

Licensing and
registration of
aerodromes.

11. (1) No place or building shall be used as a public aerodrome unless it has been registered and licensed under this Act or approved by a prescribed authority.

(2) For the purposes of this section, "public aerodrome" means any aerodrome at which charges are levied for the landing or housing of aircraft, or at which aircraft carrying passengers or goods for hire land or depart:

Provided that a prescribed authority may, in such special circumstances and subject to such conditions or limitations as it may think fit, temporarily exempt any such aerodrome from this classification as a public aerodrome.

Trespass,
nuisance and
responsibility
for damage.

12. (1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an 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 the Convention are duly complied with.

(2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect, or default of the owner of the aircraft:

Provided that where material loss or damage is caused as aforesaid in circumstances in which—

(i) damages are recoverable in respect of the said loss or damage by virtue only of the foregoing provisions of this subsection; and

(ii) a legal liability is created in some person other than the owner to pay damages in respect of the said loss or damage:

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

Enquiries.

13. (1) Any board appointed to conduct any enquiry under the provisions of this Act shall, if the accident occurred or if the matter to be enquired into is situated within the Federation, have power to summon and examine witnesses on oath and to call for the production and grant inspection of books, logs, certificates, licences, and other documents. The laws and rules governing the magistrates' and subordinate courts of the Territory in which the enquiry is being held shall *mutatis mutandis* apply to procuring the attendance of witnesses, their examination, the production of books and documents and the like, and for that purpose the chairman of such