

(3) In this section the expression "State land" means land which for the time being belongs to Saorstát Eireann either by virtue of Article 11 of the Constitution or by any other means (present or future) whatsoever.

54.—Nothing in this Act shall deprive the Minister for Posts and Telegraphs of any rights and remedies under the Telegraph Acts, 1863 to 1928, or any statutory adaptation thereof or substitution therefor made by or under the authority of the Oireachtas.

Saving of rights, etc., of Minister for Posts and Telegraphs.

PART VI.

TRESPASS AND NUISANCE BY AIRCRAFT, AND DANGEROUS FLYING.

55.—No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of the flight, so long as the provisions of Part II of this Act and any order made under the said Part II and any regulations made by virtue of any such order are duly complied with.

Restrictions on actions for damages in respect of trespass or nuisance by aircraft.

56.—(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of such aircraft and also (if such pilot or person in charge is not the owner of such aircraft) such owner shall each be severally guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the Court, either to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

Penalty for dangerous flying.

(2) In this section the word "owner" in relation to an aircraft includes any person to whom the aircraft is hired at the time of the offence.

(3) Where a person charged with an offence under this section is the owner and is not the pilot or in charge of the aircraft in respect of which such offence is alleged to have been committed, it shall be a good defence for such person to prove that on the occasion on which such offence is alleged to have been committed such aircraft was being flown without his actual fault or privity.