 (including the case where Article 10-(2) paragraph 2 applies prior to the expiration of the period under the preceding Article, or when he deems that the safety of aircraft may not be secured as a result of inspection under Article 10 paragraph 4, Article 16 paragraph 1, or Article 134 paragraph 2, he may suspend the validity of the certification of airworthiness, or may shorten the term of validity or change the matters designated by the provisions of Article 10 paragraph 3 (including the case where Article 10-(2) paragraph 2 applies) with regard to said aircraft or an aircraft of the same type.

(Invalidation of Certification of Airworthiness)

Article 15. In cases where the registration of a registered aircraft has been cancelled, the certification of airworthiness shall become invalid.

(Inspection after Repair or Remodelling)

Article 16. Any user of an aircraft certified as airworthy, when he intends to repair or remodel the aircraft within such limits as may be stipulated by Ordinance of the Ministry of Transportation (excepting repair or remodeling by using spare parts as spare-parts certified under the next Article), shall not use it for air navigation unless he has undergone and passed an inspection by the Minister of Transportation on the intended change and its performance.

2. Any user of a glider, which has been certified as airworthy, under Article 10-(2), paragraph 1, may, when he undergoes an inspection,

by a designated airworthiness inspector and passes the said inspection in case where repair or remodelling is made with regard to the said glider, may use it for air navigation notwithstanding the provisions of the said paragraph.

3. The Minister of Transportation or the designated airworthiness inspector, when he deems that said aircraft conforms to the standards under Article 10, paragraph 4 (including the case where Article 10-(2), paragraph 2 applies) as a result of inspection under paragraph 1 or the preceding paragraph, may approve its eligibility.

(Spare Parts Certification)

Article 17. Any user of an aircraft certified as airworthy may obtain a spare-parts-certification by the Minister of Transportation of the aircraft engine, propeller or such other part specially important for securing safety designated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation, when he deems the strength, construction and performance of the parts to be consistent with the standards under Article 10, paragraph 4, upon application for a spare-parts-certification under the preceding paragraph, shall grant a spare-parts-certification.

3. To a spare-parts-certification may be added a term of validity by classification specified by Ordinance of the Ministry of Transportation.

(Maintenance of Engine, etc.)

Article 18. Any user of an aircraft certified as airworthy, when he uses the aircraft engine, propeller or such other part important for securing safety as may be designated by Ordinance of the Ministry of Transportation in excess of the hours as may be specified by Ministry of Transportation Ordinance, shall maintain it in accordance with the procedures stipulated by Ministry of Transportation Ordinance.

(Repair or Remodelling of Aircraft)

Article 19. No user of an aircraft certified as airworthy, when he has repaired the aircraft or remodelled it (excepting any slight repair specified by Ordinance of the Ministry of Transportation) shall use it for air navigation unless he proves the aircraft to be consistent with the standards under Article 10, paragraph 4 (including the case where Article 10-(2), paragraph 2 applies) or has it certified. However, the same shall not apply in cases where it undergoes an inspection by the Minister of Transportation in accordance with the provisions of Article 16 paragraph 1.

(Specified Radio Apparatus)

Article 20. No radio apparatus specified by Ordinance of the Ministry of Transportation (hereinafter referred to as "specified radio apparatus") which is installed in aircraft may be used unless it has undergone and passed an inspection by the Minister of Transportation. The same shall apply to those with regard to which the term specified by Ministry of Transportation Ordinance has expired after it underwent and passed an inspection.

2. The Minister of Transportation, when he deems the specified radio apparatus to be consistent with the technical standards stipulated by Ministry of Transportation Ordinance, shall approve it as passed.

(Delegation to Order)

Article 21. Matters concerning the form, issuance, reissuance, return and presentation of an airworthiness certificate and type certificate, matters concerning designated airworthiness inspector and other matters relating to airworthiness, type, inspection under the provisions of Article 16, paragraph 1, spare-parts-certification and inspection under the provisions of paragraph 1 of the preceding article, shall be stipulated by Ordinance of the Ministry of Transportation.

CHAPTER IV—AIRMAN

(Competence Certification as Airman and Aircraft Crew Licence)

Article 22. Upon application, the Minister of Transportation shall grant a competence certification as airman to any person who intends to perform air services (hereinafter referred to as "competence certification").

2. Upon application, the Minister of Transportation shall grant an aircraft crew licence to any person who intends to perform air services on board an air aircraft, in addition to the competence certification.

(Certificate of Competence)

Article 23. Competence certification shall be granted by issuing a certificate of competence as airman (hereinafter referred to as "certificate of competence") to the applicant.

(Qualifications)

Article 24. Competence certification shall be granted to the following:

- Airline transport pilot;
- Senior commercial pilot;
- Commercial pilot;
- Private pilot;
- First class flight navigator;
- Second class flight navigator;
- Flight engineer;
- First class flight radio operator;
- Second class flight radio operator;
- Third class flight radio operator;
- First class aircraft mechanic;
- Second class aircraft mechanic;
- Third class aircraft mechanic;
- Aircraft shop mechanic.

(Restriction on Competence Certification)

Article 25. The Minister of Transportation may put restrictions, by category of aircraft, on the competence certification for airline transport pilot, senior commercial pilot, commercial pilot, private pilot, flight engineer, first class aircraft mechanic, second class aircraft mechanic and third class aircraft mechanic provided for in the preceding Article in accordance with the provisions of the Ordinance of the Ministry of Transportation.

2. The Minister of Transportation may put restrictions, by class or type of aircraft, on the competence certification provided for in the preceding paragraph, in accordance with the provisions of the Ordinance of the Ministry of Transportation.

3. According to the kind of services engaged in (such as for airframe, engine, propeller, apparatus and electric system), the Minister of Transportation may put restrictions on the competence certification for qualification as aircraft shop mechanic provided for in the preceding Article, in accordance with the provisions of the Ordinance of the Ministry of Transportation.

(Qualifications for Application)

Article 26. No person shall be qualified to make an application for competence certification unless he is of such age and has the flight and other experience as stipulated by Ordinance of the Ministry of Transportation in regard to the class specified by Article 24 and by category of aircraft under the provisions of paragraph 1 of the preceding Article.

2. Any person who intends to make an application for the competence certification as first class flight radio operator, second class flight radio operator, or third class flight radio operator shall have been licenced as provided for in Article 41 of the Radio Law (Law No. 131 of 1950) for such class under Article 40 of the aforesaid Law as specified by Ordinance of the Ministry of Transportation, in addition to complying with the provisions of the preceding paragraph.

(Causes for Non-eligibility, etc.)

Article 27. No person shall be eligible for an application for competence certification, whose competence certification has been cancelled under the provisions of Article 30, paragraph 1, if two years have not elapsed since the date of cancellation.

2. Within a period of less than two years, the Minister of Transportation may reject an application for competence certification by any person who has committed any dishonest act in the examination under Article 29, paragraph 1.

(Scope of Duties)

Article 28. No person who has not obtained the competence certification (or, for a person who performs air services on board an aircraft, a competence certification as well as an aircraft crew license as described in the "qualifications" column of the attached table) shall perform any act described in the "Scope of Duties" column of said table.

2. No person who is restricted under the provisions of Article 25 with regard to the competence certificate may perform any act described in the "Scope of Duties" column of the attached table except as restricted by category, class or type of aircraft, or kind of services.

3. The provisions of the preceding two paragraphs shall not apply to any person who engages in piloting an aircraft (including operation of the craft and its engine) specified by Ordinance of the Ministry of Transportation, and to any person who engages in the operation, on board, of aircraft of new category, class or type for test flight, etc. upon permission by the Minister of Transportation.

(Conduct of Examination)

Article 29. The Minister of Transportation, when he grants a competence certification, shall hold examinations to judge whether any applicant has knowledge and skill necessary for performing his air services as an airman with competence certification for the class as applied for.

2. Any examination shall be theoretical and practical.

3. No person may take a practical examination unless he has passed a theoretical examination.

4. The Minister of Transportation, when he grants a competence certification to any person who has a qualification certificate for air services issued by a foreign Government, may omit the whole or a part of the examination as stipulated by Ordinance of the Ministry of Transportation, notwithstanding the provision of the preceding three paragraphs.

(Alteration of Restriction of Competence Certification)

Article 29-(2). With regard to the competence certificate in reference to the restriction under Article 25, paragraph 2 or 3, the Minister of Transportation may change said restriction upon receipt of the application by any airman in reference to the competence certification.

2. The provisions of the preceding Article shall apply accordingly to cases where the restriction under the preceding paragraph is changed.

(Cancellation, etc. of Competence Certification)

Article 30. In cases where an airman comes under any one of the following items, the Minister of Transportation may cancel the competence certification or order the suspension of his air service for a period of less than one year :

(1) When he has violated this Law or any provision thereof ;

(2) When he has committed an unlawful act or been grossly negligent in performing his duties as airman.

2. When he intends to make a disposition under the preceding paragraph, the Minister of Transportation shall hold a hearing after notifying any person affected by such a disposition of the date and place thereof. At the hearing, any person affected by such a disposition shall be given a chance to express his opinion and to submit evidence.

(Aircraft Crew Licencing)

Article 31. The aircraft crew licence under Article 22, paragraph 2, shall be granted by class as specified in Article 24 (except those for first class aircraft mechanics, second class aircraft mechanics, third class aircraft mechanics and aircraft shop mechanics).

2. The aircraft crew licence shall be granted by issuing an airman licence to the applicant.

Article 32. In cases where an application for aircraft crew licence has been submitted, the Minister of Transportation shall examine whether the applicant satisfies the standards of physical examination stipulated, by classifications under paragraph 1 of the preceding Article, by Ordinance of the Ministry of Transportation, and shall grant an aircraft crew licence to the person who satisfies them.

Article 33. The aircraft crew licence shall be valid for 6 months for the class of airline transport pilot and senior commercial pilot and for one year for other classes.

(Instrument Flight Certification and Training for Pilot's Certification)

Article 34. No person who has obtained a certification of competence as commercial pilot or private pilot shall make an instrument flight by aircraft other than specified by Ordinance of the Ministry of Transportation, unless he has obtained a certification of instrument flight by the Minister of Transportation.

2. Unless he has obtained certification by the Minister of Transportation in reference to the competence as flight instructor classified by aircraft, no person shall give instruction to others in aircraft piloting as specified by Ordinance of the Ministry of Transportation who has not obtained a certification of competence as airline transport pilot, senior commercial pilot, commercial pilot or private pilot with regard to the classification of aircraft.

3. The provisions of Article 26, paragraph 1, Articles 27, 29, and 30, shall apply accordingly to instrument flight certification and flight instructor's certification under the preceding two paragraphs.

(Student Pilot)

Article 35. Notwithstanding the provision of Article 28, any person who has obtained a permission of the Minister of Transportation may engage in piloting an aircraft as student pilot without obtaining a competence certification and aircraft crew licence.

2. In cases where there has been an application for permission under the preceding paragraph, the Minister of Transportation shall grant a permission when he deems the applicant to have the necessary qualifications for student pilot.

3. The permission under paragraph 1 shall be granted by issuing a permit as student pilot to the applicant.

4. The provisions of Article 30 and Article 67, paragraph 1, shall apply accordingly to any person who has obtained a permission under paragraph 1.

(Delegation to Order)

Article 36. Matters relating to the form, issuance, reissuance and return of certificate of competence, airman licence and permit for flight instruction and other matters concerning the competence certification, aircraft crew licence, instrument flight certification, training for pilot's certification, and permission under the preceding Article, and subjects of examination, procedures for undergoing examination and other matters concerning examinations under Article 29, paragraph 1, shall be stipulated by Ordinance of the Ministry of Transportation.

CHAPTER V—AIRWAYS, AIRDROMES AND AIR NAVIGATIONAL AIDS

(Designation of Airway)

Article 37. The Minister of Transportation shall designate as airways paths through the air space suitable for the navigation of aircraft.

2. The designation of airways under the preceding paragraph shall be made by notifying the location and extent of the air space.

(Establishment of Airdromes or Air Navigational Aid)

Article 38. Any person other than the Minister of Transportation, when he intends to operate an airdrome or an air navigational aid specified by Cabinet Order, shall obtain permission from the Minister of Transportation.

2. Any person who intends to apply for permission under the preceding paragraph shall submit a written application describing, with regard to the facility, a plan for operation including the location, structure, etc., plan for administration, scheduled date of completion and other matters specified by Ordinance of the Ministry of Transportation.

3. In cases where there has been an application for permission for the establishment of an airdrome, the Minister of Transportation shall notify the location and size of the airdrome, landing strip, approach area, approach surface, horizontal surface, transitional surface, scheduled commencement date of use and other matters specified by Ordinance of the Ministry of Transportation and post a notice thereof at the site.

4. Terms and conditions may be attached to permission under paragraph 1 and they shall be subject to change.

(Examination of Application)

Article 39. In cases where there has been an application under the preceding Article, the Minister of Transportation shall examine whether the application complies with each of the following items:

(1) The plan for establishment of the airdrome or air navigational aid including the location, structure, etc. shall comply with the standards stipulated by Ordinance of the Ministry of Transportation;

(2) The establishment of the airdrome or air navigational aid shall not seriously damage the interest of other persons;

(3) The plan for administration of the airdrome or air navigational aid shall comply with the technical standards provided for in Article 47, paragraph 1;

(4) The applicant shall be capable of establishing and administering the airdrome or air navigational aid;

(5) The applicant shall have ownership and other right of use in any airdrome as to its land or he may obtain them definitely.

2. The Minister of Transportation, when he makes an examination under the preceding paragraph with regard to a permission for the establishment of an airdrome, shall hold a public hearing and give any person who is interested in the establishment of the airdrome a chance to express his opinion on the establishment of the airdrome.

(Notification, etc., of Airdrome for Public Use)

Article 40. The Minister of Transportation, when he has given permission for the establishment of an airdrome for public use, shall notify the location and size of the airdrome, landing strip, approach area, approach surface, transitional surface, horizontal surface and scheduled commencement date of use, and post a notice thereof at the site.

(Completion of Airdrome Construction Work)

Article 41. Any person who has obtained a permission to establish an airdrome in accordance with the provision of Article 38, paragraph 1 (hereinafter referred to as "operator of an airdrome") shall complete the work by the scheduled date of completion described in the application for permission. However, when he has obtained a permission of the Minister of Transportation in cases where the work can not be completed by the scheduled date of completion owing to *force majeure* or for other unavoidable reasons, he shall complete the work by the date designated by the Minister of Transportation, if possible.

(Completion Inspection)

Article 42. The operator of any airdrome or any person who has obtained a permission to provide any air navigational aid in accordance with the provisions of Article 38, paragraph 1 (hereinafter referred to as "operator of air navigational aid") shall, when the work

on the facility as permitted has been completed, submit, without delay, to an inspection by the Minister of Transportation.

2. The Minister of Transportation shall approve the facility when, upon inspection, he deems it conforming to the plan for such establishment as described in the application.

3. The operator of any airdrome or the operator of any air navigational aid shall, in cases where it has been approved after an inspection under paragraph 1, fix without delay the commencement date of use and report it to the Minister of Transportation.

4. The operator of any airdrome or the operator of any air navigational aid shall not put the facility to use unless and until the commencement date of use reported in accordance with the provisions of the preceding paragraph.

(Alteration of Airdrome or Air Navigational Aid)

Article 43. The operator of any airdrome or the operator of any air navigational aid shall obtain a permission of the Minister of Transportation when he intends to make alterations to the facility, which are especially important for securing air safety as stipulated by Ordinance of the Ministry of Transportation.

2. The provisions of Article 38, paragraphs 2 to 4 inclusive, Article 39, and the preceding Article shall apply accordingly to the preceding paragraph. However, the provisions of Article 38 paragraph 3, Article 39 paragraph 2 and Article 40, shall apply accordingly only when any alteration in the size, approach area or transitional area of an airdrome is made.

(Suspension or Discontinuance of Use)

Article 44. The operator of any airdrome, when he intends to suspend or discontinue the use of the airdrome, shall obtain a permission of the Minister of Transportation.

2. The Minister of Transportation, in cases where there has been an application for permission under the preceding paragraph, shall permit the suspension or discontinuance of an airdrome, unless he deems it clearly against the public interest.

3. There may be added a term to the permission for discontinuance of use under paragraph 1.

4. The operator of any airdrome, the suspension of use of which has been permitted in accordance with the provision of paragraph 1, shall submit to an inspection by the Minister of Transportation when he intends to recommence the use of the airdrome.

5. The provisions of Article 42 paragraphs 2 to 4 inclusive shall apply accordingly to the case of re-commencement of use under the preceding paragraph.

Article 45. The operator of any air navigational aid, when he intends to suspend or discontinue the use of the air navigational aid, shall report to the Minister of Transportation not later than, at the latest, seven days prior thereto.

2. The provisions of paragraphs 4 and 5 of the preceding Article shall apply accordingly to the case of re-commencement of the suspended use of the air navigational aid.

(Notification of Airdrome or Air Navigational Aid)

Article 46. When the operator of an airdrome or of an air navigational aid has made a report under Article 42, paragraph 3, the Minister of Transportation shall notify the name, location of the

facility, outline of installations and other items as specified by Ordinance of the Ministry of Transportation. The same shall apply in cases where there has been any change in notified items, or where the use of the facility has been suspended, recommenced or discontinued.

(Administration of Airdrome or Air Navigational Aid)

Article 47. The operator of any airdrome or the operator of any air navigational aid shall administer the facility in accordance with technical standards as stipulated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation shall conduct periodical inspections of the facility in accordance with the provision of the Cabinet Order in order to ensure that the airdrome or air navigational aid under the preceding paragraph be administered in accordance with the standards of the same paragraph.

(Cancellation of Permission, etc.)

Article 48. The Minister of Transportation may cancel the permission for operation of an airdrome or air navigational aid or order the suspension of use for whole or part of an airdrome within a certain period in the following cases. However, with regard to the case of items (2) to (5) inclusive, the Minister of Transportation may cancel the permission for operation only when he has ordered the operator of an airdrome or the operator of an air navigational aid to take necessary measures within a reasonable period to make the facility comply with the plan described in the application or the standards under Article 39, paragraph 1, item 1, or to administer said facility in accordance with the technical standards under paragraph 1 of the preceding Article and the operator of the air navigational aid has not obeyed such order within the period:

(1) when the work is not completed by the scheduled date of completion described in the application under Article 38, paragraph 2 (the designated date when permitted in accordance with the provisions of the proviso of Article 41) without reasonable causes;

(2) when said facility is deemed, after an inspection under Article 42, paragraph 1 (including its application under Article 43, paragraph 2), inconsistent with the plan for operation or alternation described in the application:

(3) when, after an inspection under Article 42, paragraph 1, which applies in Article 44, paragraph 5, or Article 45, paragraph 2, said facility is deemed inconsistent with the plan described in the application;

(4) when the administration of the airdrome or air navigational aid is deemed inconsistent with the technical standards under paragraph 1 of the preceding Article;

(5) when the location, structure, etc. of an airdrome fails to comply with the standards under Article 39, paragraph 1, item 1;

(6) when the operator has violated the conditions attached to the permission.

(Restriction, etc. of Object)

Article 49. No person shall install, plant or leave any structure, plant or other object which is projecting above the approach or transitional surface as shown by the notification, after notification under

Article 40 (including where Article 43, paragraph 2 applies) of any airdrome for public use has been made. However, the same shall not apply in cases where such object is removed by the scheduled commencement date of use.

2. The operator of an airdrome may request the owner of, and other persons having authority over, any object installed, planted or left in violation of preceding paragraph (including plants which have grown up to project above the approach or transitional surface), to remove the object.

3. The operator of an airdrome may request the owner of, and persons having authority over, the object existent at the time of the notification under paragraph 1, which projects above the approach or transitional surface (including plants existent at the time of notification which have grown up to project above the approach or transitional surface) to eliminate such portion of the object as projects above the approach or transitional surface, but he shall pay compensation for damages as may normally be caused thereby, in accordance with the provisions of a Cabinet Order.

4. The owner of any object or any land on which such object mentioned in the preceding paragraph exists may request the operator of an airdrome to purchase the object or land, when, by the removal of the object mentioned in the same paragraph, it has become extremely difficult to make use of the object or land for the purpose for which it has hitherto been utilized.

5. The amount of damages to be compensated for under paragraph 3, and conditions for the purchase and price, etc. under the preceding paragraph, shall be decided after consultation between the persons concerned. The Minister of Transportation shall decide in cases where consultation has not led or cannot lead to an agreement.

6. Any person who is dissatisfied with the amount of damages and the purchase price decided upon under the preceding paragraph may bring a suit for an increase or decrease of the amount within 30 days from the day when he has received a notification of the decision.

7. The operator of the airdrome or the owner of any object or land or any other person in authority shall be a defendant in a suit under the preceding paragraph.

Article 50. The operator of an airdrome for public use in accordance with the provision of a Cabinet Order, shall compensate the owner of any land and other person having authority over it, for damages as may normally be caused by the limitation of utilization under the provision of item (1) of the preceding paragraph with regard to the land (only in cases where the distance from the approach or transitional surface is less than 10 meters) corresponding to the projection surface of the approach or transitional surface as a result of the operation of said airdrome or the alteration of any facilities under Article 43, paragraph 1.

2. By the limitation of the utilization under the provision of paragraph 1 of the preceding Article, when it has become extremely difficult to make use of the land for the purpose for which it has hitherto been utilized, the owner of the land under the preceding paragraph may request the operator of an airdrome to purchase the land in accordance with the provision of a Cabinet Order, except in any case under paragraph 4 of the same Article.

3. The provisions of paragraphs 5 to 7 inclusive, of the preceding Article shall apply to any case under the preceding two items.

(Installation of Aeronautical Obstruction Light)

Article 51. The operator of an airdrome shall install aeronautical obstruction lights on any structure projecting above the horizontal surface in accordance with the provisions of Ordinance of the Ministry of Transportation. However, the same shall not apply in cases permitted by the Minister of Transportation.

2. In accordance with the provisions of a Cabinet Order, the Minister of Transportation shall install aeronautical obstruction lights on structures other than those specified in the preceding paragraph, which clearly impede the safety of navigation of aircraft.

3. The owner of, or person occupying any structures under the preceding two paragraphs may not reject the installation of aeronautical obstruction lights by the operator of an airdrome or the Ministry of Transportation.

4. Any person who installs aeronautical obstruction lights under the provision of paragraph 1 or 2, shall maintain them in such manner as may be stipulated by Ordinance of the Ministry of Transportation.

(Restriction of Similar Light)

Article 52. No person shall install any lights that may impede the clear view of any aeronautical light or that may be mistaken for any aeronautical light (hereinafter referred to as "similar light").

2. The Minister of Transportation may order the operator of any similar light to shelter such light within a specified period or to take other measures in order to permit a clear view of any aeronautical obstruction light, and to prevent that they be mistaken for any aeronautical obstruction light.

3. When, in the case of the preceding paragraph, any similar light exists at the time of installation of any aeronautical light, the cost incurred by the measures under the same paragraph shall be borne by the operator of the aeronautical light.

(Prohibition of Staining, etc.)

Article 53. No person shall stain or damage an air navigational aid or commit any other act that may spoil its function.

(Fees for Use)

Article 54. The operator of any airdrome or the operator of any air navigational aid, when he intends to fix the fee of use with regard to any airdrome or any air navigational aid for public use, shall obtain approval of the Minister of Transportation. The same shall apply in cases where the said operator intends to alter the fee.

(Succession to Status of Operator of an Airdrome, etc.)

Article 55. Any person who intends to take over the operation of an airdrome or of an air navigational aid under this Law shall not do so except in the case of paragraph 3, unless such person has obtained a permission of the Minister of Transportation.

2. The provisions of Article 39, paragraph 1, item (4), shall apply to granting permission under the preceding paragraph.

3. In cases where the operator of an airdrome or the operator of an air navigational aid has died, the heir (or the one who has been designated after consultation to succeed to the status, when there are two or more heirs) shall succeed the status of the deceased under the provisions of this Law.

4. The heir under the preceding paragraph, when he has succeeded to the status of the deceased under the provisions of this Law, shall report to that effect without delay to the Minister of Transportation. (Operation or Administration of Airdromes, etc., by the Minister of Transportation.)

Article 56. The Minister of Transportation, when he operates any airdrome or navigational aid or makes any alteration to the facilities thereof, shall comply with the standards under Article 39 paragraph 1 items (1), (2) and (5).

2. The provisions of Article 38, paragraph 3, Article 39, paragraph 2, Article 40, Article 46, Article 49, Article 50 and Article 51, paragraph 1, shall apply in cases where the Minister of Transportation operates any airdrome or air navigational aid or makes any alteration to the facilities thereof. However, the provisions of Article 39, paragraph 2 shall not apply in case where the site of the airdrome has previously been lawfully used for landing or takeoff of any aircraft and there has not been any structure, plant or other materials with a height above the approach surface or transitional surface of said airdrome.

3. The provisions of Article 47, paragraph 1, and Article 51, paragraph 4 (only in so far as they relate to aeronautical obstruction lights under paragraph 1 of the same Article) shall apply in cases where the Minister of Transportation administers airdromes or air navigational aids.

(Designation, etc., of Facilities for Public Use)

Article 56-2. When he deems it necessary to promote the public interest, the Minister of Transportation may designate a landing strip and other facilities as facilities for public use with regard to an airdrome operated by the Defense Forces.

2. The designation under the preceding paragraph shall be made by the notification of name and location of the installation, outline of facilities and other matters specified by Ordinance of the Ministry of Transportation.

3. When any change has been made in the notification under the preceding paragraph with regard to the facilities in reference to the designation under paragraph 1, the Minister of Transportation shall, without delay, give notice of the matters in reference to the said change.

4. When he has cancelled the designation under paragraph 1, the Minister of Transportation shall give notice to that effect without delay.

5. When he intends to make a designation under paragraph 1, or to cancel the designation under the preceding paragraph, the Minister of Transportation shall negotiate with the Director of the Defense Department.

6. When the designation under paragraph 1 has been made, the Director of the Defense Department shall provide the facilities for public use. However, the same shall not apply in cases where there are unavoidable causes.

7. The Director of the Defense Department shall not discriminate against any specified users with regard to the conditions of the use of facilities in reference to the designation under paragraph 1.

CHAPTER VI—OPERATION OF AIRCRAFT

(Display of Nationality Mark, etc.)

Article 57. No aircraft shall be used for air navigation unless the nationality mark, registration mark and the owner's name or title are displayed on the aircraft in accordance with the provisions of an Ordinance of the Ministry of Transportation.

However, the same shall not apply where permitted by the proviso of Article 11.

(Aircraft Logbook)

Article 58. All aircraft shall carry a flight logbook of such form as may be specified by Ministry of Transportation Ordinance.

2. Any user of an aircraft, who has used the aircraft for air navigation, or repaired or remodeled it, shall enter without delay in the aircraft logbook such items as may be specified by Ordinance of the Ministry of Transportation.

3. The provisions of the preceding two paragraphs shall not apply where permitted by the proviso of Article 11.

(Documents to be carried in Aircraft)

Article 59. No aircraft (excepting aircraft specified by Ordinance of the Ministry of Transportation) shall be used for air navigation unless it carries the following documents. However, the same shall not apply in cases where permitted by the Minister of Transportation in accordance with the proviso of Article 11. They are:

- (1) A registration certificate;
- (2) An airworthiness certificate;
- (3) A flight logbook.

(Compulsory Radio Equipment)

Article 60. No aircraft shall be used for air navigation in the following cases unless equipped with radio equipment as specified by Ordinance of the Ministry of Transportation:

(1) When it is used for air transportation (except when specified by Ordinance of the Ministry of Transportation);

(2) When it is making a flight under instrument flight rule conditions in an air traffic control area or zone;

(3) When it is making a flight over areas made publicly known by the Minister of Transportation, in which search or rescue is difficult.

(Safety Equipment)

Article 61. No aircraft specified by Ordinance of the Ministry of Transportation shall be used for air navigation unless equipped with parachutes, life jackets, emergency signal lights and other emergency equipment specified by Ordinance of the Ministry of Transportation.

(Equipment in Case of Special Flights)

Article 62. No aircraft which is not equipped with a de-icing equipment, outside thermometer, oxygen apparatus, navigation instruments and other special equipment for the safety of air navigation specified by Ordinance of the Ministry of Transportation may make a high altitude flight or a flight in the clouds or other special flights specified by Ordinance of the Ministry of Transportation.

(Fuel of Aircraft)

Article 63. When it is used for air transportation, no aircraft shall take off or fly under instrument flight rules conditions, or expect to

make a flight under instrument flight rules conditions on the way, unless it carries such amount of fuel as may be specified by Ordinance of the Ministry of Transportation.

(Aircraft Lights)

Article 64. When navigating or parking by night (between sunset and sunrise) or stopping at any airdrome used for night flight operations, all aircraft shall be marked with lights in accordance with the provisions of Ordinance of the Ministry of Transportation.

(Persons by whom Aircraft to be manned)

Article 65. All aircraft shall be manned by an airman who can pilot it in accordance with the provisions of Article 28.

2. Any aircraft which is described in the "Aircraft" column of the following table shall be manned by an airman, in addition to the airman under the preceding paragraph, who can perform acts described in the "Duties" column of the said table in accordance with the provisions of Article 28.

Aircraft

Duties

Any aircraft which comes under any one of the following items:

Piloting of aircraft.

(1) An aircraft for which, in light of its construction, two persons are required for handling the retractable landing gear, flaps and other parts;

(2) An aircraft used for air transportation of passengers, which makes a flight under instrument flight rule conditions.

(3) An aircraft used for air transportation of passengers, which makes flights of more than five hours.

Any aircraft which comes under any one of the following:

Handling of aircraft engine and airframe performed on board (excepting controlling of piloting system).

(1) An aircraft equipped with four or more engines and having a maximum take-off weight of 35,000 kilograms;

(2) An aircraft, for handling the aircraft engine or airframe of which, in light of its construction, only a pilot (any person who engages in piloting an aircraft is not sufficient).

Article 66. Any aircraft described in the "Aircraft" column of the following table shall be manned by airmen, in addition to the pilot under the preceding Article, who may perform acts described in the "Duties" column of the said table in accordance with the provisions of Article 28.

Aircraft

Duties

An aircraft which is to be equipped with radio apparatus (excepting those specified by Ordinance of the Ministry of Transportation) in accordance with the provision of Article 60.	Handling of the radio apparatus mentioned in the left-side column.
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An aircraft which makes a non-stop flight over a distance of more than 550 kilometers.	Determination of the position and course of aircraft and calculation of air-navigational data.
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2. Notwithstanding the provisions of the preceding paragraph, where the performance of his own duties is not hindered by any person performing the respective duties of any other airman as stated in the "Duties" column of the table of the said paragraph, there need not be an airman prescribed by the said paragraph.

(Documents to be carried by Airman)

Article 67. Any airman, when he performs his air service, shall carry a certificate of competence.

2. Any aircraft crew member (any airman who engages, on board, in the operation of aircraft) shall, when he performs his air service, carry an airman's licence in addition to a certificate of competence.

(Standards of Crew Assignment)

Article 68. No person who engages in air transportation shall have the aircraft crew member of any aircraft which he uses, engage in the operation of aircraft, except as conforming with the assignment of such crew member to be prepared in accordance with the standards specified by Ordinance of the Ministry of Transportation.

(Recent Flight Experience)

Article 69. No aircraft crew member shall engage in the operation of an aircraft which is used for air transportation, or make an instrument or night flight, or conduct training for piloting under Article 34, paragraph 2, unless he has specified flight experience within a specified period as stipulated by Ordinance of the Ministry of Transportation.

(Intoxicating Liquor, etc.)

Article 70. No aircraft crew member shall perform his air service while there is danger of their being unable to perform a normal operation of the aircraft under the influence of an intoxicant or narcotic and other chemicals.

(Physical Deficiencies)

Article 71. No aircraft crew member who does not satisfy the standards for physical examination under Article 32 shall perform air service, even if within the duration of the aircraft licence under Article 33.

(Route Qualification of Pilot-in-Command)

Article 72. A pilot-in-command of an aircraft used for scheduled air transportation shall have piloting experience of aircraft over the pertinent route and knowledge of the pertinent route as stipulated by routes by Ordinance of the Ministry of Transportation.

(Power of Pilot-in-Command)

Article 73. The pilot-in-command shall direct and supervise all persons who perform duties on board the aircraft.

(Measures in Case of Danger)

Article 74. When there has occurred any danger, or when he deems there may be any danger to the aircraft or to passengers, the pilot-in-command may order the passengers in the aircraft to take measures to leave the aircraft or take other measures necessary for safety.

Article 75. In cases where there is any urgent danger to the aircraft while it is navigating, the pilot-in-command shall use every means necessary for rescuing the passengers and preventing injury to persons or property on the land or water, and shall not leave the aircraft which he directs unless he has made the passengers and other persons on board the aircraft leave it.

(Obligation to Report)

Article 76. When there has occurred any of the following accidents, the pilot-in-command shall report to that effect to the Minister of Transportation in accordance with the provisions of Ordinance of the Ministry of Transportation.

However, when the pilot-in-command is unable to report, the operator of the aircraft shall report:

(1) A crash or collision of, or fire in an aircraft, or other aircraft accident;

(2) An injury or death to any person, or damage to, or destruction of, any object caused by the aircraft;

(3) A death or loss of any person on board the aircraft.

2. When he has learned that any accident mentioned in item (1) of the preceding paragraph has occurred to any other aircraft, the pilot-in-command shall report to that effect to the Minister of Transportation in accordance with the provisions of Ordinance of the Ministry of Transportation except when he has learned it by wireless telegram or telephone.

(Aircraft Dispatcher)

Article 77. Unless the pilot-in-command of the aircraft has obtained clearance from an aircraft dispatcher provided by the scheduled air transport operator under Article 102, paragraph 1, no aircraft used for scheduled air transportation shall take off or alter the flight plan.

Article 78. Any aircraft dispatcher under the preceding Article shall pass a competence test as aircraft dispatcher by the Minister of Transportation.

2. A competence test as aircraft dispatcher will be made for the purpose of judging whether an applicant has such knowledge and such competence with regard to aircraft, air navigational aid, radio communications and meteorology as is necessary for performing his duties under the preceding paragraph.

3. No person shall be permitted to take a competence test as aircraft dispatcher unless he is of such age and has such experience with regard to the operation of aircraft as may be stipulated by Ordinance of the Ministry of Transportation.

4. The provisions of Articles 27, 29, and 30, shall apply to a competence test as aircraft dispatcher.

5. The procedures of application for competence test as aircraft dispatcher and other matters shall be stipulated by Ordinance of the Ministry of Transportation.

(Place for Landing and Takeoff)

Article 79. No aircraft (excepting aircraft specified by Ordinance of the Ministry of Transportation shall take off or land, on land at places other than airdromes, or on water at places specified by Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where there are any unavoidable reasons or where permitted by the Minister of Transportation.

(Prohibited Area)

Article 80. No aircraft shall make a flight over an area in which there may be danger to the flight of aircraft, which may be designated by Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Minimum Safe Altitude)

Article 81. Except when it takes off or lands, taking into consideration the safety of persons or property on land or water and the safety of aircraft, no aircraft shall make a flight at an altitude less than that stipulated by Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Cruising Altitude)

Article 82. When it is flying at an altitude of 900 meters or more above the land or water under visual flight rule conditions, or at an altitude of 300 meters or more under instrument flight rule conditions, any aircraft shall cruise at an altitude as specified by Ordinance of the Ministry of Transportation.

(Prevention of Collisions)

Article 83. Aircraft shall navigate in accordance with the methods stipulated by Ordinance of the Ministry of Transportation with regard to the course and speed for the purpose of preventing collisions with other aircraft or ships.

(Formation Flight)

Article 84. No aircraft used for air transportation shall make a formation flight unless permitted by the Minister of Transportation.

2. When making a formation flight, the pilot-in-command of aircraft shall make arrangements, prior to such a flight, as to the method of formation, the method of signs between aircraft and such other matters specified by Ordinance of the Ministry of Transportation.

(Prohibition of Reckless Operation)

Article 85. No aircraft shall make a flight, "buzz" or dive at low altitude without any operational necessity, or shall be piloted in a manner annoying to other persons.

(Prohibition of Carriage of Explosives, etc.)

Article 86. Explosives or other articles of easily combustible nature or articles which are liable to injure persons or damage property as specified by Ordinance of the Ministry of Transportation shall not be carried by aircraft.

2. No person shall put into aircraft any articles described in the preceding paragraph.

(Pilotless Aircraft)

Article 87. Notwithstanding the provisions of Article 65 and 66, any aircraft having an apparatus which enables it to fly without being manned by a pilot may, when permitted by the Minister of Transportation, make a flight without being manned by an air crew provided for by these provisions.

2. In granting a permission under the preceding paragraph, the Minister of Transportation may put restrictions to the methods of flight with regard to the aircraft when he deems it necessary for preventing any danger occurring to other aircraft.

(Towing of Object)

Article 88. Towing of objects by aircraft shall be conducted in accordance with safety standards as stipulated by Ordinance of the Ministry of Transportation.

(Jettisoning of Object)

Article 89. No person shall jettison any object from an aircraft. However, the same shall not apply in cases where there is no danger of causing injury or damage to persons or property on land or water and where he has reported it to the Minister of Transportation.

(Parachute Jumping)

Article 90. No persons other than those who have obtained a permission of the Minister of Transportation shall make a parachute descent from an aircraft.

(Acrobatic Flight)

Article 91. No aircraft shall perform loops, rolls and other acrobatic flights except in an air area other than the following air areas and at an altitude higher than that stipulated by Ordinance of the Ministry of Transportation, and with a visibility of more than 5 kilometers. However, the same shall not apply in cases where permitted by the Minister of Transportation:

- (1) Within a congested area of persons or houses;
- (2) Within an airway;
- (3) Within an air traffic control zone.

(Performance of Training for Student Pilot)

Article 92. Any person who has obtained a permission under Article 35, paragraph 1 shall, when he intends to get flight training, conduct it under the supervision of a person certified as instructor under Article 34, paragraph 2.

The same shall apply in cases where any person who has a competence certification as airline transport pilot, senior commercial pilot, commercial pilot or private pilot, trains for piloting of any kind of aircraft other than that defined with regard to the competence certification.

(Places of Training, etc. for Aircraft Piloting)

Article 93. No training for aircraft piloting under the preceding Article and no flight for the purpose of testing aircraft shall be conducted in an air traffic control area or air traffic control zone. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Flight under Visual Flight Rule Conditions)

Article 94. No aircraft shall make an instrument flight under visual flight rule conditions.

(Flight under Instrument Flight Rules Conditions)

Article 95. No aircraft shall make a flight under instrument flight rule conditions unless piloted by a person who has obtained a certification of competence as airline transport pilot or senior commercial pilot, or a person who has obtained a certification of competence as commercial pilot or private pilot and has obtained a certification of instrument flight. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Air Traffic Instructions)

Article 96. Any aircraft shall navigate in an air traffic control area or air traffic control zone in accordance with instructions which are given by the Minister of Transportation with regard to the order, time or method of takeoff or landing, or method of flight in consideration of the safety of air traffic.

(Flight Plan and Approval therefor)

Article 97. Any aircraft shall, prior to takeoff from an airdrome within an air traffic control zone or prior to entering an air traffic control area or air traffic control zone under instrument flight rule conditions, obtain the approval of a flight plan by the Minister of Transportation, in accordance with the provisions of an Ordinance of the Ministry of Transportation. The same shall apply in cases where there is an intention to alter the approved flight plan.

2. Any aircraft which makes a flight under instrument flight conditions (excepting the case under the preceding paragraph) or makes a flight under visual flight conditions (excepting the case stipulated in an Ordinance of the Ministry of Transportation), shall file the flight plan with the Minister of Transportation as may be stipulated by Ordinance of the Ministry of Transportation.

3. Any aircraft which has obtained an approval of the flight plan or has notified the flight plan in accordance with the provisions under paragraph 1 of the preceding paragraph, shall be navigated in accordance with the flight plan besides the instructions of the Ministry of Transportation. However, the same shall not apply in cases where it navigates in accordance with the methods stipulated by the Ordinance of the Ministry of Transportation when the radio equipment is out of order.

4. Any aircraft which has obtained an approval of the flight plan or has notified the flight plan in accordance with the provisions under paragraph 1 or paragraph 2, shall, while it is navigating in an air traffic control area or air traffic control zone, receive instructions on air traffic which are issued by the Minister of Transportation and report to him the location of the aircraft, flight conditions and other matters as may be specified by Ordinance of the Ministry of Transportation in accordance with the methods as may be stipulated by Ordinances of the Ministry of Transportation.

(Notification of Arrival)

Article 98. The pilot-in-command of an aircraft, who has obtained an approval of his flight plan in accordance with the preceding Article or who has notified the flight plan, shall, when the aircraft has completed the flight described in the flight plan, report without delay to the Ministry of Transportation to that effect.

(Prohibition of Entry in Landing Strip)

Article 99. No person shall, without good reason, enter a landing strip.

CHAPTER VII—AIR TRANSPORTATION, ETC.

(Licence)

Article 100. Any person who intends to engage in scheduled air transportation shall obtain for each route a license from the Minister of Transportation.

2. Any person who intends to obtain a license under the preceding paragraph shall submit an application to the Minister of Transportation, describing a business program (a program for the operation of aircraft and the maintenance necessary therefor), estimate of income and expenses of business, scheduled commencement date for operation and other matters as may be stipulated by Ordinance of the Ministry of Transportation.

3. The Minister of Transportation may request the applicant to submit a copy of the commercial register and other necessary documents in addition to those prescribed in the preceding paragraph.

(Licencing Standards)

Article 101. In cases where there has been an application under the preceding Article, the Minister of Transportation shall examine whether it conforms to each of the following:

(1) The opening of the business shall meet the needs of the public;

(2) The opening of the business shall not make the supply excessive over the demand of air transportation on the route;

(3) The business shall be suitable from the view point of air safety;

(4) The applicant shall be able to perform the business properly;

(5) The applicant shall not come under any of the following:

1) Any person who comes under any item of Article 4, paragraph 1;

2) Any person whose license for scheduled air transportation, non-scheduled air transportation or aircraft-using enterprise was cancelled, and less than two years have passed since the date of such cancellation;

3) Any person who has been sentenced to a penalty heavier than imprisonment for violation of any provision of this Law, and less than two years have passed after he completed the sentence or it has been cancelled.

4) Any juridical person whose officer or officers come under any of the provisions of 2) or 3).

2. When he deems the application conforming to the standards mentioned in the preceding paragraph and after an examination under the provision of the same paragraph, the Minister of Transportation shall issue a licence for scheduled air transportation.

(Inspection prior to Operation)

Article 102. No person who has obtained a license under Article 100, paragraph 1 (hereinafter referred to as "scheduled air transport enterprise") shall begin operation unless he has undergone and passed an inspection of aircraft and other facilities used for the licenced enterprise by the Minister of Transportation.

2. The Minister of Transportation shall consider any scheduled air transport enterprise to be eligible when he has found after an inspection under the preceding paragraph that it is capable of conducting

the services with the facilities in accordance with this Law and the business program.

(Obligation to commence Operation)

Article 103. Any scheduled air transport enterprise shall commence the operation on the day stated in the application for the license. However, it may commence the operation before the day in cases where the Minister of Transportation has been notified in advance.

2. The Minister of Transportation may postpone the day in accordance with an application, when the operation cannot be inaugurated on the day of the preceding paragraph owing to natural calamity or other unavoidable reasons.

(Approval of Operation and Maintenance Manuals)

Article 104. Any scheduled air transport enterprise shall issue an operation and maintenance manual with regard to the matters concerning the operation and maintenance of aircraft, stipulated by Ordinance of the Ministry of Transportation and obtain an approval of the Minister of Transportation. The same shall apply to the case of any change therein.

2. The Minister of Transportation shall grant an approval under the preceding paragraph when he deems the operation and maintenance manual under the same paragraph conforming to the technical standards stipulated by Ordinance of the Ministry of Transportation.

(Approval of Fares, Rates and Charges)

Article 105. Any scheduled air transport enterprise shall fix fares, rates and charges for passengers and freights (except mails) and obtain an approval of the Minister of Transportation. The same shall apply to the case of any change thereof.

2. When he intends to grant an approval under the preceding paragraph, the Minister of Transportation shall conform to the following standards:

(1) They shall not be in excess of reasonable expenses of the services under efficient management plus a reasonable profit;

(2) The nature of the services provided by the enterprise shall be taken into consideration;

(3) They shall not unfairly discriminate against any specific passenger or consignor;

(4) They shall not make the utilization of the business by passengers and consignors unduly difficult;

(5) They shall not bring about unfair competition with other air transport enterprises.

(Approval of Conditions of Transportation)

Article 106. Any scheduled air transport enterprise shall fix conditions of transportation and obtain an approval of the Minister of Transportation. The same shall apply to the case of any change thereof.

2. When he intends to grant an approval under the preceding paragraph, the Minister of Transportation shall conform to the following standards:

(1) There shall be no danger of impeding the just interest of the public;

(2) There shall be provided for at least receipts of fares and charges to passengers and freights, and matters concerning the enterprise's liability relating to the transportation.

(Notice of Fares, Rates and Charges, etc.)

Article 107. Any scheduled air transport enterprise shall post a notice of the fares, rates and charges and the conditions of transportation visible to the public at the business premises and at other working places.

(Business Program)

Article 108. In performing its business, any scheduled air transport enterprise shall comply with the business program except as due to natural calamity or other unavoidable causes.

2. When he deems any air transport enterprise in violation of the provisions of the preceding paragraph, the Minister of Transportation may order such scheduled air transport enterprise to perform the services in accordance with the business program.

Article 109. When he intends to alter the business program, any scheduled air transport enterprise shall obtain an approval of the Minister of Transportation.

2. The provisions of Article 101 (excepting those coming under paragraph 1, item (5)), shall apply to an approval under the preceding paragraph.

(Agreement concerning Transportation)

Article 110. When it is intended to conclude an agreement concerning through-traffic, fares or other transportation with other transport enterprises, any scheduled air transport enterprise shall obtain an approval of the Minister of Transportation.

The same shall apply in cases where it is intended to make any change therein.

2. The Minister of Transportation shall grant an approval under the preceding paragraph when the agreement promotes the public convenience.

(Exception from Application of the Law concerning the Prohibition of Private Monopoly and the Methods of Preserving Fair Trade)

Article 111. The provisions of the Law concerning the Prohibition of Private Monopoly and the Methods of Preserving Fair Trade (Law No. 54 of 1947) shall not apply to any lawful act effected upon approval under paragraph 1 of the preceding Article. However, the same shall not apply in cases where unfair methods of competition are used or an unreasonable rise of the fares or charges is caused by limiting competition in the specified field of trade.

(Order for Improvement of Business)

Article 112. When he deems that there is any fact by which the public welfare may be adversely affected with regard to the business of any scheduled air transport enterprise, the Minister of Transportation may order the enterprise to do any act mentioned in the following items:

- (1) To alter the business items;
- (2) To alter fares, charges or conditions of transportation;
- (3) To improve aircraft and other facilities;
- (4) To conclude an insurance contract to cover the compensation for damages due to aircraft accidents.

(Utilization of Title, Loan of Business, etc.)

Article 113. No scheduled air transport enterprise shall allow another person to utilize his license for scheduled air transportation.

2. No scheduled air transport enterprise shall allow another person to operate its business in its name whether by loan of the business or by other means.

(Transfer and Taking Over of Business)

Article 114. In cases where any scheduled air transport enterprise transfers the air transport enterprise, the transferee shall succeed the transferor's status under this Law when the transferor and the transferee have obtained an approval of the Minister of Transportation with regard to the transfer and taking over.

2. The provisions of Article 101 shall apply to an approval under the preceding paragraph.

(Amalgamation of Business)

Article 115. In the case of an amalgamation of juridical persons who are scheduled air transport enterprises (excepting when any juridical person who is a scheduled air transport enterprise continues to exist in cases where the juridical person who is a scheduled air transport enterprise amalgamates with any juridical person who is not engaged in a scheduled air transport enterprise), the juridical person who continues to exist or the juridical person established by amalgamation shall succeed to the status of the scheduled air transport enterprise under this Law, when the amalgamation has been approved by the Minister of Transportation before it becomes effective.

2. The provisions of Article 104 shall apply to an approval under the preceding paragraph.

(Inheritance)

Article 116. In the case of the death of the operator of a scheduled air transport enterprise, the heir (an heir who has been designated after consultation as heir to succeed to the enterprise when there are two or more heirs) shall succeed the status of a scheduled air transport enterprise under this Law.

2. When the successor under the preceding paragraph has not applied for the inheritance within sixty days after the death of the deceased, the license for air transportation shall be invalid after expiration of such term. The same shall apply, in cases where an application for approval has been disapproved, on and after the day such disposition has been made.

3. The provisions of Article 101 shall apply to an approval under the preceding paragraph.

(Suspension of Business)

Article 117. Any scheduled air transport enterprise shall, when it intends to suspend its business, obtain a permission of the Minister of Transportation.

2. Except when he deems there is any danger of the public convenience being impeded by suspension, the Minister of Transportation shall grant a permission under the preceding paragraph.

3. The permission for the suspension of business under paragraph 1 shall not be given for a period of more than one year.

(Closure of Business)

Article 118. When it has closed its business, any scheduled air transport enterprise shall report without delay to that effect to the Minister of Transportation.

(Discontinuance of Business and Cancellation of License)

Article 119. When any air transport enterprise comes under any one of the following items, the Minister of Transportation may order to suspend the business for a period of less than six months or cancel the licence:

(1) When any enterprise has violated this Law or any condition attached to any disposition, licence, permission or approval under this Law;

(2) When any enterprise does not perform without just reasons any matter approved in accordance with the provisions of this Chapter.

(Invalidation of Licence)

Article 120. When a scheduled air transport enterprise has come under any item of Article 4, paragraph 1, the licence under Article 100 paragraph 1, shall become invalid.

(Non-scheduled Air Transportation)

Article 121. Any person who intends to engage in non-scheduled air transportation shall obtain a licence from the Minister of Transportation.

2. The provisions of Article 100, paragraphs 2 and 3, and Article 101 (excepting the provisions of paragraph 1, items (1) and (2)), shall apply to a licence under the preceding paragraph.

Article 122. The provisions of Article 102, 104 to 106 inclusive, and Articles 108 to 120 inclusive (excepting those provisions of Article 114, paragraph 2, Article 115, paragraph 2, or Article 116, paragraph 3, which apply to Article 101, paragraph 1, items (1) and (2)), shall apply to non-scheduled air transportation.

In this case "approved" in Article 119 item (2) shall read "licensed or approved".

2. The provisions of Article 30, paragraph 2, shall apply to the case of discontinuance of business or cancellation of licence as specified by the provisions of Article 119 which applies to the preceding paragraph.

(Aircraft-Using Enterprise)

Article 123. Any person who intends to engage in an aircraft-using enterprise shall obtain a licence from the Minister of Transportation.

2. The provisions of Article 100, paragraphs 2 and 3, and Article 101 (excepting the provisions of paragraph 1, items (1) and (2)), shall apply to a licence under the preceding paragraph.

Article 124. The provisions of Article 102, 108, 109, 112 (except as coming under item (2)), 113 to 116 inclusive, (excepting those provisions of Article 114, paragraph 2, Article 115, paragraph 2, or Article 116, paragraph 3, which apply to Article 101, paragraph 1, items (1) and (2)), Articles 118 to 120 inclusive and Article 122, paragraph 2, shall apply to aircraft using enterprises.

In this case "approved" in Article 119, item (2) shall read "licensed or approved".

2. Any person who has obtained a licence under paragraph 1 of the preceding Article shall report without delay to that effect to the Minister of Transportation when he has suspended his business.

(Conditions attached to Licence, etc)

Article 125. There may be attached conditions or a term to licences, permissions or approvals under this Chapter, and they may be altered.

2. The conditions or terms under the preceding paragraph shall be

limited to a minimum necessary to promote the public interest, or to secure the practice of matters involved in the licence, permission or approval and, shall not be such as will impose undue burdens upon the air transport enterprise or aircraft-using enterprise.

CHAPTER VIII—FOREIGN AIRCRAFT

(Flight of Foreign Aircraft)

Article 126. Any aircraft having the nationality of any foreign state which is a Contracting State of the Convention on International Civil Aviation (hereinafter referred to as "Contracting State") (excepting any aircraft which is used for the enterprise of any person who has obtained permission under Article 129, paragraph 1 (hereinafter referred to as "foreign international air transport enterprise")), any aircraft which is used for transportation by any person who has obtained permission under Article 130-(2) and any aircraft which is used by any foreign state, any public entity or its equivalent in any foreign state, shall obtain permission from the Minister of Transportation when it makes a flight as mentioned below without following any air route designated by the Minister of Transportation:

- (1) A flight starting outside Japan and arriving inside Japan;
- (2) A flight starting inside Japan and arriving outside Japan;

or

- (3) A flight across Japan without landing, starting outside Japan and arriving outside Japan.

2. Any aircraft having the nationality of any foreign state other than a Contracting State (excepting any aircraft which is used for the enterprise of any foreign international air transport enterprise and any aircraft which is used for transportation by any person who has obtained permission under Article 130-(2)) and any aircraft, having the nationality of a Contracting State, which is used by any foreign state, any public entity and its equivalent in any foreign state, shall obtain permission from the Minister of Transportation when it makes a flight referred to in any item of the preceding paragraph.

3. Any aircraft which is used in military, customs or police service shall be regarded as "aircraft used by a state" in application of the provisions of the preceding two paragraphs.

4. When requested by the Minister of Transportation in cases where it makes a flight referred to in any item of paragraph 1, any aircraft having the nationality of any foreign state shall land at the designated airdrome without delay.

5. Any aircraft having the nationality of any foreign state, when it makes a flight mentioned in paragraph 1, items 1 or 2, shall land at or take off from the airdrome designated by the Minister of Transportation except when prevented by weather or other unavoidable causes. However, the same shall not apply in cases permitted by the Minister of Transportation.

(Use of Foreign Aircraft Inside Japan)

Article 127. No aircraft having the nationality of any foreign state (excepting any aircraft which is used for the enterprise of any foreign international transport enterprise and any aircraft which is used for transportation by any person who has obtained permission under

Article 130-(2)) shall be used for air navigation between points inside Japan. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Prohibition of Carriage of Munitions)

Article 128. Unless permitted by the Minister of Transportation, no aircraft having the nationality of any foreign state shall carry munitions (as specified by Ordinance of the Ministry of Transportation) on a flight referred to in each item of paragraph 1 of Article 126.

(International Air Transport Enterprise by Foreign Nationals)

Article 129. Notwithstanding the provisions of Article 100, paragraph 1, and Article 121, paragraph 1, a person referred to in any item of paragraph 1, Article 4, may, upon permission of the Minister of Transportation, run a business to transport passengers or freight on any flight referred to in Article 126, paragraph 1 (including the one between points within Japan which is performed in continuance thereof) for remuneration on demand of other persons.

2. Any person who intends to obtain permission under the preceding paragraph, shall submit an application to the Minister of Transportation, describing his business program, scheduled commencement date for operation and other matters stipulated by Ministry of Transportation Ordinance.

3. The Minister of Transportation may request the applicant to submit necessary documents in addition to those prescribed in the preceding paragraph.

(Approval of Fares, Rates and Charges)

Article 129-(2). Any foreign international air transport enterprise shall fix fares, rates and charges for passengers and freight (except mail) and obtain approval of the Minister of Transportation. The same shall apply in cases of changes therein.

(Business Program)

Article 129-(3). Any foreign international air transport enterprise, in performing its business, shall comply with the business program except when prevented by weather or other unavoidable causes.

2. Any foreign international air transport enterprise, when it intends to alter its business program, shall obtain approval of the Minister of Transportation.

(Order for Alteration of Business Program, etc.)

Article 129-(4). The Minister of Transportation, when he deems it necessary, may order the foreign international air transport enterprise:

(1) To alter its business program; or

(2) To alter fares, rates or charges.

(Suspension of Business and Cancellation of Permission)

Article 129-(5). The Minister of Transportation may order a foreign international air transport enterprise to suspend business for a period or cancel its permission to operate:

(1) When any foreign international air transport enterprise has violated the provision of this Law, any disposition under this Law or any condition attached to any permission or approval under this Law;

(2) When substantial ownership of stock or shares of any foreign international air transport enterprise or effective control of an air transport enterprise operated by any foreign international air transport enterprise has failed to be vested in the state or its nationals to which the said foreign international air transport enterprise belongs;

(3) When any foreign state or any foreign international air transport enterprise has violated the provisions of such agreement or the said agreement has become invalid in case where there is an agreement between Japan and the said foreign state to which the said foreign international air transport enterprise belongs; or

(4) When it is necessary for the public interest, besides those cases listed in the preceding three items.

(Cabotage)

Article 130. No aircraft which is authorized under the proviso of Article 127, and which is used for the business of any foreign international air transport enterprise or which is used for transportation by any person who has obtained permission under the following Article shall be used for transporting passengers or freight for remuneration, between points within Japan. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Transportation of Passengers, etc. Taking off or Landing Inside Japan)

Article 130-(2). Any aircraft having the nationality of any foreign state (excepting any aircraft which is used for the enterprise of any foreign international air transport enterprise) shall obtain permission from the Minister of Transportation, when it engages in the transportation for remuneration of passengers or freight, for taking off or landing inside Japan by a flight referred to in Article 126, paragraph 1, item 1 (including a flight between points within Japan which is made in continuance thereof) or by a flight referred to in item 2 of the same paragraph (including a flight between points within Japan which is made in continuance thereof).

(Recognition of Certificates, etc.)

Article 131. Any certification, license and other authorization which has been granted for the airworthiness of the following aircraft and for the qualifications as aircraft crew of the aircraft by any foreign state the nationality of which is possessed by the aircraft, and the certificates of qualification and other documents relating thereto shall, in application of the provisions of Article 11, Article 20, Article 28, paragraph 1 or 2, Article 34, paragraph 1, Article 59, Article 65 to 67 inclusive and Article 95, be regarded as aircraft registration certificate under Article 6, airworthiness certification under Article 10, paragraph 1, airworthiness certificate under paragraph 5 of the same Article, passing of an inspection under Article 20, paragraph 1, competence certification under Article 22, paragraph 1 or aircraft crew license under paragraph 2 of the same Article, competence certificate under Article 23 or airman license under Article 31, paragraph 2, instrument flight certification under Article 34, paragraph 1 in accordance with the provisions of an Ordinance of the Ministry of Transportation:

(1) Any aircraft referred to in Article 126, paragraph 1 or 2, which makes a flight referred to in any item of paragraph 1 of the same Article;

(2) Any aircraft as may be specified by Cabinet Order, which has been authorized under the proviso of Article 127;

(3) Any aircraft which is used for the enterprise of any foreign international air transport enterprise.

(4) Any aircraft which is used for the transportation by any person who has obtained permission under the preceding Article.

(Terms and Conditions, etc.)

Article 131-(2). Terms and conditions may be attached to permissions or approvals under this Chapter, may be altered, or may be attached to them after they are granted.

CHAPTER IX—MISCELLANEOUS PROVISIONS

(Investigation of Accident)

Article 132. When an accident mentioned in any item of Article 76, paragraph 1, has occurred, the Minister of Transportation shall investigate its cause without delay.

2. For the purpose of investigation under the preceding paragraph, the Minister of Transportation may demand of any user of aircraft or aircraft crew involved in the accident, or of any person who has engaged in rescue service and other persons concerned, to present reports or data, or may have his officials enter on the actual scene to investigate the aircraft or other objects.

3. In the case of the preceding paragraph, such official shall carry with him a card identifying his official status and show the same upon request to the person concerned.

4. The authority under paragraph 2 shall not be construed as given for the search of crime.

(Report on Air Transport Agent, etc.)

Article 133. Any person who intends to act as air transport agent (an enterprise acting for an air transport enterprise in concluding contracts for the transportation by aircraft or air transport forwarding agency (an enterprise transacting forwarding business for the transportation by aircraft in his own name) shall report to the Minister of Transportation matters as may be specified by Ordinance of the Ministry of Transportation. The same shall apply in cases where he intends to alter any one of the reported matters.

2. Any person who acts as air transport agent or broker shall report to that effect to the Minister of Transportation within thirty days from the day when he has abandoned such business.

(Collection of Report and Entry for Inspection)

Article 134. When it is necessary for the enforcement of this Law, the Minister of Transportation may request any person coming under any one of the following items to submit reports on the repair, remodelling or manufacture of aircraft or apparatus, or the work, administration and use of an airdrome or air navigational aid, or use of aircraft, air service, air transport enterprise, aircraft-using enterprise, air transport agent and air transport forwarding agency:

(1) Any person who repairs, remodels or manufactures aircraft or apparatus;

(2) Any operator of an airdrome or air navigational aid;

(3) Any airman;

(4) Any person who engages in an air transport enterprise or aircraft-using enterprise;

(5) Any person other than mentioned in the preceding item, who uses aircraft;

(6) Any person who operates an air transport agency or forwarding agency.

2. When it is necessary for the enforcement of this Law, the Minister of Transportation may have his officials enter the office, factory

or other business premises, airdromes, or any place where an air navigational aid is installed, or any place where a work for airdrome or air navigational aid is performed, or any place where an aircraft is located, or any aircraft, which belongs to any person under any item of the preceding paragraph, and inspect aircraft, air navigational aids, account books, documents or other matters, or ask questions of any interested person.

3. The provisions of Article 132, paragraphs 3 and 4, shall apply to the case of the preceding paragraph.

(Payment of Fee)

Article 135. Any person (excluding the State) listed in the left column of the following table shall pay a fee, the amount of which may, within the limit as listed in the right column thereof, be specified by Cabinet Order.

Person responsible for payment	Amount
(1) Any person who requests the delivery of a copy or abstract of Aircraft Register or the offer for perusal of Aircraft Register;	¥50;
(1-2) Any person who applies for an airworthiness certification under Article 10, paragraph 1;	¥81,400;
(2) Any person who applies for a type certification under Article 12, paragraph 1;	¥48,400;
(3) Any person who intends to undergo an inspection on repair or remodeling under Article 16, paragraph 1;	¥8,700;
(4) Any person who applies for a spare-parts-certification under Article 17, paragraph 1;	¥11,300;
(5) Any person who intends to undergo an inspection under Article 20, paragraph 1;	¥8,700;
(6) Any person who applies for a competence certification under Article 22, paragraph 1;	¥500; However, when an aircraft of the Ministry of Transportation is used for a practical examination including the navigation of aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 500 yen;
(7) Any person who applies for an aircraft crew licence under Article 22, paragraph 2;	¥300;
(7)-2. Any person who applies for an alteration of restriction with regard to a competence certification under Article 29-(2), paragraph 1;	¥400;

	Amount
(8) Any person who applies for an instrument flight certification under Article 34, paragraph 1, or an instructor's certification under paragraph 2 of the same Article;	¥400; However, when an aircraft of the Ministry of Transportation is used for a practical examination including the navigation of aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 400 yen;
(9) Any person who intends to obtain a permission for aircraft pilot training under Article 35;	¥300;
(10) Any person who applies for a re-issuance of an aircraft registration certificate, airworthiness certificate, competence certificate, airman licence or a permit for aircraft pilot training;	¥100;
(11) Any person who applies for a permission of the provision of an airdrome or air navigational aid under Article 38, paragraph 1;	¥19,500;
(12) Any person who intends to undergo a completion inspection of an airdrome under Article 42, paragraph 1;	¥75,100;
(13) Any person who intends to undergo a completion inspection of an air navigational aid under Article 42, paragraph 1;	¥30,800; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to amount specified by Cabinet Order within the limit of 30,800 yen;
(14) Any person who intends to undergo an inspection under Article 42, paragraph 1 which applies to aerodromes in accordance with the provision of Article 43, paragraph 2;	¥75,100;

(15) Any person who intends to undergo an inspection under Article 42, paragraph 1 which applies to air navigational aid in accordance with the provision of Article 43, paragraph 2;

Amount

¥30,800; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 30,800 yen;

(16) Any person who intends to undergo an inspection under Article 44, paragraph 4;

¥28,700;

(17) Any person who intends to undergo an inspection under Article 44, paragraph 4 which applies in accordance with the provision of Article 45, paragraph 2;

¥15,600; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 15,600 yen;

(18) Any person who undergoes an inspection of an aerodrome under Article 47, paragraph 2;

¥28,700;

(19) Any person who undergoes an inspection of an air navigational aid under Article 47, paragraph 2;

¥15,600; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 15,600 yen;

(20) Any person who intends to undergo a competence test for aircraft dispatcher under Article 78, paragraph 2.

¥500.

(Inquiry to Transportation Council)

Article 136. The Minister of Transportation, when he intends to make the following dispositions, shall inquire of the Transportation

Council under Article 5 of the Ministry of Transportation Establishment Law (Law No. 157 of 1949) and shall do so with due regard to the decisions thereof;

(1) Licensing of scheduled air transportation in accordance with the provisions of Article 100, paragraph 1;

(2) Approval of fares and charges for scheduled air transportation in accordance with the provisions of Article 105, paragraph 1;

(3) Order of alteration of fares, rates and charges for scheduled air transportation in accordance with the provisions of Article 112;

(4) Approval of transfer and taking over of scheduled air transportation in accordance with the provisions of Article 114, paragraph 1;

(5) Approval of amalgamation of juridical persons who are scheduled air transport enterprises in accordance with the provisions of Article 115, paragraph 1;

(6) Cancellation of licence for scheduled air transportation or discontinuance of business in accordance with the provisions of Article 119.

(Appeal)

Article 137. Any person who is dissatisfied with the dispositions made by the Minister of Transportation in accordance with the provisions of this Law may make an appeal.

CHAPTER X—PENAL PROVISIONS

(Penalty for Endangering Air Navigation, etc.)

Article 138. Any person who has caused danger to air navigation by damaging any airdrome facility or air navigational aid or by other means shall be liable to a penal servitude of a definite period of two years or more.

Article 139. Any person who has crashed, overturned or sunk, or destroyed any aircraft in flight shall be liable to a penal servitude for life or of three years or more.

2. The same shall apply to any person who has committed any offence under the preceding Article and thereby crashed, overturned or sunk, or destroyed any aircraft in flight.

Article 140. Any person who has committed any offence under the preceding Article and thereby caused a death to any person shall be liable to the death penalty, or a penal servitude for life or of seven years or more.

Article 141. Any attempted offence under Article 138 and Article 139, paragraph 1 shall be punished.

Article 142. Any person who through negligence has caused danger to air navigation or crashed, overturned or destroyed any aircraft in flight shall be liable to a fine not exceeding 100,000 yen.

2. Any person who, in performing his duties, has committed any offence under the preceding paragraph shall be liable to an imprisonment not exceeding three years or a fine not exceeding 100,000 yen.

(Penalty for Using of Non-Airworthiness-Certified Aircraft, etc.)

Article 143. Any user of aircraft who comes under any one of the

following items shall be liable to a penal servitude not exceeding three years or a fine not exceeding 100,000 yen, or both:

(1) When he has used an aircraft for air navigation without it having been airworthiness-certified in violation of the provision of Article 11;

(2) When he has used an aircraft for air navigation without it having undergone or passed an inspection under the provisions of paragraph 1 or 2 of the same Article in violation of the provisions of the same paragraph;

(3) When he has used an aircraft for air navigation without having made acknowledgement under Article 19 in violation of the provisions of the same Article.

(Penalty for Designated Airworthiness Inspector)

Article 143-(2). Any designated airworthiness inspector, when he comes under any one of the following items, shall be liable to a penal servitude not exceeding three year or a fine not exceeding 100,000 yen, or both:

(1) When he has conducted an airworthiness certification with regard to a glider which fails to conform to the technical standards under Article 10, paragraph 4 as applied under Article 10-

(2), paragraph 2;

(2) When he has passed a glider which fails to conform with the standards under Article 16 paragraph 3 for inspection under paragraph 2 of the same Article.

(Penalty for Non-Display, etc.)

Article 144. Any user of aircraft who has used an aircraft for air navigation without the marks on the aircraft under the provisions of Article 57 or with false marks shall be liable to a penal servitude not exceeding one year or a fine not exceeding 50,000 yen.

(Penalty for Operating Without Specified Airmen, etc.)

Article 145. Any user of aircraft, when he comes under any one of the following items, shall be liable to a fine not exceeding 100,000 yen:

(1) When he has used any specified radio apparatus on an aircraft without having undergone or passed an inspection under Article 20, paragraph 1 in violation of the provisions of the same paragraph;

(2) When he has not provided an aircraft logbook in violation of the provisions of Article 58, paragraph 1;

(3) When he has failed to enter in the aircraft logbook items to be entered under the provisions of Article 58, paragraph 2 or made a false entry;

(4) When he has used an aircraft for air navigation without carrying any specified document in violation of the provisions of Article 59;

(5) When he has used an aircraft for air navigation without equipping it with radio equipment in violation of the provisions of Article 60;

(6) When he has used an aircraft for air navigation without equipping it with safety equipment in violation of the provisions of Article 61;

(7) When he has made any special flight without equipping an aircraft with special equipment in violation of the provisions of Article 62;

(8) When he has started an aircraft without carrying specified fuel in violation of the provision of Article 63;

(9) When he has failed to mark an aircraft with lights in violation of the provisions of Article 64;

(10) When he has failed to man an aircraft with specified air-men in violation of the provisions of Article 65 paragraph 1 or 2 or Article 66, paragraph 1;

(11) When he has had an aircraft crew engage in the operation of aircraft in violation of the provisions of Article 68;

(12) When he has failed to make a report under the provisions of the proviso of Article 76, paragraph 1 or made a false report;

(13) When he has carried articles on an aircraft in violation of the provisions of Article 86, paragraph 1;

(14) When he has caused an aircraft to fly in violation of the restrictions on the methods of flight under the provisions of Article 87, paragraph 2;

(15) When he has caused an aircraft to tow any object in violation of the provisions of Article 88;

(16) When he has used an aircraft for air navigation between places within Japan in violation of the provisions of Article 127;

(17) When he has carried munitions under Article 128 in violation of the provisions of the same Article.

(Penalty relating to Provision of Airdrome or Air Navigational Aid, etc.)

Article 146. Any person who comes under any one of the following items shall be liable to a fine not exceeding 300,000 yen:

(1) When he has provided an airdrome without any permission in violation of the provisions of Article 38, paragraph 1;

(2) When he has made an important alteration on an airdrome in violation of the provisions of Article 43, paragraph 1;

(3) When he has violated an order for suspension of use of an airdrome, wholly or partially, under the provisions of Article 48.

Article 147. Any person who has provided an air navigational aid without permission in violation of the provisions of Article 38, paragraph 1, shall be liable to a fine not exceeding 100,000 yen.

2. The same as in the preceding paragraph shall apply to any person who has made especially important alterations on any air navigational aid in violation of the provisions of Article 43, paragraph 1.

Article 148. Any person who falls under any one of the following items shall be liable to a fine not exceeding 100,000 yen:

(1) When he has commenced the use of any airdrome or air navigational aid in violation of the provisions of Article 42, paragraph 4 (including cases where Article 43, paragraph 2 or Article 44, paragraph 5 applies (including cases where Article 45, paragraph 2 applies));

(2) When he has suspended or discontinued the use of an airdrome without permission in violation of provisions of Article 44, paragraph 1;

(3) When he has suspended or discontinued the use of an air navigational aid without making a report in violation of the provisions of Article 45, paragraph 1.

Article 148-(2). Any operator of an airdrome or an air navigational aid, when he has received any charge of use of any air-

drome or an air navigational aid used for public without obtaining an approval under the provisions of Article 54 or without complying with any charge of use which has been approved under the same provisions, shall be liable to a fine not exceeding 50,000 yen.

(Penalty for Conducting Air Service without Specified Qualifications, etc.)

Article 149. Any person who comes under any one of the following items shall be liable to a penal servitude of not exceeding one year or a fine not exceeding 30,000 yen:

(1) When he has performed any act described in the "Scope of Duties" of the attached table in violation of the provisions of Article 28, paragraph 1 or 2;

(2) When he has engaged in his duties in violation of the provisions of Article 70.

(Penalty for Not Carrying a Competence Certificate, etc.)

Article 150. Any person who comes under any one of the following items shall be liable to a fine not exceeding 50,000 yen:

(1) When he has presented his aircraft in violation of the provisions of Article 8-(3), paragraph 2;

(1-2) When he has altered the registration marks in violation of the provisions of Article 8-(3), paragraph 3;

(1-3) When he has made an instrument flight or given instructions in aircraft piloting in violation of the provisions of Article 34, paragraph 1 or 2;

(2) When he has installed, planted or left any structure, plant or other object in violation of the provisions of Article 49, paragraph 1;

(3) When he has stained or damaged an air navigational aid or conducted such other act as may spoil the function thereof in violation of the provisions of Article 53;

(4) When he has performed his service without carrying a certificate of competence, airman license or permit for aircraft pilot training in violation of the provisions of Article 67, paragraphs 1 (including where Article 35, paragraph 4 or 2 applies);

(5) When he has engaged in the operation of aircraft or performed an instrument or night flight, or training for piloting in violation of the provisions of Article 69;

(6) When he has put the article specified in Article 86, paragraph 1, into any aircraft in violation of the provisions of paragraph 2 of the same Article;

(7) When he has dropped an object from the aircraft in violation of the provisions of Article 89;

(8) When he has made a parachute descent from the aircraft in violation of the provisions of Article 90;

(9) When he has trained for aircraft piloting in violation of the provisions of Article 92;

(10) When he has made a flight for training as aircraft pilot or for the purpose of testing aircraft in an air traffic control area or air traffic control zone in violation of the provisions of Article 93;

(11) When he has entered a landing strip in violation of the provisions of Article 99.

(Penalty relating to Duties of Pilot-in-Command, etc.)

Article 151. Any pilot-in-command, who, by abusing his power, compelled any person on board the aircraft to do anything beyond the scope of such person's duty, or has obstructed any person from exercising his right, shall be liable to a penal servitude not exceeding two years.

Article 152. Any pilot-in-command, who has left the aircraft commanded by him in violation of the provisions of Article 75, shall be liable to a penal servitude not exceeding five years.

Article 153. Any pilot-in-command who comes under any one of the following items, shall be liable to a fine not exceeding 50,000 yen:

(1) When he has failed to make a report under the provisions of Article 76 paragraph 1 or 2, or made a false report;

(2) When he has taken off in an aircraft or altered the flight plan in violation of the provisions of Article 77;

(3) When he has made a formation flight in violation of the provisions of Article 84, paragraph 2;

(4) When he has failed to make a notification under the provisions of Article 98, or made a false notification.

Article 154. Any airman who comes under any one of the following items shall be liable to a fine not exceeding 50,000 yen:

(1) When he causes an aircraft to take off or land in violation of the provisions of Article 79;

(2) When he has operated an aircraft in violation of the provisions of Articles 80 to 83 inclusive;

(3) When he has made a formation flight in violation of the provisions of Article 84, paragraph 1;

(4) When he has piloted an aircraft in violation of the provisions of Article 85;

(5) When he has made an acrobatic flight in violation of the provisions of Article 91;

(6) When he has made an instrument flight in violation of the provisions of Article 94;

(7) When he has operated an aircraft under instrument flight rule conditions in violation of the provisions of Article 95;

(8) When he has operated an aircraft without complying with the instructions under the provisions of Article 96;

(9) When he has conducted, without approval, such act as is subject to approval under the provisions of Article 97, paragraph 3;

(9-2) When he has operated an aircraft without notifying in violation of the provisions of Article 97, paragraph 2;

(10) When he has operated an aircraft without complying with the flight plan in violation of the provisions of Article 97, paragraph 2;

(11) When he has failed to receive instructions or to make reports under the provisions of Article 97, paragraph 4 or made any false report;

(12) When he has operated an aircraft without permission in violation of the provisions of Article 126, paragraph 1 or 2;

(13) When he has failed to comply with a request of landing under the provisions of Article 126, paragraph 4;

(14) When he has caused an aircraft to land or take off on any airdrome other than those designated by the Minister of Transportation in violation of the provisions of Article 126, paragraph 5.

2. Any aircraft crew other than the pilot-in-command, who falls under any one of each item of the preceding paragraph, shall be punished and the pilot-in-command shall also be liable to the punishment under the same paragraph. However, the same shall not apply to the pilot-in-command in cases where it is proved that due care and supervision has been exercised to avoid the violation by any aircraft crew member other than the pilot-in-command.

(Penalty relating to Business of Air Transport Enterprise, etc.)

Article 155. Any person who falls under any one of the following items shall be liable to a fine not exceeding 500,000 yen:

(1) When he has conducted, without license, such act as is subject to a license under the provisions of Article 100, paragraph 1, Article 121, paragraph 1 or Article 123, paragraph 1;

(2) When he has allowed another person to utilize his license in violation of the provisions of Article 113, paragraph 1 (including the case where applied under Article 122, paragraph 1 or Article 124, paragraph 1);

(3) When he has allowed another person to operate his business in his name in violation of the provisions of Article 113, paragraph 2 (including the case where applied under Article 122, paragraph 1 or Article 124, paragraph 1);

(4) When he has conducted, without permission, such act as is subject to permission under the provisions of Article 129;

(5) When he has used an aircraft under Article 130 for air transportation in violation of the provisions of the same Article;

(6) When he has conducted without permission such act as is subject to permission under the provisions of Article 130-(2);

Article 156. Any scheduled air transport enterprise, non-scheduled air transport enterprise or aircraft-using enterprise who has commenced operation without passing an inspection under the provisions of Article 102, paragraph 1 (including the case where applied under Article 122, paragraph 1 or Article 124, paragraph 1) shall be liable to a fine not exceeding 200,000 yen.

Article 157. Any scheduled air transport enterprise, non-scheduled air transport enterprise or aircraft-using enterprise, who falls under any one of the following items shall be liable to a fine not exceeding 50,000 yen:

(1) When it has operated and maintained aircraft without complying with the operation and maintenance manual as specified in Article 104, paragraph 1 (including the case where Article 122, paragraph 1 applies);

(2) When it has received fares and charges without obtaining an approval, or without having fares and charges approved, under the provisions of Article 105, paragraph 1 (including the case where Article 122, paragraph 1 applies);

(3) When it has concluded a transportation contract without complying with conditions of transportation under the provisions of Article 106, paragraph 1 (including the case where Article 122, paragraph 1 applies);

(4) When it has violated any order issued in accordance with the provisions of Article 108, paragraph 2 or Article 112 (including the case where Article 122, paragraph 1 or Article 124, paragraph 1 applies);

(5) When it altered the business program without obtaining an approval under the provisions of Article 109, paragraph 1 (including the case where Article 122, paragraph 1 or Article 124, paragraph 1 applies);

(6) When it has concluded an agreement concerning transportation without obtaining an approval under the provisions of Article 110, paragraph 1 (including the case where Article 122, paragraph 1 applies);

(7) When it has suspended its business in violation of the provisions of Article 117, paragraph 1 (including the case where Article 122, paragraph 1 applies);

(8) When it has violated an order for discontinuance of business under the provisions of Article 119 (including the case where Article 122, paragraph 1 or Article 124, paragraph 1 applies).

Article 157-(2). Any foreign international air transport enterprise, when it comes under any one of the following items, shall be liable to a fine not exceeding 50,000 yen:

(1) When it has received fares or charges without obtaining an approval under the provisions of Article 129-(2) or without having fares and charges approved under the same provisions;

(2) When it has altered a business plan without obtaining an approval under the provisions of Article 129-(2) paragraph 2;

(3) When it has violated an order under the provisions of Article 129-(4) or an order for suspension of business under the provisions of Article 129-(5).

(Penalty for Evading of Entry, etc.)

Article 158. Any person who falls under any one of the following items shall be liable to a fine not exceeding 30,000 yen:

(1) When he has refused, obstructed or evaded an inspection under the provisions of Article 47, paragraph 2, Article 132, paragraph 2, or Article 134, paragraph 2;

(2) When he has failed to make a report under the provisions of Article 132, paragraph 2, or Article 134, paragraph 1 or made a false report;

(3) When he has not complied with a request of presentation of data under the provisions of article 132, paragraph 2;

(4) When he has made a false statement to any question under the provisions of Article 134, paragraph 2.

(Dual Punishment)

Article 159. In case the representative of a juridical person or an agent, employee or any other worker of a juridical person or an individual violates the provisions of Articles 144 to 148-(2) inclusive, Article 150, and Article 155 to the preceding Article inclusive, with regard to the business of the juridical person or its property, not only the offender himself shall be liable to punishment, but said juridical person or individual shall be liable for the fine stipulated in the said Articles. However, the above shall not apply to the juridical person or individual in cases where it is proved that due care and supervision has been exercised by the juridical person or individual over said

business or property in order to prevent the aforesaid violations committed by an agent, employee or other worker.

(Non-Criminal Fine)

Article 160. Any person who falls under any one of the following items shall be liable to a non-criminal fine not exceeding 50,000 yen:

(1) When he has failed to post a notice under the provisions of Article 107 or posted any false notice;

(2) When he has failed to make a report under the provisions of Article 118 (including the case where applied under Article 122, paragraph 1 or Article 124, paragraph 1) or made any false report.

Article 161. Any person who falls under any one of the following items shall be liable to a non-criminal fine not exceeding 30,000 yen:

(1) When he has failed to make application in accordance with the provisions under Article 7, Article 7-(2) or Article 8;

(2) When he has failed to make a report under the provisions of Article 55, paragraph 4 or Article 133 or made any false report.

Article 162. Any person who has violated any provision of any order under the provisions of Article 9, 21 or 36 shall be liable to a fine not exceeding 10,000 yen.

SUPPLEMENTARY PROVISIONS

1. This Law shall become effective on the day of its promulgation.

Attached Table (cf. Article 28, p. 15)

<i>Qualifications</i>	<i>Scope of Duties</i>
Airline transport pilot-----	To perform the following actions on board aircraft: (1) Actions which may be performed by any person qualified for senior commercial pilot. (2) Pilotage of aircraft used for air transportation.
Senior commercial pilot-----	To perform the following actions on board aircraft: (1) Actions which may be performed by any person qualified for commercial pilot. (2) Pilotage of aircraft with maximum take-off weight of less than 13,650 kilograms which is used for non-scheduled air transportation.
Commercial pilot-----	To perform the following actions on board aircraft: (1) Actions which may be performed by any person qualified for private pilot. (2) Pilotage of aircraft for compensation, which is not operated for compensation. (3) Pilotage of aircraft used for aircraft-using enterprise. (4) Pilotage of aircraft with a maximum take-off weight of less than 5,700 kilograms which is used for non-scheduled air transportation (excepting the operation for the transportation of passengers for compensation under instrument flight rules conditions).

Attached Table (cf. Article 28, p. 15)—Continued

<i>Qualifications</i>	<i>Scope of Duties</i>
Commercial pilot-----	(5) Pilotage of aircraft used for air transportation as pilot other than pilot-in-command.
Private pilot-----	To perform the following actions on board aircraft: (1) Pilotage of aircraft without compensation, which is not operated for compensation (only where not carrying any person other than himself). (2) Pilotage as pilot-in-command without compensation, of aircraft other than for air transportation or aircraft-using enterprise used by the enterpriser. (3) Pilotage of aircraft which is not operated for compensation as pilot other than pilot-in-command.
First class flight navigator-----	Measurement of the position and course of aircraft and calculation of air navigational data on board aircraft.
Second class flight navigator-----	Measurement of the position and course of aircraft and calculation of air navigational data on board aircraft by means of other than celestial observation (excepting when engaged in duties on board aircraft on a flight over any section of less than 1,300 kilometers, when any land mark or air navigational aid is insufficient for air navigation).
Flight engineer-----	Handling of aircraft engine and airframe (excepting handling of piloting system) on board aircraft.
First class flight radio operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified for first class radio operator as provided for by Article 40 of the Radio Law.
Second class flight radio operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified for second class radio operator as provided for by Article 40 of the Radio Law.
Third class flight radio operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified for aeronautical class radio operator as provided for by Article 40 of the Radio Law.
First class aircraft mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained aircraft (excepting major repair of such scope as may be specified by Ministry of Transportation Ordinance).
Second class aircraft mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained aircraft with a maximum take-off weight of less than 15,000 kilograms (excepting major repair of such scope as may be specified by Ministry of Transportation Ordinance).

Attached Table (cf. Article 28, p. 15)—Continued

<i>Qualifications</i>	<i>Scope of Duties</i>
Third class aircraft mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained aircraft with a maximum take-off weight of less than 2,500 kilograms (excepting major repair of such scope as may be specified by Ministry of Transportation Ordinance).
Aircraft shop mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained or remodelled aircraft.

LAW OF APRIL 15, 1958, CONCERNING A PARTIAL AMENDMENT TO CIVIL AERONAUTICS LAW

A partial amendment to the Civil Aeronautics Law (Law No. 231, 1952) shall be made as follows:

In Article 2, paragraph 7, "angle" shall be read "slope" and paragraph 9 of the same article shall be amended as follows:

9. In this law, "transitional surface" shall mean an area including the hypotenuse of the approach surface and the longer sides of the landing strip, and a slope at a horizontal plane abutting the vertical phase at right angles to the vertical phase including the center-line of the landing strip which is placed at 7:1 upwards and outwards of the approach surface or the landing strip, and a part encircled by a line abutting the hypotenuse of the surface and the longer sides of the landing strip abutting the said hypotenuse and a plane abutting these planes and a plane including horizontal surface, and hypotenuse of the approach surface and the longer sides of the landing strip.

Article 10, paragraph 3, shall be amended as follows: 3. An airworthiness certification shall be granted by designating the purpose of use and operational limits of the aircraft as may be specified by Ordinance of the Ministry of Transportation.

In Article 38, paragraph 2, "and distinction whether it is used for public in the airdrome" shall be added after "other matters specified by Ordinance of the Ministry of Transportation," and in the same article, paragraph 3, "the distinction whether it is used for public shall be added after "location and scope."

In Article 39, paragraph 1, item 3; Article 47, paragraph 1 and Article 48, "the technical standards" shall read "the public safety standards."

Article 53 shall be amended as follows:

(Prohibiting Act)

Article 53. No one shall damage a runway, docking rail or important facilities of the airdrome or an air navigational aid or conduct such other act as may spoil its function as specified by Ordinance of the Ministry of Transportation.

2. No one shall throw things at an aircraft on the airdrome or commit such other act as may spoil the aircraft as may be specified by Ordinance of the Ministry of Transportation.

3. No one shall enter a landing strip, docking rail, apron or hangar without permission.

The following Article shall be added after Article 54:

(Management Regulations)

Article 54-2. The operator of any airdrome shall post a notice that is seen easily with respect to matters concerning concessions or other business operations at the airdrome for public use in accordance with the provisions of Ordinances of the Ministry of Transportation.

2. The operator of any airdrome provided for in the preceding paragraph shall obtain an approval of the Minister of Transportation, when he intends to establish management regulations set forth in the same paragraph or make alterations thereof.

In Article 56, paragraph 2, "Article 49, 50 and Article 51, paragraph 1" shall read "Article 47, paragraph 1; Article 49; Article 50; Article 51, paragraph 1, 3, and 4, and Article 54-2, paragraph 1." Paragraph 3 of the same article shall be deleted.

Article 72 shall be amended as follows:

(Route Qualification of Pilot-in-Command)

Article 72. A pilot-in-command of an aircraft used for scheduled air transportation shall obtain an approval of the Minister of Transportation with respect to possession of piloting experience of aircraft over the pertinent route and knowledge of the pertinent route as may be stipulated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation shall, in accordance with the provisions of Ordinance of the Ministry of Transportation, examine periodically whether such person who obtained an approval under the preceding paragraph possesses the said experience and knowledge provided for in the same paragraph.

3. When the Minister of Transportation, as a result of the preceding examination, deems that the person who obtained an approval under paragraph 1, does not possess the foregoing experience and knowledge, he shall cancel the approval.

The following article shall be added after Article 73.

(Confirmation Before Departure)

Article 73-2. In accordance with the provisions of the Ordinance of the Ministry of Transportation the pilot-in-command shall not have the aircraft take off unless he has confirmed that the aircraft does not hinder the navigation and has completed other preparation necessary for operation of the aircraft.

Article 83 shall be amended as follows:

(Prevention of Collision)

Article 83. Any aircraft shall navigate in accordance with the course, path, speed and other methods of navigation as may be specified by Ordinance of the Ministry of Transportation for the purpose of preventing collisions with other aircraft or ships and insuring safety of taking-off or landing of the aircraft on the airdrome. However, in case where the aircraft is on water, it shall be determined in accordance with provisions of the Law concerning Prevention of Collisions at Sea.

Article 99. In accordance with the provisions of Ministry of Transportation, the Minister of Transportation shall provide pilots with necessary information for operation of the aircraft.

The following Article shall be added after Article 134.

(Information)

Article 134-2. Any person who sets off a rocket or fireworks or commits any other act which may obstruct the flight of aircraft as may be specified by Ordinance of the Ministry of Transportation shall inform the Ministry of Transportation of such act in advance, in accordance with the provisions of Ordinance of the Ministry of Transportation.

The table of Article 135, item 1-2 to 10, shall be amended as follows:

1-2. Any person who applies for an airworthiness certification under Article 10, paragraph 1: 124,000 yens; However, in case where an examination is held outside Japan, an amount as specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 124,000 yens.

2. Any person who applies for a type certification under Article 12, paragraph 1: 67,200 yens.

3. Any person who intends to undergo an inspection on repair or remodeling under Article 16, paragraph 1: 34,700 yens; However, in case where examination is held outside Japan, an amount as specified by Cabinet order shall be added to an amount as may be specified by Cabinet Order within the limit of 34,700 yens.

4. Any person who applies for spare-parts-certification under Article 17, paragraph 1: 16,800 yens; However, in case where an examination is held outside Japan, an amount as specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 16,800 yens;

5. Any person who intends to undergo an inspection under Article 20, paragraph 1: 8,700 yens; However, in case where an examination is held outside Japan, an amount as specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 8,700 yens;

6. Any person who applies for a competence certification under Article 22, paragraph 1: 700 yens; However, when an aircraft of the Ministry of Transportation is used for practical examination including the navigation of aircraft, an amount as may be specified Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 700 yens;

7. Any person who applies for an aircraft crew license under Article 22, paragraph 2: 300 yens;

7-2. Any person who applies for an alteration of restriction with regard to a competence certification under Article 29-2, paragraph 1: 560 yens;

8. Any person who applies for an instrument flight certification under Article 34, paragraph 1 or a training-for-pilotage certification under paragraph 2 of the same Article: 560 yens; However, when an aircraft of the Ministry of Transportation is used for a practical examination including the navigation of aircraft, an amount as may be specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 560 yens;

9. Any person who intends to obtain permission for aircraft pilotage training under Article 35: 300 yens;

10. Any person who applies for a re-issuance of an aircraft registration certificate, airworthiness certificate, competence certificate, airman licence or a permit for aircraft pilotage training: 140 yens.

In item 20 of the table in Article 135, "500 yens" shall read "700 yens."

The following paragraph shall be added after Article 148-2.

2. The same as in the preceding paragraph shall apply to any operator of an airdrome who has established management regulations or made alterations therein without obtaining approval under the provisions of Article 54-2, paragraph 2, in violation of the same paragraph.

Article 150, item 3 shall be amended as follows:

3. When he has damaged a runway, docking rail, or facilities of the airdrome or an air navigational aid as may be specified by Ordinance of the Ministry of Transportation or committed such other act as may spoil the function thereof in violation of the provisions of Article 53, paragraph 1.

The following two items shall be added after Article 150, paragraph 3.

3-2. When he has thrown things at an aircraft on the airdrome in violation of the provisions of Article 53, paragraph 2 or committed other act as may be specified by Ordinance of the Ministry of Transportation.

3-3. When he has entered a landing strip, docking rail, apron or hangar in violation of the provisions of Article 53, paragraph 3.

The following item shall be added after Article 150, item 5, and item 11 shall be deleted.

5-2. When he is on board the aircraft for scheduled air transportation as a pilot-in-command without obtaining an approval under the provisions of Article 72.

In Article 153, item 1 to item 4 shall read item 2 to 5 and the following item shall be added as item 1 after the same article.

1. When he has an aircraft take off in violation of Article (2).

In Article 160, item 1, "Article 107" shall read "Article 54-2, paragraph 1 or Article 107."

The following item shall be added after Article 161.

3. When he has not made the report in accordance with the provisions of Article 134-2 or has made a false report thereof.

SUPPLEMENTARY PROVISIONS

1. This law shall come into force on the day following three months from the date of its promulgation.

2. The airworthiness certification presently valid under this law shall remain effective after this law takes effect, irrespective of the new provisions of Article 10, paragraph 3.

3. With respect to airdromes for public use at the time when this law takes effect, the operator of such aerodrome may not establish management regulations within three months after this law takes effect, irrespective of the new provisions of Article 54-2, paragraph 1.

4. No person, paragraph 1, may be on board an aircraft for scheduled air transportation as a pilot-in-command within six months after the date of the enforcement of this law without obtaining an approval under the new provisions of Article 72, irrespective of the new provisions of that article.

5. With respect to route qualification of a person on board the aircraft for scheduled air transportation as a pilot-in-command without obtaining an approval under the new provisions of Article 72, paragraph 1, the same paragraph as prior to the amendment shall apply.

OTHER AIR LAWS IN FORCE IN JAPAN

The following other air laws are in force in Japan:

(1) Amendments to Civil Aeronautics Law, Law No. 40, March 26, 1959, and Law No. 90, June 1, 1960.

(2) Law concerning special case of Civil Aeronautics Law by virtue of provisions of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, regarding facilities and areas and the status of United States forces in Japan, and Agreement regarding the status of the United Nations forces in Japan, Law No. 232, July 1, 1952, as last amended by Law No. 102, June 23, 1960.

(3) Airport Maintenance Law, Law No. 80, April 20, 1956.

(4) Nihon kôkû Kabushiki Kaishahô, Law No. 154, August 1, 1953, as amended by Law No. 82, July 22, 1955.

(5) Aircraft Mortgage Law, Law No. 66, October 1, 1953.

(6) Airways Marking Law, Law No. 99, May 24, 1949.

(7) Civil Aeronautics Enforcement Regulation, Ministry of Transportation, Order No. 56, July 31, 1952, as last amended by Ministry of Transportation Order No. 20, June 6, 1960.

(8) Civil Aeronautics Enforcement Order, Cabinet Order No. 421, September 16, 1952, as last amended by Cabinet Order No. 334, June 6, 1960.

(9) Aircraft Registration Order, Cabinet Order No. 296, October 1, 1953.

(10) Aircraft Registration Regulation, Ministry of Transportation Order No. 50, October 1, 1953.

(11) Regulation concerning compulsory attachment of Aircraft, Supreme Court Regulation No. 16, October 1, 1953.

(12) Regulation concerning Judicial Sale of Aircraft, Supreme Court Regulation No. 17, October 1, 1953.

LEBANON

AVIATION LAW
IN LEBANONPROMULGATED ON 11th. JANUARY 1949.¹

The House of Deputies has passed and,
The President of the Republic publishes
the following Law: —

CHAPTER I
AIR SPACE

Article 1. — The State has complete and absolute sovereignty over the air space of its territory.

The air space is that space covering the territory and territorial waters of the State.

Article 2. — No aircraft is allowed to fly over, or land on, Lebanese territory without first having obtained permission from the Minister of Public Works or having acquired the recognised right to do so under an accord concluded between Lebanon and the country to which it belongs.

CHAPTER II
AIRCRAFT
SUB-CHAPTER I
TYPES OF AIRCRAFT

Article 3. — For the purpose of this Law, every machine capable of taking off and flying shall be deemed an aircraft. This definition includes airships and balloons of all kinds.

Article 4. — Aircraft shall be classified as Governmental and civilian aircraft.

(a) Governmental aircraft are subdivided into military aircraft and civil aircraft.

¹ English text supplied by Lebanese Government.

1) Military aircraft are those belonging to the army and used for national defence. Their military capacity shall be established by their registration certificates.

2) Aircraft belonging to other public services e.g. Gendarmerie, Police, Customs, Public Health etc. shall be considered as Governmental civil aircraft.

(b) Civilian aircraft are subdivided into Commercial and Private

1) All aircraft used for the transport of goods, passengers and mail against payment shall be considered as commercial aircraft.

2) Every aircraft possessed by an individual or an organisation and used exclusively for the private purposes of its owners shall be considered as a private aircraft.

Article 5. — The Minister of Public Works shall specify marks distinguishing each type of aircraft.

Article 6. — Each type of aircraft shall be subject to the rules specified in this Law and the decrees and decisions issued there-under or by international conventions.

SUB-CHAPTER 2

NATIONALITY, OWNERSHIP AND REGISTRATION OF AIRCRAFT

Article 7. — Aircraft shall be classified according to their nationality under two categories : national and foreign aircraft.

Article 8. — Each aircraft must have a nationality and may not be recognised by more than one nation at the same time.

Article 9. — Every aircraft registered in Lebanon shall be considered as a Lebanese aircraft.

Article 10. — The Communications Directorate of the Ministry of Public Works shall keep a register of aircraft.

The following conditions must be fulfilled for registration :
— that the aircraft is not registered in another State ; that it should be entirely owned by Lebanese citizens or by a company fulfilling the following conditions :

1) In the case of a private company, (*société en nom collectif*) all partners must be Lebanese.

2) In the case of a partnership (*société en commandite*) all active partners must be Lebanese.

3) In the case of a limited liability company, its nationality must be Lebanese as well as that of the chairman of the board of directors and the majority of the board.

Article 11. — Every aircraft registered in Lebanon must bear :—

1) the Roman letters O.D. indicating its Lebanese nationality,

2) the registration mark designated by the Minister of Public Works.

Any aircraft not registered in Lebanon and not bearing the letters and sign above mentioned shall be considered as foreign.

Article 12. — A Lebanese aircraft forfeits its nationality in the following cases:—

a) when the conditions prescribed by the preceding articles are no longer fulfilled.

b) when its owner's nationality is changed or it is sold to a foreigner.

c) When it is registered in a foreign country.

d) If it is destroyed, lost, or becomes unserviceable.

The aircraft shall be struck off the register in any of the above mentioned cases.

Article 13. — The owner of a Lebanese aircraft must immediately notify the Minister of Public Works of any change provided for by the preceding article. This he shall do by returning the registration certificate of the aircraft. Such a change shall not be considered as valid *vis-à-vis*

other states until the aircraft is struck off from the aircraft registration book.

Article 14. — Foreigners residing in Lebanon may register their aircraft in a special register of foreign aircraft if such aircraft are not registered in another country. These planes will be used only within the Lebanese borders. Such aircraft shall be granted the authorisation prescribed under Article 2 and may not be allowed to cross the Lebanese borders.

Such aircraft shall be subject to the provisions of the air navigation regulations and to the conditions of their registration.

Article 15. — All Lebanese aircraft shall be recorded on the special register prescribed by Article 10. Similarly all foreign aircraft shall be recorded on the register mentioned under the preceding article.

There shall be recorded in the register the name and domicile of the owner, the type, name and identification number of the aircraft as well as all specified rights and agreements affecting it. Such rights and agreements shall be valid vis-à-vis others only with effect from the date of their entry in the register.

Article 16. — Applications for registration shall be submitted to the Communications Directorate of the Ministry of Public Works, which will allot registration marks and furnish each with a certificate of registration.

Article 17. — Aircraft shall be regarded as moveable property according to the laws and regulations in force in Lebanon. Transfer of ownership must, however, be effected by a deed which shall not be valid between the contracting parties and vis-à-vis others except after its being recorded in the appropriate public register.

Article 18. — The transfer of ownership of an aircraft whether through inheritance, mutual agreement or for any

other reason must be entered in the register. Similarly the new owner must register every legal decision regarding transfer or establishment of ownership.

The transfer of ownership shall only become valid from the date of its entry in the register.

Article 19. — Only registered aircraft may be insured. The insurance policy shall take effect only from the date of its registration. The insurance policy may include a comprehensive cover instead of making the insurance consequent only on the total loss or damage of the aircraft.

Article 20. — Every person acquiring a right to an aircraft in good faith by virtue of an entry in the register shall remain in possession of that right.

SUB-CHAPTER 3 HIRE OF AIRCRAFT

Article 21. — In the event of an aircraft being hired for several consecutive years or for a specified period, its pilot and crew shall continue to be under the management of its owner in the absence of any agreement to the contrary. Such an agreement can be made only with the approval of the Ministry of Public Works.

Article 22. — The owner of an aircraft hired to another person shall remain responsible for the legal obligations and shall jointly be responsible with the lessee for the contraventions of such obligations.

Nevertheless in the event of the lease agreement being recorded in the Register and the lessee fulfilling the legal conditions for acquiring a Lebanese aircraft, the lessee as operator of the aircraft shall alone be responsible for the legal obligations and for their contraventions.

SUB-CHAPTER 4 — SEIZURE OF AIRCRAFT

Article 23. — Confiscation and compulsory sale of air-

craft shall be carried out in accordance with the rules provided for by the Code of Civil Procedure save in special cases provided for by international treaties and conventions.

Seizure shall be recorded in the special register of aircraft.

Article 24. — In case of damage caused on land through the crash of a foreign aircraft or a Lebanese aircraft whose owner is domiciled abroad, or in the event of a foreigner contravening the provisions of this Law, the local Public Authorities or the officials mentioned in article 63 of this Law may call on the Public Security Forces to detain the aircraft for 72 hours to enable the Judge of the Peace of the area to visit the spot and determine the extent of damage.

The Judge may then order an immediate deposit of the estimated amount of damages and expenses together with fines in case of contravention. If a deposit or guarantee for the same is not produced he shall order the seizure of the aircraft pending settlement of the case.

Article 25. — The Ministry of Public Works may order the confiscation of any national or foreign aircraft not fulfilling the conditions prescribed by this Law or the decrees and decisions issued for its implementation or if its pilot has infringed such provisions.

Article 26. — Confiscation of aircraft may only be ordered in the cases prescribed by the existing laws and regulations or those subsequently enacted.

CHAPTER III

FLYING

SUB-CHAPTER I

FLYING RIGHTS

Article 27. — Foreign military aircraft may not fly

over or land on Lebanese territory except with an authorization from the Ministry of Public Works after obtaining the consent of the Minister of National Defense save in the cases provided for by international treaties and agreements.

Article 28. — No foreign non-military aircraft may fly over Lebanese territory unless authorised to do so under international convention or possessing a special or a temporary licence issued by the Minister of Public Works in which cases it will receive the same treatment as that accorded to Lebanese aircraft by the State to which that aircraft belongs.

Article 29. — The establishment and exploitation of regular international airlines are subject to a prior authorisation from the Council of Ministers.

Article 30. — Aircraft are not allowed to fly over private property in a way mimical to the rights of the owner. With a view to ensuring public safety the Minister of Public Works shall determine the routes he deems it appropriate for aircraft to follow.

Article 31. — Flying over certain Lebanese areas may be prohibited for military or public security reasons. Such areas shall be determined by a Decision from the Council of Ministers on recommendation of the Minister of National Defence.

In special cases flying may be temporarily forbidden over the whole or part of the Lebanese territory.

Any aircraft entering a forbidden area must, immediately on realising or being warned to that effect, land at the nearest aerodrome outside that zone.

Article 32. — In the event of martial law being proclaimed in any part of the Lebanese territory over which flying is prohibited, any aircraft contravening such prohi-

bition shall be seized immediately after landing in any part of Lebanese territory and all its occupants shall be referred to military courts on the charge of espionage unless the pilot can state the reasons which forced him to fly over that area.

Article 33. — An aircraft committing an infringement must be warned by blank shots. It must immediately decrease speed and descend, landing on the nearest aerodrome, failing which it shall be compelled to do so by force.

Article 34. — Aircraft are forbidden, save in absolute necessity, to fly over a town, a populated spot, a common meeting place such as beaches, race-courses, sporting stadiums, and the like, except at an altitude enabling it to land outside the above places or on a public aerodrome, even in case of engine failure. The altitude in such a case must be over 500 metres for multi-engined aircraft and 700 metres for single-engined aircraft.

Article 35. — Acrobatic flying as well as dangerous and unnecessary manoeuvres are forbidden over towns, populated spots, or the part of aerodromes reserved for the public.

Article 36. No exhibition flights can be made anywhere unless with a special authorisation of the Minister of Public Works. Such an authorisation shall not exempt the aircraft owners and the exhibition organizers from complying with the regulations relative to the organisation of public spectacles.

SUB-CHAPTER 2

LANDING OF AIRCRAFT

Article 37. — All aircraft whether desirous of landing on Lebanese territory or crossing its borders must follow the recognised routes.

Article 38. — Except in cases of « force majeure » aircraft are not allowed to land or take off except on public aerodromes or on special places established for this purpose.

Pilots must, on arrival at or departure from an aerodrome, comply with the general regulations of aviation and the special regulations of the aerodrome.

Article 39. — Following his landing the pilot of an aircraft or a member of his crew must notify the aerodrome authorities of any accident involving the aircraft and entailing the death of or injury to a person or substantial damage to the aircraft.

A technical investigation shall be carried out to ascertain the causes of the accident independently of any other inquiry carried out by the legal authorities.

Article 40. — Every aircraft entering Lebanese territory must land on a government aerodrome with customs facilities and take off from such an aerodrome on leaving Lebanese territory, unless the aircraft is authorised to pass over Lebanese territory without landing thereon.

Article 41. — If an aircraft is forced to land on Lebanese territory, without authority to do so, as a result of an accident, bad weather or any other reason, it must land on the nearest customs aerodrome on its route.

If an aircraft whether or not authorised is forced to land outside a Customs aerodrome, its pilot must notify the nearest Public or Customs Authorities he can reach.

He must, in either case, give evidence of the reasons which forced him to land.

He may not resume his journey until the Authorities have checked the aircraft's register and declaration of freight if any.

Article 42. — In the event of a pilot being forced to land his aircraft on privately owned land the owner may

oppose the departure of the aircraft or its removal from his land till the arrival of the nearest local Authorities for the enforcement of the provisions of article 24.

Article 43. — Customs aerodromes and frontier posts shall be designated by decree.

SUB-CHAPTER 3.

AERODROMES

Article 44. — Any plot of land or surface of water especially prepared for taking off and landing of aircraft and destined to serve public or private flying interests shall be deemed an aerodrome.

Article 45. — Any land suited for landing and taking off but not affording the necessary facilities for public use such as hangaring and servicing of aircraft, or acceptance of passengers and freight shall be deemed an air-field.

Article 46. — No private aerodrome or air-field may be established without the approval of the Council of Ministers, with due regard to the international regulations respecting aerodromes.

Article 47. — Applications for authorisation to set up private aerodromes must be accompanied with the following documents :

- 1) A general map on which is indicated the site of the aerodrome in relation to the neighbouring towns.
- 2) A map of the proposed aerodrome and its neighbourhood for a distance of 1000 metres starting from the aerodrome border, with a scale of not less than 1/1500.
- 3) A note stating the proposed use of the aerodrome.
- 4) A written consent of the land owner to use his property as an aerodrome.
- 5) The regulations concerning the use of the aerodrome.

Article 48. — The Ministry of Public Works shall institute a technical inquiry and pass it to the Council of Ministers who shall decide whether to accept or reject the application, without being required to give reasons for the rejection.

The Council of Ministers may, at any time, decide the introduction of any necessary repairs on aerodromes or airfields, at the expense of their owners to make them conform to flying regulations or to protect the public interest.

Article 49. — Owners of private aerodromes must keep a register recording the times of arrival and departure of aircraft and produce that register to the authorised inspectors at their request. They must also permit the latter to inspect aerodromes at any time.

SUB-CHAPTER 4

FLYING REGULATIONS

Article 50. — No aircraft will be allowed to fly in the Lebanese air space unless it is registered and it holds a certificate of serviceability.

Such a certificate is issued in accordance with the technical appendix « E » of the Chicago Convention.

Certificates issued by foreign States may be accepted provided they are approved by the Ministry of Public Works.

Article 51. — Authorisation for flying shall be granted on the following conditions :

a) Marks of nationality and registration must clearly appear on the aircraft.

b) The aircraft must have all the necessary equipment required for its particular type of flight.

c) The members of the crew must have all the qualifications prescribed by the international regulations, laws and conventions and be in possession of licences issued by the authorities which registered the aircraft.

The crew shall be held to comprise the pilot, co-pilot mechanics and all other flight personnel.

Article 52. — Permits given to an aircraft and its owner shall be personal and will be rendered invalid in the case of change of ownership. Permits are granted for a limited period or for a fixed journey.

Article 53. — In case of test flights or instructional flights a special authorisation from the Minister of Public Works may be obtained in place of the permit.

Article 54. — Each aircraft prepared for flight must hold the following documents.

- a) Registration certificate.
- b) Certificate of airworthiness.
- c) Pilot and crew licences for each person according to his rôle.
- d) Licence for installation and use of radio, if any.
- e) log-book.
- f) List of passengers showing the place of departure and place of destination in the case of aircraft carrying passengers.
- g) Detailed « manifest » of freight in the case of aircraft carrying freight.

Aircraft owners must retain such registers for 3 years after the date of the last entry.

Article 55. — The Pilot and crew of any aircraft engaged in international aviation must hold licences or permits issued in accordance with the technical appendix « E » of the Chicago Convention.

Article 56. — The log-book must contain the following :

Date — names and functions of the crew — places of take off and landing — times of take off and landing — number of flying hours — kind of flight — notes and obser-

vations signed by the person in charge — visas and a numbered passenger list.

Article 57. — Unless special authority is obtained from the Council of Ministers it is forbidden to carry explosives, military arms and ammunitions, carrier-pigeons, letters included within the Post monopoly and every other article the transport of which may be prohibited by decision of the Council of Ministers.

Article 58. — Every commercial passenger aircraft must carry radio equipment in accordance with the requirements of the International Civil Aviation Organisation.

Article 59. — Aircraft may not use any radiotelegraphic or radio-telephonic or photographic equipment unless with permission of the Minister of Public Works on the approval of the Minister of Posts and Telegraphs.

Article 60. — Every aircraft landing on an aerodrome, airfield or on private land shall be subject to the control and supervision of the Public Authorities.

Article 61. — Every aircraft flying over the Lebanese territory must comply with the orders of the Police posts, Customs posts and Government aircraft, in whatever form such orders may be given.

Article 62. — The regulations relative to the entry and exit of persons import and export of goods by way of road or sea shall apply to the entry, and exit of persons and import and export of goods by air.

Article 63. — The representatives of the Customs Department, Public Security, Public Health and other officials nominated by the Minister of Public Works may order any flying aircraft to land. They are empowered, without effecting any prior formalities, to carry out inspection and examination of both the aircraft and its contents and to

forbid its flying contrary to the provisions of this Law and the decrees and decisions promulgated thereunder. They shall have in that case the powers of judicial officers.

The above-mentioned representatives may seize the aircraft or any document, person or goods on the aircraft pending the execution of the measures decided upon by the Authorities concerned and the completion of the legal formalities.

CHAPTER IV AIR TRANSPORT

SUB-CHAPTER 1 TRANSPORT OF FREIGHT

Article 64. — Agreement for transport of freight by air is fulfilled by a bill of lading or receipt specifically mentioning that transport is effected by aircraft.

Article 65. — Before the departure and on the arrival of the aircraft, the pilot must submit to the Customs besides the log-book the following documents :

- 1) The manifest and declaration prescribed by article 54 if the aircraft is carrying goods.
- 2) A list of goods carried.

Article 66. — The carrier will be held responsible for the loss or damage of the goods in transport except in the case of force-majeure or an original defect in the goods.

Nevertheless, unless the value of the goods is declared the carrier's responsibility shall be limited to the sum of £Leb.25 per kilogramme.

Article 67. — The carrier may exonerate himself by an explicit clause from responsibility respecting the goods under the preceding article resulting from air hazards or errors committed by the crew. Nevertheless such a clause shall not relieve the carrier of responsibility unless the aircraft is in a condition fit for navigation on its departure

and its crew in possession of regular licences. In that case alone, the licences in question shall be considered evidence of non-culpability and make it incumbent on the prejudiced party to prove the contrary.

Article 68. — Any clause intended to exonerate the carrier from responsibility respecting an act done by himself or by any of his staff in connection with the loading, preservation and delivery of the goods shall be null and void. Likewise any clause intended to free the carrier from responsibility for his personal errors shall be null and not binding.

Article 69. — The pilot of an aircraft may order while en route the jettison of loaded goods if the jettison is indispensable for the safety of the aircraft. He must jettison the cheaper goods first when possible. He shall incur no responsibility towards the sender and the consignee for the loss of such goods. Responsibility for damage to the terrain shall remain unaffected.

Article 70. — With due regard to the preceding provisions the regulations of Commercial law shall apply to air transport.

SUB-CHAPTER 2

TRANSPORT OF PASSENGERS

Article 71. — The booking ticket delivered to the passenger is considered as a contract for his transport.

Article 72. — Aircraft must hold a copy of the passengers list to produce at the request of the competent authorities. This, however, does not apply to aircraft overflying the country.

Article 73. — In the case of international transport, the carrier must not accept passengers save after ensuring that they have the necessary permits to land at the des-

mination and intermediate landing places.

The carrier may not exonerate himself by a special clause from responsibility for passengers and any clause of this kind shall be considered as null and void.

SUB-CHAPTER 3

USE OF AIRCRAFT IN CASES OF EMERGENCY

Article 74. — In case of emergencies, e. g. flood, epidemics etc. the Minister of Public Works or the competent authorities may provisionally requisition all aircraft on Lebanese aerodromes of Whatever nationality.

CHAPTER V

DAMAGES AND LIABILITIES

Article 75. — Pilots when flying must comply with flying regulations and the designated routes, and with lights and signals and take all necessary precautions to avoid damages.

Article 76. — The public laws and particularly the law relating to contractual obligations shall apply to the responsibility for damage caused by one aircraft to another aircraft while taking off.

The owner or renter, whichever is the case, is legally responsible for the damages caused by his aircraft or the objects falling therefrom, to persons or properties situated on the terrain.

That responsibility may not be extenuated or removed except on proving that the error arose from the person suffering damage.

It is forbidden to throw goods or articles of any kind out of an aircraft save in case of force majeure.

Article 77. — If an aircraft is hired, both the owner and renter shall be jointly responsible to others for the damages caused by the aircraft. Provided, however, that if

the lease agreement is recorded in the register the renter alone shall be responsible unless he proves that the error arose from the fault of the owner or that the accident arose from force majeure.

CHAPTER VI

JURISDICTIONS IN AVIATION LITIGATION

SUB-CHAPTER 1 — RULES OF COMPETENCE

Article 78. — Cases for determining responsibility may be referred at the plaintiff's option either to the court of the locality where the damage occurred or to that of the defendant's domicile.

If the case relates to damages caused to an aircraft during its journey, the court of the locality where the aircraft lands shall be the appropriate court to consider the case.

SUB-CHAPTER 2

INQUESTS INTO CASES OF INFRINGEMENTS

Article 79. — Inquests into infringements of this Law shall be carried out by every official sworn to this effect representing Police, Gendarmerie, Customs, Public Works or Public Security, each according to his competence.

In compliance with article 57 of this Law the above mentioned Authorities may seize explosives, military arms and ammunitions, carrier pigeons, mail communications, radio-telegraphic and radio-telephonic equipment carried by aircraft without authorisation. These authorities may also seize the above articles even when their transportation is authorised if the aircraft flies over a prohibited area.

Article 80. — The above-mentioned officials are empowered to seize any aircraft the pilot of which does not produce its licence or if its registration mark does not correspond with that of the registration and airworthiness certificates. Such seizure shall last until the aircraft iden-

tity is proved or its owner produces a certificate of airworthiness.

Article 81. — A Procès-verbal shall be drawn up and forwarded immediately with the inquest proceedings to the Public Prosecutor of the Court concerned.

CHAPTER VII PENALTIES

Article 82. — Imprisonment for a period of one week to one month and a fine of 50 to 2,000 Lebanese pounds or either penalty shall be imposed on any aircraft owner committing any of the following contraventions :

1) Using or keeping ready for use an aircraft without obtaining registration and airworthiness certificates or without displaying the registration mark prescribed by Articles 6 and 11.

2) Using or keeping ready for use an aircraft whose airworthiness certificate he knows to have become invalid.

Article 83. — The same penalties shall be imposed on a pilot for the following contraventions :

1) Piloting an aircraft without licence.

2) Destroying the flight log-book or entering therein statements he knows to be incorrect.

3) Landing on other than the designated aerodromes without a just cause.

4) Knowingly piloting an aircraft in any of the cases quoted under the preceding article.

5) Flying over any of the places forbidden under article 31.

Article 84. — The penalty prescribed by article 82 shall be doubled when the contraventions quoted in paragraphs (1) of articles 82 and 83 are committed after the rejection or withdrawal of the registration certificate, the airworthiness or the aviation certificate or licence, or when the delinquent has been forbidden to operate an aircraft.

Article 85. — Aircraft pilots contravening the provisions of articles 2, 8, 27, 31, 32, and 33 shall be liable to a fine ranging between £Leb.100 and £Leb. 2,000 and imprisonment for a period ranging from 15 days to 3 months.

Article 86. — A fine ranging between £Leb. 100 to £Leb. 4,000 and imprisonment for a period of 6 months to 3 years shall be imposed on any aircraft owner, renter or pilot if he applies to it registration marks not corresponding with those specified on its licence, or if he defaces the correct marks or makes them illegible or uses an aircraft with incorrect marks.

The same penalties shall be applicable to any person giving orders for the commission of any such violations.

Article 87. — The penalties set out in article 82 shall be applicable to :

- 1) Anyone contravening the provisions of Article 57.
- 2) Anyone using without licence photographic apparatus over prohibited areas or using articles or apparatus the carrying of which is prohibited.

The Court may order the seizure of the articles mentioned in the preceding 2 paragraphs.

Article 88. — A fine of up to £Leb. 10 and imprisonment up to ten days or either penalty shall be applicable to :

- 1) A pilot who fails to keep all the prescribed registers in his plane.
- 2) A pilot who fails to retain any of the foresaid registers for a period of 3 years after the date of the last entry.
- 3) Anyone contravening any of the provisions of articles 34, 35, 36 and 38 of this Law.

Article 89. — The sentence passed against a pilot convicted under articles 84,85,86 may include the penalty of forbidding him to fly any aircraft for a period ranging

between 3 months and 3 years.

A convicted pilot deprived of his pilot's licence must deposit his licence within 5 days from the date of the confirmation of the sentence with the Ministry of Public Works for retention during the period of deprivation, failing which he shall be liable to imprisonment for a period from 10 days to one month and a fine from £Leb. 10 to £Leb. 100. This shall not exonerate him from the application of the penalties prescribed by article 84 in the event of his piloting an aircraft during the period for which he is grounded. In that case all the penalties imposed shall be imposed independently.

Article 90. — Anyone entering into an area closed by the regulations or instructions of airport authorities or who allows cattle or beasts to enter, shall be liable to a fine of £Leb. 25 to £Leb. 200 and shall furthermore forfeit any claim to compensation in the event of any accident.

Article 91. — Any contravention of the provisions of the last paragraph of article 76 shall be punishable by a fine of £Leb. 50 to £Leb. 300 and an imprisonment for a period ranging from 10 days to 2 months or either penalty.

Article 92. — Save when it is proved that the immediate landing of an aircraft would endanger its security or that of its passengers, any pilot who fails to land when he knows that his aircraft has caused an accident shall be liable to imprisonment for a period ranging, from 10 days to 2 months and a fine of £Leb. 10 to £Leb. 100.

Article 93. — The provisions of the Penal Code relative to repeated offences and mitigating circumstances shall be applicable to violations of the provisions of this Law, with the exception of the penalties relating to Customs contraventions.

Article 94. — Procedures for the enforcement of this

Law shall be formulated by a Decree to be passed by the Council of Ministers.

Article 95. — Decision No. 216 of 17.9.1934 is repealed together with all legal texts conflicting with the provisions of this Law and incompatible with its contents.

Article 96. — This Law shall be published in the Official Journal and notified wherever needed.

MEXICO

DECREE AMENDING BOOK FOUR OF THE LAW OF GENERAL MEANS OF COMMUNICATION¹

The Congress of the United States of Mexico decrees:

Article 1. Book Four of the Law of General Means of Communications is hereby revised, and now reads as follows:

BOOK FOUR—AERONAUTICAL COMMUNICATIONS

CHAPTER I—GENERAL PROVISIONS

Article 306. The space above the Mexican territory shall be subject to national sovereignty.

For the purposes of this Law, the term "Mexican territory" shall include the surface area of the United States of Mexico, territorial waters and adjacent islands in both Oceans, as well as the Island of Guadalupe and the Revillagigedo Islands in the Pacific Ocean.

Article 307. Civil air navigation over Mexican territory shall be governed by the international treaties and conventions which the Mexican Government has signed and ratified according to the Constitution, by this Law and its Regulations, and by all other laws and regulations which are applicable.

Article 308. For the purposes of inspection, supervision and control of civil air navigation, all civil aircraft in Mexican territory or which fly over it, as well as their crew, passengers and goods transported shall be subject exclusively to the jurisdiction of the Federal Executive.

Article 309. The following shall be subject to Mexican law:

I. Events and legal acts which occur on board Mexican aircraft in flight, whether above Mexican territory or over non-territorial seas, as well as those occurring on board Mexican aircraft in flight over foreign territory, unless they be of such nature that they affect the safety or public order of the respective foreign State.

II. Criminal acts which occur on board any aircraft which is over foreign territory, whenever they produce effects or are intended to produce effects on Mexican territory.

The provisions of the Civil Code for the Federal District and Territories in regard to births and deaths on board a Mexican vessel shall be applicable to civil air navigation.

Article 310. The owner, possessor or operator of aircraft shall be jointly liable with the commander or pilot for any violation of this Law and its Regulations resulting from orders given by said owner, possessor or operator.

¹ Published in *Diario Oficial* of January 23, 1950, p. 6; errata: D. O., May 11, 1950.

CHAPTER II—CLASSIFICATION, NATIONALITY AND REGISTER OF AIRCRAFT

Article 311. For the purposes of this Law, "aircraft" shall be any vehicle which is capable of supporting itself in the air.

Mexican aircraft shall be classified as State aircraft and civil aircraft. State aircraft shall be those owned by the Federal or State Governments and Municipalities or by local public organizations. All other aircraft shall be considered civil aircraft, whether engaged in public or private service.

Civil aircraft used permanently in the service of the State shall be considered State aircraft.

Article 312. The nationality and register of civil aircraft shall be governed by the following provisions:

I. Aircraft shall have the nationality of the State where they are registered.

II. No aircraft may have more than one registration.

III. The formalities specified in this Law must be complied with to acquire, modify or cancel marks of nationality or registrations of Mexican aircraft.

IV. Aircraft registered in another country may acquire Mexican register after their foreign registration has been cancelled.

V. Aircraft shall acquire Mexican nationality by being registered in the Mexican Aeronautical Register and by obtaining a certificate of registration.

VI. Registration of aircraft in the Mexican Aeronautical Register may be applied for by the owner thereof or by the person who holds title for him.

Once an aircraft has been registered, the respective certificate of registration and of nationality shall be issued, to serve as identification and to prove registration.

Article 313. Only Mexican citizens or Mexican entities having legal status may register in the Mexican Aeronautical Register aircraft to be used for public service of transportation or private services of aerial photography, aerial topography and others of an analogous nature.

Article 314. Cancellation of the registration of aircraft in the Mexican Aeronautical Register shall mean loss of its Mexican nationality.

CHAPTER III—MARKS OF NATIONALITY AND REGISTER

Article 315. All civil aircraft must bear distinctive marks of nationality and registration.

The marks of nationality for Mexican aircraft shall be the letters XA for public service planes; XB for private service planes; and XC for planes belonging to the State.

The Secretariat of Communications shall assign to each aircraft its registration mark which, together with that of its nationality, shall appear on the plane in the form and with the characteristics specified in the respective Regulations.

Mexican aircraft used in international public service of transportation must bear the national insignia, in the regulation form.

CHAPTER IV—AIRWORTHINESS

Article 316. The Secretariat of Communications will issue a certificate of airworthiness to show that the aircraft has passed the prescribed tests and technical checks to enable it to fly under satisfactory technical conditions of safety.

The obtaining, suspension and cancellation of the certificate of airworthiness shall be subject to the requirements set forth in the Regulations.

Article 317. Unless there be proof to the contrary, it shall be presumed that aircraft with a valid certificate of airworthiness has taken off under flight conditions which are technically satisfactory.

Article 318. Aircraft, engines and parts which are built, repaired or modified may be placed in service without the approval of the Secretariat of Communications, in accordance with the Regulations.

CHAPTER V.—TECHNICAL AVIATION PERSONNEL

Article 319. The technical aviation personnel shall be composed of the members of the flight crew and the ground personnel attached to the service of civil air navigation.

In order to be a member of the technical aviation personnel, it shall be necessary to hold a valid license to perform specific duties, such license having been granted or recognized by the Secretariat of Communications, which may recognize or validate licenses issued abroad by the competent authorities, provided the requirements under which they were issued or declared valid are at least equal to the minimum regulations in force in Mexico for the granting of such licenses.

The requirements as to age, nationality and good conduct for obtaining aeronautical licenses, the qualifications, physical capacity, examinations, experience and skill necessary to obtain such licenses, the capacity granted to the holders and the powers granted by such licenses shall be specified in the respective Regulations, which shall also specify the duration, conditions for renewal, suspension and revocation of such licenses.

Article 320. The Secretariat of Communications may permit that foreign technicians be employed temporarily to act as advisers or instructors of the Mexican aviation personnel whenever, in its opinion, this may be necessary for the performance of, or improvement on an aeronautical service.

CHAPTER VI.—COMMANDER OF THE AIRCRAFT

Article 321. All aircraft to be used in public transport service shall be under the command of a commander appointed by the operator of the service, and shall be chosen among the pilots who form the flight crew.

The commander shall be responsible for the directing, care, order and safety of the aircraft, the crew, the passengers and their baggage, and the freight and mail carried upon his taking charge of the plane for the takeoff. This responsibility shall cease at the end of the flight, when the representative of the company or any competent authority takes charge of the planes, the passengers, the freight, the baggage and the mail.

Article 322. The commander of the plane shall record in the log all incidents which might have legal consequences and which take place during the flight, and make them known to the competent Federal authorities at the first place at which he lands in Mexican territory or to the competent foreign authorities and to the Mexican consul if he lands outside the country.

CHAPTER VII—OPERATIONS

Article 323. In order to conduct operations in Mexican territory, the owners, possessors or operators of civil aircraft and, in the respective case, commanders and pilots must comply with the following requirements:

I. They must use the type of aircraft required by the respective license or permit, depending on the service for which it is intended.

II. They must operate the aircraft within the limitations of its certificate of airworthiness.

III. They must hold the certificates of registration and airworthiness, the licenses of the aviation personnel and other documents required.

IV. Prior to starting the flight, they must verify that the certificate of airworthiness and licenses of the personnel are in order, and, except in case of emergency, must follow the flight plan to which the operations are subject.

V. They must land only at the airdromes authorized as adequate for the type of aircraft operated and for the service in question, except in cases of emergency.

VI. Their aircraft must be equipped with radio equipment and such rescue equipment, as is specified in the Regulations for each type of aircraft.

VII. They must comply with the provisions of the Regulations in regard to lights and signals for air traffic.

VIII. They must load and unload passengers and cargo from the aircraft in such a manner that they do not obstruct the operations of other aircraft, or interfere with air traffic or traffic on the airdromes.

Article 324. Civil aircraft must not:

I. Fly over zones which have been prohibited to navigation by the Federal Executive.

II. Carry arms, ammunition, explosives and articles which, due to their inherent nature, might be a source of danger, without a permit from the competent authorities.

III. Carry people who are in a state of intoxication or suffering from the effects of drugs, or without a permit from the competent authorities, bodies of dead people, people suffering from contagious diseases or mental cases.

IV. Make acrobatic flights or maneuvers of a dangerous nature over cities and centers of population.

Article 325. Clearance and dispatch of aircraft engaged in public service, as well as of their crew and passengers and baggage, freight and mail, must be effected in the rapid manner provided for in the Regulations.

CHAPTER VIII—AIR TRAFFIC

Article 326. Air traffic shall comply with the following rules:

I. Control of air traffic, meteorological, aeronautical, telecommunications services and aid to air navigation shall be within the jurisdiction of the Secretariat of Communications. To comply with the powers vested in it for such purpose, it shall order all the measures necessary for the greater efficiency and safety of air navigation, for the purpose of protecting human lives and property. It may therefore grant licenses or permits for the rendering of such services, to technical organizations, which shall have the status of auxiliary or allied services of the means of communication and which shall be considered of public interest.

II. All aircraft must use, as an obligatory safety requirement, the control services of air traffic, of aeronautical telecommunications, of meteorological information and of aid to air navigation. Such services shall be put at the disposal of all operations of aircraft on the basis, the conditions and the rates approved by the Secretariat of Communications.

III. The Secretariat of Communications shall order the measures it deems necessary to extend and modernize the system of auxiliary installations to air navigation, and shall exercise care to insure that enterprises rendering public service and licensees of private service comply at all times with the safety requirements established in this Law and its Regulations.

IV. Operations of military aircraft on the airways, in traffic control zones or at civil airdromes shall be subject to the rules on air traffic contained in this Law and its Regulations. Any infringements committed during such operations shall be made known to the Secretariat of National Defense.

CHAPTER IX—CIVIL AIRDROMES

Article 327. A civil airdrome shall be any defined area of land or water which is suitable for the taking off, landing and movement of civil aircraft.

Civil airdromes shall be divided into airdromes for public service and airdromes for private service. The Secretariat of Communications shall establish by declaration which are airdromes for public services and which are for private service, in accordance with the Regulations.

Civil airdromes shall be subject to the control, inspection and supervision of the Secretariat of Communications.

An airport shall be any civil airdrome for public service having adequate facilities and installations for the operations of public service aircraft. Airports shall be classified in categories according to the nature of their facilities and installations.

Airports shall be open to the public for their specified purposes, and services furnished there shall be charged for in accordance with rates previously authorized by the Secretariat of Communications.

All international airports must be declared as such by the Federal Executive, and they must furnish the proper international services and meet the requirements specified in the Regulations.

The Secretariat of Communications shall exercise authority over all airports, through the Commander appointed for the purpose. All authorities acting at international airports shall abide by the terms of the Internal Regulations of International Airports issued by the Executive.

Article 328. A permit by the Secretariat of Communications in accordance with the provisions of Chapter III of Book One, and Articles 331 and 333 of Section III of this Law for a maximum initial term of thirty years, shall be required to build, commercially use, manage and operate airports.

A permit from the Secretariat of Communications shall be required to build and operate private service airdromes. The owners of private service airdromes shall permit its use to any aircraft in an emergency.

The approval and authorization of the Secretariat of Communications shall be required in each case to build any kind of facilities and installations at civil airdromes.

Structures and installations on land adjoining and adjacent to airdromes, within their protective and safety zones, shall be subject to the restrictions specified in the protective Regulations.

The owners and operators of civil airdromes shall allow the use thereof to aircraft of the State free of charge. This shall not apply to aircraft belonging to local public organizations.

CHAPTER X—NATIONAL AIR TRANSPORT

Article 329. Scheduled national public air carriers shall be subject to the following:

a). The obtaining of a license in the manner set forth in Chapter III of Book I and Article 331 of this Law, as well as other applicable provisions;

b). The air routes, frequency of flights, and time-tables previously approved by the Secretariat of Communications;

c). The fee schedule according to rates previously approved by the Secretariat of Communications and duly made known to the public;

d). Permanent accessibility to the public, subject to the provisions of clauses b) and c).

Article 330. Non-scheduled public air carriers shall be subject to the following:

a). The obtaining of a permit in the manner provided for in this Law and other applicable provisions;

b). The carrying out of flights in accordance with agreements with the users of the service, in accordance with this Law and its Regulations;

c). A fee schedule, subject to the provisions of the second paragraph of clause a) of Article 336.

Article 331. In order to obtain a license or permit, as the case may be, for the establishment and operation of a scheduled or non-scheduled public air carrier service the applicants must prove, to the satisfaction of the Secretariat of Communications:

a). That the service satisfies public necessity and convenience;

b). That the applicant has the required capacity and technical and financial means to operate the proposed service;

c). That the applicant comes within the case provided for in Article 12 of this Law;

d). That the other requirements specified in this Law, its Regulations and other applicable laws have been complied with.

Article 332. In order to begin operation of a scheduled or non-scheduled public air carrier, the company in question must furnish proof to the Secretariat of Communications that it has itself or at its disposal, by whatever title or contract:

a). Airdromes which meet the requirements of the service, according to the Regulations;

b). Installations and auxiliary services for air navigation as required by this Law and its Regulations;

c). Flight equipment approved for the service and authorized technical aviation personnel;

d). Flight routes, rates, and schedules, approved by the Secretariat of Communications;

e). The insurance required by this Law;

f). Such other elements as required by the license or permit.

Article 333. Failure to comply at any time with any of the requirements specified in the preceding Article or with the obligations imposed by the respective license or permit, or with the rules of this Law, shall be grounds for suspension of the services or forfeiture or revocation of the license or permit, without prejudice to other penalties specified in this Law.

Article 334. The Secretariat of Communications shall fix the term of licenses and of permits in accordance with the following rules:

I. Licenses for scheduled public air carriers shall be granted for an initial maximum period of thirty years. This period shall be determined according to the economic importance of the service of the particular company, the amount of the initial investment and subsequent investments necessary for the growth and improvement of the service, and such other points for forming a judgment as may be required;

II. For permits for non-scheduled public air carriers, the time-limit shall be fixed according to the importance of the company and its initial investment;

III. A public air carrier shall be entitled to extensions of the initial license for additional 10-year periods if, at the expiration of the initial term or of any of the extensions, said licensee furnishes proof of satisfactory fulfillment of all obligations and of having made important improvements in the service.

Article 335. At the expiration of the license or of an extension thereof, the Federal Government may acquire all the property and rights used in the air transportation service of the company in question as well as the company itself. The price shall be fixed by mutual agreement or, in its absence, in the manner set forth in the law.

Article 336. The Secretariat of Communications may:

a). Grant a permit for special public transportation flights; however when such flights are intended to be made between points connected by a scheduled carrier, the permit shall only be granted in the event that the company that has the license for that service is unable to make the flight.

The rates charged for such flights may not be less than those authorized for the respective scheduled service;

b). Authorize flights for exploration purposes and technical studies over unexplored routes, for the purpose of obtaining information and evidence regarding the establishment of air transportation services. Such authorizations shall be granted for a maximum term of three months, and may not be extended.

CHAPTER XI—INTERNATIONAL AIR TRANSPORT SERVICE

Article 337. International public air carriers shall be classified as:

- a). Scheduled Mexican international carriers.
- b). Non-scheduled Mexican international carriers.
- c). Scheduled foreign international carriers.
- d). Non-scheduled foreign international carriers.

Such service, from or to Mexican Territory, shall be rendered in accordance with the following conditions:

I. *Scheduled Mexican international carriers*, under a license applied for and obtained in the manner set forth in Chapter III of Book I and in Articles 331 and 332 of this Law, and the applicable Regulations;

II. *Non-scheduled Mexican international carriers*, under permits granted by the Secretariat of Communications, which shall be revocable at any time;

III. *Scheduled foreign international carriers*, subject to a permit granted by the Secretariat of Communications containing the same obligations as those imposed on Mexican companies for furnishing scheduled public air transportation;

IV. *Non-scheduled foreign international carriers*, subject to authorization granted in each case by the Secretariat of Communications. Whenever such flights are to be made between points or areas served by a scheduled Mexican international carrier, authorization may only be granted to the foreign carrier if the Mexican carrier is unable to make the flight.

Both licenses and permits shall be in accordance with applicable international treaties or agreements. Permits and authorizations for foreign international carriers shall be subject to reciprocity treatment, and the Secretariat of Communications shall ensure that, in granting such permits and authorizations, the safety of the Nation is not endangered or the rights of Mexican carriers injured.

Article 338. Foreign aircraft must comply with the following requirements in entering and leaving Mexican territory:

I. Follow previously specified air routes and land at the international airports specified by the Secretariat of Communications;

II. Comply with the safety requirements established in this Law and its Regulations as well as the rules of their own country with regard to marks of nationality and register, weight, instruments and safety and rescue equipment, as well as carry a certificate of airworthiness. The crew must also carry the proper licenses and pertinent papers;

III. In the case of foreign aircraft engaged in international public air service which fly in transit over Mexican territory or which land therein without taking on or discharging passengers, freight or mail,

prior and timely notice must be given in each case to the Secretariat of Communications. Further, the passage in transit and landing of these planes shall in each case be subject to the provisions concerning customs, population and police.

Article 339. Owners of Mexican civil aircraft who desire to take them abroad, must obtain a permission from the Secretariat of Communications. This rule shall not be applicable to duly authorized companies which operate a Mexican international transportation service.

CHAPTER XII—PRIVATE AIR SERVICES

Article 340. The following shall be deemed aircraft in private service:

- a). Aircraft used for pleasure and private purposes of the owner;
- b). Aircraft engaged in aerial work, such as aerial photography, aerial topography, commercial publicity and other work of a similar nature;
- c). Aircraft engaged in the private service of a company;
- d). Aircraft used for scientific purposes of civil aviation, such as the exterminating of agricultural pests, artificial creation of rain, educational flights and others of a similar nature;
- e). Aircraft belonging to private aeronautical schools.

Article 341. Operations of aircraft in private service shall be subject to the following rules:

I. The obtaining of certificates of registration and airworthiness shall suffice for the operation of aircraft in private service used exclusively for the private purposes or pleasure trips of their owners;

II. Aircraft in private service must be flown by qualified technical flight personnel;

III. The owners of aircraft in private service used for aerial work, the private service of a company, the scientific application of civil aviation or instruction must obtain a permit from the Secretariat of Communications. This permit shall be subject to the following conditions:

a). Aerial photography, aerial topography and work of a similar nature may only be carried out by Mexican companies, and the technical personnel in charge of such work, and the crew of the aircraft must be Mexicans;

b). In the case provided for in clause d) of Article 340, the companies, the flight crew and the personnel in charge of carrying out the work preferably shall be Mexicans;

IV. Aircraft used for private service may in no case undertake public transportation services;

V. The owners or possessors of foreign aircraft for private service, used exclusively for private purposes or pleasure, who wish to fly over Mexican territory or to land therein must give prior and timely notice to the Secretariat of Communications.

The Secretariat of Communications may require the owners or crews of foreign aircraft in private service who wish to fly over Mexican territory or to land therein, to prove in each case that they have complied with the technical requirements relating to licenses and airworthiness in the country where the aircraft are registered.

CHAPTER XIII—LIABILITY FOR DAMAGES

Section One—Damages to passengers

Article 342. Carriers holding licenses and permits for the public air transportation service, both scheduled and non-scheduled, shall be liable for damages caused by such transportation, as follows:

a). For the death and injuries to passengers, or other damage suffered;

b). For destruction of, or damage to passengers' baggage;

c). For delays in transportation.

For the purposes of this Law, it shall be understood that damage has been caused by transportation if it results from events occurring from the moment the passenger boards the plane until he disembarks, whether at the termination of the trip provided for in the transportation contract or in case of forced or accidental landing.

Article 343. In the cases provided for in clause a) of the preceding Article, the carrier must pay to the victim:

I. The sum of \$50,000.00 [pesos] for death or permanent total disability;

II. Up to a maximum of \$20,000.00 [pesos] for injuries causing permanent partial disability;

III. Up to a maximum of \$10,000.00 [pesos] for injuries causing partial temporary disability.

The amount of the damages payable in the cases provided for in clauses II and III of this Article shall be determined in accordance with the table of indemnities contained in the Regulations.

The carrier shall guarantee payment of the damages provided for in this Article at the time it obtains the license or permit, in any of the following forms:

a). By means of insurance obtained from a duly authorized company, in such a way that its liability is covered to the satisfaction of the Secretariat of Communications;

b). By means of a deposit in cash with *Nacional Financiera S.A.* for such amount as will guarantee the risk, in accordance with the provisions of the Regulations.

Without prejudice to the damages mentioned in the preceding paragraphs of this Article, the company shall be in addition, liable to a maximum of \$75,000.00 [pesos] in case of death or permanent total disability up to \$25,000.00 [pesos] for other injuries to a person.

Nevertheless the carrier shall not be granted the benefit of a limitation of liability provided for by this Article if it is proved that the damages were due to fraud of the carrier, its clerks or employees.

Article 344. The indemnity for destruction of or damage to passengers' baggage shall be limited to a maximum of \$100.00 [pesos]. There shall be no limitation as herein established if it is proved that there was fraud or gross negligence on the part of the carrier, its clerks or employees.

Article 345. The carrier must pay compensation to the passenger for any damage caused to him due to delays in transportation. This damage shall be limited to a maximum equal to the agreed price for the transportation.

Article 346. The carrier shall be exempt from liability under this Section in the following cases:

I. In the cases provided for in the penultimate paragraph of Article 343 and in Article 344, if it is proved that the carrier took all reasonable precautions to avoid the damage and the technical measures required by this Law and its Regulations, or that it was impossible for it to take them;

II. In the case provided for in Article 345, if it is proved that the delay was caused by bad weather or salvage operations, or for reasons involving the protection of human life or property;

III. In all cases if it is proved that the damage was due to acts or circumstances caused by the victim or by illegal acts of a third person.

Article 347. The right to receive the compensation provided for in this section and the determination of the amount of the indemnity in the cases provided for in the penultimate paragraph of Article 343 and Articles 344 and 345 shall be subject to the applicable provisions of the Civil Code for the Federal District and Territories.

The right to sue for payment of the indemnities provided for in this section shall terminate after one year, reckoned from the date of the incidents which gave rise to the action or, if none, from the date of starting the trip provided for in the transportation contract.

Damage suffered by individuals or things transported in private service aircraft shall be governed by the provisions of the Civil Code for the Federal District and Territories.

Section Two—Damage to freight and invoiced baggage

Article 349. Carriers holding licenses or permits to engage in public air transportation, whether scheduled or non-scheduled, shall be liable for damage caused to freight and invoiced baggage:

I. For loss or damage suffered from the moment when it is received until the moment when it is delivered to the addressee.

II. For delay in the delivery of freight or invoiced baggage, beyond the period provided for in the transportation contract and pursuant to the provisions of the Regulations.

In the cases mentioned in clause I of this Article, the carrier must pay the following indemnity to the addressee or, lacking one, to the shipper:

a). For loss of, or damage to freight, a maximum of \$20.—[pesos] per kilo gross weight.

b). For delay in delivery of freight, a maximum amount equivalent to the price of the transportation.

c). For loss of, or damage to invoiced baggage, a maximum of \$500.00 for each piece of luggage.

The carrier shall be exempt from the liability mentioned in this section if it proves:

a). That it took all reasonable precautions to avoid the damage as well as the technical measures required under this Law and its Regulations, or that it was impossible for it to do so;

b). That the delay was caused by bad weather or salvage operations or for reasons involving the protection of human life or property;

c). That the damage was due to unlawful acts of a third person.

The limits of liability referred to in this Article shall not be applicable if the freight or invoiced baggage was transported, by agreement between the parties, in accordance with its declared value, in

which case the limit of liability shall correspond to such declared value.

In the cases referred to in this Article, the carrier shall guarantee payment of the appropriate indemnity in the manner provided for in the Regulations.

Article 350. The right to receive appropriate indemnity for damage suffered, established in this section, and the fixing of its amount, shall be subject to the applicable provisions of the Civil Code for the Federal District and Territories.

Claims for loss of, or damage to, and delay in the receipt of freight or invoiced baggage shall be made to the carrier within three days following the date of receipt or the date on which it should have been delivered. Failure of duty to file a claim shall prevent the bringing of the respective actions.

The right to bring actions to demand payment of the indemnities established in this section shall lapse in ninety days, reckoned from the date the freight or invoiced baggage should have been delivered.

Section Three—Damages to third persons

Article 351. When the operation of an aircraft or objects which fall from it cause injury to persons or damage to property on the ground, liability shall be created by merely establishing the existence of the damage and its origin.

This liability shall devolve on whoever owns or possesses the aircraft.

For the purposes of this Article, "operation of aircraft" shall be deemed all movement of the same on the ground or in flight under operation of its own engines.

Article 352. The indemnity for damages referred to in the preceding Article shall not exceed the maximum limit for each class of aircraft, in accordance with the following table:

Aircraft not weighing more than 5,000 kilos gross weight.....	\$60, 000
Aircraft not weighing more than 20,000 kilos gross weight.....	150, 000
Aircraft not weighing more than 40,000 kilos gross weight.....	300, 000
Aircraft whose weight exceeds 40,000 kilos gross weight.....	600, 000

When damage is caused to persons and property, the amount of the indemnity to be determined [for the damage] caused to such persons shall not exceed two-thirds of the damage suffered.

When several people are damaged, the indemnity, without exceeding the aforesaid limits, shall be distributed proportionately to the damages suffered.

The owners or possessors of aircraft shall guarantee the payment of the indemnity for which they are liable by taking out insurance with a duly authorized insurance company or by depositing with the *Nacional Financiera S.A.* the amount of their maximum liability. In the case of owners or possessors of two or more aircraft, the insurance or deposit shall be for double the amount, irrespective of the number of aircraft operated.

The insurance or deposit shall be set up within fifteen days following the date on which the license or permit is obtained or the aircraft is registered.

The Secretariat of Communications shall determine in what cases this obligation must be complied with by foreign owners of aircraft in private service.

The guarantees shall be kept alive for the life of the license, permit or registration.

Individuals and companies that do not guarantee payment of the indemnities specified in this Article shall not enjoy the benefit of a limitation of liability.

Article 353. Both the owner and the possessor of aircraft shall be exempt from the liability established in this section:

I. When the damages are due to the victim's own fault or when they are the result of acts committed by a third person with intent to cause damage to the aircraft, the victims or the property;

II. When the person operating the aircraft does so without the consent of the owner or possessor. Nevertheless, the latter must prove that, having taken the necessary preventive measures, it was impossible to avoid the unlawful use of the plane; otherwise the owner or possessor shall be jointly liable with the party who caused the damage.

Article 354. In cases of collision of two or more aircraft, the owners or possessors shall be jointly liable for the damages caused to third persons or to property on the ground, each one within the limits established.

Article 355. The right to receive the indemnity for the damages suffered referred to in this section, as well as the fixing of its amount, shall be subject to the provisions of the Civil Code for the Federal District and Territories which are applicable to the case.

The right to bring actions to demand payment of such indemnity shall lapse in one year, reckoned from the date on which the incidents occurred.

Section Four—Miscellaneous Provisions

Article 356. None of the provisions of this Chapter shall prevent the bringing of appropriate criminal actions.

Any clause in transportation contracts inserted to establish lower limits of liability than those provided for in Article 343 of this Law, those provided for in this section shall be null and void. Nullity of such clause shall not imply nullity of the transportation contract.

Nevertheless, the carrier and the passengers may agree on indemnities or guarantees which are higher than those fixed in this Chapter.

Compliance with the provisions of this Law regarding the liability shall release all persons so complying from all civil, contractual or quasicontractual liability.

Liability for damage suffered by the crew, employees or workers in the service of individuals or companies who undertake the operation of civil aircraft shall be governed by the applicable provisions of the Federal Labor Law and other applicable laws.

Article 357. Controversies of a civil nature which arise on account of any accident suffered by aircraft or caused by one shall be determined and decided in accordance with Article 4 of this Law.

CHAPTER XIV—ACCIDENTS, SEARCH AND SALVAGE

Article 358. The investigation of accidents suffered by civil aircraft shall be made by the Secretariat of Communications. After the investigation, which shall include a hearing to the parties in

interest, is terminated, the Secretariat shall determine the probable cause of the accident and, in the respective case, shall levy the penalties and decide what administrative liability is in order. Should there be grounds for such liability, the facts shall be brought to the notice of the competent authorities.

Article 359. Search and salvage operations, in the case of accidents to civil aircraft, shall be of public interest and therefore the authorities, air carriers and private parties shall be under the obligation of taking part in it within the scope of their capabilities and facilities, pursuant to the regulations governing search and salvage operations and the following rules:

I. Search and salvage operations shall in all cases be carried out under the direction and control of the Secretariat of Communications, and the expenses incurred for the rescue of the victims of aviation accidents shall be for account of the carrier operating the aircraft.

II. Any person having knowledge of an aviation accident shall notify the nearest authorities, who are under the obligation of advising the Secretariat of Communications by the quickest possible means. Lacking a commander of the aircraft or competent aeronautical authority, the first authority arriving at the place of the accident shall take responsibility for the aircraft, baggage, freight, and mail and provide whatever is necessary for the protection of and help to the passengers and crew.

III. Aeronautical inspectors, or if there be none, the commander of the nearest airdrome, shall be under the obligation of going personally to the place where the accident has taken place, of taking the necessary measures, and of sending immediately a detailed report to the Secretariat of Communications.

IV. The Secretariat shall establish auxiliary search and salvage centers throughout the country.

V. The owners or possessors of aircraft, or their legal representatives or agents and the pilots in charge of the respective aircraft, shall be under the obligation of notifying the Secretariat of Communications of any accident to their aircraft.

VI. Air carriers shall be under the obligation of furnishing a report to people interested in any accident once they have specific information in regard to any accident to their aircraft or whenever they consider it lost.

Article 360. Aircraft shall be considered lost in the following cases:

I. When the owner or possessor makes such a declaration under oath, subject to verification of the Secretariat of Communications;

II. After three months have elapsed from the date on which the last official or private news were received from the aircraft and its whereabouts are unknown;

In both cases the Secretariat of Communications shall declare the aircraft lost and cancel the registration.

Article 361. The Secretariat of Communications shall declare such aircraft abandoned and, with the assistance of the other competent authorities, shall determine what should be done with the aircraft and the property in it.

Aircraft shall be considered abandoned:

I. When the owner or possessor so declares to the Secretariat of Communications;

II. When an aircraft remains at an airdrome for a period of ninety days without undertaking any operations and without being under the direct or indirect care of its owner or possessor;

III. When it has no registration number and the name of its owner and the place of its origin are unknown.

CHAPTER XV—ENCUMBRANCES

Article 362. The following may be mortgaged:

I. Aircraft;

II. The entirety of an air carrier in which case the mortgage shall include all licenses or permits and, unless there be a specific stipulation to the contrary, the flight equipment, the navigation aids, the engines, propellers, radio apparatus, instruments, equipment, fuel, lubricants and other movable and immovable property used in the operations and considered as a unit.

A mortgage to which this section refers may only be placed with the prior authorization of the Secretariat of Communications.

Article 363. Engines, propellers, spare parts, radio apparatus, instruments and other equipment may be pledged.

In order that the pledge may be considered as established, it must be actually and legally delivered to the creditor.

In either case the pledge shall take effect against third parties as and from the date when it is recorded in the Mexican Aeronautical Register. A signed copy of the record shall be sent to the Public Registry of Property in the City of Mexico, for such purposes as may be in order.

Article 364. Mortgage and pledge contracts shall contain, in addition to the requirements under the laws applicable to the case, a description of the aircraft and of the equipment mortgaged or pledged, stating marks of nationality and register, name of maker and series number or, if there is none, such data as will unmistakably identify the aircraft and, in the respective case, the other property included in the mortgage or pledge.

Article 365. Tax debts shall have preference over mortgage credits and over those for salvage of the aircraft and those derived from indispensable and extraordinary disbursements for preservation of the aircraft.

In addition to the preference established in this Article, the creditors for the last two reasons shall have the right of attachment.

Article 366. In cases of attachment or any other judicial seizure of aircraft used for public transportation, the authority who has decreed the attachment shall issue the necessary rulings so that the service is not interrupted, and immediately shall make the situation known to the Secretariat of Communications.

CHAPTER XVI—AERONAUTICAL INDUSTRIES, SCHOOLS AND AVIATION CLUBS

Article 367. The following shall be considered of public interest:

I. The establishment of aircraft factories and factories making aircraft engines and parts, and aeronautical shops;

II. Aviation schools and centers of aeronautical research;

III. Aviation clubs and model airplane clubs.

Article 368. The Secretariat of Communications, in agreement with the Secretariat of Commerce, shall grant licenses for the establishment of aircraft, engine and parts' factories.

Licensees shall be under the obligation of submitting their products to the tests demanded by the Secretariat of Communications so that, if approved, they may be given a certificate of approval which will authorize them to make other units of the same type.

Article 369. Aviation schools, when they are private schools, shall operate under a permit which is temporary and revocable by the Secretariat of Communications, and they shall be subject to the inspection and technical supervision of that Secretariat.

Article 370. Aviation and model airplane clubs shall be organized as civil associations, and their activities shall be subject to the inspection and supervision of the Secretariat of Communications, which shall furnish them technical advice whenever they so request.

CHAPTER XVII—MEXICAN AERONAUTICAL REGISTER

Article 371. The Secretariat of Communications shall keep a register to be called "Mexican Aeronautical Register", in which shall be recorded:

I. The title by which the ownership, other property rights or the possession of the following are acquired, alienated, modified, encumbered, extinguished, rented or leased:

- a). Mexican aircraft;
- b). Civil airdromes;
- c). Aeronautical installations, beacons, radio guides, radiogoniometrical stations, radio beacons and other aids to air navigation;
- d). Engines of aircraft;

II. Licenses and permits under which air transportation is performed and the acts and decisions which modify or extinguish them;

III. Licenses of Mexican aviation personnel, renewals, suspensions and cancellations thereof;

The following shall be annotated on the margin of the record:

I. The marks of nationality and register of aircraft, modifications and cancellations thereof;

- b). Certificates of airworthiness, renewals and cancellations thereof;
- c). Insurance policies.

The Regulations of the Mexican Aeronautical Register shall specify: its composition; the formalities to be complied with in regard to records and annotations made; the certifications to be issued, as well as charges payable.

Article 372. The documents which must be recorded in the Mexican Aeronautical Register and are not recorded shall only produce effects among those who execute them and not against any third party, but the latter may avail himself of same insofar as they favor his interests.

However, except as provided for in Article 363, if the registration should also be made in the Public Registry of Property pursuant to Article 6 of this Law, and the applicable provisions of the Civil Code for the Federal District and Territories, the provisions of that Code shall apply.

Article 373. The registration of an aircraft may be cancelled:

- a). At the request, in writing, of the owner of the aircraft or of the holder of the certificate of registration;

- b). By order of the competent authorities;
- c). When the aircraft is destroyed or lost;
- d). When the aircraft no longer fulfills the requirements for airworthiness specified in the Regulations;
- e). At the expiration of the period of registration, whenever the registration is subject to a time limitation;
- f). When the aircraft is abandoned;
- g). For any of the other reasons specified in the Regulations.

Registration of an aircraft which is encumbered cannot be cancelled without the consent of the creditor.

Article II. Articles 555 to 570 inclusive and Article 590 of Book Seven of the Law of General Means of Communications shall be amended as follows:

*Article 555.*¹ A fine of from \$250.—to \$50,000.—(pesos) shall be imposed on the owner, possessor or operator of civil aircraft in the following cases:

- I. For allowing aircraft to fly:
 - a). Without marks of nationality and registration;
 - b). Without a certificate of airworthiness or certificate of registration, or when such documents have expired or are false;
 - c). With a crew who lack the respective licenses;
 - d). Without the proper safety instruments and auxiliary equipment;
 - e). Without making use of the auxiliary installations and services for aerial navigation, except in cases of *force majeure*;

II. For registering aircraft in the Register of some other State without first obtaining the cancellation of the Mexican registration.

III. For altering or modifying the marks of nationality and registration on the aircraft without the authorization of the Secretariat of Communications;

IV. For ordering the commander or pilot of the aircraft to perform acts which constitute a violation of this Law or its Regulations;

V. For bringing foreign aircraft into Mexican territory or taking Mexican aircraft into a foreign country without complying with the requirements specified in the Law;

VI. For failing immediately to notify the Secretariat of Communications of accidents to their aircraft;

VII. For refusing to take part in search and salvage operations;

VIII. For permitting aircraft to obstruct or impede air traffic or circulation on airdromes;

IX. For any violation of the Regulations concerning airdromes.

In the case of a public carrier the minimum penalty shall be \$5,000.—[pesos].

Article 556. A fine of from \$50.—to \$50,000.—(pesos) shall be imposed on the pilot or commander of any civil aircraft:

I. For failing to utilize, during the flight of aircraft, the installations, aids to aerial navigation and other auxiliary safety services;

II. For disobedience to the orders or instructions received with regard to air traffic;

¹ Art. 555. This and the following articles, including Art. 570, were amended by the Decree of Dec. 30, 1949, published in the *Diario Oficial* of January 23, 1950, and took effect 30 days from that date.

III. For flying an aircraft without carrying the respective license, or without the qualifications stated therein, or with a suspended or expired license. The same penalty shall be imposed on the other members of the flight crew who are in a like situation;

IV. For permitting anyone who is not a member of the flight crew to take part in the operations of an aircraft, except in cases of proven *force majeure*;

V. For transporting arms, dangerous articles, or inflammable, explosive or other similar articles, without the proper authorization;

VI. For transporting contagious or mental patients or dead bodies without the proper authorization;

VII. For abandoning the aircraft, the other members of the crew, the passengers, the freight and other property at any place which is not the terminal point of the flight, and without just cause;

VIII. For flying the aircraft while in a state of intoxication. The same penalty shall be imposed on any member of the flight crew who is in a like situation;

IX. For allowing a member of the flight crew to take part in operations of the aircraft while in a state of intoxication;

X. For acts or omissions which, actively or passively, contribute to the act of smuggling;

XI. For flying over prohibited areas;

XII. For starting the flight without verifying whether the certificate of airworthiness, as well as the licenses of the flight crew are in force, and whether the aircraft has the marks of nationality and registration.

XIII. For permitting, without the proper authorization, the use of apparatus for aerial photography and aerial topography on board an aircraft in flight;

XIV. For making acrobatic flights or flying too close to the ground or making exhibition flights over inhabited places;

XV. For jettisoning from an aircraft in flight, or permitting the unnecessary jettisoning of objects or ballast from such aircraft;

XVI. For making demonstration flights, technical test flights or training flights without the proper authorization;

XVII. For refusing to take part in search or salvage operations;

XVIII. For failing to notify the Secretariat of Communications immediately of accidents happening to their aircraft or of other accidents of which they become aware on account of their work;

XIX. In the case of the commander of a foreign civil aircraft which enters the country, for failure to land at the civil airdromes specified in the respective permit or authorization;

XX. In the event of a commander of a foreign civil aircraft, for making or allowing to be made aerial-photographical or aerial-topographical surveys on board an aircraft in flight.

Article 557. A fine of from \$1,000.— to \$50,000.— (pesos) shall be imposed:

I. On Mexican or foreign carriers engaged in scheduled public air transportation;

a). For carrying out operations in violation of the rates, itineraries, frequencies of flight and schedules approved by the Secretariat of Communication;

b). For refusing, without lawful reasons, to allow the public to have free access to the services;

c). For failure to comply with the obligations contained in the respective licenses or permits which, in the opinion of the Secretariat of Communications, does not require a declaration of forfeiture, rescission or revocation;

d). For failure to perform the required maintenance and preservation work on their flight equipment, airdromes, auxiliary installations and other property connected with the safety and efficiency of the service;

e). For failure to follow the air routes and to make use of the airports specified in the respective licenses or permits;

II. On foreign carriers engaged in scheduled or nonscheduled international public transportation:

a). Whenever, while on a trip in transit only, they take on or discharge passengers, freight or mail;

b). For performing service between different points in Mexican territory.

III. On public carriers not engaged in scheduled air traffic and on those which effect special public service for charging rates which are less than those approved for the carrying out of scheduled air transportation.

Article 558. A fine of from \$500.— to \$50,000.— (pesos) shall be imposed on:

I. The owners, possessors or operators of private service aircraft used for aerial-photography, aerial-topography and work of a similar nature who permit such work to be done by, or who do such work utilizing the services of foreigners;

II. The owners, possessors or operators of private service aircraft used for scientific applications of civil aviation who give preference to foreigners over Mexicans for the carrying out of such work.

Article 559. A fine of \$250.— to \$25,000.— (pesos) or six months' to five years' imprisonment shall be imposed on any person who obstructs or restricts in any way, or permits that the landing strips, loading platforms and other traffic places of airdromes are obstructed or restricted.

Article 560. A fine of \$250.— to \$25,000.— (pesos) and six months' to five years' imprisonment shall be imposed on any person who floods or through negligence allows the flooding of all or part of an airdrome.

Article 561. A fine of \$250.— to \$25,000.— (pesos) and six months' to five years' imprisonment shall be imposed on any person who, by means of radio-technical transmissions obstructs, interferes with, or impedes aeronautical radio communication.

Article 562. A fine of from \$50.— to \$5,000.— (pesos) shall be imposed on the members of the technical aviation ground personnel who, by acts and omissions in the carrying out of their duties, endanger or might endanger the safety of aircraft and of airdromes and auxiliary installations.

Article 563. The licenses of technical aviation personnel shall be suspended up to six months in such cases as the Secretariat of Communications deems necessary, for violation of the provisions concerning safety and efficiency.

Article 564. The Secretariat of Communications shall revoke the licenses of aviation personnel whenever they merit it for continued disobedience to orders.

Article 565. Without prejudice to the fines mentioned in Article 556, the following punishment shall be imposed:

I. On the pilot or commander in the cases provided for in Sections I, III, V and IX of said Article, imprisonment for a period not exceeding six months, without prejudice to the suspension mentioned in Article 563;

II. On the pilot, commander or member of the crew in the cases provided for in Sections II, IV, VII, VIII and XVIII of the same Article, imprisonment of from six months to five years and revocation of his license;

III. On the pilot or commander, in the cases provided for in Sections XI and XIV, suspension of his license for a period not exceeding six months.

Article 566. A fine of from \$50.— to \$5,000.— (pesos) and imprisonment for a period not exceeding six months shall be imposed on a commander or pilot of aircraft who makes flights after repairs to the airframe, engines or propellers of the same without the Secretariat of Communications having given its approval in the manner set forth in the Regulations.

Article 567. A fine of from \$50.— to \$5,000.— (pesos) shall be imposed on the owner, possessor or operator of any civil airdrome who:

I. When such airdrome is an airport, fails to furnish services in the manner provided for in the respective licenses and in this Law;

II. Does not permit aircraft to land in emergencies;

III. Does not permit the use, free of charge, of the airdrome to aircraft of the State, as provided for in amended Article 328 (last paragraph) of this Law.

Article 568. Failure to comply with the provisions relating to beacons and safety signals on land and on aircraft by the personnel who have them under their care, shall be punishable by imprisonment for a period not exceeding six months.

Article 569. A fine of from \$50.— to \$5,000.— (pesos) or imprisonment for a period not exceeding six months shall be imposed on any person who refuses to take part in search and salvage operations of aircraft, if so requested by the authorities. A like penalty shall be applicable to any person who, having direct knowledge of an aviation accident, fails to notify immediately the authorities within the Secretariat of Communications who are nearest to the site of the accident.

Article 570. The provisions of the Criminal Code for the Federal District and Territories relating to piracy shall be applicable to air navigation.

Article 590.² Any other violation of this Law or of its Regulations not specifically provided for in this Chapter, shall be punishable, by the Secretariat of Communications, with a fine not exceeding \$50,000.— (pesos).

TRANSITIONAL ARTICLES

Article One. This Decree shall go into force thirty days after its publication in the *Diario Oficial* of the Federation.

Article Two. The other provisions of the Law of General Means of Communications, insofar as they do not conflict with those of this Decree, shall continue to be applicable to aeronautical communications.

² Amended by the decree of Dec. 30, 1949, published in the *Diario Oficial* of January 23, 1950, and in force 30 days from that date.

Article Three. A period of three months, reckoned from the date when this Decree goes into force, shall be granted for aircraft of the State that lack marks of nationality or which bear the letters XB, to petition the Secretariat of Communications to change such mark for the one provided for in this Decree.

Article Four. A period of six months, reckoned from the date when this Decree goes into force, shall be granted to:

I. Holders of experimental permits, to apply for the respective license. The Secretariat of Communications shall at once cancel the respective permit unless such application is filed within the time limit set in this Article, except in the case that the time limits set in amended Article 347 of the Law of General Means of Communication have not expired. After the application has been filed, the holder of the permit may continue rendering the service until a decision on his application for a license has been made.

II. Holders of special permits and holders of permits granted under Section II of Article 9 of the Law of General Means of Communications, to apply for the permit required according to this Decree. The Secretariat of Communications will proceed to cancel immediately the respective permit unless the application is filed within the time limit specified.

III. Companies or individuals who operate and commercially use airports, in order to apply for the respective license and regularize such operations and commercial use. Nevertheless, they shall be subject to the provisions of this Decree from the date it enters into force.

Article Five. A term of 15 days, reckoned from the date when this Decree enters into force, shall be granted to the owners, possessors or operators of civil aircraft to guarantee compliance with the liability according to Articles 342 to 357 of the Law of General Means of Communications as amended herein.

At the expiration of such time limit, Article 127 of that Law shall cease to be applicable to aeronautical communications.

Article Six. The Executive of the Union will issue the Regulations under this Law, and a minimum of 1,200 hours' flight shall be required to obtain a pilot's license for public transport service.

Article Seven. All provisions which conflict with this Law are hereby repealed.

NETHERLANDS

AVIATION ACT¹

CHAPTER I—DEFINITIONS

Article 1.

For the purposes of this Act, and any orders made thereunder, the following terms have the following meanings:—

- a. Air navigation: the use of aircraft;
- b. Aircraft: machines that can derive support in the atmosphere from the reactions of the air, including or excepting machines to be designated by Order in Council;
- c. Aeroplanes: mechanically-propelled heavier-than-air aircraft;
- d. Proprietor of an aerodrome: the person in whom an aerodrome is vested pursuant to this Act;
- e. Dutch aircraft: aircraft which have been registered in a Dutch register of aircraft, or in respect of which the provisions of the second paragraph of Article 4 have been applied with regard to the registration;
- f. Foreign aircraft: aircraft registered in a foreign register of aircraft;
- g. Aerodromes: parts of the Netherlands designated pursuant to this Act for the taking off and landing of aircraft;
- h. Our Minister: insofar as civil aviation and the general safety of air traffic are concerned: Our Minister of Transport and "Waterstaat"; insofar as military aviation is concerned: Our Minister of War and Our Minister of the Navy, each inasmuch as he is concerned.

Article 2.

For the purposes of this Act, and any orders made thereunder, the following terms also have the following meanings:—

- a. Pilot-in-command: a person who operates an aircraft alone;
- b. Operation of an aircraft: the performance of actions on board an aircraft for the use of that aircraft;
- c. Land: areas of water;
- d. Buildings: structures, scaffolding, overhead lines, dykes and quays.

CHAPTER II—GENERAL SAFETY OF TRAFFIC

Article 3.

Insofar as powers with respect to the general safety of air traffic are conferred upon Our Minister of Transport and *Waterstaat* by or in virtue of this Act, he shall not exercise these powers except in agreement with Our Minister of War and Our Minister of the Navy, each inasmuch as he is concerned.

¹ Published in Staatsblad (statute book), No. 47 of Jan. 15, 1958, p. 77-85; effect: Oct. 1, 1959. English text supplied by Netherlands Government.

CHAPTER III—AIR NAVIGATION

*Part 1—Registration, marks and airworthiness of aircraft**Article 4.*

1. It is forbidden to perform air navigation with an aircraft which
 - (a) is not provided with a valid certificate of registration as referred to in Article 5;
 - (b) is not provided with a nationality mark and a registration mark in accordance with the provisions of Article 6;
 - (c) is not provided with a valid certificate of airworthiness or of validation, as referred to in Article 7 and valid for the use that is made of the aircraft;
 - (d) is not airworthy.
2. The provisions of the first paragraph do not apply.
 - (a) in the cases specified by Order in Council;
 - (b) if and insofar as exemption is granted by or on behalf of Our Minister.

Article 5.

1. Dutch registers of aircraft shall be maintained on behalf of Our Minister. Foreign aircraft shall not be registered in these registers of aircraft. The Dutch aircraft registers for civil aircraft are public.

2. The registration of aircraft and the issue of a certificate of registration in a Dutch register of aircraft shall be effected by or on behalf of Our Minister and, so far as civil aircraft are concerned, according to rules laid down by or in virtue of an Order in Council.

3. A certificate of registration of a foreign aircraft must be in conformity with the legislation of the territory in which this aircraft is registered.

Article 6.

1. The nationality mark and the registration mark of Dutch aircraft shall be determined by or on behalf of Our Minister. Insofar as civil aircraft are concerned, the marks shall consist of letters and/or figures and they must be affixed in such place and manner as shall be directed by Our Minister; insofar as these directions relate to civil aircraft, they shall be published in the "State Gazette".

2. With regard to foreign aircraft, the nationality mark and the registration mark must be in conformity with the legislation of the territory in which this aircraft is registered.

Article 7.

1. With regard to Dutch aircraft, the certificates of airworthiness shall be issued, suspended and revoked by or on behalf of Our Minister and, so far as civil aircraft are concerned, according to rules laid down by or in virtue of an Order in Council. In addition, certificates of validation of foreign certificates of airworthiness shall be issued, suspended and revoked by or on behalf of Our Minister in accordance with rules laid down by or in virtue of an Order in Council.

2. With regard to foreign aircraft, a foreign certificate of airworthiness or of validation is required; such certificates must be issued pursuant to international agreement.

*Part 2—Operation of aircraft**Article 8.*

1. It is forbidden to operate an aircraft
 - (a) without a valid licence or certificate of validation, as referred to in Article 9, to be used in accordance with the privileges and with due observance of the limitations stated on the licence or certificate;
 - (b) in such a condition as to be unfit to perform the operation properly.
2. The provisions of the first paragraph under (a) do not apply
 - (a) in the cases specified by Order in Council;
 - (b) if and insofar as exemption is granted by or on behalf of Our Minister.

Article 9.

1. With regard to the operation of Dutch aircraft, the licences shall be issued, suspended and revoked by or on behalf of Our Minister and, so far as civil aircraft are concerned, according to rules laid down by or in virtue of an Order in Council. In addition, certificates of validation of foreign licences shall be issued, suspended and revoked by or on behalf of Our Minister in accordance with rules laid down by or in virtue of an Order in Council.
2. With regard to the operation of foreign aircraft, a foreign licence or certificate of validation is required; such licence or certificate must be issued pursuant to international agreement.

*Part 3—Other provisions**Article 10.*

1. Our Minister has power to authorize the managements of associations and institutions which are incorporated under Dutch law and have the object of promoting aviation, to issue, suspend and revoke the certificates of airworthiness referred to in the first paragraph of Article 7, the licences referred to in the first paragraph of Article 9, and the certificates of validation referred to in the first paragraph of Article 7 and the first paragraph of Article 9, insofar as they relate to civil aviation.
2. This authorization can at all times be suspended or revoked by Our Minister by duly motivated order.
3. The orders whereby an authorization is granted, suspended or revoked shall be punished in the State Gazette [Staats Courant].

Article 11.

1. Insofar as is not otherwise provided by international agreement the performance of civil air navigation above certain parts of the Netherlands can be restricted or prohibited
 - (a) for reasons of public safety, by Our Minister of Transport and *Waterstaat*;
 - (b) for reasons of military necessity, by Our Ministers of War and of the Navy, each inasmuch as he is concerned, and after consultation with Our Minister of Transport and *Waterstaat*.
2. Orders providing for a restriction or prohibition as referred to in the first paragraph, or annulment of such a restriction or prohibition, shall be published in the "State Gazette".

3. Our Ministers of Transport and *Waterstaat*, of War and of the Navy can designate authorities to exercise on their behalf their powers as referred to in the first paragraph under (b). This shall be done by a joint order, which shall be published in the state Gazette.

Article 12.

Insofar as is not otherwise provided by international agreement, under exceptional circumstances or in the interest of public safety the performance of civil air navigation above the Netherlands or a part thereof may be temporarily restricted or prohibited by Us.

Article 13.

It is forbidden to perform air navigation

- (a) in such a way that public order or safety is disturbed or endangered;
- (b) in contravention of orders issued by or on behalf of Our Minister, as referred to in Article 11;
- (c) in contravention of orders issued by Us, as referred to in Article 12.

Article 14.

1. Within the Netherlands it is forbidden

- (a) to take off with an aircraft or to make an aircraft take off except from an aerodrome;
- (b) to land with an aircraft or to make an aircraft land except on an aerodrome;
- (c) to equip for the taking off and landing of aircraft an area which has not been designated as an aerodrome.

2. The provisions of the first paragraph do not apply

- (a) in the cases specified by Order in Council;
- (b) if and insofar as exemption is granted by or on behalf of Our Minister.

Article 15.

1. It is forbidden to provide an aircraft with any mark which is intended to create the impression that it is the mark prescribed under the terms of Article 6.

2. It is forbidden to perform air navigation as pilot-in-command, or, as owner or operator of an aircraft, to have air navigation performed or to let it be performed, with an aircraft provided with a misleading mark as referred to in the first paragraph, if the pilot-in-command or the owner or operator of the aircraft, respectively, knows or can reasonably suppose that the aircraft is provided with such a mark.

Article 16.

Insofar as is not otherwise provided by international agreement, it is forbidden to carry persons or animals or goods in aircraft, and to have persons or animals or goods carried in aircraft, either between two or more places situated in the Netherlands or with a place situated in the Netherlands as starting-point or terminus or intermediate station, as a main or subsidiary business or for remuneration, unless permission to do so has been granted by Us or on Our behalf.

2. In the case of carriage as referred to in the first paragraph, if no permission is necessary then the requirements laid down by Us

or on Our behalf pursuant to international agreement shall be duly observed.

Article 17.

1. It is forbidden to hold air displays or aviation contests without permission granted by or on behalf of Our Minister.

2. Above the Netherlands it is forbidden to take part in a display or contest for which no permission has been granted as referred to in the first paragraph.

CHAPTER IV—AERODROMES

Part 1—Designation of aerodromes

Article 18.

1. Our Minister can designate aerodromes

- (a) by virtue of his office;
- (b) on being petitioned to do so.

2. The documents referred to in the first paragraph of Article 20 must be submitted in duplicate along with a petition.

Article 19.

Our Minister can immediately reject a petition as referred to in Article 18 by duly motivated order, in which case Articles 20–23 do not apply.

Article 20.

1. Before a designation can be effected, the following documents shall be deposited for thirty days for public inspection at the office of the Provincial Executive Council of the province or provinces in which the land is situated :

a. a map on which the size, the location and the boundaries of the land intended for designation are clearly indicated, as well as the premises or parts of premises located within those boundaries, stating the cadastral numbers;

b. a list stating the names and addresses

(I) according to the cadastral registers, of the

(A) owners of the land;

(B) holders of a right in rem over the land;

(C) holders of a right in rem over a right to the land;

(II) of those who have a personal right with respect to the land, insofar as they are known to Our Minister or to the petitioner,

in every case stating the premises or parts of premises involved, as well as the size of each of these premises or parts of premises, insofar as possible according to the cadastral registers;

c. documentary evidence of the right to appropriate the land for an aerodrome.

2. If a petition has been received, this shall also be deposited.

Article 21.

1. The depositing referred to in Article 20 shall be arranged by the Provincial Executive Council not more than fifteen days after receipt of the documents from Our Minister.

2. Prior notice of the depositing shall be given by or on behalf of the Provincial Executive Council

(a) in the State Gazette and in one or more newspapers to be selected by the Provincial Executive Council;

(b) by registered letter addressed to

(I) the persons stated on the list mentioned in Article 20;

(II) the petitioner.

3. The notice shall also state:

a. the place, date and time at which an opportunity will be given to bring oral objections to the designation before a commission consisting of

(I) a member of the Provincial Executive Council, appointed by that Council;

(II) an expert appointed by Our Minister;

(III) the mayor of each municipality within which the land is situated, or a deputy to be appointed by him;

b. the period within which objections can be submitted to the commission in writing.

Article 22.

1. The commission shall draw up a procès-verbal of the objections which it has received orally.

2. The procès-verbal, together with the objections notified to the commission in writing and the recommendations of the commission, shall be sent to Our Minister by the commissions as soon as possible.

Article 23.

1. Copies of all documents sent to Our Minister by the commission shall be deposited by or on behalf of the Provincial Executive Council for public inspection at the office of the Provincial Executive Council for thirty days.

2. Prior notice of the depositing shall be given by or on behalf of the provincial Executive Council.

(a) in the State Gazette and in one or more newspapers to be selected by the Provincial Executive Council;

(b) by registered letter addressed to

(I) the persons stated on the list referred to in Article 20;

(II) the other interested parties who have become known after the depositing referred to in Article 20;

(III) all who have brought objections before the commission orally or in writing;

(IV) the petitioner.

Article 24.

Our Minister shall thereafter decide about the designation by duly motivated order.

Article 25.

1. The designation may be restricted to

(a) certain types of aircraft;

(b) certain forms of air navigation.

2. Conditions may be attached to the designation.

Article 26.

1. Our Minister can refrain from applying Articles 20-23 with regard to land

(a) in respect of which Articles 10-15 of the Compulsory Purchase Act (Statute Book 1851, 125) have been applied in behalf of air navigation;

(b) which is not being designated for aeroplanes.

Article 27.

1. Our Minister can at all times alter or revoke a designation by duly motivated order.

2. If he considers this desirable, Articles 20-23 shall be similarly applied.

Article 28.

1. Our Minister shall revoke a designation on being petitioned to do so by the proprietor of the aerodrome.

2. Within three weeks after receipt of such a petition, notice thereof shall be given by Our Minister

(a) in the State Gazette and in one or more newspapers to be selected by him;

(b) by registered letter addressed to the interested parties, insofar as they are known to Our Minister.

3. The revocation shall take place not less than six weeks after this notification.

4. The revocation shall take place not more than six months after receipt of the petition, unless within this period the aerodrome has been vested in another proprietor or Article 11 and 12 of the Compulsory Purchase Act have been applied in regard to the aerodrome.

Without prejudice to the provisions of the third paragraph, however, Our Minister shall immediately revoke the designation

(a) if a decision as referred to in Article 72a of the Compulsory Purchase Act has not been taken in respect of the aerodrome within a year after Articles 11 and 12 of the Compulsory Purchase Act have been applied;

(b) if proceedings for compulsory purchase have not been instituted within the period specified in the decision referred to under (a).

5. The provisions of the preceding paragraphs shall be similarly applicable if the owner of the aerodrome submits a written request to Our Minister for revocation of the designation in view of the fact that the proprietor of the aerodrome is not or is no longer entitled to have the aerodrome at his disposal.

Article 29.

1. Copies of orders providing for

(a) designation, or alteration or revocation of a designation

(b) rejection of a request for designation, or rejection of a request for alteration or revocation of a designation, shall be sent as soon as possible by registered letter to

(I) the petitioner or the proprietor of the aerodrome, respectively;

- (II) and also, if Articles 20–23 have been applied, to
- (A) the persons stated on the list referred to in Article 20;
 - (B) the other interested parties who have become known after the depositing referred to in Article 20;
 - (C) all who have raised objections orally or in writing.

2. At the same time attention shall be drawn, if necessary, to the provisions of Article 30.

3. The orders referred to in the first paragraph under (a) shall be published in the State Gazette.

Article 30.

1. Interested parties can appeal to Us against the orders referred to in Article 29, with the exception of those whereby a designation is revoked under Article 28, within thirty days after the posting of the letter referred to in Article 29.

2. Without prejudice to the provisions of Article 40 of the Act of December 21, 1861 (Statute Book 129), Our decision shall be inserted in the State Gazette.

Part 2—Use of aerodromes

Article 31.

1. It is forbidden

(a) to have or to construct buildings or other erections, or to have or to grow plants, on an aerodrome;

(b) to have movables or to make excavations on an aerodrome, other than in connection with the routine operation or the routine maintenance of the aerodrome.

2. The provisions of the first paragraph do not apply

(a) in the cases specified by Order in Council;

(b) if and insofar as exemption is granted by or on behalf of Our Minister.

Article 32.

The proprietor of an aerodrome designated exclusively or partly for public civil air traffic is bound to admit this air traffic to the aerodrome, with due observance of the restrictions imposed by or in virtue of this Act.

Article 33.

1. The proprietor of an aerodrome is forbidden to use an aerodrome or to have an aerodrome used or to let an aerodrome be used

(a) in contravention of the restrictions and conditions attached to the designation;

(b) in contravention of the instructions given by or on behalf of Our Minister as referred to in Article 35;

(c) for purposes other than those connected with the operation of the aerodrome.

2. The provisions of the first paragraph do not apply if and insofar as exemption is granted by or on behalf of Our Minister.

Article 34.

1. The pilot-in-command of an aircraft is forbidden to use an aerodrome

(a) in contravention of the restrictions and conditions attached to the designation;

(b) in contravention of the instructions given by or on behalf of Our Minister, as referred to in Article 35.

2. The provisions of the first paragraph do not apply if and insofar as exemption is granted by or on behalf of Our Minister.

Article 35.

1. An aerodrome can be temporarily declared closed by or on behalf of Our Minister on account of the condition of the aerodrome or for other reasons relating to the safety of air navigation.

2. With due observance of the relevant provisions of international agreements, the closure can be restricted to

(a) certain types of aircraft;

(b) certain forms of air navigation.

Article 36.

1. The proprietor of an aerodrome designated exclusively or partly for public civil air traffic is bound to fix charges for the use made by aircraft of this aerodrome and of the erections located thereon.

2. These charges require Our approval.

3. If Our approval is already necessary under the Provinces Act (Statute Book 1850, 39) or the Municipal Corporations Act (Statute Book 1851, 85) with respect to a resolution of the Provincial Executive Council of a province or the Municipal Council of a municipality concerning the fixing of charges as referred to in the first paragraph, Our decision shall be taken on the joint recommendation of Our Minister of Transport and *Waterstaat* and Our Minister of Home Affairs.

Article 37.

It is forbidden to levy charges for the use referred to in Article 36 other than the charges approved by Us pursuant to that article.

Part 3—Prohibition of obstructions on land around aerodromes

1. IMPOSITION OF THE PROHIBITION

Article 38.

1. Our Minister can impose a prohibition with respect to having movables, having or constructing buildings or other erections, or having or growing plants, on land situated within a distance of 500 metres from the boundary of an aerodrome, or on that land above a height to be determined by him.

2. Our Minister can impose a prohibition with respect to having movables, having or constructing buildings or other erections, or having or growing plants, on land situated within a distance of 500–5000 metres from the boundary of an aerodrome above a height to be determined by him, which cannot be less than the minimum height specified in the third paragraph.

3. For land situated at the distance referred to in Column A from the boundary of an aerodrome, the minimum height referred to in the second paragraph is the height stated beside it in Column B.

A	B
500 metres	5.00 metres
501 metres	5.01 metres
502 metres	5.02 metres
and so on to	
1000 metres	10.00 metres
1003 metres	10.04 metres
1006 metres	10.08 metres
1009 metres	10.12 metres
and so on to	
2125 metres	25.00 metres
2125-5000 metres	25.00 metres

4. The heights to be determined by Our Ministers shall be measured:

(a) from a level, designated for that purpose by or on behalf of Our Minister, which must not be lower than the point referred to under (b);

(b) if no designation has taken place pursuant to (a), from the lowest point of the aerodrome.

5. It is forbidden to have movables, to have or to construct buildings or other erections, or to have or to grow plants, in contravention of a prohibition imposed by Our Minister, as referred to in the first and second paragraphs.

Article 39.

A prohibition as referred to in Article 38 does not affect

(a) buildings existing at the time of the notification in the State Gazette as referred to in Article 43;

(b) buildings started prior to that notification and regularly continued in accordance with a specification previously drawn up;

(c) rebuilding and reconstruction, insofar as the rebuilt and reconstructed buildings do not differ considerably from the original, in the opinion of Our Minister, from the viewpoint of prevention of danger to air navigation;

(d) non-woody plants, and implements, insofar as their presence is necessary for the cultivation of those plants, in addition to animals.

Article 40.

1. Our Minister can impose a prohibition as referred to in Article 38.

(a) by virtue of his office;

(b) on being petitioned to do so by the proprietor of the aerodrome.

2. The documents referred to in the first paragraph of Article 42 must be submitted in duplicate along with a petition.

Article 41.

Our Minister can immediately reject a petition as referred to in Article 40 by duly motivated order, in which case Articles 42-45 do not apply.

Article 42.

1. Before a prohibition can be imposed, the following documents shall be deposited for thirty days for public inspection at the office of the Provincial Executive Council of the province or provinces in which the land is situated:

a. a map on which the size, the location and the boundaries of the land intended to be covered by the prohibition are clearly indicated, as well as the premises or parts of premises located within those boundaries, stating cadastral numbers;

b. a list stating the names and addresses

(I) according to the cadastral registers, of the

(A) owners of the land;

(B) holders of a right in rem over the land;

(C) holders of a right in rem over a right to the land;

(II) of those who have a personal right with respect to the land, insofar as they are known to Our Minister or to the proprietor of the aerodrome, in every case stating the premises or parts of premises involved, as well as the size of each of these premises or parts of premises, insofar as possible according to the cadastral registers.

2. If a petition has been received, this shall also be deposited.

Article 43.

1. The depositing referred to in Article 42 shall be arranged by the Provincial Executive Council not more than fifteen days after receipt of the documents from Our Minister.

2. Prior notice of the depositing shall be given by or on behalf of the Provincial Executive Council

(a) in the State Gazette and in one or more newspapers to be selected by the Provincial Executive Council;

(b) by registered letter addressed to

(A) the persons stated on the list mentioned in Article 42;

(B) the proprietor of the aerodrome.

3. The notice shall also state:

a. the place, date and time at which an opportunity will be given to bring oral objections to the prohibition before a commission consisting of

(I) a member of the Provincial Executive Council, appointed by that Council;

(II) an expert appointed by Our Minister;

(III) the mayor of each municipality within which the land is situated, or a deputy to be appointed by him;

b. the period within which objections can be submitted to the commission in writing.

Article 44.

1. The commission shall draw up a procès-verbal of the objections which it has received orally.

2. The procès-verbal, together with the objections notified to the commission in writing and the recommendations of the commission, shall be sent to Our Minister by the commission as soon as possible.

3. The commission shall append a proposal concerning compensation for the loss or damage ensuing from the prohibition.

4. In drawing up this proposal the commission shall be assisted by two experts, to be appointed at the request of the Provincial Executive Council by the President of the District Court or one of the courts within whose jurisdiction the premises are situated.

Article 45.

1. Copies of all documents sent to Our Minister by the commission shall be deposited by or on behalf of the Provincial Executive Council for public inspection at the office of the Provincial Executive Council for thirty days.

2. Prior notice of the depositing shall be given by or on behalf of the Provincial Executive Council

(a) in the "State Gazette" and in one or more newspapers to be selected by the Provincial Executive Council;

(b) by registered letter addressed to

(I) the persons stated on the list mentioned in Article 42;

(II) the other interested parties who have become known after the depositing referred to in Article 42;

(III) all who have brought objections before the commission orally or in writing;

(IV) the proprietor of the aerodrome.

Article 46.

Our Minister shall thereafter decide about the designation by duly motivated order.

Article 47.

1. Our Minister can at all times wholly or partly annul a prohibition as referred to in Article 38, by duly motivated order.

2. If he considers this desirable, Articles 42-45 shall be similarly applied.

Article 48.

1. Copies of orders providing for

(a) imposition or annulment of a prohibition as referred to in Article 38.

(b) rejection of a request for imposition or annulment of a prohibition as referred to in Article 38,

shall be sent as soon as possible by registered letter to

(I) the petitioner or the proprietor of the aerodrome, respectively;

(II) and also, if Articles 42-45 have been applied, to

(A) the persons stated on the list referred to in Article 42;

(B) the other interested parties who have become known after the depositing referred to in Article 42;

(C) all who have raised objections orally or in writing.

At the same time attention shall be drawn to the provisions of Article 49.

2. The orders referred to in the first paragraph under (a) shall be published in the State Gazette. Copies of these orders shall be sent to Our Minister of Finance, who will arrange for the orders to be recorded in the cadastral map.

Article 49.

1. Interested parties can appeal to Us against the orders referred to in Article 48 within thirty days after the posting of the letter referred to in that article.

2. Without prejudice to the provisions of Article 40 of the Act of December 21, 1861, Statute Book 129, Our decision shall be inserted in the State Gazette.

2. COMPENSATION.

Article 50.

1. The proprietor of the aerodrome shall pay compensation for any loss or damage which may be suffered in consequence of a prohibition as referred to in Article 38, by

- (a) the owners of the land,
- (b) the holders of a right in rem over the land,
- (c) the holders of a right in rem over a right to the land,
- (d) those who have a personal right with respect to the land, on which this prohibition is imposed.

2. The diminution in value—as a direct consequence of the prohibition—of all the ground over which the same person has a right at the time of the coming into operation of the prohibition, also insofar as such ground is not covered by the prohibition, shall be taken into consideration in calculating the compensation. Changes made or planned after the notification in the State Gazette, as referred to in Article 38, shall not be taken into account.

3. Mortgagees do not receive any separate compensation. They have right of recovery from the compensation payable to the persons entitled to the right on which the mortgage was granted, even if the mortgage debt is not due. If the mortgage debt is conditional or of an indefinite amount, the mortgagee can require that the compensation up to an amount not exceeding the value stated in the deed be provisionally recorded in one of the Registers of the National Debt. The compensation must not be paid and a judicial order for payment must not be put into execution, on pain of nullity, until fourteen days after the mortgagees have been notified of the intention to effect payment or to proceed to execution.

Article 51.

1. Within thirty days after the coming into operation of a prohibition, the proprietor of the aerodrome shall make an offer of a certain compensation to the persons entitled to compensation; this shall be done by registered letter. By a similar letter the mortgagees shall be notified of the offer made to the persons entitled to the right on which the mortgage was granted.

2. If the proprietor of the aerodrome, the persons entitled to compensation and the mortgagees fail to reach agreement within six months after the coming into operation of the prohibition, the persons entitled to compensation and the mortgagees can bring an action at law for assessment of the loss or damage.

3. If this action is not brought within a year after the coming into operation of the prohibition, then the offers are binding.

Article 52.

1. Persons entitled to compensation and mortgagees can bring an action at law for assessment of the loss or damage if they have not received an offer or notification within thirty days in accordance with the first paragraph of the preceding article.

2. The action must be brought within a year after the expiration of the period stated in the first paragraph.

Article 53.

1. The action for assessment of the loss or damage shall be brought before the District Court within whose jurisdiction the ground is wholly or mainly situated.

2. In the case of mortgaged rights the summons must also be served on the mortgagees, on pain of nullity; if it originates from mortgagees, it must be served on the persons entitled to the rights on which the mortgages were granted and on the remaining mortgagees.

Article 54.

1. After consultation with the parties this District Court can appoint one or three experts in the case. Articles 27 (second paragraph), 28, 29 (first and second paragraphs), 30-33, 34 (first, second, third, fourth and sixth paragraphs) and 35-37 of the Compulsory Purchase Act shall be similarly applied, on the understanding that wherever they occur in these articles the words "third parties interested" shall be replaced by the words "interested parties."

2. Otherwise the provisions of the Code of Civil Procedure are applicable to the case.

3. The judgment is final.

4. An appeal to the Court of Appeal must be lodged within fourteen days after the judgment. It shall be lodged by filing a declaration with the Clerk of the District Court which passed the judgment.

5. Article 53 of the Compulsory Purchase Act is applicable.

Article 55.

1. If a prohibition as referred to in Article 38 is wholly or partly annulled, the proprietor of the aerodrome can claim from

- (a) the owners of the land,
- (b) the holders of a right in rem over the land,
- (c) the holders of a right in rem over a right to the land,

on which the prohibition was imposed, the increase in the value of these premises for these persons in consequence of the said annulment up to—in the case of complete annulment—an amount not exceeding the amount that was granted as compensation when the prohibition was imposed.

2. The claim must be brought within a year after the coming into operation of the annulment.

3. Articles 50 (second paragraph), 53 (first paragraph) and 54 are similarly applicable.

*Part 4—Military works**Article 56.*

1. When the construction, maintenance or use of a work for the defence of the realm on an aerodrome designated exclusively or jointly for civil air traffic would contravene a provision of this Act or of any order made thereunder, we can grant exemption from this provision on the recommendation of Our Minister of War or Our Minister of the Navy.

2. A recommendation as referred to in the first paragraph shall not be made except in agreement with Our Minister of Transport and *Waterstaat*.

CHAPTER V—MILITARY REQUISITIONS

Article 57.

In case of war, danger of war, state of war or stage of siege, or in case it is declared by Us that exceptional circumstances make this necessary for the maintenance of external or internal security, the provisions of this Act and of any orders made thereunder do not apply with respect to military aircraft and the members of their crew, nor with respect to military aerodromes, except insofar as this is directed by Us by Order in Council.

Article 58.

1. Without prejudice to the powers conferred by other Acts, in the cases stated in Article 57 We can authorize Our Minister of War and Our Minister of the Navy to requisition for the armed forces—in agreement with Our Minister of Transport and *Waterstaat*—aircraft and aerodromes with buildings and installations belonging thereto as well as the movables located in those buildings and installations.

2. During the time that aerodromes and aircraft are placed at the disposal of the armed forces in accordance with the first paragraph, these shall be regarded as military aerodromes and military aircraft.

Article 59.

Without prejudice to the powers conferred by other Acts, in the cases stated in Article 57 Our Minister of War and Our Minister of the Navy have power

(a) to give directions to persons having rights over aerodromes concerning the control and the use of those aerodromes,

(b) to give directions to persons having rights over movables and immovables which are located on aerodromes, with regard to the control and the use thereof,

(c) to have works carried out on aerodromes,

(d) to have repairs made to the movables and immovables located on aerodromes,

(e) to have aerodromes and the buildings and installations belonging thereto, as well as factories, workshops and appurtenances which are serviceable to aviation, entered at all times,

all in agreement with Our Minister of Transport and *Waterstaat*.

Article 60.

The measures taken pursuant to Articles 58 and 59 give a right to compensation in accordance with rules to be laid down by Order in Council.

Article 61.

1. In the cases stated in Article 57 We can authorize Our Minister of War and Our Minister of the Navy to give orders—in agreement with Our Minister of Transport and *Waterstaat*—to persons who are in possession of a license issued pursuant to this Act, as well as to persons belonging to categories of personnel to be designated by Order in Council, such personnel being employed in behalf of air navigation.

2. Rules shall be laid down by Order in Council concerning the nature and the duration of the orders as well as the manner in which and the conditions on which they can be given, and also concerning compensation in respect of the orders issued. The legal status of persons who have received an order shall be regulated by Order in Council to conform as much as possible with that of the Civil Defence worker.

CHAPTER VI—PENALTIES

Article 62

1. Any person who contravenes one of the Articles 8, 14 (first paragraph, c), 16, 17 (first paragraph), 31, 32, 33, 34, 36, 37, 38 (fifth paragraph) or 74 shall be liable to detention for a period not exceeding one year or a fine of not more than three thousand guilders.

2. The pilot-in-command who contravenes one of the Articles 4, 13, 14 (first paragraph, a and b) or 17 (second paragraph) shall be liable to the same penalty.

3. In the case of contravention of a regulation made by or in virtue of an Order in Council under this Act, the main penalty prescribed by that Order in Council shall not be other than or higher than either detention for a period not exceeding four months or a fine of not more than a thousand guilders, or a fine not exceeding a thousand guilders.

4. The owner or operator of an aircraft who has air navigation performed or lets it be performed in contravention of one of the Articles 4, 8 of 16 shall be liable to detention for a period not exceeding one year or a fine of not more than three thousand guilders.

Article 63.

Contravention of one of the Articles 15 or 65 shall be punishable with imprisonment for a period not exceeding three months or a fine of not more than three hundred guilders.

Article 64.

1. On conviction for an offence against

(a) one of the Articles 4, 8, 13 and 17,

(b) a regulation of an Order in Council issued under this Act, in the cases in which this is stipulated in that Order in Council, the offender can be disqualified from operating an aircraft for a period not exceeding three years.

2. On application of the provisions of the first paragraph, a licence or certificate of validation shall cease to be valid for the duration of the disqualification as soon as the judgment of the court has become enforceable so far as this extra penalty is concerned. The appropriate official of the Public Prosecutor's Office shall immediately report this to Our Minister, who shall give notice thereof in the State Gazette.

Article 65.

Any person who knows or can reasonably be expected to know that he has been disqualified from operating an aircraft by court judgment, is forbidden to operate an aircraft during the period of his disqualification.

Article 66.

1. Any person who wilfully fails to comply with a requisition made under the terms of Article 58 shall be liable to imprisonment for a period not exceeding three years.

2. Any person who wilfully contravenes a direction given pursuant to Article 59 shall be liable to imprisonment for a period not exceeding two years.

3. Any person who wilfully fails to carry out an order given pursuant to Article 61 shall be liable to imprisonment for a period not exceeding two years.

Article 67.

1. Any person who fails to comply with a requisition made under the terms of Article 58 shall be liable to detention for a period not exceeding one year.

2. Any person who contravenes a direction given pursuant to Article 59 shall be liable to detention for a period not exceeding six months.

3. Any person who fails to carry out an order given pursuant to Article 61 shall be liable to detention for a period not exceeding six months.

Article 68.

Any person who performs an act with intent to obstruct the exercise of the powers stated in Articles 58, 59 and 61 shall be liable to imprisonment for a period not exceeding two years.

Article 69.

If an act made punishable in Articles 62, 63, 66-68, or in a regulation made by or in virtue of an Order in Council under this Act, is committed by or on behalf of a body corporate, the criminal proceedings can also be instituted against and a penalty also imposed on the person who gave orders for the act or who was in fact responsible for the forbidden action or omission.

Article 70.

The acts made punishable by Articles 63, 66 and 68 are crimes. The acts made punishable by Articles 62 and 67 are offences.

Article 71.

In addition to the persons designated by Article 141 of the Code of Criminal Procedure, the following persons are charged with the detection of acts made punishable by or in virtue of this Act:

- a. all other officers of the State Police and Municipal Police;
- b. the officers of Customs and Excise;
- c. the persons to be designated by Our Minister.

Article 72.

Our Minister can designate officials who are authorized in virtue of a special order in writing from Our Minister, assisted if necessary by

officers of the State Police or Municipal Police and at the expense of the offenders, to remove, to have removed, to prevent, to have prevented, to perform, to have performed, to restore or to have restored to the former state, anything that is or has been made or put up, undertaken or omitted, in contravention of this Act or regulations made in virtue of that Act. In the meantime such action shall not be taken until after the person concerned has been warned in writing and, if he so wishes, allowed to inspect the order.

Article 73.

1. Our Minister of Transport and *Waterstaat* can

(a) designate officials who are authorized to enter aerodromes designated for civil air traffic and the aircraft, buildings and installations located thereon, as well as factories, workshops and appurtenances thereof which may reasonably be supposed to be intended for the manufacture, maintenance or repair of aircraft or parts thereof, in order to satisfy themselves that the relevant statutory provisions are being complied with;

(b) designate persons who are authorized to forbid and to prevent the taking off of aircraft.

2. The power referred to in the first paragraph under (a) can likewise be exercised with respect to military aerodromes which may also be used by civil aircraft under the terms of their designation or an exemption granted in this connection and with respect to sections of military factories, workshops and appurtenances where civil aircraft are located, provided that everything is done in conformity with the directives issued by the military authorities.

3. If the buildings and installations, factories, workshops and appurtenances thereof referred to in the first paragraph under (a) are also dwellings or are only accessible through a dwelling, the officials referred to in the first paragraph under (a) shall not enter them against the will of the occupant except on presentation of a special order in writing from the mayor or magistrate. A procès-verbal of this entry shall be drawn up and a copy of it shall be delivered within forty-eight hours to the person whose dwelling has been entered.

Article 74.

1. The officials referred to in the first paragraph under (a) of Article 73 are pledged to secrecy concerning the knowledge that they have obtained of the activities performed in places which they enter pursuant to the provisions of that article, insofar as such secrecy is not contrary to regulations made in virtue of this Act or contrary to another Act.

2. Any person who wilfully infringes the secrecy imposed by the preceding paragraph shall be liable to imprisonment for a period not exceeding six months or a fine of not more than six hundred guilders, with or without disqualification from holding public office.

3. The person who is to blame for infringement of that secrecy shall be liable to detention for a period not exceeding three months or a fine of not more than three hundred guilders.

4. The acts made punishable by the second and third paragraphs shall be regarded as crimes. No prosecution shall take place except on a complaint lodged by the head or the manager of the business or the undertaking with respect to which the secrecy has been infringed.

Article 75.

On demand of the persons referred to in Article 71 the pilot-in-command and the other members of the crew of an aircraft are bound to hand over properly for inspection the documents required by or in virtue of this Act.

CHAPTER VII—FINAL PROVISIONS

Article 76.

1. Further regulations can be made by or in virtue of an Order in Council

(a) for the implementation of the provisions of the preceding chapters;

(b) for the promotion of the safety and the regularity of air navigation;

(c) concerning the construction, the equipment and the use of aerodromes;

(d) for the safeguarding of military interests;

(e) concerning the customs procedures with respect to persons and goods, including foreign currency and other property, which enter or leave the Netherlands by means of aircraft, including measures to ensure the payment of taxes due on the import and export of goods;

(f) concerning the use of helicopters, rockets, parachutes and model aircraft;

(g) concerning the training of aeroplane pilots;

(h) concerning the flying of kites;

(i) concerning the catapulting of aeroplanes;

(j) concerning the carriage of animals in aircraft.

2. In addition, the charges for the following can be regulated by or in virtue of an Order in Council:

(a) the use of State-owned aerodromes;

(b) activities performed by the State;

(c) services supplied by the State.

Article 77.

1. An offence against a regulation made by or in virtue of an Order in Council pursuant to the first paragraph (e) of Article 76 shall be prosecuted on behalf of Our Minister of Finance before the District Court in the manner referred to in the sixth title of the fourth book of the Code of Criminal Procedure. So long as the accused has not been summoned by or on behalf of Our Minister aforesaid, he can be allowed to effect settlement.

2. Aircraft with which, and goods in respect of which, a regulation as referred to in the first paragraph (e) of Article 76 has been contravened, can be seized for recovery of the penalty by the officials referred to in Article 71 or designated in accordance with Article 71 under c, and can be sold by execution. The things seized shall be handed over to a Collector of Customs or Excise.

Article 78.

Article 4 of the Code of Criminal Procedure shall be amended as follows:

a. the words "or aircraft" shall be inserted each time after the word "vessel";

b. the words "shipping business" shall be replaced by the word "business."

Article 79.

In Articles 22 (eighth paragraph), 24 (second paragraph), 27 (first paragraph), 37 (first and third paragraphs) and 44 of the Air Accident Act (Statute Book 1936, 522) the words "certificate of competency" shall be replaced each time by the word "licence."

Article 80.

1. The Act of July 30, 1926, Statute Book 249 (Aviation Act), shall be repealed.

2. The certificates of registration, certificates of airworthiness, licences and certificates of validation issued under the terms of that Act, insofar as they have not ceased to be valid in virtue of the provisions of that Act, shall remain valid until further arrangements in that respect have been made by Order in Council.

3. The designation of aerodromes shall remain in force with the old legal consequences for three years after the coming into operation of this Act, unless Our Minister revokes the designation at an earlier date. If the revocation is accompanied by simultaneous designation pursuant to this Act, Our Minister can refrain from applying all or part of Articles 20-23 insofar as the new designation relates to land which had already been designated.

4. The preceding paragraph shall be similarly applied to decisions taken concerning obstructive works and actions, pursuant to the Act referred to in the first paragraph.

Article 81.

This Act shall come into operation on a date to be determined by Us;

We can reserve the right to fix another date on which Article 56 shall come into operation.

Article 82.

This Act may be cited as the Aviation Act.

NEW ZEALAND

PRELIMINARY

The basic air law of New Zealand is the Civil Aviation Act, 1948, No. 12, as amended by the Civil Aviation Amendment Act, 1955, by the Shipping and Seamen Act, 1952, and by the Samoa Amendment Act, 1957. Section 7 of the Civil Aviation Act, 1948, was repealed by Section 515(1) of the Shipping and Seamen Act, 1952, and Section 12(4) was repealed by Section 45(1) of the Samoa Amendment Act, 1957.

Administrative matters are regulated by the New Zealand National Airways Act, 1945, No. 12, as amended, which is not reproduced here. The principal Act is found in New Zealand Statutes, 1945, p. 191. The amendments to this Act are as follows: National Airways Amendment Act, 1948, No. 73 (N.Z. Stat. 1948, p. 908); National Airways Amendment Act, 1956, No. 26 (N.Z. Stat. 1956, p. 163), the National Airways Amendment Act, 1957, No. 97 (N.Z. Stat. 1957, p. 942), and the Air Services Licensing Act, 1951, No. 25 (N.Z. Stat. Reprint 1908-1957, vol. 1, p. 177). The National Airways Amendment Act, 1948, No. 73, has been largely repealed or amended by the Air Services Licensing Act, 1951, No. 25. Thus, Sections 2(2), 3 to 12, 15 to 21, and 23, 25, and 26 were repealed by Section 54(1) of the Air Services Licensing Act. Sections 13(2) and 13(3) were amended by that Act. Other sections were repealed or amended by the National Airways Amendment Acts of 1956 and 1957 (Sections 24 (1956 Act), 2, 15(1), (2), 17, 24, 27(1) (1957 Act)).

The Civil Aviation Act, 1948, No. 12, as amended, is found in New Zealand Statutes Reprint, 1908-1957, vol. 2, p. 107.

THE CIVIL AVIATION ACT OF 1948 AS AMENDED 1955, No. 12

(Reprint of the statutes of New Zealand 1908-1957,
vol. 2, p. 107)

ANALYSIS

Title

1. Short title
2. Interpretation
3. Power to give effect to Convention and regulate civil aviation
 - 3A. Minister may establish, maintain, and operate air-dromes and facilities in connection with civil aviation
4. Special powers in case of emergency
5. Nuisance, trespass and responsibility for damage
6. Penalty for dangerous operation of aircraft
7. *Repealed*

8. Power to provide for investigation of accidents
9. General provision as to Orders in Council, etc.
10. Special provisions as to Crown
11. Appointment of Director of Civil Aviation
12. Application of Act to Cook Islands, Western Samoa, and other territories
13. Repeals and savings

An Act to provide for the regulation of civil aviation and to give effect to a Convention on International Civil Aviation signed on behalf of the Government of New Zealand at Chicago on the seventh day of December, nineteen hundred and forty-four.

Title.

[26th August, 1948]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Civil Aviation Act, 1948

Interpretation.

2. In this Act, unless the context otherwise requires,—
 “Aerodrome” means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, movement, and servicing of aircraft; and includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration;

“Aircraft” means any machine that can derive support in the atmosphere from the reactions of the air;¹

“Air navigation” means the operation of guiding an aircraft from one place to another, and includes the operation of fixing the position of an aircraft when required;

“Air traffic” includes the movement of aircraft on an aerodrome;

“Convention” means the Convention on International Civil Aviation signed on behalf of the Government of New Zealand in Chicago on the seventh day of December, nineteen hundred and forty-four, and includes the international standards and recommended practices and procedures adopted by the International Civil Aviation Organization, in pursuance of Article 37 of the Convention;

“Minister” means the Minister in Charge of Civil Aviation;²

“New Zealand” includes the Cook Islands, Western Samoa, the Tokelau Islands, and any other territory subject to the protection, trusteeship, or authority of the Government of New Zealand.

¹ Definitions of “aerodrome” and “aircraft” were substituted for the original definitions by section 2(1) of the Civil Aviation Amendment Act 1955, No. 40 (October 20, 1955).

² Definition of “Minister” was inserted by section 2(2) of the Civil Aviation Amendment Act 1955.

Power to give effect to Convention and regulate civil aviation.

3. (1) The Governor-General may from time to time, by Order in Council, make such regulations as appear to him to be necessary or expedient.

(a) For carrying out the Convention, any Annex thereto relating to international standards and recommended practices and procedures (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or

(b) Generally for regulating civil aviation.

(2) Without limiting the general powers hereinbefore conferred, it is hereby declared that regulations may be made under this section making provisions—

(a) For the licensing, inspection, and regulation of aerodromes, for access to, or for prohibiting or controlling access to, aerodromes and places where aircraft have landed, for access to factories for the purpose of inspecting work therein carried on in relation to aircraft, or parts thereof, or aviation equipment, and for prohibiting or regulating the use of unlicensed aerodromes;

(b) For minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air traffic or air navigation, and for prohibiting or regulating the use of any such apparatus;

(c) Regulating the display of signs and lights likely to endanger aircraft;

(d) Generally for securing the safety, efficiency, and regularity of air traffic and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property, and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

(e) Regulating the use of the civil air ensign and any other ensign authorized for purposes connected with civil aviation;

(f) Prescribing and regulating the charges, fees, or dues to be paid in respect of the use of aerodromes licensed or authorized under the regulations or in respect of the use of any facilities provided or services rendered at those aerodromes or in respect of the use of any facilities established or maintained for the purpose of providing for the safety and efficient operation of aircraft engaged in civil aviation;³

(g) Prescribing the fees to be paid in respect of the issue, validation, renewal, extension, or variation of any certificate, license, or other document or the undergoing of any examination or test required by

³ In subsection (2), par. (f) was substituted for the original par. (f) by section 3 of the Civil Aviation Act 1955 as of April 1, 1955.

the regulations and in respect of any other matters in respect of which it appears to the Governor-General in Council to be expedient for the purposes of the regulations to charge fees;

(h) For obtaining such information as may be required for the purposes of the regulations, and for the forms of applications, certificates, and other documents required under the regulations;

(i) Exempting from the provisions of the regulations or any of them any aircraft or persons or classes of aircraft or persons.

(3) Any regulations made under this section may provide for the imposition of penalties not exceeding a fine of two hundred pounds or imprisonment for a term of six months.

3A. (1) Subject to the provisions of subsection two of section 2 of the Ministry of Works Act 1943, the Minister may for the purposes of civil aviation establish, maintain, and operate aerodromes and services and facilities in connection with the operation of any aerodrome or with the operation of aircraft engaged in civil aviation.

Minister may establish, maintain, and operate aerodromes and facilities in connection with civil aviation.

(2) Without limiting the general powers hereinbefore conferred, it is hereby declared that the Minister may establish, maintain, and operate radio navigational aids, beacons, and lighting systems, air traffic control services, aeronautical communication services, buildings and accommodation, and such other services and facilities as the Minister thinks necessary for the purpose of providing for the safety and efficient operation of aircraft engaged in civil aviation.

(3) All works undertaken under the authority of this section are hereby declared to be public works within the meaning of the Public Works Act 1928.

(4) The powers conferred by this section are in addition to and not in derogation of any powers conferred by any other enactment and nothing in this section shall be construed to limit or affect the powers conferred on any person or authority by any other enactment.⁴

4. (1) In time of war, whether actual or imminent, or of national emergency, the Governor-General may, by Proclamation, regulate or prohibit, either absolutely or subject to such conditions as may be contained in the Proclamation, and notwithstanding the provisions of this Act or of any regulations made thereunder, the flight of all or any descriptions of aircraft over New Zealand or any portion thereof; and without limiting the generality of this provision, any such Proclamation may provide for taking possession of and using for the purposes of Her Majesty's Naval, Military, or Air Forces any aerodrome or any aircraft, machinery, plant, material, or

Special powers in case of emergency.

⁴ This section was inserted by section 4, Civil Aviation Amendment Act 1955.

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

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

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

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

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

Nuisance,
trespass, and
responsibility
for damage.

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

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

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

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

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

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

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

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

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

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

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

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

Penalty for dangerous operation of aircraft.

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

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

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

Wreck and salvage.

Power to provide for investigation of accidents.

7. Repealed by section 515(1) of the Shipping and Seamen Act of 1952.⁷

8. (1) The Governor-General may, from time to time, by Order in Council, make regulations providing for the investigation of any accident or any unusual or dangerous incident arising out of or in connection with air traffic or air investigation.

(2) Without limiting the generality of the foregoing provisions, regulations under this section may contain provisions—

(a) Requiring notice to be given of any such accident or incident as aforesaid in such manner and by such persons as may be specified in the regulations;

(b) Requiring a report to be made, in such manner and by such persons as may be specified in the regulations, of any mechanical or structural defect discovered during the operation of any aircraft;

(c) Prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorizing 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) Conferring on any person holding an investigation under the regulations the rights and powers of a Commission appointed under the Commissions of Inquiry Act, 1908, and applying all or any of the provisions of that Act accordingly;

(e) Authorizing or requiring the cancellation, revocation, suspension, endorsement, or surrender of any licence or certificate granted under this Act or under any Proclamation, Order in Council, or regulations made thereunder, where it appears on an investigation that the licence or certificate ought to be cancelled, revoked, suspended, endorsed, or surrendered, and for the production of any such licence or certificate for the purpose of being so dealt with.

(3) If any person contravenes or fails to comply with any regulations under this section he shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

9. (1) Any Proclamation, Order in Council, or regulations under this Act may apply generally throughout New Zealand, or within any specified part or parts thereof, and may apply to all aircraft or to any specified class or classes of aircraft.

General provision as to Orders in Council, &c.

⁷ As to wreck and salvage of aircraft: Part IX, Shipping and Seamen Act 1952. Assistance to aircraft: *ibid.* section 510. Removal of wreck, see also Harbours Act 1950, section 208.

(2) In so far as the by-laws of any local authority in force in any locality are inconsistent with or repugnant to the provisions of any Proclamation, Order in Council, or regulations under this Act in force in the same locality, the by-laws shall, in so far as they relate to aircraft and air traffic be deemed to be subject to the Proclamation, Order in Council, or regulations, notwithstanding that any such by-laws may have been made under some other Act.

(3) All Proclamations, Orders in Council, and regulations made under this Act shall be laid before the House of Representatives within twenty-eight days after the making thereof if Parliament is then in session, and, if not, then within twenty-eight days after the commencement of the next ensuing session.⁸

10. (1) This Act shall bind the Crown :

Special provisions as to Crown.

Provided that, except as provided by any other Act, nothing in this Act or in any Proclamation, Order in Council or regulations made under this Act shall apply to aircraft used for the purposes of any of Her Majesty's Naval, Military, or Air Forces.

(2) Nothing in this Act, or in any Proclamation, Order in Council, or regulations made under this Act shall prejudice or affect the rights, powers, or privileges of the Minister of Marine in respect of lighthouses.

11. (1) For the purposes of this Act there shall be an officer of the Air Department established under the Air Department Act, 1937, to be called the Director of Civil Aviation, who shall have such special duties and functions as may be conferred on him by regulations under this Act. The officer who, on the passing of this Act, holds office as the Director of Civil Aviation shall, without further appointment, be deemed to have been duly appointed as Director of Civil Aviation under this section.

Appointment of Director of Civil Aviation. 1937, No. 7.

(2) Section four of the Air Department Act, 1937, is hereby consequentially amended by repealing subsection two thereof.

12. (1) Except as otherwise provided by this section, this Act shall extend to and be in force in the Cook Islands, Western Samoa, the Tokelau Islands, and any other territory subject to the protection, trusteeship, or authority of the Government of New Zealand.

Application of Act to Cook Islands, Western Samoa, and other territories.

(2) The following provisions of this Act shall have no application in any of the said territories:—

- (a) Section seven;
- (b) Subsections two and three of section nine;
- (c) Subsection two of section ten.

(3) The amount of compensation payable to any person resident in any of the said territories under sub-

⁸ In subsection (3) the words "House of Representatives" replaced "both Houses of Parliament" (Legislative Council Abolition Act 1950, section 2(4)).

Repeals and
savings.

section three of section four hereof shall be fixed by agreement with the Minister of Island Territories or, in default of agreement, by arbitration in accordance with the Arbitration Act, 1908.

13. (1) The Air Navigation Act, 1931, and section four of the Statutes Amendment Act, 1939, are hereby repealed.

(2) The Samoa Aviation Regulations 1938 are hereby revoked.

(3) All Proclamations, Orders in Council, regulations, warrants, offices, appointments, registers, books, records, licences, certificates, notices, and generally all acts of authority that originated under any of the said enactments and are subsisting or in force on the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

(4) All matters and proceedings commenced under any of the enactments hereby repealed and pending or in progress on the passing of this Act may be continued and completed under this Act.

(5) All references in any unrepealed enactment to the Air Navigation Act, 1931, shall, unless the context otherwise requires, be hereafter read as references to this Act.

ANALYSIS

Title	2. Removing limitation as to borrowing by Corporation from Minister of Finance .
1. Short Title	

1956, No. 26

An Act to amend the New Zealand National Airways Act 1945
[25 October 1956]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the New Zealand National Airways Amendment Act 1956, and shall be read together with and deemed part of the New Zealand National Airways Act 1945 (hereinafter referred to as the principal Act).

2. Removing limitation as to borrowing by Corporation from Minister of Finance—Section twenty-four of the principal Act is hereby amended by omitting from subsection one the words “not exceeding five hundred thousand pounds”.

ANALYSIS

- Title
1. Short Title
2. Interpretation

3. Loans and advances by Corporation
4. Liability of Corporation as carrier
5. Borrowing powers
6. Reserves

1957, No. 97

An Act to amend the New Zealand National Airways Act 1945

[24 October 1957]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the New Zealand National Airways Amendment Act 1957, and shall be read together with and deemed part of the New Zealand National Airways Act 1945 (hereinafter referred to as the principal Act).

2. Interpretation—Section two of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister in Charge of Civil Aviation”.

3. Loans and advances by Corporation—(1) Subsection one of section fifteen of the principal Act is hereby amended by adding the following paragraph:

“(c) With the prior approval of the Minister, make loans or advances or give guarantees in respect of loans or advances to any person for or in connection with the establishment, maintenance, or operation within New Zealand of an air service or any service ancillary to an air service.”