

the grant of any permission or approval, required by, or for the purpose of, this Order or any regulations made thereunder.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable. If, after such payment or deposit has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Governor, the Governor may, subject as hereinafter provided, refund the amount of such payment or deposit. Where the amount paid or deposited is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the Governor may refund the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Governor is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal:

Provided that, if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Governor the amount representing the balance of such fee shall be payable by the applicant.

In this paragraph and in the Thirteenth Schedule to this Order the expression "investigation" includes an inspection, examination, calculation or test.

(3) If the Governor is of the opinion that, owing to special circumstances existing in the Colony, any fee prescribed by the Thirteenth Schedule to this Order is not an appropriate fee to be charged in the Colony, he may by regulation substitute therefor such other fee as may to him appear appropriate and, on and after such date as may be appointed by the regulation, the said Thirteenth Schedule shall have effect in the Colony as if for the fee therein prescribed there were substituted such other fee.

Penalties

74.—(1) If any provision of this Order or of any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof, if the operator or, as the case may be, the commander is not the person who contravened that provision shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this Article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or of any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the