

## CHAPTER 67

An Act to consolidate the enactments relating to civil aviation, other than the Carriage by Air Act, 1932, and other than the enactments relating to the constitution and functions of the Airways Corporations. [24th November 1949.]

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

### PART I

#### CENTRAL ADMINISTRATION

1.—(1) It shall be lawful for His Majesty to appoint a Minister of Civil Aviation<sup>1</sup> (in this Act referred to as “the Minister”) who shall be charged with the general duty of organising, carrying out and encouraging measures for the development of civil aviation, for the designing, development and production of civil aircraft, for the promotion of safety and efficiency in the use thereof, and for research into questions relating to air navigation:

Provided that this subsection shall not authorise the production of civil aircraft by the Minister.

(2) The acquisition and disposal of aircraft, aero-engines and aviation equipment in discharge of the Minister's said duty shall be subject to the approval of the Treasury.

2. The Minister shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the name of the Minister were included in the first Part of the Schedule to that Act.<sup>2</sup>

<sup>1</sup> Now: Minister of Transport and Civil Aviation: section is repealed so far as it relates to the appointment of a Minister of Civil Aviation. See the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. I. 1953, No. 1204.

<sup>2</sup> Sections 2-4. Repealed by the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. I. 1953, No. 1204.

**PART I**  
**—cont.**  
**Appointment**  
**of officers,**  
**remuneration**  
**and expenses.**

**3.—(1)** The Minister may appoint a Parliamentary Secretary, and such other secretaries, officers and servants as he may with the consent of the Treasury determine.

**(2)** There shall be paid—

**(a)** to the Minister, an annual salary not exceeding five thousand pounds;

**(b)** to any Parliamentary Secretary appointed by the Minister, and to any other secretaries, officers and servants appointed by the Minister, such salaries or remuneration as the Treasury may determine,

and for the purposes of section six of the Ministers of the Crown Act, 1937 (which makes provision against duplicate salaries) any salary payable under this subsection to the Minister or to any Parliamentary Secretary appointed by him shall be deemed to be a salary payable under that Act.

**(3)** The salary of the Minister and his expenses (including any salaries or remuneration payable under paragraph *(b)* of the last foregoing subsection) shall be defrayed out of moneys provided by Parliament.<sup>2a</sup>

**Capacity to**  
**sit in House of**  
**Commons.**

**4.** A person holding office as Minister of Civil Aviation, or as Parliamentary Secretary to the Ministry, shall not thereby be rendered incapable of being elected as a member of the Commons House of Parliament, or of sitting or voting as such a member.<sup>2b</sup>

**Seal, style and**  
**ways of**  
**Minister.**

**5.—(1)** The Minister shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary to the Ministry or of any person authorised by the Minister to act in that behalf.

**(2)** The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by a secretary to the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

**(3)** A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

**(4)** The Documentary Evidence Act, 1868, shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary to the Ministry

<sup>2a</sup> See note 2 *supra*.

<sup>2b</sup> See note 2 *supra*.

or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.<sup>3</sup>

PART I  
—cont.

6.—(1) Any property vested in, right enjoyed by, or liability incumbent on the Secretary of State for the purposes of civil aviation immediately before the time of vesting shall without more vest in or devolve on the Minister.

Transfer to  
Minister of  
property,  
rights and  
liabilities  
relating to  
civil aviation.

(2) Any regulation, order, direction, appointment, determination, agreement, requirement or representation made or other thing done or proceeding taken by, to or before the Secretary of State for the purposes of civil aviation before the time of vesting, and in force or having effect at that time shall be treated as if it had been made, done or taken by, to or before the Minister and shall continue in force or have effect accordingly.

(3) A certificate by the Secretary of State and the Minister that any property, right or liability vested, enjoyed or incurred in or by the Secretary of State was or was not vested, enjoyed or incurred for the purposes of civil aviation, or that anything made, done or taken by, to or before the Secretary of State, was or was not made, done or taken for those purposes shall, in determining any question as to the effect of either of the two foregoing subsections, be conclusive of the matters certified.

(4) In this section the expression "time of vesting" means the passing of the Ministry of Civil Aviation Act, 1945.

7.—(1) The Minister may by order provide for delegating to a body appearing to him to be so constituted as to consist of—

Delegation of  
certain  
functions of  
Minister.

(a) persons substantially representative of the interests concerned with civil aviation (and in particular of operators, constructors and insurers of aircraft), and

(b) two persons appointed by the Minister, one as being an independent person and the other as being a person who has had not less than five years' professional experience as a pilot of civil aircraft,

such of the administrative functions of the Minister with respect to the matters to which this subsection applies as may be specified in the order, and for entrusting to that body such advisory functions in connection with any of the said matters as may be so specified; and an order under this section may direct that any fees for the time being prescribed by an Order in Council under section eight of this Act in relation to matters with respect to which functions are delegated under this section to such a body as aforesaid, shall be paid to, and may be retained by, that body.

<sup>3</sup> Section 5. Repealed by the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. I. 1953 No. 1204, except in relation to instruments made before the coming into operation of that order.

PART I  
—cont.

The matters to which this subsection applies are the design, construction and maintenance of aircraft, and matters connected therewith.

(2) An order under this section may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the order.

(3) An order under this section shall be made by statutory instrument and if the order delegates or entrusts any functions to such a body as aforesaid a draft of the statutory instrument shall be laid before Parliament.

(4) The Minister may contribute such sums as he may, with the approval of the Treasury, determine to the payment of any expenses which may be incurred by such a body as aforesaid for the purposes of an order under this section; and any sums required by the Minister for making contributions under this subsection shall be paid out of moneys provided by Parliament.

(5) Part VI of this Act applies to this section.

## PART II

## REGULATION OF CIVIL AVIATION

*General*

Power to  
give effect to  
Chicago  
Convention  
and regulate  
air navigation.

8.—(1) Whereas on the seventh day of December, nineteen hundred and forty-four at the International Civil Aviation Conference held at Chicago, there was signed on behalf of the Government of the United Kingdom a Convention on International Civil Aviation (hereinafter referred to as “the Chicago Convention”):

And whereas a copy of the final Act of the said Conference including (amongst other things) the text of the Chicago Convention was, on the fourth day of April, nineteen hundred and forty-five, presented to Parliament by command of His Majesty:

And whereas it is expedient to provide for giving effect to the Chicago Convention and to make further provision for the regulation of air navigation:

Now, therefore, His Majesty may by Order in Council make such provision as appears to Him to be requisite or expedient—

- (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (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 air navigation.

PART II

—cont.

(2) His Majesty may by Order in Council make provision—

- (a) as to the registration of aircraft in the United Kingdom ;
- (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the Order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the Order ;
- (c) 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 work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes ;
- (d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the Order except in accordance with provisions in that behalf contained in the Order, and for the licensing of those employed at aerodromes licensed under the Order in the inspection or supervision of aircraft ;
- (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the United Kingdom may fly, and as to the conditions under which aircraft may fly from one part of the United Kingdom to another ;
- (f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be specified in the Order ;
- (g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft ;
- (h) generally for securing the safety, efficiency and regularity of air navigation 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 ;

PART II  
—cont.

- (i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation ;
- (j) for regulating the making of signals and other communications by or to aircraft and persons carried therein ;
- (k) for regulating the use of the civil air ensign and any other ensign established by His Majesty in Council for purposes connected with air navigation ;
- (l) for prohibiting aircraft from flying over such areas in the United Kingdom as may be specified in the Order ;
- (m) for applying, adapting or modifying the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to His Majesty in Council to be requisite or expedient for the protection of the revenue, the importation of goods into the United Kingdom without payment of duty ;
- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the Order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document ;
- (o) for regulating the charges that may be made for the use of aerodromes licensed under the Order and for services provided at such aerodromes ;
- (p) for prescribing, subject to the consent of the Treasury, the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by the Order and in respect of any other matters in respect of which it appears to His Majesty in Council to be expedient for the purpose of the Order to charge fees ;
- (q) for exempting from the provisions of the Order or any of them any aircraft or persons or classes of aircraft or persons.

(3) An Order in Council under this section may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom but shall, so far as practicable, be so framed as not to discriminate

in like circumstances between aircraft registered in the United Kingdom operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.

PART II  
—cont.

(4) An Order in Council under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine of two hundred pounds and imprisonment for a term of six months, and, in the case of any provision having effect by virtue of paragraph (1) of subsection (2) of this section, may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the Order.

(5) There shall be paid out of moneys provided by Parliament—

- (a) any sums payable by His Majesty's Government in the United Kingdom by way of contribution to the expenses of the International Civil Aviation Organisation under the Chicago Convention ;
- (b) such expenses of any delegate, representative or nominee of His Majesty's Government in the United Kingdom appointed for any purposes connected with the Chicago Convention as may be approved by the Treasury ;
- (c) any expenses incurred by His Majesty's Government in the United Kingdom for the purposes of Chapter XV of the Chicago Convention (which relates to the provision of airports and other air navigation facilities) ; and
- (d) any other expenses incurred by a Government Department by reason of this section.

(6) There shall be paid into the Exchequer—

- (a) all sums received by His Majesty's Government in the United Kingdom by way of repayment of expenses incurred for the purposes of the said Chapter XV ; and
- (b) all sums received by way of fees paid under an Order in Council under this section other than fees which, under an order made under section seven of this Act are paid to any of the bodies to which functions of the Minister are delegated under that section.

(7) Part VI of this Act applies to this section.

9.—(1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order regulate or prohibit, either absolutely or subject to such conditions as may be contained in the order and notwithstanding

Control of  
aviation in  
time of war  
or emergency.

PART II  
—cont.

the provisions of this Act or any Order in Council or regulations made thereunder, the navigation of all or any descriptions of aircraft over the United Kingdom or any portion thereof; and may by order provide for taking possession of and using for the purposes of His Majesty's naval, military or air forces any aerodrome, or any aircraft, machinery, plant, material or things found therein or thereon, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, or flying school, or any class or description thereof.

(2) An order under this section may make, for the purposes of the order, such provision as an Order in Council under section eight of this Act may by virtue of subsection (4) of that section make for the purpose of securing compliance with provisions thereof having effect by virtue of paragraph (1) of subsection (2) of that section.

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

Provided that no compensation shall be payable by reason of the operation of a general order under this section prohibiting flying in the United Kingdom or any part thereof.

(4) The power to make an order under this section shall be exercisable by statutory instrument.

(5) Any expenses incurred by a Secretary of State in the exercise of his powers under this section shall be paid out of moneys provided by Parliament.

(6) Part VI of this Act applies to this section.

Investigation  
of accidents.

**10.**—(1) The Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation, and either occurring in or over the United Kingdom or occurring elsewhere to British aircraft registered in the United Kingdom:

Provided that regulations not relating only to civil aviation shall be made by the Secretary of State and the Minister acting jointly.

(2) Regulations under this section may contain provisions—

- (a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified in the order;

PART II  
—cont.

- (b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents any of the provisions of section three of the Notice of Accidents Act, 1894;
- (c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;
- (d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted under this Part of this Act or any Order in Council or order made under this Part of this Act, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed or surrendered, and requiring the production of any such licence for the purpose of being so dealt with:

Provided that nothing in this section shall limit the powers of any authority under sections five hundred and thirty to five hundred and thirty-seven of the Merchant Shipping Act, 1894, or any enactment amending those sections.

(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 fifty pounds or to imprisonment for a term not exceeding three months.

(4) Any expenses incurred by a Secretary of State or the Minister in the exercise of his powers under this section, including the expenses of any investigation under this section, shall be paid out of moneys provided by Parliament.

(5) Part VI of this Act applies to this section.

**11.**—(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 the aircraft, and also the owner thereof unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both. Dangerous flying.

In this section the expression "owner" in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(2) The provisions of this section shall be in addition to and not in derogation of the powers conferred on His Majesty in Council by section eight of this Act.

(3) Part VI of this Act applies to this section.

## PART II

—cont.

Air Transport  
Advisory  
Council.*Air Transport .*

12.—(1) His Majesty may by Order in Council provide for the constitution of an Air Transport Advisory Council consisting of a chairman, who shall be appointed by the Lord Chancellor and who shall be a barrister, advocate or solicitor of not less than seven years' standing, and such number of members appointed by the Minister (not being less than two nor more than four) as may be determined in accordance with the Order.

Of the members of the Council appointed by the Minister, at least one shall be a person of experience in the operation of air transport services, and at least one shall be a person of experience in the operation of other transport services.

No member of any of the Airways Corporations, and no person employed by any of the Airways Corporations, shall be qualified to be a member of the Council.

(2) It shall be the duty of the Air Transport Advisory Council to consider any representation from any person with respect to the adequacy of the facilities provided by any of the Airways Corporations, or with respect to the charges for any such facilities:

Provided that the Council shall not be required, by this subsection to consider any such representation if, in their opinion, it is frivolous or vexatious or if, in their opinion, the matters to which the representation relates have been already sufficiently considered by the Council, or if, in their opinion, it is inexpedient that they should consider the representation on the ground that the matters to which it relates are for the time being regulated by any international agreement to which His Majesty's government in the United Kingdom is a party.

(3) It shall be the duty of the Air Transport Advisory Council to consider any question which may be referred to the Council by the Minister, being:—

- (a) a question relating to facilities for transport by air in any part of the world, or relating to the charges for such facilities; or
- (b) a question which in the opinion of the Minister requires consideration with a view to the improvement of air transport services.

(4) When the Council have considered any such representation or question as aforesaid, they shall report to the Minister upon their conclusions, and shall make such recommendations to the Minister in connection with those conclusions as they think expedient.

(5) The Council may with the approval of the Minister appoint such assessors as they think expedient for the purpose of securing that they are properly advised with respect to matters affecting the interests of persons who use air transport services, or of any

class of such persons, and the interests of technical, professional, industrial and commercial bodies (including those of organised labour) directly concerned with the provision of air transport services.

(6) Any Order made under this section may contain such incidental and consequential provisions, including provisions for the payment of remuneration to members of the Council out of moneys provided by Parliament, provisions for the payment out of such moneys of expenses incurred in connection with the appointment of assessors by the Council, and provisions for determining the procedure of the Council, as His Majesty thinks expedient.

The procedure of the Council shall be such as to secure that no member of the Council shall sit to consider any representation or question which it is the duty of the Council to consider, if, in respect of the matters to which the representation or question relates, he has any special interest such as may tend to interfere with his impartial consideration of the representation or question.

(7) The Council shall be furnished by the Minister with such accommodation as appears to him to be requisite for the proper discharge of their functions, and with such clerks, officers and staff as appear to him, with the concurrence of the Treasury as to numbers, to be requisite for that purpose, and the Minister shall pay to the clerks, officers and staff of the Council such remuneration as he may with the approval of the Treasury determine.

(8) The Minister shall provide the Council with such information and other assistance as he thinks expedient for the purpose of assisting the Council to discharge their functions; and each of the Airways Corporations shall keep the Council informed of all services which are provided by them or which they intend to provide, and of the charges which the Corporation make or propose to make for any such services.

(9) The Council shall make an annual report to the Minister of their proceedings, and the Minister shall lay the report before each House of Parliament together with a statement of any action which has been taken by him in consequence of any recommendations submitted to him by the Council during the period to which the report relates.

(10) A draft of any Order proposed to be made under this section shall be laid before Parliament.

**13.**—(1) His Majesty may by Order in Council make provision—

Licensing of  
air transport  
and commercial  
flying.

(a) for securing that aircraft shall not be used in the United Kingdom by any person—

(i) for plying, while carrying passengers or goods for hire or reward, on such journeys or classes of

PART II  
—cont.

journeys (whether beginning and ending at the same point or at different points) as may be specified in the Order, or

- (ii) for such flying undertaken for the purpose of any trade or business as may be so specified, except under the authority of, and in accordance with, a licence granted to the said person by the licensing authority specified in the Order ;
- (b) as to the circumstances in which a licence under the Order may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the Order is to have regard in deciding whether to grant or refuse such a licence ;
- (c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence under the Order ;
- (d) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached ;
- (e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in the Order ;
- (f) for prescribing, subject to the consent of the Treasury, the fees to be paid in respect of the grant of any licence under the Order ;

and such an Order may make different provision as respects different classes of aircraft and different classes of licences.

(2) An Order in Council under this section may, for the purpose of securing compliance with the Order, provide for the imposition of penalties not exceeding, in the case of a first offence against the Order, a fine of twenty pounds or, in the case of a second or subsequent such offence, a fine of fifty pounds or imprisonment for a term of three months.

(3) The Minister shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty in Council to make under this section, and no further proceedings shall be taken in relation thereto except in pursuance of an Address presented to His Majesty by both Houses of Parliament praying that the Order may be made in the terms of the draft.

(4) The Minister may pay out of moneys provided by Parliament—

- (a) to the members of any licensing authority which may be constituted by an Order in Council under this section such remuneration (if any) as the Minister, with the approval of the Treasury, may determine ; and

- (b) the amounts necessary to defray such expenses of the said licensing authority as the Minister and the Treasury may approve.

PART II  
—cont.

The amount of any fee received under such an Order in Council by any such licensing authority shall be paid by that authority to the Minister, and, when received by him, shall be paid into the Exchequer.

(5) Part VI of this Act applies to this section so, however, that an Order in Council under this section shall not be laid before Parliament nor be subject to annulment in pursuance of a resolution of either House of Parliament.

14.—(1) His Majesty may by Order in Council make provision—

Information  
as to air  
transport  
undertakings  
and use of  
customs  
aerodromes.

- (a) for requiring any person—

(i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the Order, or

(ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the Order such information relating to the use of aircraft for the purpose of his said business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom, as may be prescribed by the Order;

- (b) for requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such of the provisions of the Order as relate to him;
- (c) for prescribing the times at which, and the form and manner in which, any information required under the Order is to be furnished:

Provided that a person carrying on such a business as is mentioned in sub-paragraph (i) of paragraph (a) of this subsection shall not be required to furnish information relating to the use of aircraft on journeys wholly outside the United Kingdom, or

PART II  
—cont.

relating to persons exclusively employed outside the United Kingdom, unless the person carrying on the business is either a British subject resident in the United Kingdom or a citizen of the Republic of Ireland resident in the United Kingdom or a body corporate incorporated under the law of some part of the United Kingdom.

(2) An Order in Council under this section may provide for imposing on any person who contravenes or fails to comply with any provision of the Order such penalties (not exceeding a fine of twenty pounds and a further fine of five pounds for every day on which the contravention or non-compliance continues after conviction therefor) as may be specified in the Order.

(3) No information with respect to any particular undertaking which has been obtained by virtue of an Order in Council under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such an Order, and if any person discloses any such information in contravention of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both.

Nothing in this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or of an Order in Council made under this section, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including arbitrations), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose, that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

(4) In this section the expression “customs aerodrome” means an aerodrome for the time being appointed in pursuance of an Order in Council in force under section eight of this Act as a place of landing and departure of aircraft for the purposes of the enactments relating to customs.

(5) Part VI of this Act applies to this section.

Terms and  
conditions of  
employment of  
persons  
employed by  
air transport  
undertakings.

15.—(1) The provisions of this section shall have effect for the purpose of securing that the terms and conditions of employment of persons employed by any independent undertaking constituted for the purpose of providing air transport services

or of carrying out other forms of aerial work shall, except in so far as those terms and conditions—

PART II  
—cont.

- (a) are regulated by or under any enactment other than this section ; or
- (b) are in accordance with an agreement for the time being in force between the undertaking and organisations representative of the persons employed ; or
- (c) are in accordance with any decision for the time being in force of a joint industrial council representing the undertaking and organisations representative of the persons employed ;

comply with the following requirement, that is to say, that they shall not be less favourable than the terms and conditions observed by the Airways Corporations in the case of persons engaged in comparable work, or, where the Airways Corporations do not observe the same terms and conditions for persons engaged in comparable work, are not less favourable than the terms and conditions observed for such persons by at least one of those Corporations.

(2) If any dispute arises as to whether the terms and conditions of any person's employment ought to comply with the requirement aforesaid, or as to what terms and conditions ought to be observed for the purpose of complying therewith, the dispute shall, if not otherwise disposed of, be referred by the Minister to the Industrial Court for settlement.

(3) Where any award has been made by the Industrial Court upon a dispute referred to that Court under this section, then, as from the date of the award or from such other date as the Court may direct, and subject to any subsequent variation or revocation of the award, it shall be an implied term of the contract between the employer and workers to whom the award applies that the terms and conditions of employment to be observed under the contract shall be in accordance with the award, except in so far as they are regulated by or under any enactment other than this section or are in accordance with any such agreement or decision as is mentioned in subsection (1) of this section.

No direction given by the Court for the purposes of the foregoing provisions of this subsection shall have the effect of making any award retrospective to a date earlier than the date on which the dispute to which the award relates first arose.

(4) In this section the expression " independent undertaking " means any undertaking other than the Airways Corporations.

## PART III

## AERODROMES AND OTHER LAND

*Minister's Aerodromes*

Minister's  
power to  
provide  
aerodromes.

**16.**—(1) The Minister may for the purposes of civil aviation establish and maintain aerodromes and provide and maintain in connection therewith roads, approaches, apparatus, equipment, and buildings and other accommodation:

Provided that nothing in this subsection shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with plans and sections previously approved in writing by the Minister of Transport and subject to such conditions as he may impose.

(2) The Minister shall appoint for each aerodrome vested in him an officer who shall be responsible to the Minister for all services provided on the aerodrome on behalf of the Minister, including signalling services, flying control services, and services connected with the execution of works.

(3) The Minister shall not provide any of the Airways Corporations with aerodrome facilities in connection with the operation of any charter service unless he is satisfied that comparable facilities are available, or can be made available if required, to persons other than the Airways Corporations in connection with the operation of a similar service, and are so available, or can be made so available if required, upon terms and conditions not less favourable than those upon which the facilities in question are provided by him for the Corporation concerned.

In this subsection the expression "aerodrome facilities" means any facilities connected with the use of an aerodrome, and the expression "charter service" means any service provided on charter terms.

Consultation  
with local  
bodies.

**17.** In the management and administration of any aerodrome vested in him the Minister shall make such provision as he thinks necessary to ensure that adequate facilities for consultation are provided for the local authorities in whose areas the aerodrome or any part thereof is situated, and for other local authorities whose areas are in the neighbourhood of the aerodrome, and for other organisations representing the interests of persons concerned with the locality in which the aerodrome is situated.

Sanitary  
control on  
Minister's  
aerodromes.

**18.**—(1) Without prejudice to their general duties under any Act of Parliament or otherwise, it shall be the duty of the Minister of Health and the Minister of Civil Aviation to make such arrangements as they think necessary—

(a) for preventing danger to public health from aircraft arriving at any aerodrome vested in or under the control of the Minister of Civil Aviation; and

- (b) for preventing the spread of infection by means of any aircraft leaving any such aerodrome, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

(2) A local authority may, and shall if the Minister of Health so requires, undertake duties in connection with the execution of any such arrangements as aforesaid; and the Minister of Health shall pay to a local authority such charges as the authority may reasonably require to be paid in respect of expenses incurred and services provided by the authority in the performance of such duties.

(3) Any reference in this section to a local authority shall be construed—

- (a) in relation to England, as a reference to any local authority for the purposes of the Public Health Act, 1936, any county council and any port health authority, and also any joint board of which all the constituent authorities are local authorities within the meaning of the preceding provisions of this paragraph;
- (b) in relation to Scotland, as a reference to a local authority for the purposes of the Public Health (Scotland) Act, 1945, and also a port local authority as defined in section one hundred and seventy-two of the Public Health (Scotland) Act, 1897;
- (c) in relation to Northern Ireland, as a reference to such authority as the Ministry of Health and Local Government for Northern Ireland may designate as the appropriate authority for the purposes of this section.

(4) The references in this section to the Minister of Health shall be construed in relation to Scotland as references to the Secretary of State, and in relation to Northern Ireland, as references to the Ministry of Health and Local Government for Northern Ireland.

#### *Local authorities' aerodromes*

**19.**—(1) Any local authority may, with the consent of the Minister and subject to such conditions as he may impose, establish and maintain aerodromes, and provide and maintain in connection therewith roads, approaches, apparatus, equipment and buildings and other accommodation:

Power of local  
authorities  
to provide  
aerodromes.

Provided that nothing in this section shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with plans and sections previously approved in writing by the Minister of Transport and subject to such conditions as he may impose.

**PART III**  
—cont.

(2) A local authority may, for the purpose of exercising any of the powers conferred on the authority by the foregoing subsection, acquire land by agreement or be authorised by the Minister to purchase land compulsorily.

(3) For the avoidance of doubts it is hereby declared that one of the purposes for which a local authority may acquire land under this section is the purpose of securing that the land adjacent to the site of an aerodrome which the local authority has established, or is about to establish, shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the aerodrome.

(4) The powers conferred on a local authority by the foregoing provisions of this section shall be exercisable by that authority outside, as well as within, its area.

(5) For the purpose of the purchase of land by agreement under this section, the Lands Clauses Acts, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, shall be incorporated with this Act.

(6) Where any land is held by a local authority for any purpose for which land may be acquired under this section, the local authority shall not, without the consent of the Minister, appropriate that land for any other purpose or dispose of the land in any way.

In relation to land in Scotland this subsection shall have effect as if for the words "shall not, without the consent of the Minister" there were substituted the words "shall have power, with the consent of the Minister, but not otherwise, to".

(7) Without prejudice to the provisions of the last foregoing subsection where a local authority to which section one hundred and sixty-five of the Local Government Act, 1933, applies holds any land solely for the purpose of securing that it shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving an aerodrome of the local authority, that section shall, notwithstanding that it is still requisite that the land should not be so used, have effect in relation to that land as if it authorised the local authority, with the consent of the Minister of Health, to sell the land subject to such conditions as the local authority thinks necessary to secure that the land will not be so used.

(8) A local authority may borrow for the purposes of this section.

(9) In this section the expression "local authority" does not include the council of a rural district in England or Wales, and the expression "land" includes any right in or over land.

20. If the Minister is satisfied, with respect to any aerodrome provided by a local authority under the last foregoing section, that it is necessary or expedient that the local authority should be empowered to carry on in connection with the aerodrome any particular business, being a business which appears to him to be ancillary to the carrying on of an aerodrome but which the authority would not otherwise have power to carry on, he may make an order authorising that local authority, subject to such conditions (if any) as may be specified in the order, to carry on that business in connection with the aerodrome.

## PART III

—cont.

Power to carry on ancillary businesses.

21.—(1) For the purposes of section nineteen of this Act— Provisions as to London.

(a) the London County Council may borrow under and in accordance with the London County Council (Finance Consolidation) Act, 1912;

(b) the Common Council of the City of London may borrow under the City of London Sewers Acts, 1848 to 1897.

(2) Section ninety-seven of the Local Government Act, 1933 (which applies the provisions of Part III of that Act relating to joint committees to the London County Council and to councils of metropolitan boroughs) shall in relation to the powers conferred on local authorities by or under the last two foregoing sections, have effect as if any reference in the said section ninety-seven to the council of a metropolitan borough included a reference to the Common Council of the City of London.

(3) The expenses of the Common Council of the City of London under the said section nineteen shall be defrayed out of the general rate.

22.—(1) His Majesty may by Order in Council direct that in Northern Ireland the powers conferred by or under the three last foregoing sections on a local authority shall, subject to any restrictions imposed by the Order in Council, be, and be deemed always to have been exercisable also by any statutory body specified in the Order in Council and that any of the said provisions shall, in relation to that body, have effect subject to such adaptations as may be so specified. Other statutory bodies in Northern Ireland.

(2) Part VI of this Act applies to this section.

*Ministers' power over land in connection with civil aviation*

23.—(1) The Minister shall for purposes of civil aviation and any purpose connected with the discharge of his functions have the like power to acquire land or any right in or over land by agreement under the Military Lands Acts, 1892 to 1903, as has a Secretary of State, and those Acts shall have effect accordingly with the necessary modifications, and in particular as though references to a military purpose included references to any such purposes as aforesaid. Power to acquire and manage land.

PART III  
—cont.

(2) The Minister may also acquire by agreement otherwise than under the said Acts any land, any estate or other interest in land, or any right in or in relation to land.

(3) The Minister may be authorised to acquire land compulsorily for any purpose connected with the discharge of his functions, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect with respect to the compulsory purchase of land in England or Wales by the Minister under this section as if in subsection (1) of section one of that Act, after paragraph (b) thereof, there were inserted the following paragraph:—

“(c) by the Minister of Civil Aviation under section twenty-three of the Civil Aviation Act, 1949”:

Provided that section three of that Act shall not have effect in relation to land acquired or proposed to be acquired by the Minister.

In this subsection the expression “land” includes any estate or other interest in land and any easement.

(4) For the purpose of the compulsory purchase by the Minister, under the last foregoing subsection, of land in Northern Ireland, His Majesty may by Order in Council provide for extending the Acquisition of Land (Authorisation Procedure) Act, 1946, to Northern Ireland, subject to any adaptations, modifications and exceptions which may be provided for by the Order.

(5) The Minister shall have power to manage, sell, let or exchange any land vested in him and to pay or receive money in respect of equality of exchange:

Provided that nothing in this subsection shall be taken to affect the operation of section five of the Defence of the Realm (Acquisition of Land) Act, 1916 (which confers on a person from whom land was acquired under that Act a right of pre-emption in the case of the subsequent sale of that land) as respects any land acquired under that Act.

(6) The Minister shall have power to manage and (subject to the terms of the lease) to sublet any land taken on lease by him or assign the lease.

(7) Where any person having an interest in land (hereinafter referred to as “the grantor”) grants or agrees to grant to the Minister any right (whether in perpetuity or for any other period and whether capable of subsisting as a legal estate or not) in or in relation to that land (including a right to enter upon that land, a right to carry out and maintain works on that land, a right to instal or maintain structures or apparatus on, under, over or across that land, and a right restrictive of the user of that land), the grant or agreement shall be binding upon any person deriving title or otherwise claiming under the grantor

to the same extent as it is binding upon the grantor, notwithstanding that it would not have been binding upon that person apart from the provisions of this subsection.

This subsection shall, in its application to Scotland, have effect as if after the words "the grant or agreement shall" there were inserted the words "on being recorded in the appropriate register of sasines".

(8) His Majesty may by Order in Council apply in relation to the Minister, with any necessary modifications or adaptations, the enactments specified in subsection (9) of this section so as to confer on the Minister all such powers, rights and privileges—

- (a) in relation to the acquisition and holding of land for the purpose of discharging any of his functions, and
- (b) in relation to the management, use and disposal in any manner of land acquired for that purpose,

as under the said enactments are, by virtue of any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, for the time being vested in the Secretary of State for Air in relation to the acquisition and holding of land for the use of the Air Force or for air force services or purposes and, in relation to the management, use and disposal of land acquired for use of the Air Force or for air force services or purposes.

(9) The said enactments are—

- (a) section six of the Defence Act, 1842;
- (b) sections two and five of the Ordnance Board Transfer Act, 1855;
- (c) the Defence Acts Amendment Act, 1873;
- (d) section two hundred and fifty-four of the Municipal Corporations Act, 1882;
- (e) Part II of the Military Lands Act, 1892.

(10) An Order in Council made under subsection (8) of this section may provide that any enactment applied by the Order shall be deemed always to have been so applied.

(11) Part VI of this Act applies to this section.

**24.**—(1) The Minister may, if he is satisfied that it is expedient so to do in order to secure the safe and efficient use for civil aviation purposes of any land which is vested in him or which he proposes to acquire, or in order to secure the provision of any services required in relation to any such land, or in order to secure that civil aircraft may be navigated with safety and efficiency, by order provide for the creation in his favour of easements over land, or of other rights in or in relation to land, including rights to carry out and maintain works on any land and to instal and maintain structures and apparatus on, under, over or across any land.

Power to  
obtain rights  
over land.

## PART III

*—cont.*

(2) Any such order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order, including, in particular, provisions for authorising persons to enter upon land for the purpose of carrying out, installing, maintaining or removing any works, structures or apparatus.

(3) No person shall, in the exercise of a power conferred by any such order, enter upon land which is occupied, unless, not less than seven days before the day upon which the entry is made, there has been served upon the occupier of the land a notice stating that an entry will be made upon the land upon that day in the exercise of powers conferred by the order, and specifying the purposes for which the entry will be made:

Provided that nothing in this subsection shall restrict the right of any person to enter upon land in a case of emergency or for the purpose of performing any functions which are required to be performed from time to time in connection with the maintenance or use of any works, structures or apparatus.

(4) Where any land is damaged in the exercise of any power of entry conferred by any such order, the Minister shall pay such compensation to the persons interested in the land as may be just; and where any dispute arises as to whether compensation is payable under this subsection, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

(5) The ownership of anything shall not be affected by reason only that it is placed on or under, or affixed to, any land in pursuance of any such order; and, so long as any such order is in force, no person shall, except with the consent of the Minister, wilfully interfere with any works carried out on any land in pursuance of the order, or with anything installed on, under, over or across any land in pursuance of the order.

(6) Subject to the special provisions of this Part of this Act relating to statutory undertakers, the provisions of the First Schedule to this Act shall have effect with respect to orders under this section.

(7) Where an order under this section provides for the creation of an easement over land held by a statutory undertaker for the purposes of the carrying on of his undertaking, or of any other right in or in relation to such land, then, if on a representation made to the appropriate Minister before the expiration of the time within which objections to the order may be made the appropriate Minister is satisfied that the easement or right could not be enjoyed without serious detriment to the carrying on of the undertaking, and certifies accordingly, the order shall be subject to special parliamentary procedure.

This subsection shall not extend to Northern Ireland.

(8) If any person contravenes the provisions of subsection (5) of this section he shall be liable on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds or to both; and every person who wilfully obstructs any person in the exercise of any power of entry conferred by an order under this section shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

(9) Proceedings under this section for an offence shall not, in England or Wales, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions, and shall not, in Northern Ireland, be instituted except by or with the consent of the Minister, or by the Attorney-General for Northern Ireland.

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

In this subsection the expression "director" includes any person occupying the position of director, by whatever name called.

**25.—**(1) The Minister may by order impose such prohibitions or restrictions on the use of any area of land or water as a place for the arrival and departure of civil aircraft as he thinks expedient for the purpose of securing that aircraft may arrive and depart with safety at any aerodrome vested in him or under his control:

Power to  
prohibit or  
restrict use  
of civil  
aerodromes.

Provided that nothing in this subsection shall authorise the imposition of any such prohibition or restriction in relation to tidal waters beyond those of the territorial waters of His Majesty's dominions which are adjacent to the United Kingdom.

(2) The provisions of Part I of the First Schedule to this Act shall have effect in relation to any order made under this section other than an order for the imposition of prohibitions or restrictions on the use of water; and in the case of an order for the imposition of prohibitions or restrictions on the use of water—

(a) the Minister shall, before making the order, publish notice of his intention to make the order in such

PART III  
—cont.

manner as he thinks best calculated to bring his intention to the notice of persons who will be affected thereby ; and

- (b) the Minister shall, immediately after the order has been made, publish in one or more newspapers circulating in the district to which the order relates a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours, and shall serve a like notice upon any person who in his opinion will be affected thereby.

(3) The provisions of Part II of the First Schedule to this Act and the provisions of the Second Schedule to this Act shall have effect with respect to orders under this section :

Provided that where any aerodrome was first established as such after the passing of the Civil Aviation Act, 1946 (that is to say, the first day of August, nineteen hundred and forty-six), no compensation shall be payable by reason of the imposition under this section of prohibitions or restrictions upon the use of that aerodrome unless it was so established with the consent of the Minister.

(4) Any person who contravenes the provisions of any order under this section shall be liable in respect of each offence—

- (a) on summary conviction thereof to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both ; and
- (b) on conviction thereof on indictment, to a fine not exceeding one thousand pounds or to imprisonment for a period not exceeding two years or to both.

(5) Any offence against any order under this section committed on tidal waters outside the ordinary jurisdiction of a court of summary jurisdiction may be tried and punished by such a court as if it had been committed in the nearest part of the United Kingdom which is within the ordinary jurisdiction of such a court :

Provided that nothing in this subsection shall in its application to Scotland be construed as conferring jurisdiction on any court of summary jurisdiction other than the sheriff court.

(6) Proceedings for an offence against any order under this section shall not, in England or Wales be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions, and shall not, in Northern Ireland be instituted except by or with the consent of the Minister, or by the Attorney-General for Northern Ireland.

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

In this subsection the expression "director" includes any person occupying the position of director, by whatever name called.

(8) In this section the expression "aerodrome" includes part of an aerodrome.

**PART III**  
—cont.

**26.**—(1) The Minister may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus vested in him, or which he proposes to acquire or instal, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the provisions of this section. Power to exercise control over land in the interests of civil aviation.

(2) Where any such order is in force, the Minister may, in pursuance of any general or special authority given by the order, give directions—

- (a) for requiring the total or partial demolition of any building or structure within the area to which the order relates ;
- (b) for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height ;
- (c) for extinguishing any private right of way over land within the area ;
- (d) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land within the area ;
- (e) for extinguishing, at the expiration of such period as may be determined by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land within the area ;
- (f) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land within the area.

**PART III**  
—cont.

(3) Any such order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order, including, in particular, provisions for empowering any person authorised in that behalf by the Minister, to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of any directions given under the order, any building, structure, tree or apparatus which contravenes those requirements.

(4) Any such order, other than an order relating to land in Northern Ireland, shall be subject to special parliamentary procedure.

(5) Before making any order under this section, the Minister shall consult every local authority within the area of which the whole or any part of the area of land to which the proposed order will relate is situated.

Notwithstanding anything in subsection (1) of section two of the Statutory Orders (Special Procedure) Act, 1945, the duty of the Minister to comply with the requirements of this subsection in relation to England or Wales shall not excuse him from the duty of complying with the requirements of the First Schedule to that Act.

(6) Subject to the special provisions of this Part of this Act relating to statutory undertakers, the provisions of the Third Schedule to this Act shall have effect with respect to directions given under an order made under this section.

(7) The powers of the Minister under this section shall not prejudice his power to acquire land for the purpose of securing the observance of any requirement or restriction which might have been imposed in relation to the land under this section.

Indication of  
presence of  
obstructions  
near licensed  
aerodromes.

**27.**—(1) If the Minister is satisfied, with respect to any building, structure or erection in the vicinity of an aerodrome to which this section applies that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions,—

(a) to execute, instal, maintain, operate, and, as occasion requires, to repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order, and

- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Minister shall, before making any such order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Minister thinks proper.

(3) Every such order as aforesaid shall provide—

- (a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and
- (b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Minister;

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be deter-

PART III  
—cont.

mined from time to time by a single arbitrator appointed by the Lord Chief Justice ; and, for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid ; and (subject to the provisions of the next following subsection) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed, in, on or over any land in pursuance of the order.

If any person contravenes the foregoing provisions of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both ; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(5) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection :

Provided that—

- (a) notice of the doing of that work is given as soon as may be to the proprietor of the aerodrome ; and
- (b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

(6) The following provisions shall have effect for the protection of statutory undertakers:—

- (a) any order made under this section affecting any property held by such undertakers for the purposes of their undertaking shall be so framed as to avoid interference with the proper carrying on of the undertaking ;
- (b) no person shall, except in a case of emergency, enter, in pursuance of such an order, upon any land held by

such undertakers for the purposes of their undertaking, unless he has given to the undertakers at least three clear days' notice of his intention so to do, and any person so entering on any such land shall comply with any reasonable directions given to him by or on behalf of the undertakers for preventing interference with the proper carrying on of the undertaking ;

**PART III**  
—*cont.*

- (c) if any such undertakers show that, by reason of the operation of such an order, they have been obliged to take special measures for the purpose of ensuring the safety of persons so entering on any such land or otherwise acting under the order in relation to any property of the undertakers, the amount of any expenses reasonably incurred by the undertakers in taking such measures shall be paid to them by the proprietor of the aerodrome to which the order relates, and any dispute as to whether any sum is payable under this paragraph, or as to the amount of any sum so payable, shall, unless the parties otherwise agree, be referred for determination to a single arbitrator appointed by the Lord Chief Justice.

Nothing in this subsection shall be taken to affect the general application of subsection (3) of this section.

(7) In this section—

- (a) the expression "aerodrome to which this section applies" means any premises which, by virtue of an Order in Council made under section eight of this Act, are for the time being licensed as an aerodrome for public use, but does not include any premises belonging to the Secretary of State or the Minister ; and
- (b) the expression "proprietor of the aerodrome" means, in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an aerodrome in those premises.

(8) Part VI of this Act applies to this section.

**28.**—(1) The Minister of Transport may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes, including the testing of aircraft designed for civil aviation, of any land vested in the Minister of Civil Aviation or the Minister of Supply,<sup>1</sup> or of any land which the Minister of Civil Aviation or the Minister of Supply proposes to acquire, by order authorise the stopping up or diversion of any highway.

**Power of Minister of Transport to stop up and divert highways, etc., in the interests of civil aviation.**

<sup>1</sup> See note 1 *Supra* as to "Minister of Transport and Civil Aviation."

PART III  
—cont.

(2) An order under subsection (1) of this section may provide for all or any of the following matters, that is to say—

- (a) for securing the provision or improvement of any highway so far as the Minister of Transport thinks such provision or improvement necessary or desirable in consequence of any such stopping up or diversion as aforesaid ;
- (b) for directing that any highway to be provided or improved in pursuance of the order shall be repairable by the inhabitants at large, and for specifying the authority which is to be the highway authority therefor ;
- (c) for directing that any highway to be provided or improved in consequence of the stopping up or diversion of a trunk road under the order shall itself be a trunk road for all or any of the purposes of the enactments relating to trunk roads ;
- (d) for the retention or removal of any cables, mains, pipes, wires or similar apparatus placed along, across, over or under any highway stopped up or diverted under the order, and for the extinguishment, modification or preservation of any rights as to the use or maintenance of that apparatus ;
- (e) if any highway is to be provided or improved under the order, for authorising or requiring the provision of any such apparatus as aforesaid along, across, over or under that highway, in lieu of any apparatus removed from a highway in pursuance of the order, and for conferring rights as to the use or maintenance of apparatus so provided ;
- (f) for requiring the Minister of Transport or any other specified authority or person—
  - (i) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is ascribable to the doing of any such work ; or
  - (ii) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the Restriction of Ribbon Development Act, 1935, as respects any highway stopped up or diverted under the order.

(3) An order under subsection (1) of this section may contain such consequential, incidental and supplemental provisions as appear to the Minister of Transport to be necessary or expedient for the purposes of the order.

(4) Any such order shall be subject to special parliamentary procedure.

PART III  
—cont.

The First Schedule to the Statutory Orders (Special Procedure) Act, 1945 (which sets out the notices to be given and the other requirements to be complied with before an order is made) shall apply in relation to orders made under this section, but shall, as it applies in relation to those orders, have effect as if paragraph 1 of the said Schedule included provisions:—

- (a) requiring notice of the order as proposed to be made to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order ;
- (b) requiring notice of the order as proposed to be made to be sent to every local authority in whose area any highway to be stopped up or diverted under the order, or any highway to be provided or improved under the order, is or will be situated ; and
- (c) requiring notice of the order as proposed to be made to be served upon any water, gas or electricity undertakers having any cables, mains, pipes or wires laid along, across, under or over any highway to be stopped up or diverted under the order.

In this subsection the expression “ local authority ” includes a parish council and the parish meeting of a rural parish not having a separate parish council.

(5) The powers of the Minister of Transport under subsection (1) of this section shall include power to make an order authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment ; and the provisions of this section shall not prejudice any power conferred upon the Minister of Transport by any other enactment to authorise the stopping up or diversion of a highway.

(6) The Minister of Transport may be authorised to purchase land compulsorily for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under subsection (1) of this section, or for any other purpose for which land is required in connection with such an order ; and, in relation to land in England or Wales, the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, except section two thereof, shall have effect as if, at the end of paragraph (b) of subsection (1) of section one thereof, there were inserted the words “ or under section twenty-eight of the Civil Aviation Act, 1949 ”.

(7) In the application of this section to Scotland—

(a) for paragraph (b) of subsection (2) there shall be substituted the following paragraph—

“ (b) for directing that any highway to be provided or improved in pursuance of the order shall

**PART III**  
—cont.

be maintained and managed by a county or town council and for specifying the council which is to be responsible for such maintenance and management ; ”

- (b) in subsection (4) for the references to the First Schedule to the Statutory Orders (Special Procedure) Act, 1945, and paragraph 1 thereof there shall be substituted respectively references to section two of that Act as it applies to Scotland and to subsection (1) of that section, and the words from “ In this subsection ” to the end of the subsection shall be omitted.

(8) The powers exercisable by the Minister of Transport under this section shall, as regards land in Northern Ireland, be exercisable by the Ministry of Commerce for Northern Ireland ; and accordingly the references to the Minister of Transport in this section, shall, in relation to land in Northern Ireland, be construed as references to the Ministry of Commerce for Northern Ireland :

Provided that this section shall, in its application to Northern Ireland as aforesaid, have effect as if—

- (a) for the words “ repairable by the inhabitants at large ” in paragraph (b) of subsection (2) there were substituted the words “ maintainable at the cost of a county or county district as the case may be ” ;
- (b) sub-paragraph (iii) of paragraph (f) of subsection (2) were omitted ;
- (c) subsection (4) were omitted ;
- (d) the following subsection were substituted for subsection (6)—

“ (6) The powers of compulsory acquisition of land exercisable by the Ministry of Commerce for Northern Ireland under subsection (3) of section thirty-four of the Roads Act (Northern Ireland), 1948, shall include the power to acquire lands compulsorily in accordance with the provisions of the said subsection, for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under subsection (1) of this section or for any other purpose for which land is required in connection with such an order, and the said Act shall have effect accordingly.

The powers conferred on the said Ministry by this subsection shall be exercisable in relation to any land notwithstanding that such land is the property of a statutory undertaker or is declared by any other enactment to be inalienable ”.

29.—(1) Where a Minister has, under or in pursuance of this Part of this Act, made an order—

PART III  
—cont.

- (a) authorising the compulsory purchase of land ;
- (b) providing for the creation in his favour of easements over land or of other rights in or in relation to land ; or
- (c) declaring that any area of land shall be subject to control by directions ;

Power of entry  
for purposes of  
survey.

or has under consideration the making of any such order, any person authorised in writing by that Minister may at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter upon any of that land in order to make any survey which the Minister requires to be made for the purpose of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made :

Provided that admission shall not, by virtue of this subsection, be demanded as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been served on the occupier.

(2) If any person obstructs a person so authorised as aforesaid in the exercise of any power conferred by this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(3) Proceedings under this section for an offence shall not, in England or Wales, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions, and shall not, in Northern Ireland, be instituted except by or with the consent of the Minister, or by the Attorney-General for Northern Ireland.

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

In this subsection the expression "director" includes any person occupying the position of director, by whatever name called.

(5) Where any land is damaged in the exercise of a power of entry conferred in pursuance of an authority given under this section, or in the making of any survey for the purpose of which any such power of entry has been so conferred, the Minister by whom the authority was given shall pay such compensation

**PART III**  
—cont.

to the persons interested in the land as may be just ; and where any dispute arises as to whether compensation is payable under this subsection, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

Special  
provisions  
relating to  
statutory  
undertakers.

**30.**—(1) Subject to the provisions of this section, the compensation to be paid to a statutory undertaker—

- (a) in respect of the compulsory purchase, in pursuance of this Part of this Act, otherwise than under section nineteen, of any land held by the undertaker for the purposes of the carrying on of his undertaking ;
- (b) in respect of the creation, by virtue of an order made under this Part of this Act, otherwise than under section nineteen, of any easement over any such land or of any other right in or in relation to such land ;
- (c) in respect of any direction under section twenty-six of this Act which affects any building, structure or apparatus held or used by him for the purposes of his undertaking, or which affects any of his rights to instal or maintain apparatus for those purposes, or which affects any right of way enjoyed by him for those purposes ;

shall in default of agreement be assessed by the arbitration of the tribunal constituted in accordance with the provisions of Part II of the Fourth Schedule to the Town and Country Planning Act, 1944, and the amount of the compensation shall be an amount calculated in accordance with the provisions of paragraph 2 of that Schedule.

Provided that, as respects compensation in respect of a compulsory purchase, if, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the Minister by whom the order was made that he elects that, as respects all or any of the land comprised in the purchase, the compensation shall be ascertained in accordance with the enactments, other than Rule (5) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, which would be applicable apart from the provisions of this subsection, the compensation shall be so ascertained.

(2) The said paragraph 2 shall have effect for the purposes of this section as if, in sub-paragraph (1) thereof, the words “under section twenty-five of this Act” were omitted, as if, at the end of the said sub-paragraph, there were inserted the following words—

- “(e) in the case of compensation in respect of the imposition of a requirement to demolish a building or

structure either wholly or in part, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value to that person of any materials derived from the demolished building or structure, or from the demolished part of the building or structure, as the case may be ;”

**PART III**  
—cont.

and as if, in sub-paragraph (4) thereof, any reference to the imposition of a requirement included a reference to anything which may be done by virtue of an order made under this Part of this Act.

(3) The foregoing provisions of this section as to the assessment of compensation shall not have effect—

- (a) in the case of the compulsory purchase of land, unless the appropriate Minister has, upon a representation made to him before the expiration of the time within which objections may be made to the compulsory purchase order, certified that the land is in respect of its nature or situation of such a kind that it is comparable less with the generality of land than with land held for the purpose of the carrying on of statutory undertakings ;
- (b) in the case of the creation of any easement over land or any other right in or in relation to land, unless the appropriate Minister has, upon a representation made to him before the expiration of the time within which objections may be made to the order providing for the creation of that easement or right, certified that the land in question is of such a kind as aforesaid ; and
- (c) in the case of any direction which affects a building or structure, unless the appropriate Minister has, upon a representation made to him before the expiration of the time within which an application may be made to the court with respect to the direction in accordance with the provisions of Part II of the First Schedule to this Act, certified that the building or structure is in respect of its nature or situation comparable less with the generality of buildings or structures than with buildings or structures held for the purpose of the carrying on of statutory undertakings.

(4) The provisions of the Fourth Schedule to this Act (being provisions substantially corresponding to sections twenty-six and twenty-seven of the Town and Country Planning Act, 1944 and to sections twenty-five and twenty-six of the Town and Country Planning (Scotland) Act, 1945) shall have effect for the purpose of making any adjustments of the functions of statutory undertakers which may be necessary in consequence of the provisions of this Part of this Act :

PART III  
—cont.

Provided that the references in that Schedule to an order made in pursuance of this Part of this Act shall not include a reference to any order made in pursuance of subsection (2) of section nineteen.

(5) In the application of this section to Scotland references to the Town and Country Planning (Scotland) Act, shall be substituted for references to the Town and Country Planning Act, 1945, but the references to enactments therein shall be the same except that in subsection (2) of this section for the words "section twenty-five" there shall be substituted the words "section twenty-four".

(6) This section shall not extend to Northern Ireland.

Displacements  
from land.

**31.**—(1) Where the Minister has acquired land for purposes connected with the discharge of his functions, or gives a direction in relation to any land under section twenty-six of this Act, and the use of the land by the Minister for those purposes, or, as the case may be, the execution of the direction, will involve the displacement of persons residing in premises on the land, it shall be the duty of the Minister, in so far as there is not other residential accommodation available on reasonable terms to the persons who require it in consequence of the displacement, being residential accommodation suitable to the reasonable requirements of those persons, to secure the provision of such accommodation in advance of the displacement:

Provided that the Minister shall not be required by virtue of this subsection to secure the provision of accommodation in advance of a displacement if he is satisfied that for reasons of exceptional public importance it is essential that the displacement should be effected before such accommodation as aforesaid can be found.

(2) Where upon the determination of any tenancy the Minister is entitled to possession of any building, or any part of a building, then, whatever may be the value or rent of the building or part of a building, the Minister may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy has expired or has been determined.

(3) The Minister may pay:—

- (a) to any person who is displaced in order that land may be used by the Minister for purposes connected with the discharge of his functions, such reasonable allowance as the Minister thinks fit towards the expenses of that person in removing;
- (b) to a person carrying on any business in a building from which he is so displaced, such reasonable allowance (in addition to any allowance paid under the foregoing

paragraph) as the Minister thinks fit towards the loss which, in the opinion of the Minister, that person will sustain by reason of the disturbance to his business consequent upon his having to quit the building.

PART III  
—*cont.*

In estimating any such loss as aforesaid the Minister shall have regard to the period for which the premises occupied by the person displaced might reasonably have been expected to be available for the purpose of his business, and to the availability of other premises suitable for that purpose.

(4) Where the Minister of Transport or the Ministry of Commerce for Northern Ireland acquires land in pursuance of this Part of this Act, the provisions of this section shall have effect in relation to that land as if the references therein to the Minister were references to the Minister of Transport or the said Ministry, as the case may be, and as if the references therein to purposes connected with the discharge of the functions of the Minister were references to the purposes for which the land is so acquired by the Minister of Transport or the said Ministry, as the case may be.

(5) In the application of subsection (2) of this section to Scotland, for the words from "whatever", to the end of the subsection there shall be substituted the words "at any time after the tenancy has expired or has been determined, the Minister may serve notice on the occupier of the building or part of the building requiring him to remove therefrom within a period of twenty-one days; and on the expiry of that period a certified copy of the notice to remove shall be sufficient warrant for ejection against the occupier or any party in his right in the event of non-compliance with the notice".

(6) In the application of subsection (2) of this section to Northern Ireland, the reference to the Small Tenements Recovery Act, 1838, shall be construed as a reference to Part IV of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935.

**32.**—(1) Section twenty-eight of the Town and Country Planning Act, 1944, and section twenty-seven of the Town and Country Planning (Scotland) Act, 1945 (which relate to consecrated land and burial grounds) shall, as respectively amended by the Town and Country Planning Act, 1947, and the Town and Country Planning (Scotland) Act, 1947, have effect in relation to any land acquired by the Minister as if the Minister had acquired that land under Part IV or Part III of the said Acts of 1947, as the case may be: Consecrate land and burial grounds.

Provided that the power of making regulations for the purposes of the said sections as applied by this section shall be exercisable by the Minister, and accordingly the references in subsection (3) of the said section twenty-eight to "the Minister"

PART III  
—cont.

and the references in subsection (2) of the said section twenty-seven to the Secretary of State shall be construed as including references to the Minister of Civil Aviation.

(2) Any statutory instrument containing regulations made by the Minister by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) When land has been acquired by the Minister of Transport in pursuance of this Part of this Act, the foregoing provisions of this section shall have effect as if the land had been acquired by the Minister of Civil Aviation, but with the substitution of references to the Minister of Transport for references to the Minister of Civil Aviation.

(4) This section shall not extend to Northern Ireland.

Registration  
of certain  
orders in the  
register of  
local land  
charges.

33.—(1) As soon as may be after any of the following instruments, that is to say—

- (a) an order under section twenty-four of this Act ;
- (b) an order under section twenty-five of this Act, other than an order for the imposition of prohibitions or restrictions on the use of water ; or
- (c) an order under section twenty-six of this Act or any direction given under such an order ;

becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of any local authority in whose area the land to which the instrument relates, or any part of that land, is situated.

In this subsection the expression “ local authority ” means the council of a county and the council of a county borough.

(2) As soon as may be after such an instrument has become operative it shall be the duty of the Minister to notify that fact to the proper officer of the local authority by whom the instrument is required to be registered as aforesaid, and to furnish to him all necessary information relating to the instrument.

(3) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section, and in this section the expression “ prescribed ” means prescribed by rules made in the exercise of that power.

(4) The foregoing provisions of this section shall not apply in Scotland, but where any such instrument as is mentioned in subsection (1) becomes operative, it shall be recorded in the appropriate register of sasines, and on being so recorded shall be enforceable against any person having or subsequently acquiring any estate or interest in the land to which the order or direction relates.

(5) The foregoing provisions of this section shall not apply to Northern Ireland but where any such instrument as is mentioned in subsection (1) adversely affects land in Northern Ireland, then—

- (a) if the land is registered land to which the Local Registration of Title (Ireland) Act, 1891, applies, the instrument on the lodgment by the Minister of a copy thereof with the Registrar of Titles shall, notwithstanding anything in the said Act or rules made thereunder be registered as a burden affecting the land and created after the first registration of the land, and may be so registered without the concurrence of the registered owner of the land or the production of the land certificate, without prejudice, however, to the power of the registering authority to order the production of the land certificate under subsection (2) of section eighty-one of the said Act ; and
- (b) if the land is not registered land to which the said Act applies, the instrument shall, on lodgment by the Minister of a copy thereof with the Registrar of Deeds for Northern Ireland, be registered in the Registry of Deeds, Northern Ireland, as an instrument affecting the lands to which the instrument relates.

34.—(1) Any notice required to be served on any person for the purposes of this Part of this Act may be served on him either by delivering it to him, or by leaving it at his proper address, or by post, so however that the notice shall not be duly served by post unless it is sent by registered letter. Notices.

(2) Any such notice required to be served upon an incorporated company or body shall be duly served if it is served on the secretary or clerk of the company or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person upon whom any such notice as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If it is not practicable after reasonable inquiry to ascertain the name or address of any owner, lessee or occupier of land on whom any such notice as aforesaid is to be served, the notice may be served by addressing it to him by the description of "owner," "lessee" or "occupier" of the land (describing it)

PART III  
—cont.

to which the notice relates, and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(5) In the application of this Part of this Act to Scotland, any provision therein requiring notice to be served on the owners, lessees, or occupiers of any land shall be deemed to be complied with if notice is served on all the persons appearing from the valuation roll to have an interest in the land, and any reference in this Part of this Act to owners, lessees, or occupiers shall be construed accordingly.

Service of a notice on a person so appearing to have an interest may be effected by sending the notice in a registered letter addressed to him at his address as entered in the valuation roll.

Exemptions  
from stamp  
duty.

**35.**—(1) Stamp duty shall not be payable on any conveyance of land, or on any instrument creating or disposing of any right in or in relation to land, being a conveyance or instrument to which the Minister of Civil Aviation is a party, if the Minister of Civil Aviation certifies that the duty would fall to be defrayed as part of his expenses.

(2) Stamp duty shall not be payable on any conveyance of land to which the Minister of Transport or the Ministry of Commerce for Northern Ireland is a party, if the Minister of Transport or that Ministry, as the case may be, certifies that the conveyance is made for the purpose of this Part of this Act, and that the duty would fall to be defrayed as part of his expenses.

(3) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the power of the Parliament of Northern Ireland to make laws) the foregoing provisions of this section shall be deemed to be provisions of an Act passed before the appointed day.

Compensation  
of officers.

**36.**—(1) The Minister shall by regulations provide for securing that where after the passing of the Civil Aviation Act, 1946, he acquires an aerodrome the following persons that is to say—

- (a) any person who immediately before the acquisition was employed by the aerodrome undertaking in full-time service wholly or mainly connected with the maintenance or use of the aerodrome; and
- (b) any person who, having been employed by the aerodrome undertaking before the acquisition in such service as is mentioned in the preceding paragraph, would have been within that paragraph but for any war service in which he has been engaged;

shall, in such cases, to such extent and subject to such conditions as the Minister thinks proper, be entitled to receive compensation

See note 1 *Supra* as to "Minister of Transport and Civil Aviation."

from the Minister for damage sustained by them in respect of their employment or their opportunities of re-employment, being damage attributable to the acquisition of the aerodrome.

PART III  
—cont.

(2) Regulations made under this section may include such incidental, consequential and supplemental provisions, including provisions with respect to the procedure for determining questions, as the Minister thinks expedient for the purposes of the regulations.

(3) No regulations shall be made under this section unless a draft of the instrument containing the regulations has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) In this section the expression "war service" means service in any of His Majesty's forces and such other employment as may be prescribed by regulations made under this section.

### *Supplemental*

37.—(1) Any two justices of the peace may appoint such persons as may be nominated for the purpose by the Minister to be special constables on any premises for the time being vested in the Minister or under his control. Power to appoint special constables.

(2) Every person so appointed shall be sworn in by the justices duly to execute the office of a constable on the premises aforesaid, and when so sworn in shall, on those premises, have the powers and privileges and be liable to the duties and responsibilities of a constable.

(3) Special constables appointed under this section shall be under the exclusive control of the Minister, and the Minister shall have power to suspend or terminate the appointment of any such special constable.

(4) In the application of this section to Scotland, references to two justices of the peace shall be construed as references to the magistrates of a burgh or to the council of a county, as the case may be, and references to swearing in shall be construed as references to making a declaration in the form and manner prescribed in section seventy-nine of the Burgh Police (Scotland) Act, 1892, and section eleven of the Police (Scotland) Act, 1857, respectively.

38.—(1) If any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Order in Council under section eight of this Act, he shall be liable, on summary conviction to a fine not exceeding five pounds: Trespassing on licensed aerodromes.

Provided that no person shall be liable to any penalty under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were

**PART III**  
—cont.

posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

(2) Part VI of this Act applies to this section.

**Expenses of  
Part III.**

**39.**—(1) Any expenses incurred by the Minister of Transport or the Ministry of Commerce for Northern Ireland in consequence of the passing of this Part of this Act shall, to such extent as the Treasury may direct, be defrayed by the Minister of Civil Aviation or by the Minister of Supply.

(2) Any expenses incurred by the Minister of Supply by reason of any such direction as aforesaid shall be defrayed out of moneys provided by Parliament.

(3) Except in so far as any expenses incurred by the Minister of Transport in consequence of the passing of this Part of this Act fall, by virtue of any such direction as aforesaid, to be defrayed by the Minister of Civil Aviation or the Minister of Supply, or fall to be defrayed out of the Road Fund under any other Act, they shall be defrayed out of moneys provided by Parliament.

(4) There shall be defrayed out of moneys provided by Parliament any such increase in the sums payable into the Road Fund out of moneys so provided as is attributable to the passing of this Part of this Act.

(5) Any expenses incurred by the Minister, the Minister of Health or the Secretary of State in consequence of the passing of this Part of this Act shall be defrayed out of moneys provided by Parliament.

## **PART IV**

### **LIABILITY FOR DAMAGE, ETC., CAUSED BY AIRCRAFT**

**Liability of  
aircraft in  
respect of  
trespass,  
nuisance and  
surface  
damage.**

**40.**—(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 Part II and this Part of this Act and any Order in Council or order made under Part II or this Part of this Act 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

\* See note 1 *Supra* as to "Minister of Transport and Civil Aviation."

In Subsection (3) the words "or fall to be defrayed out of the Road Fund under any other Act" and Subsection (4), are repealed on the winding up of the Road Fund by the Miscellaneous Financial Provisions Act, 1955 (c. 6) Section 4(4), Sch. II, Part. II.

PART IV  
—cont.

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—

- (a) damages are recoverable in respect of the said loss or damage by virtue only of the foregoing 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 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.

**41.**—(1) An Order in Council under section eight of this Act may provide for regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes and may provide that subsection (2) of this section shall apply to any aerodrome as respects which provision as to noise and vibration caused by aircraft is so made. Nuisance caused by aircraft on aerodromes.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of an Order in Council under section eight of this Act, as long as the provisions of any such Order in Council are duly complied with.

**42.**—(1) Subject to the provisions of this Part of this Act, where a person or his estate is liable to pay damages by reason of loss or damage which, after the appointed day, is caused on any one occasion to persons or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing, his or, as the case may be, his estate's total liability to pay damages by reason of the loss or damage shall be limited in accordance with the provisions of the Fifth Schedule to this Act; Limitation of liability.

Provided that a person or, as the case may be, his estate shall not be entitled to the benefit of this section in relation to any such loss or damage as aforesaid in any case in which it is proved that the loss or damage is attributable to his wilful misconduct or to wilful misconduct on the part of any of his servants or agents, unless (in a case where the loss or damage is attributable to wilful misconduct on the part of any of his servants or agents) it is proved that the loss or damage occurred without his actual fault or privity.

**PART IV**  
**—cont.**

(2) Any reference in this Act to the total limit of liability appropriate to an aircraft shall be construed as a reference to the total amount to which a person could, in the circumstances mentioned in the foregoing subsection, limit his liability to pay damages in respect of loss or damage caused on any one occasion by that aircraft, whether to persons or to property; and any reference in this Act to the limit of liability for property claims appropriate to an aircraft shall be construed as a reference to the amount to which a person could, in such circumstances, limit his liability to pay damages in respect of loss or damage caused on any one occasion by that aircraft, if that loss or damage were only loss of, or damage to, property.

(3) Without prejudice to the operation of the next following section, a person or, as the case may be, his estate shall not be entitled to the benefit of this section in relation to any loss or damage, if, at the time of the happening of the event which was the cause of the loss or damage, he was not the owner of the aircraft concerned and was in, or in possession or control of, the aircraft without the authority or permission of the owner thereof.

(4) Where any person or the estate of any person is alleged to be under any liability in respect of such loss or damage as is mentioned in subsection (1) of this section, and several claims for damages are made or apprehended in respect of that liability, the said person or his personal representative, as the case may be, may make application to the High Court, and thereupon the court may assess the liability to pay damages, and determine whether, and, if so, to what amount, it can be limited under this section, dealing separately, if need be, with such of the claims as are in respect of loss of or damage to property, and, if the liability can be so limited, may distribute the amount thereof among the several claims on the following principles:—

- (a) if the claims are solely in respect of loss of life or personal injury or solely in respect of loss of, or damage to, property, the amount of the liability shall be distributed rateably;
- (b) if there are claims both in respect of loss of life or personal injury and in respect of loss of, or damage to, property, one-half of the total limit of liability appropriate to the aircraft concerned shall be appropriated, so far as necessary, to meeting claims for loss of life or personal injury and shall be distributed rateably among them, and the other half shall be distributed rateably among all the claims, including claims in respect of loss of life or personal injury if and so far as they exceed the aforesaid appropriation.

PART IV  
—cont.

(5) Where an application is made to the court under the last foregoing subsection, the court may stay any proceedings pending in any other court in relation to the same matter, and may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the person by whom the application to the court was made.

(6) Nothing in this or the last but one foregoing section shall affect the operation of the Carriage by Air Act, 1932, or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

43.—(1) Subject to the provisions of this section, a person shall not fly, or cause or permit any other person to fly, an aircraft, unless there is in force in relation to the flying of the aircraft by that person or that other person, as the case may be,—

Compulsory  
third-party  
insurance.

- (a) a policy of insurance issued by an authorised insurer which, subject to any restrictions or conditions specified therein, insures the owner of the aircraft against all liability which he may incur in respect of loss or damage caused to persons or property on land or water by, or by any person in, or any article or person falling from, the aircraft while in flight, taking off or landing, or
- (b) a security given by an authorised giver of securities, being a security which consists of an undertaking by the giver of the security to make good, subject to any restrictions or conditions specified therein, any failure by the owner of the aircraft to discharge any such liability as aforesaid ;

and a person or, as the case may be, his estate shall not be entitled to the benefit of the last foregoing section in relation to any claim made in respect of such loss or damage as aforesaid, unless it is proved that such a policy or security as aforesaid was in force in relation to the flying of the aircraft concerned at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, or, if the claim is made against the person who at that time was the owner of the aircraft or against his estate, that the aircraft was then in the possession or control of some other person without the authority or permission of the owner.

(2) If any person contravenes 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 or to both.

PART IV  
—cont.

(3) The foregoing provisions of this section shall not apply to an aircraft of which, at the material time, the owner is a local authority, a police authority or the Receiver for the Metropolitan Police District, or which, at that time, is being used for police purposes by, or under the direction of, a police officer or by a person employed by a police authority or employed by the said receiver, and shall not apply to any aircraft if and so long as the owner thereof has deposited, and keeps deposited, with the Accountant-General of the Supreme Court of Judicature in England, for and on behalf of that court, an amount at least equal to the total limit of liability appropriate to that aircraft or, where he is the owner of three or more aircraft, an amount at least equal to the aggregate of the two greatest of the total limits of liability appropriate to those aircraft respectively.

(4) For the purpose of this section except as it applies in Northern Ireland any person or body of persons carrying on in Great Britain marine, aviation and transit insurance business shall be an authorised insurer:

Provided that—

- (a) an assurance company which, immediately before the twenty-ninth day of October, nineteen hundred and forty-five, was carrying on in Great Britain assurance business of any class to which the Assurance Companies Act, 1909, applies in compliance with such of the provisions of that Act as then applied to the company and to that class of business; and
- (b) an association as respects which an order is for the time being in force under paragraph 3 of Part III of the Second Schedule to the Assurance Companies Act, 1946,

shall not for that purpose be an authorised insurer, unless it is a body corporate having a paid up share capital of not less than fifty thousand pounds (as required by section two of the said Act of 1946).

For the purposes of paragraph 1 of Part V of the said Second Schedule (which authorises the Board of Trade by regulations to adapt references in that Schedule to the said limit of fifty thousand pounds) the proviso to this subsection shall be treated as if contained in that Schedule.

(5) For the purpose of this section as it applies in Northern Ireland any person or body of persons carrying on in the United Kingdom marine, aviation and transit insurance business shall be an authorised insurer:

Provided that—

- (a) an insurance company which, immediately before the first day of December, nineteen hundred and forty-six,

was carrying on in the United Kingdom assurance business of any class to which the Assurance Companies Act, 1909, applies in compliance with such of the provisions of that Act as then applied to the company and to that class of business; and

PART IV  
—cont.

- (b) an association as respects which an order is for the time being in force under paragraph 3 of Part III of the Second Schedule to the Assurance Companies Act (Northern Ireland), 1947,

shall not for that purpose be an authorised insurer unless it is a body corporate having a paid-up share capital of not less than fifty thousand pounds (as required by section two of the said Act of 1947).

For the purposes of paragraph 1 of Part V of the said Second Schedule (which authorises the Ministry of Commerce for Northern Ireland by regulations to adapt references in that Schedule to the said limit of fifty thousand pounds) the proviso to this subsection shall be treated as if contained in that Schedule.

No limitation on the powers of the Parliament of Northern Ireland contained in the Government of Ireland Act, 1920, shall preclude that Parliament from amending or repealing the provisions of this subsection.

(6) In this section:—

- (a) the expression “authorised giver of securities” means either an authorised insurer or a body of persons which carries on in the United Kingdom the business of giving securities of the kind required by this Part of this Act, and which has deposited and keeps deposited with the Accountant-General of the Supreme Court of Judicature in England, for and on behalf of that Court, the sum of fifteen thousand pounds in respect of that business; and
- (b) the expression “local authority” except in relation to Scotland means the council of a county, county borough, metropolitan borough or county district, the common council of the City of London, or any joint board or joint committee which is so constituted as to include among its members representatives of any such council and in relation to Scotland means any county, town or district council, or any joint committee which is so constituted as to include among its members representatives of any such council.

**PART IV****—cont.**

Certificates of insurance or security.

**44.** A policy of insurance or a security shall be of no effect for the purposes of the foregoing provisions of this Part of this Act, unless and until there is delivered by the insurer to the person by whom the policy is effected, or by the giver of the security to the person to whom it is given, a certificate in such form, and containing such particulars with respect to the policy or security, as may be prescribed by the Minister, and any such certificate relating to a policy or certificate relating to a security is hereafter in this Act referred to as a "certificate of insurance" or "certificate of security," as the case may be.

Rights under policies, etc.

**45.** The provisions of the Sixth Schedule to this Act (being provisions which, subject to certain adaptations, modifications and exceptions, correspond with the provisions of the Road Traffic Acts, 1930 and 1934, referred to in the margin of the said Schedule) shall have effect in relation to policies of insurance, securities and deposits required for the purposes of the foregoing provisions of this Part of this Act.

Offences in connection with policies, etc.

**46.**—(1) If any person, with intent to obtain for himself or any other person such a policy of insurance or such a security, as is required by this Part of this Act, fails to disclose a fact which he knows to be a material fact, or makes a representation of fact which he knows to be false in a material particular, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both.

(2) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both.

Survival of causes of action in Northern Ireland.

**47.** Except in so far as the Parliament of Northern Ireland may otherwise enact, the provisions contained in the Seventh Schedule to this Act (which, subject to certain adaptations, modifications and exceptions, correspond with provisions of the Law Reform (Miscellaneous Provisions) Act, 1934, relating to the survival of causes of action) shall have effect in Northern Ireland with respect to causes of action in respect of loss or damage which after the appointed day is caused to persons or property on land or water by, or by persons in, or articles or persons falling from, aircraft while in flight, taking off or landing.\*

Power to give effect to Rome Convention.

**48.**—(1) Whereas a Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface was, on the twenty-ninth day of May, nineteen

\* Section 47. Repealed by the Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1954 (c. 26) (N. I.), Section 6(2)(b).

hundred and thirty-three, signed in Rome on behalf of His Majesty, and a copy of that Convention has been laid before each House of Parliament:

**PART IV**  
—cont.

And whereas it is expedient that provision should be made for giving effect to the said Convention:

Now, therefore, His Majesty may, if it appears to His Majesty in Council to be necessary or expedient so to do for the purpose of giving effect to the said Convention, make an Order in Council—

(a) directing—

(i) that the provisions set out in the Order shall, in relation to aircraft registered in any such country other than the United Kingdom as may be specified in the Order, have effect in lieu of the provisions of this Part of this Act, save section forty-one; or

(ii) that all or any of the said provisions shall, in relation to such aircraft as aforesaid, have effect subject to such modifications, adaptations and exceptions as may be specified in the Order;

(b) making such provision as appears to His Majesty in Council to be required for securing that an aircraft registered in the United Kingdom shall not leave the United Kingdom on a flight to or over any such country as aforesaid, unless there is on board the aircraft a certificate relating to a policy of insurance, a security or a deposit of money in respect of the aircraft, being a certificate in such form, and issued by such person, and containing such particulars, as may be prescribed by the Order.

(2) If the Convention recited in the foregoing subsection is amended by any Convention or agreement to which His Majesty or His Majesty's Government in the United Kingdom is a party, the said subsection shall have effect as if any reference therein to "the said Convention" were a reference to the first-mentioned Convention as so amended.

**49.—(1) In this Part of this Act—**

"certificate of insurance" and "certificate of security" have the meanings assigned to them by section forty-four of this Act.

Supplemental  
provisions for  
Part IV.

"material", in relation to any fact or particular, means of such a nature as to influence the judgment of a prudent insurer or giver of securities in determining whether he will take the risk or provide security, and,

**PART IV**  
—cont.

if so, at what premium or for what consideration, as the case may be, and subject to what restrictions and conditions ;

“ policy of insurance ” includes a covering note.

(2) Where the aircraft concerned has been bona fide demised, let or hired out for any 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 Part of this Act shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

(3) Part VI of this Act applies to this Part of this Act.

Commence-  
ment of  
certain  
provisions in  
Part IV.

**50.** The provisions of sections forty-two to forty-eight of this Act shall not come into operation until such day as the Minister may by order appoint, and references in this Part of this Act to the appointed day shall be construed as references to the beginning of the day so appointed.

An order under this section shall be made by statutory instrument.

**PART V**

**MISCELLANEOUS**

Application  
of law of  
wreck and  
salvage to  
aircraft.

**51.**—(1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel ; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

The foregoing provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of His Majesty's dominions.

(2) His Majesty may by Order in Council direct that any provisions of any Act for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, apply in relation to aircraft as those provisions apply in relation to vessels.

(3) For the purposes of this section, any provisions of an Act which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck, and the expression "Act" shall be deemed to include any local or special Act and any provisions of the Harbours, Docks and Piers Clauses Act, 1847, as incorporated with any local or special Act, whenever passed.

PART V  
—cont.

(4) Part VI of this Act applies to this section.

52.—(1) The power of His Majesty in Council under sub-section (1) of section four hundred and eighteen of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

Application to  
seaplanes of  
regulations as  
to ships.

- (a) between seaplanes on the surface of the water, and
- (b) between vessels and seaplanes on the surface of the water ;

and accordingly the said section and sections four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, except that—

- (i) the reference in subsection (1) of the said section four hundred and eighteen to the Admiralty and the Minister of Transport shall be construed as including a reference to the Secretary of State and the Minister of Civil Aviation ;
- (ii) for the purposes of subsection (2) of the said section four hundred and eighteen and for the purposes of the said section four hundred and twenty-four, sections four hundred and eighteen, four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, shall be deemed to be the only provisions of Part V of that Act relating to the collision regulations or otherwise relating to collisions ; and
- (iii) any reference in the said section four hundred and nineteen to the master or to the person in charge of the deck shall be construed as a reference to the pilot or other person on duty in charge of the seaplane.

In this subsection the expression "vessels" has the same meaning as in the Merchant Shipping Act, 1894.

(2) For the purpose of the Dockyard Ports Regulation Act, 1865, seaplanes when on the surface of the water shall be deemed to be vessels :

Provided that the persons on whose recommendation rules under section seven of that Act may be made shall, in the case

\* See note 1 *Supra*.

PART V  
—cont.

of rules relating to seaplanes, include the Secretary of State and the Minister of Civil Aviation.<sup>10</sup>

(3) Any enactment which confers or imposes on a conservancy or harbour authority any power or duty to make byelaws for the regulation of ships or vessels shall be construed as if the power or duty so conferred or imposed included a power or duty to make byelaws for the regulation of seaplanes when on the surface of the water, and also a power to include in the byelaws provisions authorising the harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised by the enactment in question to exercise as respects ships or vessels:

Provided that byelaws made by virtue of this subsection shall not in any circumstances require, or authorise a harbour master or other officer to require, the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(4) Where any enactment, whether by virtue of the last foregoing subsection or not, confers or imposes on a conservancy or harbour authority a power or duty to make byelaws for the regulation of seaplanes when on the surface of the water, or to include in the byelaws such provisions as are mentioned in the said subsection, the following provisions shall have effect:—

- (a) in a case where the enactment provides that the byelaws shall not come into force unless they have been confirmed or approved by some Government Department, byelaws made thereunder in relation to seaplanes shall not be confirmed or approved by that Department except after consultation with the Secretary of State and the Minister of Civil Aviation;
- (b) in a case where the enactment in question does not provide as aforesaid, byelaws made thereunder after the end of July, nineteen hundred and thirty-six in relation to seaplanes shall not, except in a case where they are required to be allowed or approved by a court or a judge, come into force unless they have been confirmed by the Minister of Transport after consultation with the Secretary of State and the Minister of Civil Aviation;
- (c) in a case where the enactment in question provides that the byelaws shall not come into force unless they have been allowed or approved by a court or a judge, the conservancy or harbour authority shall, before making application to that court or judge for the allowance of the byelaws, forward a copy thereof to the Secretary of State and the Minister of Civil Aviation, and the court or judge shall, before allowing or approving the

<sup>10</sup> See note 1 *Supra*

byelaws, take into consideration any representations made with respect thereto by or on behalf of the Secretary of State or the Minister of Civil Aviation.<sup>11</sup>

PART V  
—cont.

(5) For the purpose of this section—

- (a) the expression “enactment” shall be construed as including any provisional order for the time being in force (whether or not it has been confirmed by an Act), and the expression “byelaws” shall be construed as including rules and regulations;
- (b) the expressions “conservancy authority” and “harbour authority” shall have the meanings respectively assigned to them by section seven hundred and forty-two of the Merchant Shipping Act, 1894;
- (c) the expression “seaplane” shall be construed as including a flying boat and any other aircraft designed to manoeuvre on the water; and
- (d) seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while in contact therewith.

(6) Part VI of this Act applies to this section.

**53.**—(1) Any lawful entry into the United Kingdom or any lawful transit across the United Kingdom, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in the United Kingdom, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model. Exemption of aircraft and parts thereof from seizure on patent claims.

(2) The importation into, and storage in, the United Kingdom of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in the United Kingdom on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in the United Kingdom or are exported from the United Kingdom for sale or distribution.

<sup>11</sup> The provisions of Subsection 4 of this section requiring consultation between the Minister of Transport and the Minister of Civil Aviation are repealed by the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. 1, 1953, No. 1204.

**PART V**  
—*cont.*

(3) This section applies—

- (a) to an aircraft, other than an aircraft used in military, customs or police services, registered in any country or territory in the case of which there is for the time being in force a declaration made by His Majesty by Order in Council, with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory, and
- (b) to such other aircraft as His Majesty may by Order in Council specify.

(4) The provisions of the Eighth Schedule to this Act shall have effect with respect to the detention on patent claims in respect of foreign aircraft other than aircraft to which this section applies.

(5) Part VI of this Act applies to this section.

Explanation of  
Carriage by  
Air Act, 1932.

**54.** For the avoidance of doubt in the construction of the Carriage by Air Act, 1932, whether as forming part of the law of the United Kingdom or as extended to any other country or territory, it is hereby declared that references to agents in the First Schedule to that Act include references to servants.

Recording and  
registration  
of births and  
deaths, etc.

**55.—(1)** The Minister may by regulations provide for requiring such persons as may be specified in the regulations to **keep** records and make returns to him—

- (a) of births and deaths occurring in any part of the world in any aircraft registered in Great Britain and Northern Ireland ; and
- (b) of the death, outside the United Kingdom, of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident ;

and for the keeping in his Department of a record of any returns made to him in accordance with any such requirement as aforesaid.

Any person who fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Proceedings for an offence under this section shall not, in England or Wales, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions, and shall not, in Northern Ireland be instituted except by or with the consent of the Minister, or by the Attorney-General for Northern Ireland.

(3) Where such an offence as aforesaid has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be

guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

In this subsection the expression "director" includes any person occupying the position of director, by whatever name called.

(4) Where any such regulations provide for the keeping of records in the Department of the Minister in accordance with subsection (1) of this section they shall also provide for the transmission of certified copies of those records to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require.

(5) The Registrar General to whom any such certified copies are sent shall cause them to be filed and preserved in a book to be kept by him for the purpose, and to be called the Air Register Book of Births and Deaths.

(6) Regulations made under subsection (1) of this section shall provide for the rectification of any records kept in the Department of the Minister in pursuance of the regulations and for the transmission of certified copies of any corrected entry in the records to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require.

(7) The Registrar General to whom a certified copy of any such corrected entry is sent in accordance with the regulations shall cause the corrected entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths.

(8) The enactments relating to the registration of births and deaths in England, Scotland and Northern Ireland shall have effect as if the Air Register Book of Births and Deaths were a certified copy or duplicate register transmitted to the Registrar General in accordance with those enactments.

(9) The Minister may by regulations provide—

- (a) for the keeping in his Department of a record of persons reported to him as missing, being persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident to an aircraft registered in Great Britain and Northern Ireland;

PART V  
—cont.

**PART V**  
—*cont.*

- (b) for the rectification of any such record ; and
- (c) for the transmission of information as to the matters for the time being entered on the record to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland, as the case may require.

Custody and  
disposal of  
lost property.

**56.** The Minister may by regulations make provision for securing the safe custody and re-delivery of any property which, while not in proper custody, is found on any premises belonging to him or under his control, or on any premises occupied by any of the Airways Corporations or in any aircraft on any such premises ; and any such regulations may in particular—

- (a) provide for requiring charges to be paid in respect of any such property before it is re-delivered ; and
- (b) provide for authorising the disposal of any such property if it is not re-delivered before the expiration of such period as may be specified in the regulations.

**PART VI**  
**SUPPLEMENTAL**

Orders in  
Council

**57.**—(1) An Order in Council made under any of the enactments to which this Part of this Act applies or this Part of this Act may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the Order and may authorise the Secretary of State or the Minister to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order.

(2) An Order in Council made under any of the enactments to which this Part of this Act applies or this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked or varied by a subsequent Order in Council.

(3) Any reference in the enactments to which this Part of this Act applies or this Part of this Act to the provisions of an Order in Council shall include a reference to the provisions of any regulations made, or directions given, under the Order in Council.

Detention of  
aircraft.

**58.** Any Order in Council, order or regulations made under any enactment to which this Part of this Act applies or this Part of this Act in relation to aircraft may provide for the detention of aircraft to secure compliance with the Order in Council, order or regulations, as the case may be, or with any enactment to which this Part of this Act applies in connection

with which the Order in Council, order or regulations is or are made, and may make such further provision as appears to His Majesty in Council or to the Secretary of State or the Minister, as the case may be, to be necessary or expedient for securing such detention.

PART VI  
—cont.

59.—(1) Notwithstanding that an Order in Council made by Extra-territorial effect virtue of any enactment to which this Part of this Act applies or this Part of this Act or a regulation made by virtue of any such enactment by the Secretary of State or the Minister has effect only as part of the law of the United Kingdom, no provision contained in the Order or regulation shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to British aircraft registered in the United Kingdom, wherever they may be, or prohibits, requires or regulates—

- (a) the doing of anything by persons in, or any of the personnel of, such British aircraft as aforesaid, wherever they may be, or
- (b) the doing of anything in relation to such British aircraft as aforesaid by other persons being British subjects or citizens of the Republic of Ireland, wherever they may be.

For the purposes of this subsection the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft, and all other members of the crew of the aircraft.

Nothing in this subsection shall affect subsection (1) of section three of the British Nationality Act, 1948 (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and Colonies).

(2) His Majesty may by Order in Council direct that any of the following provisions, that is to say—

- (a) any enactment to which this Part of this Act applies ; or
- (b) any enactment in this Part of this Act ; or
- (c) any provision of any Order in Council or regulations made by virtue of any such enactment ;

being a provision which has extra-territorial operation in relation to British aircraft registered in the United Kingdom, shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order made under this subsection, have such operation also in relation to British aircraft registered in any country or territory mentioned in subsection (1) of section sixty-six of this Act or registered in the Isle of Man or the Channel Islands.

**PART VI**  
—*cont.*

Offences.

**60.** Any offence under any enactment to which this Part of this Act applies or under an Order in Council or regulation made under either any such enactment or this Part of this Act shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

Savings.

**61.**—(1) Neither this Part of this Act nor any enactment to which this Part of this Act applies shall apply to aircraft belonging to or exclusively employed in the service of His Majesty:

Provided that His Majesty may, by Order in Council, apply to any such aircraft, with or without modification, any of the said enactments or any Orders in Council, orders or regulations made thereunder.

(2) Nothing in, or in any instrument made under, the enactments to which this Part of this Act applies or this Part of this Act, shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority.

**PART VII**

**GENERAL**

Jurisdiction.

**62.**—(1) Any offence whatever committed on a British aircraft shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

(2) His Majesty may, by Order in Council, make provision as to the courts in which proceedings may be taken for enforcing any claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and for applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

(3) Part VI of this Act applies to this section.

Interpretation.

<sup>12</sup> **63.**—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“air transport service” means a service for the carriage by air of passengers, mails or other freight;

<sup>12</sup> “Minister of Transport” see note 1 *Supra*. “Minister of Health” now Minister of Housing and Local Government. See S. I. 1951, Nos. 753, 1900. “Minister” see note 1 *Supra*.

“Airways Corporations” means the British Overseas Airways Corporation, the British European Airways Corporation, and the British South American Airways Corporation ;

“appropriate Minister” means, in relation to the undertakings indicated in paragraph (a) of the definition of statutory undertakers below, the Minister of Transport, in relation to those indicated in paragraph (b) thereof, the Minister of Fuel and Power (but in relation to the undertaking of the North of Scotland Hydro-Electric Board, the Secretary of State) and in relation to those indicated in paragraph (c) thereof the Minister of Health except in Scotland and in Scotland the Secretary of State ;

“land” includes any estate or other interest in land and any easement, but this definition shall not affect the construction of the provisions of sections nineteen and twenty-three of this Act as to the acquisition of land ;

“local authority” means, except in relation to Scotland, the council of a county, county borough, metropolitan borough or county district, or the Common Council of the City of London and, in relation to Scotland, any county or town council ;

“Minister” means the Minister of Civil Aviation ;

“owner”,—

(a) in relation to any land in England or Wales means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits under a lease or agreement, the unexpired term whereof exceeds three years,

(b) in relation to any land in Scotland or Northern Ireland, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years ;

“purposes of civil aviation” includes all purposes connected with air navigation except purposes of defence of the realm by air and the expression “defence of the realm by air” includes the Air Force and the administration of all matters relating thereto ;

“statutory undertaker” means any person (including a local authority) authorised by any Act (whether public, general or local), or by any order or scheme made

PART VII  
—cont.

under or confirmed by any Act, to construct, work or carry on—

(a) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking; or

(b) any undertaking for the supply of electricity, gas or hydraulic power; or

(c) any undertaking for the supply of water;

and the expression “statutory undertaking” shall be construed accordingly.

(2) Any reference in this Act to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or to the carrying out of levelling operations on the land, and references to the maintenance of works or to interference with works shall be construed accordingly.

(3) For the avoidance of doubt it is hereby declared that in this Act the expression “loss or damage” includes in relation to persons, loss of life and personal injury.

(4) Any reference in this Act to goods or articles shall be construed as including a reference to mails or animals.

(5) Any reference in this Act to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

(6) Any power conferred by this Act shall be in addition to and not in derogation of any other power so conferred.

(7) Any power conferred by this Act to make rules or regulations shall be exercisable by statutory instrument.

(8) Any power conferred by this Act to make any Order in Council or order shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the Order in Council or order.

(9) References in this Act to any enactment shall, except in so far as the context otherwise requires, be taken as referring to that enactment as amended by or under any other enactment.

General  
application to  
Scotland.

64.—(1) The provisions of this section shall, in addition to any express provisions for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) Any reference to the High Court shall be construed as a reference to the Court of Session, and any reference to the Lord Chief Justice shall be construed as a reference to the Lord President of the Court of Session.

(3) Any reference to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.

PART VII  
—cont.

(4) The expression “stay” shall mean “sist”, the expression “requiring security from” shall mean “requiring caution to be found by”, the expression “arbitrator” shall mean “arbiter”, and the expression “plaintiff” shall mean “pursuer”.

(5) For any reference to an easement there shall be substituted a reference to a servitude.

(6) Any inquiry in relation to an order, which by virtue of any provision of this Act is subject to special parliamentary procedure, shall, if the Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction has been so given—

- (a) it shall be deemed to have been so given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, and
- (b) nothing in section fifty of the Town and Country Planning (Scotland) Act, 1945, as applied under paragraph 4 or paragraph 8 of the Fourth Schedule to this Act shall apply to such inquiry.

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

General  
application to  
Northern  
Ireland.

- (a) any reference to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland;
- (b) any reference to an Act of Parliament shall be construed as including a reference to an Act of the Parliament of Northern Ireland; and “enactment” includes an enactment of that Parliament;
- (c) “summary conviction” means conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act;
- (d) any reference to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland.

(2) His Majesty may by Order in Council direct that any of the provisions of this Act set out in Part I of the Ninth Schedule to this Act, shall, in the application of that provision to Northern

**PART VII**  
—*cont.*

Ireland, have effect subject to such adaptations as may be specified in the Order.

Part VI of this Act applies to this subsection.

(3) The authorisation required for the compulsory purchase by an authority of land in Northern Ireland under subsection (2) of section nineteen of this Act shall be a compulsory purchase order made by that authority and confirmed by the Minister, and the provisions of the Tenth Schedule to this Act shall have effect in relation to every such order; and the provisions of this subsection and that Schedule may be adapted under the last foregoing subsection.

(4) The disputes which by this Act are directed to be determined by the Lands Tribunal shall, in the application of this Act to Northern Ireland, be determined by an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the arbitrator shall be selected in accordance with rules made by the Reference Committee under the said section one; and, save in the case of a dispute under subsection (3) of section nine, rules so made may make provision with respect to the reference and determination of the dispute and may apply any of the provisions of sections three to six of the said Act of 1919 with such modifications as may be necessary.

Application  
to H.M.  
dominions.

**66.**—(1) His Majesty may, by Order in Council direct that any of the provisions of this Act set out in Part II of the Ninth Schedule to this Act shall extend with such exceptions, adaptations and modifications, if any, as may be specified in the Order in Council, to any colony, any British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

For the purposes of the Mandated and Trust Territories Act, 1947, this subsection shall be deemed to be contained in an Act of an earlier session than that Act.

(2) If and so far as the provisions of any law made by the legislature of Southern Rhodesia for the purpose of giving effect to the Chicago Convention, or any Annex thereto, or any amendment of the Convention or any Annex thereto, or for any other purposes similar to the purposes of the enactments set out in Part II of the Ninth Schedule to this Act, purporting to have extra-territorial operation in relation to aircraft registered in Southern Rhodesia, the said provisions shall be deemed to have such operation.

(3) Part VI of this Act applies to this section.

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

**PART VII**  
—*cont.*  
Application to  
Channel  
Islands and  
Isle of Man.

(2) Part VI of this Act shall apply to any Order in Council under this section extending any of the enactments set out in Part II of the Ninth Schedule to this Act as it applies to any Order in Council made under an enactment to which the said Part VI applies.

(3) An Order in Council under this section, except so far it extends any such enactment as aforesaid, may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section.

**68.**—(1) The disputes which by this Act are directed to be determined by the Lands Tribunal shall, in the period before the coming into force of the Lands Tribunal Act, 1949, for the part of Great Britain in question, be determined by an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the arbitrator shall be selected in accordance with rules made by the Reference Committee under the said section one; and, during the said period, save in the case of a dispute under subsection (3) of section nine, rules so made may make provision with respect to the reference and determination of the disputes and may apply any of the provisions of sections three to six of the said Act of 1919 with such modifications as may be necessary.

Transitory  
provisions.

(2) Section twenty-five of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, shall until the commencement of the Merchant Shipping (Safety Conventions) Act, 1949, apply in relation to sea-planes on the surface of the water as it applies in relation to ships or vessels:

Provided that rules under subsection (2) of the said section twenty-five with respect to sea-planes shall not be made by the Minister of Transport except after consultation with the Secretary of State and the Minister of Civil Aviation, and any reference in subsection (3) of the said section to the master or to the person in charge of the deck shall be construed as a reference to the pilot or other person on duty in charge of the sea-plane.

This subsection shall be construed as if contained in section fifty-two of this Act.

**69.** The provisions of the Eleventh Schedule to this Act shall have effect with respect to the amendments of the enactments therein specified.

Amendments  
of other  
enactments.

**PART VII**  
*—cont.*  
**Repeal and**  
**savings.**

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

Provided that, without prejudice to the provisions of the Interpretation Act, 1889, this subsection shall have effect subject to the following provisions of this section.<sup>13</sup>

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

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

(4) Where under any Act passed before this Act there is a power to affect Acts of Parliament passed or in force before a particular time and that power would, but for the passing of this Act, have included power to change the law which is reproduced in this Act, then that power shall include power to make such provision as will secure the like change in the law as reproduced in this Act notwithstanding that this Act is not an Act passed or in force before that time and notwithstanding that the terms of this Act, apart from this subsection, are not such as to render that power applicable.

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

**Short title.**

**71.** This Act may be cited as the Civil Aviation Act, 1949.

<sup>13</sup> Subsection (1) is repealed, in its application to the United Kingdom, by the S. L. R. Act, 1953 (c. 5).

## SCHEDULES

## FIRST SCHEDULE

## PROVISIONS RELATING TO CERTAIN ORDERS UNDER PART III

Sections 24, 25  
and 30, and  
2nd and 3rd  
Schedules.

## PART I

## 1. Before making the order, the Minister—

- (a) shall publish in one or more newspapers circulating in the district in which the land is situated; and
- (b) shall serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated;

a notice stating that the Minister proposes to make the order and the effect thereof, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the making of the order may be made.

2. If no objection is duly made by any such local authority, owner, lessee or occupier as aforesaid or if all objections so made are withdrawn, the Minister may, if he thinks fit, make the order.

3. If any objection duly made as aforesaid is not withdrawn, the Minister shall, before making the order, either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may, if he thinks fit, make the order.

4. Notwithstanding anything in the two last foregoing paragraphs, the Minister may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of those paragraphs if he is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.

5. Immediately after the order has been made, the Minister shall publish in one or more newspapers circulating in the district in which the land is situated a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours, and shall serve a like notice on every person who, having duly objected to the order, has not withdrawn his objection.

## PART II

6. If any person aggrieved by the order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Minister or that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the time when notice that the order has

1ST SCH.  
—cont.

been made is first published in accordance with the requirements of this Act, make an application to the High Court; and on any such application the Court—

- (a) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects the applicant, until the final determination of the proceedings ; and
- (b) if satisfied that the order or any provision contained therein is not within the powers of the Minister, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects the applicant.

7. Subject to the provisions of the last foregoing paragraph, the order shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the expiration of six weeks from the date on which notice of the making of the order is first published in accordance with the requirements of this Act.

8. This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall have effect in relation to an order to which that Act applies as if in paragraph 6, for the reference to the time when notice that the order has been made is first published in accordance with the requirements of this Act, there were substituted a reference to the time when the order becomes operative under the said Act of 1945, and as if in paragraph 7 the words from “and shall become operative” to the end were omitted.

### PART III

9. Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the order shall be entitled to recover compensation from the Minister for the diminution, and the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect accordingly.

10. Where the order comes into operation before the expiration of two years from the end of the war period, Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply in relation to any compensation payable under the foregoing provisions of this Schedule as it applies where compensation is payable on the acquisition of an easement over land by virtue of Part II of that Act:

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the said Act of 1945 shall have effect as if for the reference therein to the date of the notice to treat there were substituted a reference to the date on which the order comes into operation.

In this paragraph the expression “war period” has the same meaning as it has in section forty of the said Act of 1945.

## 11. Where any interest in land is subject to a mortgage—

1ST SCH.  
—*cont.*

- (a) any compensation payable under the foregoing provisions of this Schedule in respect of the diminution in the value of the interest shall be assessed as if the interest were not subject to the mortgage;
- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) a mortgagee shall not be entitled to claim compensation under the said provisions in respect of his interest as such; and
- (d) the compensation payable in respect of the interest subject to the mortgage may be paid by the Minister to such of the claimants as he thinks proper, and shall be applied by that claimant in such manner as the parties interested may agree, or, in default of such agreement, as may be determined by arbitration.

In this paragraph the expression "mortgage" includes an equitable charge and any other encumbrance, and includes a sub-mortgage, and the expression "mortgagee" shall be construed accordingly.

12. Where the order provides for the creation of any easement over land held by a statutory undertaker for the purposes of the carrying on of his undertaking, or of any right in or in relation to such land, the undertaker shall be entitled to recover compensation from the Minister in accordance with the special provisions of Part III of this Act relating to statutory undertakers in any case in which those provisions apply, and shall not, in any such case, be entitled to recover compensation under the foregoing paragraphs of this Schedule.

This paragraph shall not apply to Northern Ireland.

## PART IV

## 13. In the application of this Schedule to Scotland—

- (a) in paragraph 8, for the words "section six of the Statutory Orders (Special Procedure) Act, 1945," there shall be substituted the words "subsection (4) of section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act"; and
- (b) for references to a mortgage and to a mortgagee there shall be substituted respectively references to a heritable security and to a creditor in a heritable security; and in paragraph 11 for the words from "In this paragraph" to the end of the paragraph there shall be substituted the words—

"In this paragraph the expression 'heritable security' means a heritable security within the meaning of the Conveyancing (Scotland) Act, 1924, exclusive of a security by way of ground annual and a real burden *ad factum praestandum*, but inclusive of a security constituted by *ex facie* absolute disposition."

## Section 25

## SECOND SCHEDULE

## PROVISIONS RELATING TO ORDERS UNDER S. 25

1. Any person having an interest in land to which the order relates shall, if the value of the interest is diminished by the coming into operation of the order, be entitled to recover compensation from the Minister for the diminution.

2. Where the order comes into operation before the expiration of two years from the end of the war period, Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply in relation to any compensation payable under the foregoing paragraph as it applies where compensation is payable on the acquisition of an easement over land by virtue of Part II of that Act:

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the said Act of 1945 shall have effect as if paragraph (a) thereof were omitted therefrom.

In this paragraph the expression "war period" has the same meaning as it has in section forty of the said Act of 1945.

3. Paragraph 11 of the First Schedule to this Act shall have effect in relation to any compensation payable under paragraph 1 of this Schedule as it has effect in relation to any such compensation as is therein mentioned.

4. Any person who sustains damage by being disturbed in the use of land or water by reason of the coming into operation of the order (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation from the Minister for the damage.

5. For the purposes of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919 shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

6. Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any special compensation or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

## Section 26.

## THIRD SCHEDULE

## PROVISIONS RELATING TO DIRECTIONS UNDER S. 26

## PART I

1. Immediately after the Minister has given the direction, he shall publish in one or more newspapers circulating in the district a notice stating that the direction has been given, and shall also serve notice of the direction—

(a) in the case of a direction given for the purpose specified in paragraph (c) of subsection (2) of section twenty-six of

this Act, upon every owner, lessee and occupier of any land to which the right of way is appurtenant, and upon every local authority in whose area any of that land is situated;

3RD SCH.  
—cont.

- (b) in the case of a direction given for any other purpose specified in the said subsection, upon every owner, lessee and occupier of the land to which the direction relates and upon every local authority in whose area any of that land is situated;
- (c) in the case of a direction restricting the installation of apparatus or extinguishing rights to instal or maintain apparatus, upon every person whose rights to instal or maintain apparatus are affected by the direction; and
- (d) in the case of a direction requiring the removal of any apparatus, upon the person entitled to maintain the apparatus required to be removed under the direction.

Any notice given with respect to any direction for the purpose of complying with the requirements of this paragraph shall state the effect of the direction.

In the application of this paragraph to Scotland, for the words "any land to which the right of way is appurtenant" there shall be substituted the words "the dominant tenement".

2. The provisions of Part II of the First Schedule to this Act shall, with the necessary modifications, have effect in relation to the direction as they have effect in relation to orders made under section twenty-four of this Act.

## PART II

3. Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the direction shall be entitled to recover compensation from the Minister for the diminution.

4. Where the direction comes into operation before the expiration of two years from the end of the war period, Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply in relation to any compensation payable under the foregoing paragraph as it applies where compensation is payable on the acquisition of an easement over land by virtue of Part II of that Act:

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the said Act of 1945 shall have effect as if paragraph (a) thereof were omitted therefrom.

In this paragraph the expression "war period" has the same meaning as it has in section forty of the said Act of 1945.

5. Paragraph 11 of the First Schedule to this Act shall have effect in relation to any compensation payable under paragraph 3 of this Schedule as it has effect in relation to any such compensation as is therein mentioned.

6. Any person who sustains damage by being disturbed in the enjoyment of any right in or over land in consequence of the coming into operation of the direction (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation from the Minister in respect of that damage.

3RD SCH.  
—cont.

7. The Minister shall pay compensation in respect of any expenditure reasonably incurred by any person for the purpose of carrying out work which is required to be carried out by the direction.

8. The compensation payable to any person by virtue of the foregoing provisions of this Schedule shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with the direction.

9. For the purpose of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall, so far as it is applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

10. Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

11. Where the direction affects any building, structure, or apparatus held or used by a statutory undertaker for the purposes of his undertaking, or affects any of the rights of a statutory undertaker to instal or maintain apparatus for those purposes, or affects any right of way enjoyed by a statutory undertaker for those purposes, the undertaker shall be entitled to recover compensation from the Minister in accordance with the special provisions of Part III of this Act relating to statutory undertakers in any case in which those provisions apply, and shall not, in any such case, be entitled to recover compensation under the foregoing paragraphs of this Schedule.

This paragraph shall not apply in Northern Ireland.

Section 30.

#### FOURTH SCHEDULE

##### ADJUSTMENTS OF THE FUNCTIONS OF STATUTORY UNDERTAKERS

###### PART I

1. Where it appears to the Minister and the appropriate Minister, upon a representation made by the person carrying on a statutory undertaking, that in order to facilitate any adjustment of the carrying on of the undertaking necessitated by any order made or proposed to be made under or in pursuance of Part III of this Act, or by any direction given or proposed to be given in pursuance of the said Part III, it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Minister and the appropriate Minister may by order provide for such extension or modification of the said powers and duties as appears to them to be requisite for facilitating the adjustment.

2. Without prejudice to the generality of the provisions of the foregoing paragraph, an order under this Part of this Schedule may provide—

- (a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land specified in the order and to erect or construct any buildings or works so specified;

4TH SCH.  
—cont.

- (b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works (including the Acquisition of Land (Assessment of Compensation) Act, 1919 and Part V of the Town and Country Planning Act, 1947);

and for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

3. As soon as may be after the making of a representation under this Part of this Schedule, the person carrying on the undertaking shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

4. The provisions of the First Schedule to the Town and Country Planning Act, 1944, shall have effect as if the reference in sub-paragraph (1) of paragraph 1 of that Schedule to the making of an order under section twenty-six of that Act included a reference to the making of an order under this Part of this Schedule; and, subject to those provisions in a case in which they have effect, the Minister and the appropriate Minister may, if they think fit, make an order.

5. An order under this Part of this Schedule shall be subject to special parliamentary procedure.

## PART II

6. Where on a representation in that behalf made by the person carrying on a statutory undertaking the appropriate Minister is satisfied that the making of any order under or in pursuance of Part III of this Act or the giving of any direction in pursuance of the said Part III has rendered impracticable the fulfilment of any obligation of the said person incurred in connection with the carrying on of the undertaking, the appropriate Minister may by order direct that the said person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

7. As soon as may be after the making of a representation to the appropriate Minister under the last foregoing paragraph the person carrying on the undertaking in question shall, as may be directed by the appropriate Minister, either publish, in such manner as may be so directed, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

4TH SCH.  
—cont.

8. The provisions of the First Schedule to the Town and Country Planning Act, 1944, shall have effect as if the reference in sub-paragraph (1) of paragraph 1 of that Schedule to the making of an order under section twenty-seven of that Act included a reference to the making of an order under this Part of this Schedule; and subject to those provisions in a case in which they have effect, the appropriate Minister may, if he thinks fit, make an order.

9. If any objection to the making of an order under this Part of this Schedule is made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

### PART III

10. This Schedule shall apply to Scotland subject to the following modifications:—

- (a) for references to the Town and Country Planning Act, 1944, to sections twenty-six and twenty-seven thereof, to the First Schedule thereto and to sub-paragraph (1) of paragraph 1 of that Schedule there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1945, to sections twenty-five and twenty-six thereof, to the First Schedule thereto, and to sub-paragraph (1) of paragraph 1 of that Schedule; and
- (b) for the reference to Part V of the Town and Country Planning Act, 1947, there shall be substituted a reference to Part IV of the Town and Country Planning (Scotland) Act, 1947.

Section 42.

## FIFTH SCHEDULE

### LIMITS OF LIABILITY

1. The limits of liability under subsection (1) of section forty-two of this Act in respect of such loss or damage as is mentioned in that subsection shall, in the case of an aircraft of any such description as is mentioned in the first column of the following Table, be an amount to be ascertained, in relation to that description of aircraft, by reference to the second column of the said Table.

| Description of Aircraft               | Limit of Liability                                                                                             |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------|
| (a) Airships ... ..                   | £25,000.                                                                                                       |
| (b) Balloons (whether fixed or free). | £5,000.                                                                                                        |
| (c) Gliders ... ..                    | £2,000, so, however, that not more than £1,000 shall be payable in respect of loss of, or damage to, property. |

| Description of Aircraft                                                                                   | Limit of Liability                                                                                                                                                            | 5TH SCH.<br>—cont. |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| (d) Other aircraft—                                                                                       |                                                                                                                                                                               |                    |
| (i) if the weight of the aircraft fully loaded does not exceed 5,000 pounds.                              | £10,000, so, however, that not more than £5,000 shall be payable in respect of loss of, or damage to, property.                                                               |                    |
| (ii) if the weight of the aircraft fully loaded exceeds 5,000 pounds but does not exceed 10,000 pounds.   | £10,000, so, however, that, in respect of loss of, or damage to, property, there shall not be payable more than £1 for each pound of the weight of the aircraft fully loaded. |                    |
| (iii) if the weight of the aircraft fully loaded exceeds 10,000 pounds but does not exceed 25,000 pounds. | £1 for each pound of the weight of the aircraft fully loaded.                                                                                                                 |                    |
| (iv) if the weight of the aircraft fully loaded exceeds 25,000 pounds.                                    | £25,000.                                                                                                                                                                      |                    |

2. References in the foregoing Table to pounds of weight shall be construed as references to pounds avoirdupois; and the Minister may by regulations prescribe the manner in which the weight of an aircraft fully loaded is to be ascertained for the purposes of this Schedule, and direct that, in the case of an aircraft of any particular description, such document as may be specified in the regulations, being a document which purports to show the weight of the aircraft fully loaded, shall be evidence of that weight.

#### SIXTH SCHEDULE

Section 45.

#### PROVISIONS AS TO POLICIES OF INSURANCE, SECURITIES AND DEPOSITS

##### *Rights and remedies under or in respect of policies and securities*

1.—(1) Where a certificate of insurance has been delivered in connection with a policy of insurance, so much of the policy as purports to restrict, or attach conditions to, the insurance of any person insured thereby shall, subject to the provisions of this paragraph, be of no effect as respects any such liability as is required to be covered by a policy under Part IV of this Act:

Provided that nothing in this paragraph shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of a person which is covered by the policy by virtue only of this paragraph, shall be recoverable by the insurer from that person.

(2) Nothing in this paragraph shall affect any provision in a policy being a provision which—

(a) restricts the insurance—

(i) by limiting the period of the insurance, or

(ii) by limiting the loss or damage insured against to loss or damage caused to persons or property in the United Kingdom, or

6TH SCH.  
—cont.

(iii) in the case of any aircraft, by specifying as the amount up to which the insurer undertakes to indemnify the insured against liability incurred by him by way of damages in respect of loss or damage caused on any one occasion to persons or property on land or water by, or by a person in, or an article or person falling from, that aircraft while in flight, taking off or landing, an amount not less than the total limit of liability appropriate to that aircraft, or

(iv) in the case of any aircraft, by specifying as the amount up to which the insurer undertakes to indemnify the insured against liability incurred by him by way of damages in respect of loss of, or damage to, property on land or water caused on any one occasion by, or by a person in, or an article or person falling from, that aircraft while in flight, taking off or landing, an amount not less than the limit of liability for property claims appropriate to that aircraft, or

(v) by providing that the insurer shall not be liable to pay any claim under the policy if, at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, a licence to fly was not in force in respect of the aircraft in connection with which the claim is made, or

(b) provides that the insurer shall not be liable to pay any claim in respect of loss or damage which is caused or contributed to by conditions of war, riot or civil commotion.

(3) For the purposes of this paragraph, a provision in a policy which enables one party or either party to determine the insurance shall be deemed to be a provision restricting the insurance by limiting the period thereof, if, but only if, the provision requires the giving to the other party of at least seven clear days' notice in writing of the cancellation of the insurance.

(4) In this paragraph the expression "licence to fly" means a written authority permitting the aircraft to fly, issued in accordance with an Order in Council under section eight of this Act.

2.—(1) If, after a certificate of insurance has been delivered in connection with a policy of insurance, a judgment in respect of any such liability as is required to be covered by a policy under Part IV of this Act (being a liability covered by the terms of the policy) is obtained against a person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this paragraph, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any amount payable by way of interest on that sum by virtue of any enactment relating to interest on judgments.

In the application of this sub-paragraph to Scotland, the words "by virtue of any enactment relating to interest or judgments" shall be omitted.

(2) No sum shall be payable by an insurer under the foregoing provisions of this paragraph—

6TH SCH.  
—cont.

(a) in respect of any judgment, unless before, or within seven days after, the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or

(b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or

(c) in connection with any liability, if both—

(i) the policy was cancelled by mutual consent or by virtue of any provision contained therein, and the cancellation took effect before the happening of the event which was the cause of the loss or damage giving rise to the liability, and

(ii) a written notice of the cancellation stating the time at which it takes effect was, not less than seven clear days before the date of the happening of the said event, served by the insurer on the Minister.

Any notice to be served for the purposes of this sub-paragraph on the Minister shall be deemed to be duly served if it is sent by registered post in a letter addressed to the Secretary of the Ministry of Civil Aviation, London.

(3) No sum shall be payable by an insurer under the foregoing provisions of this paragraph, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, in a case where he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in the policy:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this sub-paragraph as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before, or within seven days after, the commencement of that action, he has given notice thereof to the person who is the plaintiff in the said proceedings, specifying the non-disclosure or false representation on which the insurer proposes to rely; and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party to the action.

(4) Nothing in this paragraph shall, in relation to any particular policy of insurance, require the insurer to pay any sum in excess of the amount for which, apart from this paragraph, he is liable under the policy or would be liable under the policy if it had not been cancelled or avoided; and where, by reason of two or more judgments against a person insured by the policy having been obtained in respect of loss or damage, caused on any one occasion, several claims under this paragraph are made against, or apprehended by, the insurer in relation to any aircraft, he may make application to the High Court,

6TH SCH.  
—cont.

and thereupon the court may determine the maximum liability of the insurer in respect of the claims and also, if need be, his liability in respect of such of those claims as are for loss of or damage to property and may distribute the amount of his liability among the several claims on the following principles:—

- (a) if the claims are solely in respect of loss of life or personal injury or solely in respect of loss of, or damage to, property, the amount of the liability shall be distributed rateably;
- (b) if there are claims both in respect of loss of life or personal injury and in respect of loss of, or damage to, property, one-half of the insurer's total maximum liability shall be appropriated, so far as necessary, to meeting claims for loss of life or personal injury and shall be distributed rateably among them, and the other half shall be distributed rateably among all the claims, including claims in respect of loss of life or personal injury if and so far as they exceed the afore-said appropriation:

Provided that for the purposes of this sub-paragraph so much only of a claim shall be taken into account as represents the amount of damages awarded under the judgment in respect of which the claim is made, and interest on that amount.

(5) Where an application is made to the court under the last foregoing sub-paragraph, the court may stay any proceedings pending in any other court in relation to the same matter, and may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the insurer.

(6) If an insurer becomes liable under this paragraph to pay, in respect of any liability of a person insured by a policy, an amount for which the insurer would not, apart from the provisions of this paragraph, be liable, he shall be entitled to recover the said amount from that person.

(7) References in the foregoing provisions of this paragraph to a person insured by a policy shall, unless the context otherwise requires, be construed as including references to his estate, and except in Scotland the said provisions shall, in relation to a claim established against the estate of a deceased person in proceedings for the administration of that estate, have effect—

- (a) as if the final determination in those proceedings that the claim is established were a judgment obtained against the estate of the deceased in proceedings brought by the claimant as plaintiff, and
- (b) as if the making of the claim in the administration proceedings were the commencement of the proceedings in which the judgment was given.

(8) In this paragraph the expression "liability covered by the terms of the policy" means a liability which is covered by the policy, or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

6TH SCH.  
—cont.

3. Where a certificate of insurance has been delivered in connection with a policy of insurance, the happening, in relation to a person insured by the policy, of any such event as is mentioned in subsection (1) or subsection (2) of section one of the Third Parties (Rights against Insurers) Act, 1930, shall, notwithstanding anything in that Act, not affect any such liability of that person as is required to be covered by a policy under Part IV of this Act, but nothing in this paragraph shall affect any rights against the insurer conferred by that Act on the person to whom the liability was incurred.

4.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under Part IV of this Act shall, on demand by or on behalf of the person making the claim, state whether or not, at the time of the event which was the cause of the loss or damage giving rise to the claim, he, or (if the claim is made against him as representing the estate of a deceased person) the deceased, was insured in respect of that liability by any policy having effect for the purposes of Part IV of this Act, or would have been so insured if the insurer had not avoided or cancelled the policy, and, if he or the deceased, as the case may be, was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in connection with the policy.

(2) If any person fails, without reasonable excuse, to comply with this paragraph, or wilfully makes any false statement in reply to such a demand as aforesaid, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, twenty pounds or, in the case of a second or subsequent offence, fifty pounds, or to imprisonment for a term not exceeding four months.

5.—(1) Where a certificate of insurance has been delivered in connection with a policy of insurance, and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, send a written notice to that effect by post to the insurer.

Where a notice is sent to an insurer in pursuance of the foregoing provisions of this paragraph, the person sending the notice shall, if within seven days after the receipt thereof he is requested by the insurer so to do, make a statutory declaration to the effect that the certificate of insurance to which the notice relates has been lost or destroyed, as the case may be.

(2) If any person fails to comply with this paragraph, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, twenty pounds or, in the case of a second or subsequent offence, fifty pounds, or to imprisonment for a term not exceeding four months.

(3) Any reference in this paragraph to a certificate of insurance shall, in relation to a policy in connection with which more than one such certificate is issued, be construed as a reference to all the certificates, and shall, where any copy of such a certificate has been issued, be construed as including a reference to that copy.

6TH SCH.  
—cont.

6. The foregoing provisions of this Schedule shall apply in relation to securities having effect for the purposes of Part IV of this Act, as they apply in relation to policies of insurance; and, in relation to any security having effect for the purposes of Part IV of this Act, references in the said provisions to being insured, to a certificate of insurance, to an insurer and to a person insured shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security and to a person whose liability is covered by the security.

#### *Deposits*

7.—(1) No part of any sum which, for the purpose of any provision of section forty-three of this Act, has been deposited by any person with the Accountant-General of the Supreme Court shall, so long as any liabilities incurred by that person, being such liabilities as are required to be covered by a policy of insurance under Part IV of this Act, have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

(2) Any rules made by the Board of Trade under section two of the Assurance Companies Act, 1909, which apply to deposits made by insurers carrying on aircraft insurance business, shall with such modifications and adaptations as may be prescribed by rules made by the Minister after consultation with the Lord Chancellor, apply to deposits made under section forty-three of this Act with the Accountant-General of the Supreme Court and the Minister, after the like consultations, may make such rules with respect to the said deposits as the Board of Trade might have made under the said section two if the Assurance Companies Act, 1946, had not passed.

#### *Supplementary Provisions*

8.—(1) The Minister may make regulations—

- (a) for prescribing the forms of certificates of insurance and certificates of security to be used for the purposes of Part IV of this Act, and the particulars to be contained in such certificates;
- (b) as to applications for, and the issue of, such certificates of insurance and certificates of security, as to the issue of copies of any such certificates which are lost or destroyed, and as to the keeping of records and documents and the furnishing of particulars, and the giving of information with respect thereto, to the Minister or a chief officer of police;
- (c) as to the carrying of documents in aircraft, and as to the production of such documents on demand to such persons as may be specified in the regulations;
- (d) for prescribing (without prejudice to any Order in Council made under Part IV of this Act) that the provisions of Part IV of this Act which relate to insurance, securities and deposits in respect of third party risks shall, in relation to any such class of aircraft registered outside the United Kingdom as may be specified in the regulations, have effect subject to such modifications, adaptations and exceptions as may be so specified; and
- (e) generally for carrying into effect the said provisions of Part IV of this Act.

6TH SCH.  
—cont.

(2) If any person contravenes or fails to comply with any regulations made by the Minister under this paragraph, that person shall be liable on summary conviction to such fine, not exceeding twenty pounds, as may be prescribed by the regulations.

(3) Any statutory instrument containing regulations made by the Minister under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this paragraph the expression "chief officer of police" has the same meaning as in the Police Pensions Act, 1921.

SEVENTH SCHEDULE <sup>14</sup>

Section 47.

## SURVIVAL OF CAUSES OF ACTION IN NORTHERN IRELAND AFTER DEATH

1. This Schedule applies to every cause of action in respect of loss or damage which, after the appointed day, is caused to persons or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing.

2. Subject to the provisions of this Schedule, on the death of any person, after the appointed day, all causes of action to which this Schedule applies subsisting against, or vested in, him shall survive against, or, as the case may be, for the benefit of, his estate.

3. Where a cause of action to which this Schedule applies survives as aforesaid for the benefit of the estate of a deceased person, and the death of that person has been caused by the circumstances which give rise to the cause of action, the damages recoverable for the benefit of his estate shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

4. No proceedings shall be maintainable in respect of a cause of action which, by virtue of this Schedule, has survived against the estate of a deceased person unless either—

- (a) proceedings against him in respect of that cause of action were pending at the date of his death, or
- (b) the cause of action arises not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out representation.

5. Where damage has been suffered by reason of any circumstances by reason of which a cause of action to which this Schedule applies would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Schedule, to have been subsisting against him before his death such cause of action by reason of those circumstances as would have subsisted if he had died after the damage was suffered.

6. **In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this Schedule, any liability in respect**

<sup>14</sup> Repealed by the Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1954 (c. 26) (N. I.), Section 6(2)(b).

7TH SCH.  
—cont.

of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract or promise.

Section 53.

## EIGHTH SCHEDULE

### PATENT CLAIMS AGAINST AIRCRAFT NOT PROTECTED UNDER CHICAGO CONVENTION

1. Where it is alleged by any person interested that a foreign aircraft, which is not an aircraft to which section fifty-three of this Act applies, and which is making a passage through or over the United Kingdom, infringes in itself or in any part of it any invention, design or model which is entitled to protection in the United Kingdom, it shall be lawful, subject to and in accordance with rules of court, to detain the aircraft until the owner thereof deposits or secures in respect of the alleged infringement a sum (in this Schedule referred to as "the deposited sum") and thereupon the aircraft shall not, during the continuance or in the course of the passage be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, in respect or on account of the alleged infringement.

2. The deposited sum shall be such sum as may be agreed between the parties interested or, in default of agreement, fixed by the Minister or some person duly authorised on his behalf, and payment thereof shall be made or secured to him in such manner as he shall approve.

3. The deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be prescribed by rules of court, and such rules may provide generally for carrying this Schedule into effect.

4 For the purposes of this Schedule, the expression "owner" shall include the actual owner of an aircraft, and any person claiming through or under him, and the expression "passage" shall include all reasonable landings and stoppages in the course or for the purpose of the passage.

Sections 65,  
66 and 67.

## NINTH SCHEDULE

### PART I

#### PROVISIONS WHICH MAY BE ADAPTED FOR NORTHERN IRELAND

Section seven;

Sections thirteen and fourteen;

Sections nineteen to twenty-two;

In section twenty-three, subsections (8), (9), (10) and (11);

Section twenty-seven;

Section thirty-eight;

Sections forty-two to fifty;

Section fifty-two;

The Schedules referred to in the foregoing enactments and Parts VI and VII of this Act so far as they apply to the foregoing enactments.

## PART II

9TH SCH.  
—cont.

PROVISIONS WHICH MAY BE EXTENDED TO THE COLONIES, ETC.

The enactments set out in Part I of this Schedule;  
 Sections eight to eleven;  
 Subsection (1) of section sixteen;  
 In section twenty-three, subsections (1), (5) and (6);  
 Sections forty and forty-one;  
 Section fifty-one;  
 Section fifty-three;  
 Section sixty-two;  
 The Eighth Schedule;  
 Parts VI and VII of this Act so far as they apply to the foregoing enactments.

## TENTH SCHEDULE

Section 65.

ORDERS FOR THE COMPULSORY PURCHASE OF LAND IN NORTHERN  
 IRELAND UNDER s. 19 (2)

## PART I

*Provisions as to the Compulsory Acquisition of Land*

1. A compulsory purchase order shall be in the prescribed form and shall describe, by reference to a map the land to which the order applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations,—

- (a) the Lands Clauses Acts, except section ninety-two and sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845;
- (b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
- (c) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in a compulsory purchase order are as follows:—

- (a) the arbitrator shall not take into account any building erected, or any improvement or alteration made, or any interest in land created, after the date on which notice of the order having been made is published in accordance with this Part of this Schedule, if in the opinion of the arbitrator, the erection of the building, or the making of the improvement or alteration, or the creation of the interest, in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining compensation or increased compensation;
- (b) no person shall be required to sell a part only of any house, building or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and

10TH SCH.  
--cont.

able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines—

(i) in the case of a house, building or manufactory, that such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or

(ii) in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house;

and if he so determines, he shall award compensation in respect of any loss due to the severance of the part proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the local authority that part of the house, building, manufactory, park or garden.

3. Before submitting a compulsory purchase order to the Minister, the local authority by which the order was made shall—

- (a) publish in a newspaper circulating in the district of the local authority a notice in the prescribed form stating that the order has been made and describing the area to which it applies, and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours, and
- (b) serve on every owner, lessee and occupier (except tenants for a period not exceeding one month) of any land to which the order relates, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which, and the manner in which, objections to the order may be made.

4. If no objection to a compulsory purchase order is duly made by any of the persons upon whom notices are required by the last foregoing paragraph to be served, or if all such objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a local inquiry to be held and consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order with or without modification:

Provided that—

- (a) the Minister may require any person who made an objection to state in writing the grounds thereof, and may confirm the order without causing a local inquiry to be held, if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed; and
- (b) the order as confirmed by the Minister shall not, unless all persons interested consent, authorise the local authority to purchase any land which the order would not have authorised them to purchase if it had been confirmed without modification.

10TH SCH.  
—cont.

5.—(1) Where the Minister causes a local inquiry to be held under the last foregoing paragraph, the provisions of sections two hundred and nine, two hundred and ten, two hundred and twelve and two hundred and thirteen of the Public Health (Ireland) Act, 1878, shall apply with the substitution of the Minister for the Ministry of Health and Local Government for Northern Ireland.

(2) The costs in relation to the inquiry, not exceeding five guineas a day, shall be paid by the parties concerned in the inquiry, or by such of them and in such proportions as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any such party shall be a debt to the Crown from that party.

6. For the purposes of this Part of this Schedule a notice may be served—

- (a) by registered post or by delivery to, or at the residence of, the person to whom it is addressed; or
- (b) if the local authority is unable, after reasonable inquiry, to ascertain the name and address of the person upon whom the notice should be served, by addressing it to him—

(i) by name, if his name is known, or

(ii) if his name is not known, by the description of "owner" or "occupier" of the premises (naming them) to which the notice relates,

and by delivering the notice to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

## PART II

### *Restrictions on Acquisition of Land*

1. The Minister shall not confirm a compulsory purchase order authorising the purchase of any land which is the site of an ancient monument or other object of archaeological interest or which forms part of any common, open space or allotment or which belongs to the council of a county, county borough or urban or rural district, or the commissioners of a town, or is held by any statutory undertakers for the purposes of their undertaking, and shall not confirm a compulsory purchase order authorising the purchase of any forest, plantation or area of woodland, except after consultation with the Ministry of Agriculture for Northern Ireland.

2. In this Part of this Schedule—

- (a) the expression "common" includes any town or village green;
- (b) the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and
- (c) the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

10TH SCH.  
—cont.

### PART III

#### *Validity and date of operation of Compulsory Purchase Orders*

1. As soon as may be after a compulsory purchase order has been confirmed by the Minister, the local authority by which the order was made shall publish in a newspaper circulating in the district of the local authority a notice in the prescribed form stating that the order has been so confirmed, and naming a place where a copy of the order and of any map therein referred to may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice of his objection to the order, appeared at the local inquiry in support of his objection.

2. If any person aggrieved by a compulsory purchase order desires to question the validity of the order, or of any provision contained therein, on the ground that it is not within the powers of this Act, or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order, he may, within six weeks after the date on which notice of the confirmation of the order is published in accordance with the last foregoing paragraph, make an application for the purpose to the High Court, and upon any such application the court—

(a) may by interim order suspend the operation of the order in question or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings, and

(b) if satisfied that the order in question or any provision contained therein is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

3. Subject to the foregoing provisions of this Part of this Schedule, a compulsory purchase order shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of the confirmation of the order is published in accordance with this Schedule.

4. Except by leave of the Court of Appeal no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this Part of this Schedule.

### PART IV

#### *Regulations*

The Minister may make regulations prescribing anything which may be prescribed for the purposes of this Schedule.

## ELEVENTH SCHEDULE

Section 69.

## AMENDMENTS OF OTHER ENACTMENTS

*Public Health Act, 1936, s. 143*

1.—(1) In section one hundred and forty-three of the Public Health Act, 1936 (which empowers the Minister of Health to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) for references to the Secretary of State there shall be substituted references to the Minister.

(2) The said section shall have effect in relation to aerodromes for the time being vested in or under the control of the Minister, and in relation to persons in aircraft arriving at or departing from such aerodromes, subject to the following modifications, that is to say—

(a) in subsection (3) thereof, for the words “shall satisfy the authorities, whether county councils, local authorities, or port health authorities, by whom they are to be enforced and executed” there shall be substituted the words “may provide for their enforcement and execution by officers designated for that purpose by the Minister or the Minister of Civil Aviation”;

(b) in subsection (4) for the words “Authorised officers of any such authority” there shall be substituted the words “Officers so designated as aforesaid”.

(3) Without prejudice to the generality of the power conferred by the said section, regulations made thereunder may provide for requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection.

(4) His Majesty may by Order in Council direct that the said section, so far as it relates to such regulations as are specified in subsection (9) thereof, shall apply in relation to aerodromes in Northern Ireland for the time being vested in or under the control of the Minister of Civil Aviation, and in relation to persons and aircraft arriving at or departing from such aerodromes, subject to such exceptions, modifications and adaptations as may be specified in the Order.

(5) His Majesty may by Order in Council direct that any regulations made under the said section as that section has effect by virtue of foregoing provisions of this paragraph shall extend, with such exceptions, modifications and adaptations, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man.

For the purposes of this sub-paragraph, subsections (4) and (5) of the said section shall be deemed to form part of the regulations mentioned in this sub-paragraph.

11TH SCH.

—cont.

*Public Health (Scotland) Act, 1945, s. 1*

2.—(1) Section one of the Public Health (Scotland) Act, 1945 (which empowers the Secretary of State to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) shall have effect in relation to aerodromes for the time being vested in or under the control of the Minister of Civil Aviation, and in relation to persons and aircraft arriving at or departing from such aerodromes, subject to the following modifications, that is to say—

- (a) in subsection (3) for the words “shall satisfy the authorities, whether local authorities or port local authorities, by whom they are to be enforced and executed” there shall be substituted the words “may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State or the Minister of Civil Aviation”.
- (b) in subsection (4), for the words “Authorised officers of any such authority” there shall be substituted the words “Officers so designated as aforesaid”.

(2) Without prejudice to the generality of the powers conferred by the said section, regulations made thereunder may provide for requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection.

*Air Navigation Act, 1936*

3. Part VI of this Act applies to sections twenty-four and twenty-six of the Air Navigation Act, 1936.

*Railway (Air Transport) Acts*

4. In the Great Western Railway (Air Transport) Act, 1929, the London and North Eastern Railway (Air Transport) Act, 1929, the London, Midland and Scottish Railway (Air Transport) Act, 1929, and the Southern Railway (Air Transport) Act, 1929, references to the Secretary of State or to the Air Council or to the President of the Air Council shall be construed as references to the Minister.

*Other Local and Private Acts*

5. Any enactment contained in a local or private Act other than the Acts hereinbefore mentioned, being an enactment relating to civil aviation, shall have effect subject to such modifications as may be specified by Order in Council for the purpose of the transfer to the Minister of functions of the Secretary of State relating to civil aviation.

TWELFTH SCHEDULE<sup>15</sup>

Section 70.

## REPEALS

| Session and Chapter                 | Short title                                          | Extent of repeal                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 & 11 Geo. 5.<br>c. 80.           | The Air Navigation Act, 1920.                        | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 26 Geo. 5. &<br>1 Edw. 8.<br>c. 44. | The Air Navigation Act, 1936.                        | The whole Act, save sections twenty-four and twenty-six and in subsection (1) of section thirty-five the words " This Act may be cited as the Air Navigation Act, 1936 ", and the Fourth Schedule.                                                                                                                                                                                                                                                            |
| 1 & 2 Geo. 6.<br>c. 33.             | The Air Navigation (Financial Provisions) Act, 1938. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2 & 3 Geo. 6.<br>c. 61.             | The British Overseas Airways Act, 1939.              | Section thirty and the Fourth Schedule.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 8 & 9 Geo. 6.<br>c. 21.             | The Ministry of Civil Aviation Act, 1945.            | The whole Act, save so far as it amends the British Overseas Airways Act, 1939.                                                                                                                                                                                                                                                                                                                                                                               |
| 9 & 10 Geo. 6.<br>c. 28.            | The Assurance Companies Act, 1946.                   | In section one, in subsection (1), the words from the beginning to the words " Part III of that Act and ".<br>In section five, in subsection (1) paragraph (c); in subsection (2) paragraph (c); in subsection (3) the words " or sub-paragraph (2) of paragraph 7 of the Third Schedule to the Air Navigation Act, 1936 ".<br>In the Second Schedule the proviso to paragraph 1 of Part I and paragraph (a) of sub-paragraph (2) of paragraph 3 of Part III. |
| 9 & 10 Geo. 6.<br>c. 70.            | The Civil Aviation Act, 1946.                        | Part II.<br>Sections thirty-six to forty-six.<br>Sections forty-eight and forty-nine.<br>Section fifty-two.<br>In section fifty-three, subsections (3) to (10), and (12), (13) and (15).<br>Section fifty-four.<br>In section fifty-five, in subsection (1) the words from " except " to the second " aerodromes " and from " For the purposes of " to the end of the subsection.<br>The Third, Fourth, Fifth and Sixth Schedules.                            |
| 10 & 11 Geo. 6.<br>c. 18.           | The Air Navigation Act, 1947.                        | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                |

<sup>15</sup> Repealed in its application to the United Kingdom, by the S. I. R. Act, 1953 c. 51.

12TH SCH.  
—cont.

| Session and Chapter       | Short title                                         | Extent of repeal                                                                  |
|---------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------|
| 10 & 11 Geo. 6.<br>c. 51. | The Town and Country Planning Act, 1947.            | At the end of the Eighth Schedule the amendments of the Civil Aviation Act, 1946. |
| 10 & 11 Geo. 6.<br>c. 53. | The Town and Country Planning (Scotland) Act, 1947. | In the Eighth Schedule the amendments of the Civil Aviation Act, 1946.            |

*Act of the Parliament of Northern Ireland*

|                          |                                                       |                                                                                                                                                                                                                                                                                                                    |
|--------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 & 11 Geo. 6.<br>c. 1. | The Assurance Companies Act (Northern Ireland), 1947. | In section one, in subsection (1), the words from the beginning to the words "Part III of that Act and".<br>In section five, paragraph (b) of subsection (1) and paragraph (b) of subsection (2).<br>In the Second Schedule, the proviso to paragraph 1 of Part I and subparagraph (2) of paragraph 3 of Part III. |
|--------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*Order in Council*

|                               |                                                                               |                                                                                        |
|-------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| S.R. & O., 1936,<br>No. 1378. | The Air Navigation (Northern Ireland) (Adaptation of Enactments) Order, 1936. | In the Schedule, the amendments of the First Schedule to the Air Navigation Act, 1936. |
|-------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|

*Table of Statutes referred to in this Act*

| Short Title                                     | Session and Chapter   |
|-------------------------------------------------|-----------------------|
| Small Tenements Recovery Act, 1838              | 1 & 2 Vict. c. 74.    |
| Defence Act, 1842                               | 5 & 6 Vict. c. 94.    |
| Lands Clauses Consolidation Act, 1845           | 8 & 9 Vict. c. 18.    |
| Railways Clauses Consolidation Act, 1845        | 8 & 9 Vict. c. 20.    |
| Harbours, Docks and Piers Clauses Act, 1847     | 10 & 11 Vict. c. 27.  |
| Petty Sessions (Ireland) Act, 1851              | 14 & 15 Vict. c. 93.  |
| Ordnance Board Transfer Act, 1855               | 18 & 19 Vict. c. 117. |
| Police (Scotland) Act, 1857                     | 20 & 21 Vict. c. 72.  |
| Dockyard Ports Regulation Act, 1865             | 28 & 29 Vict. c. 125. |
| Documentary Evidence Act, 1868                  | 31 & 32 Vict. c. 37.  |
| Promissory Oaths Act, 1868                      | 31 & 32 Vict. c. 72.  |
| Defence Acts Amendment Act, 1873                | 36 & 37 Vict. c. 72.  |
| Public Health (Ireland) Act, 1878               | 41 & 42 Vict. c. 52.  |
| Municipal Corporations Act, 1882                | 45 & 46 Vict. c. 50.  |
| Interpretation Act, 1889                        | 52 & 53 Vict. c. 63.  |
| Local Registration of Title (Ireland) Act, 1891 | 54 & 55 Vict. c. 66.  |
| Burgh Police (Scotland) Act, 1892               | 55 & 56 Vict. c. 55.  |
| Notice of Accidents Act, 1894                   | 57 & 58 Vict. c. 28.  |
| Merchant Shipping Act, 1894                     | 57 & 58 Vict. c. 60.  |
| Public Health (Scotland) Act, 1897              | 60 & 61 Vict. c. 38.  |
| Assurance Companies Act, 1909                   | 9 Edw. 7. c. 49.      |

| Short Title                                                        | Session and Chapter           |
|--------------------------------------------------------------------|-------------------------------|
| London County Council (Finance Consolidation) Act, 1912 ...        | 2 & 3 Geo. 5. c. cv.          |
| Defence of the Realm (Acquisition of Land) Act, 1916 ...           | 6 & 7 Geo. 5. c. 63.          |
| Air Force (Constitution) Act, 1917 ...                             | 7 & 8 Geo. 5. c. 51.          |
| Acquisition of Land (Assessment of Compensation) Act, 1919 ...     | 9 & 10 Geo. 5. c. 57.         |
| Air Navigation Act, 1920 ...                                       | 10 & 11 Geo. 5. c. 80.        |
| Government of Ireland Act, 1920 ...                                | 10 & 11 Geo. 5. c. 67.        |
| Police Pensions Act, 1921 ...                                      | 11 & 12 Geo. 5. c. 31.        |
| Conveyancing (Scotland) Act, 1924 ...                              | 14 & 15 Geo. 5. c. 27.        |
| Land Charges Act, 1925 ...                                         | 15 & 16 Geo. 5. c. 22.        |
| Great Western Railway (Air Transport) Act, 1929 ...                | 19 & 20 Geo. 5. c. liv.       |
| London North Eastern Railway (Air Transport) Act, 1929 ...         | 19 & 20 Geo. 5. c. lv.        |
| London Midland and Scottish Railway (Air Transport) Act, 1929 ...  | 19 & 20 Geo. 5. c. lvi.       |
| Southern Railway (Air Transport) Act, 1929 ...                     | 19 & 20 Geo. 5. c. lvii.      |
| Third Parties (Rights against Insurers) Act, 1930 ...              | 20 & 21 Geo. 5. c. 25.        |
| Road Traffic Act, 1930 ...                                         | 20 & 21 Geo. 5. c. 43.        |
| Merchant Shipping (Safety and Load Line Conventions) Act, 1932 ... | 22 & 23 Geo. 5. c. 9.         |
| Carriage by Air Act, 1932 ...                                      | 22 & 23 Geo. 5. c. 36.        |
| Local Government Act, 1933 ...                                     | 23 & 24 Geo. 5. c. 51.        |
| Law Reform (Miscellaneous Provisions) Act, 1934 ...                | 24 & 25 Geo. 5. c. 41.        |
| Road Traffic Act, 1934 ...                                         | 24 & 25 Geo. 5. c. 50.        |
| Restriction of Ribbon Development Act, 1935 ...                    | 25 & 26 Geo. 5. c. 47.        |
| Public Health Act, 1936 ...                                        | 26 Geo. 5. & 1 Edw. 8. c. 49. |
| Private Legislation Procedure (Scotland) Act, 1936 ...             | 26 Geo. 5. & 1 Edw. 8. c. 52. |
| Air Navigation Act, 1936 ...                                       | 26 Geo. 5. & 1 Edw. 8. c. 44. |
| Ministers of the Crown Act, 1937 ...                               | 1 Edw. 8. & 1 Geo. 6. c. 38.  |
| Air Navigation (Financial Provisions) Act, 1938 ...                | 1 & 2 Geo. 6. c. 33.          |
| British Overseas Airways Act, 1939 ...                             | 2 & 3 Geo. 6. c. 61.          |
| Town and Country Planning Act, 1944 ...                            | 7 & 8 Geo. 6. c. 47.          |
| Public Health (Scotland) Act, 1945 ...                             | 8 & 9 Geo. 6. c. 15.          |
| Ministry of Civil Aviation Act, 1945 ...                           | 8 & 9 Geo. 6. c. 21.          |
| Town and Country Planning (Scotland) Act, 1945 ...                 | 8 & 9 Geo. 6. c. 33.          |
| Requisitioned Land and War Works Act, 1945 ...                     | 8 & 9 Geo. 6. c. 43.          |
| Statutory Orders (Special Procedure) Act, 1945 ...                 | 9 & 10 Geo. 6. c. 18.         |
| Assurance Companies Act, 1946 ...                                  | 9 & 10 Geo. 6. c. 28.         |
| Acquisition of Land (Authorisation Procedure) Act, 1946 ...        | 9 & 10 Geo. 6. c. 49.         |
| Civil Aviation Act, 1946 ...                                       | 9 & 10 Geo. 6. c. 70.         |
| Town and Country Planning Act, 1947 ...                            | 10 & 11 Geo. 6. c. 51.        |
| Town and Country Planning (Scotland) Act, 1947 ...                 | 10 & 11 Geo. 6. c. 53.        |
| Air Navigation Act, 1947 ...                                       | 10 & 11 Geo. 6. c. 18.        |
| Mandated and Trust Territories Act, 1947 ...                       | 11 & 12 Geo. 6. c. 8.         |
| British Nationality Act, 1948 ...                                  | 11 & 12 Geo. 6. c. 56.        |
| Lands Tribunal Act, 1949 ...                                       | 12 & 13 Geo. 6. c. 42.        |
| Merchant Shipping (Safety Conventions) Act, 1949 ...               | 12 & 13 Geo. 6. c. 43.        |



# Air Corporations Act, 1949 to 1956 <sup>1</sup>

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## ARRANGEMENT OF SECTIONS

### *Constitution of the corporations*

#### Section

1. The Air Corporations.
2. Constitution of the corporations.

### *Functions of the corporations*

3. Functions of the corporations.
4. Appointment of committees.
5. General powers of Minister in relation to the corporations.
6. Use of aircraft registered in His Majesty's dominions.
7. Corporations not to be exempt from taxation, etc.

### *Borrowing powers*

8. Borrowing powers of the corporations.
9. Provisions as to stock of the corporations.
10. Power of Treasury to guarantee stock and temporary loans of the corporations.
11. Transfers of guaranteed stock to be free of stamp duty.
12. Limitation of the borrowing powers of the corporations.

### *Exchequer grants*

13. Exchequer grants to the corporations.
14. Revision of Exchequer grants to the corporations.
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16. Limitation of Exchequer grants.
17. Expenses and receipts of Minister.

### *General financial provisions*

18. Reserve funds.
19. Application of revenues.

### *Staff, wages, pensions, etc.*

20. Terms and conditions of employment of staff, etc.
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23. Annual report and periodical returns.

<sup>1</sup> The Air Corporations Act, 1949, 1953 and 1956, may be cited by this title. Air Corporations Act, 1956, Section 2(1).

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

Section

24. Reservation of certain air services to the corporations and their associates.
25. Power of Minister to require information.

*Special powers in case of emergency*

26. Special powers in case of emergency.

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

27. Merger of British South American Airways Corporation and British Overseas Airways Corporation.
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32. Transitional provisions relating to the acquisition of certain undertakings by British Overseas Airways Corporation.
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41. Repeal and savings.
42. Short title.

SCHEDULES:

First Schedule.—Supplementary Provisions as to the Corporations.

Second Schedule.—Provisions as to Pensions and Superannuation Schemes of Vendor Companies.

Part I—Pensions Scheme of Imperial Airways Limited.

Part II—Superannuation Scheme of British Airways Limited.

Third Schedule.—Repeals.

## CHAPTER 91

An Act to consolidate the enactments relating to the constitution and functions of the British Overseas Airways Corporation, the British European Airways Corporation and the British South American Airways Corporation.  
[16th December 1949.]

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

*Constitution of the corporations*

1.—(1) There shall be two corporations to be known as “the ~~The Air~~ British Overseas Airways Corporation” and “the ~~British Euro-~~ British European Airways Corporation” and, subject to the transitional provisions of this Act as to its merger with the British Overseas Airways Corporation, there shall also be a corporation to be known as “the British South American Airways Corporation.”

(2) The three corporations mentioned in the preceding subsection are hereinafter referred to as “the corporations” and the two corporations first mentioned therein are hereinafter referred to as “the permanent corporations.”

2.—(1) Each of the corporations shall consist of a chairman, ~~Constitution~~ a deputy chairman and such number of other members as the ~~of the~~ Minister may from time to time determine: ~~corporations.~~

Provided that—

- (a) the total number of members of each corporation shall not be less than five nor more than eleven ;
- (b) two deputy chairmen of the British Overseas Airways Corporation may be appointed.

“(2) The members of each of the corporations shall be appointed by the Minister, who shall also appoint the chairman and deputy-chairman or deputy-chairmen of each corporation from among its members.”

(3) The supplementary provisions contained in the First Schedule to this Act shall have effect in relation to each of the corporations.

### *Functions of the corporations*

Functions  
of the  
corporations.

3.—(1) Each of the corporations shall, subject to the provisions of this Act, have power to provide air transport services and to carry out all other forms of aerial work, and may provide such services and carry out such work, whether on charter terms or otherwise, in any part of the world; and it shall be the duty of each of the corporations to exercise those powers so as to secure that the air services which they may provide are developed to the best advantage, and, in particular, to exercise those powers so as to secure that the services provided by the corporation are provided at reasonable charges.

(2) Each of the corporations shall have power, subject as hereinafter provided, to do anything which is calculated to facilitate the discharge of their functions under the preceding subsection, or of any other functions conferred or imposed on the corporation by or under this Act, or is incidental or conducive to the discharge of any such functions.

(3) The Minister may, by an order relating to any of the corporations, define the powers conferred upon the corporation by the preceding provisions of this section so far as he thinks it desirable so to do for the purpose of securing that the public are properly informed as to the general nature and scope of the activities in which the corporation may engage; but nothing in any such order shall prejudice the generality of the powers conferred by the preceding provisions of this section.

Save as may be expressly provided by an order made under this subsection, none of the corporations shall have power to manufacture air-frames or aero-engines or airscrews.

(4) Without prejudice to the generality of the powers conferred by the preceding provisions of this section, each of the corporations shall in particular have power, subject as hereinafter provided—

- (a) to acquire any undertaking constituted for the purpose of providing air transport services or of engaging in any other activities of a kind which the corporation have power to carry on, or to acquire, hold or have any shares or stock in, or any financial interest in, **any such undertaking;**

“The Minister” is now the Minister of Transport and Civil Aviation. See the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. I. 1953, No. 1204.

- (b) to promote the formation of any such undertaking as is mentioned in the preceding paragraph ; and
- (c) to lend money to, or enter into guarantees for the benefit of, any such undertaking as aforesaid.

(5) The Minister may, by an order relating to any of the corporations, limit the powers of the corporation, to such extent as he thinks desirable in the public interest, by providing that any power of the corporation specified in the order shall not be exercisable except in accordance with a general or special authority given by him.

(6) Any statutory instrument containing an order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4. Each of the corporations shall appoint such committees, Appointment with such advisory or executive functions, as are necessary for of committees. the purpose of securing the efficient discharge of the functions of the corporation, and, in particular, for the purpose of securing that those functions are exercised with due regard to the circumstances and requirements of particular areas.

5. The Minister may, after consultation with any of the corporations, give to that corporation directions of a general character as to the exercise and performance by that corporation of their functions in relation to matters appearing to the Minister to affect the national interest ; and the corporation concerned shall give effect to any such directions. General powers of Minister in relation to the corporations.

6. Without prejudice to their general duty to comply with directions given by the Minister under this Act, each of the corporations shall in particular comply with such directions as may from time to time be given by the Minister, after consultation with the corporation, for securing that, to such extent and in such cases as may be specified in the directions, aircraft used by the corporation in connection with any service operated by them shall be registered in some part of His Majesty's dominions. Use of aircraft registered in His Majesty's dominions.

7.—(1) Except in so far as is otherwise provided by sections twenty-seven and thirty-three of this Act, it is hereby declared that nothing in this Act exempts any of the corporations from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local. Corporations not to be exempt from taxation, etc.

(2) It is hereby declared that no provision of this Act conferring any power or imposing any duty upon any of the corporations authorises the disregard by the corporation of any rule of law, whether having effect by virtue of any enactment or otherwise.

(3) Without prejudice to the generality of the provisions of the last preceding subsection, nothing in this Act shall be construed as exempting any of the corporations, or any person employed by any of the corporations, from compliance with the provisions of any Order in Council made or having effect under section thirteen of the Civil Aviation Act, 1949 (which relates to the licensing of air transport and commercial flying).

### *Borrowing powers*

Borrowing  
powers of the  
corporations.

8.—(1) Each of the permanent corporations may, with the consent of the Treasury, or in accordance with the terms of any general authority given by the Treasury, borrow temporarily, by way of overdraft or otherwise, such sums as the corporation may require for meeting their obligations or discharging their functions.

(2) Subject to the provisions of this Act, each of the permanent corporations may, with the consent of the Treasury, borrow money by the issue of stock for all or any of the following purposes, that is to say—

- (a) the provision of working capital ;
- (b) the promotion of other undertakings, the acquisition of other undertakings or of shares or stock in other undertakings, and the making of loans to, and the fulfilment of guarantees given for the benefit of, other undertakings ;
- (c) the redemption of any stock which the corporation are required or entitled to redeem ; and
- (d) any other expenditure properly chargeable to capital account, including the repayment of any money temporarily borrowed under subsection (1) of this section for any of the purposes mentioned in the preceding paragraphs of this subsection.

Provisions as  
to stock of the  
corporations.

9.—(1) Each of the permanent corporations may create and issue any stock required for the purpose of exercising their powers under the last preceding section, and may also, with the consent of the Treasury, create and issue stock which is to be allotted as consideration for the acquisition of other undertakings or of shares or stock in other undertakings.

(2) Subject to the provisions of subsection (1) of section twenty-eight of this Act, stock issued by any of the corporations and the interest thereon shall be charged on the undertaking and all property and revenues of that corporation.

(3) Subject to the provisions of this Act, the stock of each of the corporations shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such regulations as the Minister, with the approval of the Treasury, may prescribe, and any such regulations may, in relation to any such stock, apply with or without modifications any provisions of the Local Loans Act, 1875, or of any enactment relating to stock issued by a local authority.

(4) The approval of the Minister shall be required for naming or changing the name of stock issued by the British Overseas Airways Corporation.

<sup>3</sup>10.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the redemption or repayment of, and the payment of any interest on, any stock issued, or temporary loan raised, by any of the corporations. Power of Treasury to guarantee stock and temporary loans of the corporations.

(2) Any sums required by the Treasury for fulfilling a guarantee given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof (hereinafter referred to as "the Consolidated Fund"), and any sums received by way of repayment of any sums so issued, or by way of interest thereon, shall be paid into the Exchequer.

(3) The undertaking and all property and revenues of the corporation concerned shall be charged with the repayment of any sums so issued out of the Consolidated Fund, including interest thereon at such rates as the Treasury may determine; and any such charge shall rank—

(a) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of stock, next after the principal and interest of the stock and any sums which the corporation are bound to set aside towards the redemption of the stock, and in priority to any other charge not existing at the date of the issue of the stock; and

(b) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of a temporary loan, next after the principal and interest of the loan (in so far as that principal or interest are charged upon the undertaking, property or revenues of the corporation), and in priority to any other charge not existing at the date of the raising of the loan.

(4) Immediately after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

<sup>3</sup> Extended by the Air Corporations Act, 1956 (c. 3), Section 1(3).

(5) Where any sum is issued out of the Consolidated Fund under this section, the Treasury shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament an account of that sum and of any payments made, during the financial year to which the account relates, by way of repayment of that sum or by way of interest thereon.

Transfers of  
guaranteed  
stock to be free  
of stamp duty.

**11.** Where the payment of principal and interest on any stock issued by any of the corporations is guaranteed by the Treasury, transfers of the stock shall be exempt from all stamp duties.

Limitation  
of the  
borrowing  
powers of the  
corporations.

**12.—(1)** Subject as hereinafter provided, the aggregate of the amounts outstanding in respect of the principal of any stock issued and of any temporary loans raised by the British Overseas Airways Corporation shall not at any time exceed sixty million pounds.<sup>4</sup>

(2) Subject as hereinafter provided, the aggregate of the amounts outstanding in respect of the principal of any stock issued and of any temporary loans raised by the British European Airways Corporation shall not at any time exceed twenty million pounds.<sup>5</sup>

(3) Nothing in this section shall prevent either of the permanent corporations from borrowing in excess of the limit prescribed by the preceding provisions of this section for the purpose of redeeming any stock of the corporation which they are required or entitled to redeem, or of paying off any temporary loan.

### *Exchequer grants*

Exchequer  
grants to the  
corporations.

**13.—(1)** In respect of each financial year which expires before the first day of April, nineteen hundred and fifty-six, each of the corporations shall, at such time before the beginning of the year as the Minister may direct, submit to the Minister—

(a) a programme of the air transport services which the corporation propose to provide during that year and of the other activities in which the corporation propose to engage during that year; and

(b) an estimate of the revenue to be received by the corporation during that year and of the expenditure to be incurred by them on revenue account during that year.

(2) Every programme and estimate so submitted shall be in **such form and shall contain such particulars, and every estimate**

<sup>4</sup> Raised from sixty million pounds to one hundred and sixty million pounds by the Air Corporations Act 1956 (c. 3), Section 1(1).

<sup>5</sup> Raised from twenty million pounds to sixty million pounds by the Air Corporations Act, 1956 (c. 3), Section 1(1) and the borrowing powers of the British Overseas Airways Corporation were extended in accordance with *Ibid.*, Section 1(2).

so submitted shall be made upon such basis, as the Minister may, with the approval of the Treasury, direct.

(3) If, after the Minister has considered any such programme and estimate and has given to the corporation concerned an opportunity of making representations to him with respect thereto, it appears to the Minister and to the Treasury that the expenditure on revenue account of the corporation concerned during the financial year to which the estimate relates will be in excess of their revenue during that year, the Minister and the Treasury shall determine whether any Exchequer grant should be made to the corporation concerned for the year in question, and, if such a grant is to be made, the basis on which the amount thereof is to be calculated; and the Minister shall, at the conclusion of the year, make to the corporation such grant, if any, as falls to be made upon that basis.

(4) If having regard to any determination made for the purposes of the last preceding subsection it appears to the Minister to be expedient so to do, he may, notwithstanding that the year to which the determination relates is not yet ended, make to the corporation concerned such payments as the Treasury may approve on account of any grant which he may subsequently become authorised to make to the corporation for that year under the preceding provisions of this section.

Any such payment shall be provisional only, and, when it is determined what grant ultimately falls to be made to the corporation for the year under the preceding provisions of this section, shall be subject to adjustment, either by way of payments to the corporation by the Minister, or payments to the Minister by the corporation, as the case may require.

(5) In this section—

- (a) the expression "revenue" does not include any grant which may be made by the Minister under this Act; and
- (b) the expression "expenditure" in relation to any estimate, includes any sum thereby proposed to be set aside or allocated for any purpose, other than a sum which would fall to be charged to capital account.

14.—(1) If, after the Minister and the Treasury have made any determination for the purposes of subsection (3) of the last preceding section, it appears that any material assumption is, or is likely to be, at variance with the facts, the corporation concerned may, and shall if the Minister so requires, submit to the Minister a statement giving particulars of the discrepancy.

Revision of  
Exchequer  
grants to the  
corporations.

In this subsection the expression "material assumption", in relation to any determination, means any of the assumptions which were made for the purpose of arriving at the estimate of revenue and expenditure upon which the determination was based.

(2) If having regard to any such statement, and to any information furnished to him in connection therewith, the Minister is satisfied that any determination made for the purposes of subsection (3) of the last preceding section ought to be revised, he may, with the consent of the Treasury, revise the determination, and where any such revision is made the amount of the grant to be made under the last preceding section to the corporation concerned for the financial year in question shall be increased or reduced accordingly.

(3) Where any such revision is made, such adjustments shall be made, either by way of payments to the corporation by the Minister, or payments to the Minister by the corporation, as are necessary in consequence of the revision.

(4) Where any such determination has been so revised as aforesaid, the determination may be further revised in accordance with the provisions of this section, and the said provisions shall have effect for the purposes of any such further revision as they have effect for the purposes of a first revision.

Exchequer grants to associates of the corporations.

15.—(1) The Minister may, with the approval of the Treasury, make grants to any associate of any of the corporations in consideration of promises made by the associate with respect to the performance, at any time before the first day of April, nineteen hundred and fifty-six, of functions similar to those which any of the corporations have power to perform.

(2) It shall be a term of every agreement made by the Minister to make grants in pursuance of this section that no grants shall be payable under the agreement unless the associate complies with such requirements as may be imposed by the Minister for securing that one or more directors of the associate shall be a person or persons nominated by him.

(3) In this Act the expression "associate", in relation to any of the corporations, means any subsidiary of the corporation, or any undertaking which—

- (a) is constituted for the purpose of providing air transport services or of engaging in any other activities of a kind which the corporation have power to carry on; and
- (b) is associated with the corporation under the terms of any arrangement for the time being approved by the Minister as being an arrangement calculated to further the efficient discharge of the functions of the corporation;

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

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

### *General financial provisions*

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

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

Provided that—

- (a) no part of the said fund shall be applied otherwise than for the purposes of the corporation; and
- (b) the power of the Minister to give directions to the corporation shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

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

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

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

*Staff, wages, pensions, etc.*

Terms and  
conditions of  
employment  
of staff, etc.

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

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

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

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

Pensions, etc.

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

In this section the expression "corporation employee" means an employee of any of the corporations.<sup>6</sup>

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

<sup>6</sup> The power to make regulations under this section was extended by the Air Corporations Act, 1953 (c. 71), Section 2(1), to cover pensions of employees who become members of either corporation, and by Section 2(2) of the same Act provision is to be made for pensions for other members of the corporations.

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

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

*Accounts, reports and information*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Power of  
Minister to  
require  
information.

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

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

#### *Special powers in case of emergency*

Special powers  
in case of  
emergency.

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

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

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

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

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

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

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

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

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

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

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

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

Now therefore—

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

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

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

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

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

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

Stock and  
loans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 33. Stamp duty shall not be chargeable—

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

Exemption  
from stamp  
duty.

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

### *Transitory provisions as to superannuation, etc.*

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

Pension and  
superannuation  
schemes of  
vendor  
companies.

Superannuation schemes already established by British Overseas Airways Corporation.

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

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

### *Supplemental*

Provisions as to offences.

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

- (a) shall not, in England, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions; and
- (b) shall not, in Northern Ireland, be instituted except by or with the consent of the Minister or by the Attorney-General for Northern Ireland.

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

Regulations and order.

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

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

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

“appointed day” has the meaning assigned to it by section twenty-seven of this Act;

“air transport service” means a service for the carriage by air of passengers, mails or other freight;

“associate”, in relation to any of the corporations, has the meaning assigned to it by section fifteen of this Act;

“director” includes any person occupying the position of director, by whatever name called;

“financial year”, in relation to any of the corporations, means a period of twelve months beginning on the first day of April;

“Minister” means the Minister of Civil Aviation;

“remuneration” includes reasonable allowances in respect of expenses properly incurred in the pursuance of the duties of any office;

“revenue,” in relation to any of the corporations, includes grants made by the Minister to the corporation under this Act;

“scheduled journey” has the meaning assigned to it by section twenty-four of this Act;

“subsidiary,” in relation to any of the corporations, means any undertaking more than one half of the issued share capital whereof is held directly or through a nominee by the corporation, and any undertaking in relation to which the corporation have a power directly or indirectly to appoint the majority of the directors;

“transfer date” has the meaning assigned to it by section thirty-two of this Act;

“vendor companies” has the meaning assigned to it by section thirty-two of this Act;

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

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

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

<sup>\*</sup> The responsible Minister is now the Minister of Transport and Civil Aviation: see the Transfer of Functions (Ministry of Civil Aviation) Order, 1953, S. I. 1953, No. 1204.

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

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

Application  
to Channel  
Islands and  
Isle of Man.

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

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

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

Repeal and  
savings.

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

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

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

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

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

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

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

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

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

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

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

**42.** This Act may be cited as the Air Corporations Act, 1949.<sup>11</sup> Short title.

<sup>11</sup> See note 1, *Supra*.

## SCHEDULES

## Section 2.

## FIRST SCHEDULE

## SUPPLEMENTARY PROVISIONS AS TO THE CORPORATIONS

*Tenure and Vacation of Office*

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

Provided that—

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

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

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

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

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

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

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

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

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

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

*The Deputy Chairman*1st SCH.  
—cont.

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

- (a) the office of chairman of the corporation is vacant; or
- (b) by reason of illness, absence or any other cause the chairman is not available,

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

*Remuneration*

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

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

*Meetings and proceedings*

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

*The common seal*

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

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

*Instruments of the corporation*

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

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

*Power to hold land*

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

## SECOND SCHEDULE

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

## PART I

*Pensions Scheme of Imperial Airways Limited*

## 1. In this Part of this Schedule—

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

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

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

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

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

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

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

2ND SCH.  
—cont.

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

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

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

## PART II

### *Superannuation Scheme of British Airways Limited*

1. In this Part of this Schedule—

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

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

2ND SCH.  
—cont.

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

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

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

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

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

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

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

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

2ND SCH.  
—cont.

## THIRD SCHEDULE

Section 41.

REPEALS<sup>12</sup>

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

*Table of Statutes referred to in this Act*

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

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

# Civil Aviation (Licensing) Act, 1960

8 & 9 ELIZ. 2 CH. 38

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## ARRANGEMENT OF SECTIONS

### *Licensing of certain flying*

#### Section

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

### *Prohibition of aerial advertising*

7. Prohibition of aerial advertising and propaganda.

### *General*

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

Schedule—The Air Transport Licensing Board.

## CHAPTER 38

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

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

*Licensing of certain flying*

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

Establishment of licensing authority, and restriction of unlicensed flying.

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

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

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

(4) This section shall apply to—

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

Air service  
licences.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regulations.

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

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

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

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

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

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

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

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

Enforcement  
of licensing  
provisions.

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

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

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

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

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

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

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

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

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

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

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

#### *Prohibition of aerial advertising*

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

Prohibition  
of aerial  
advertising  
and  
propaganda.

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

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

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

*General*

Expenses of,  
and reports  
by, Board.

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

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

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

Repeal of  
certain  
enactments.

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

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

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

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

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

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

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

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

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

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

“the Minister” means the Minister of Aviation;

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

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

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

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

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

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

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

Power to extend provisions of Act to certain overseas territories.

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

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

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

Citation,  
commence-  
ment and  
extent.

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

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

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

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

## SCHEDULE

### THE AIR TRANSPORT LICENSING BOARD

1. The Board shall consist of not less than six nor more than ten members appointed by the Minister, who shall also appoint two of those members to be chairman and deputy chairman respectively of the Board.
2. Subject to the provisions of this Schedule, the chairman, the deputy chairman and each of the other members of the Board shall hold and vacate his office in accordance with the terms of the instrument appointing him.
3. The Minister—
  - (a) shall pay to any member of the Board such remuneration (whether by way of salary or fees) and such allowances as the Minister may with the approval of the Treasury determine; and
  - (b) in the case of any member of the Board with respect to whom the Minister may with the said approval determine, shall make such provision for the payment of a pension to or in respect of that member as he may so determine;and the Minister shall, as soon as possible after the establishment of the Board, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable under this paragraph to the members of the Board; and if any subsequent determination made by him under this paragraph involves any departure from the terms of that statement or if a determination so made provides for the payment of a pension to or in respect of any member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.
4. In Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain bodies all members of which are disqualified under that Act) and in the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, after the entry relating to the Air Transport Advisory Council there shall be inserted the words "The Air Transport Licensing Board".
5. If the Minister is satisfied that the chairman or deputy chairman of the Board is temporarily unable to discharge the functions of his office owing to illness or any other cause, he may appoint some other member of the Board to act for the time being in the place of the chairman or deputy chairman, as the case may be.
6. If the Minister is satisfied that a member of the Board—
  - (a) has without the permission of the Board been absent from meetings of the Board for a continuous period exceeding six months; or
  - (b) has become bankrupt or made an arrangement with his creditors; or

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

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

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

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

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*Table of Statutes referred to in this Act*

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

# **Civil Aviation (Eurocontrol) Act, 1962**

10 & 11 ELIZ. 2 CH. 8

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## **ARRANGEMENT OF SECTIONS**

### **Section**

1. The Convention and the Organisation.
2. Status and privileges of Eurocontrol.
3. Provision of funds and facilities for Eurocontrol.
4. Charges for air navigation services.
5. Use of certain records as evidence.
6. Offences.
7. Supplementary provisions.
8. Interpretation and minor amendment.
9. Application to Channel Islands, Isle of Man, etc.
10. Short title, commencement and extent.



## CHAPTER 8

An Act to make provision in connection with the international convention relating to co-operation for the safety of air navigation, known as the Eurocontrol Convention; to provide for the recovery of charges for services provided for aircraft; to authorize the use of certain records as evidence in proceedings for the recovery of such charges or proceedings under the Air Navigation Order; and for purposes connected with the matters aforesaid. [21st February, 1962]

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

1.—(1) In this Act “the Convention” means the International Convention relating to co-operation for the safety of air navigation (entitled Eurocontrol) concluded at Brussels on the thirteenth day of December, nineteen hundred and sixty (copies of which were laid before Parliament by command of Her Majesty on the thirteenth day of June, nineteen hundred and sixty-one); and “the Organisation” means the European Organisation for the Safety of Air Navigation established by the Convention and therein referred to as Eurocontrol. The Convention and the Organisation.

(2) Except where the context otherwise requires, references in this Act to the Organisation include references to the Permanent Commission for the Safety of Air Navigation and the Air Traffic Services Agency (in this Act referred to as the Agency) comprised in the Organisation.

Status and  
privileges of  
Eurocontrol.

2.—(1) The Organisation shall have the legal capacity of a body corporate ; and anything which may be required or authorised by law to be done by or to the Organisation may be done by or to the Agency on behalf of the Organisation.

(2) The Organisation shall be entitled to the exemptions and reliefs described in paragraphs 3 to 5 of the Schedule to the International Organisations (Immunities and Privileges) Act, 1950 (rates and taxes, import duties and import and export restrictions).

(3) Any rule of law relating to the inviolability of the official archives and premises of an envoy of a foreign sovereign Power accredited to Her Majesty shall extend to the official archives of the Organisation, and to premises occupied by the Organisation wholly or mainly for the housing of its installations ; and without prejudice to the foregoing provisions, no judgment or order of any court shall be enforced by the levying of execution or by diligence upon anything forming part of any such installations :

Provided that this subsection (except so far as it relates to execution or diligence) shall not preclude access to any premises, or the inspection of any record or document,—

- (a) by a constable or other person acting in the execution of a warrant or other legal process ;
- (b) by a Court of Inquiry or an Inspector of Accidents acting in pursuance of regulations made under section ten of the Civil Aviation Act, 1949 (investigation of accidents) ; or
- (c) by a constable having reason to believe that an offence has been or is being or is about to be committed on the premises.

(4) In this section “ installations ” means apparatus for locating, directing, affording navigational aid to, or otherwise communicating with aircraft in flight, including apparatus for recording or processing material received or transmitted by such apparatus, and any other apparatus for use in connection with any such apparatus as aforesaid.

Provision of  
funds and  
facilities for  
Eurocontrol.

3.—(1) The Minister may from time to time pay to the Organisation such sums on account of its expenses as he may with the consent of the Treasury determine, being sums for the payment of which Her Majesty's Government in the United Kingdom are liable under the Convention.

(2) The Minister or the Secretary of State may provide for the Organisation any land, premises, installations, equipment or services (including the services of personnel), whether within or

without the United Kingdom, which may be required for the purposes of or in connection with the functions of the Organisation under the Convention.

(3) The following provisions of the Civil Aviation Act, 1949, that is to say—

- (a) section twenty-four (which enables the Minister to obtain rights over land in order to secure the safe and efficient use for civil aviation purposes of land which is vested in him or which he proposes to acquire) ; and
- (b) section twenty-six (which enables the Minister to exercise control over land in order to secure the safe and efficient use for civil aviation purposes of land, structures, works or apparatus vested in him or which he proposes to acquire or instal),

shall apply in relation to land, structures, works and apparatus vested in or occupied by the Organisation, or proposed to be acquired, occupied or installed by the Organisation, as they apply in relation to land, structures, works or apparatus vested in, or proposed to be acquired or installed by, the Minister.

(4) Any easements, servitudes or rights created by order under the said section twenty-four as extended by this section may be created in favour of the Organisation, and any reference in the said Act to an order for the creation of easements, servitudes or rights in favour of the Minister shall be construed accordingly.

(5) Any expenses incurred by the Minister or the Secretary of State by virtue of this section shall be defrayed out of moneys provided by Parliament, and any sums received from the Organisation by either of them in consideration of anything done under this section shall be paid into the Exchequer.

4.—(1) The Minister may by statutory instrument make regulations for requiring the payment to the Organisation or to the Minister of charges of such amounts as may be prescribed by the regulations in respect of navigation services provided for aircraft, being services provided by the Organisation in pursuance of the Convention, or provided by the Minister, as the case may be ; and any sums received by the Minister under such regulations shall be paid into the Exchequer.

(2) The liability for any charges payable by virtue of regulations under this section may be imposed upon the operators of aircraft for which those services are available (whether or not they are actually used or could be used with the equipment installed in the aircraft) or upon the managers of aerodromes used by such aircraft, or partly upon those operators and partly upon those managers.

(3) The charges to be prescribed by any such regulations as aforesaid shall—

- (a) in the case of charges payable to the Organisation, be at such rates as the Minister may determine in pursuance of tariffs approved under the Convention ;
- (b) in the case of charges payable to the Minister, be at such rates as the Minister may, with the consent of the Treasury, determine ;

and the regulations may prescribe different charges in respect of aircraft of different classes or descriptions or in respect of aircraft used in different circumstances, and may dispense with charges in such cases as may be prescribed by or determined under the regulations.

(4) For the purpose of facilitating the assessment and collection of charges payable by virtue of regulations under this section, the regulations may make provision for requiring operators of aircraft or managers of aerodromes—

- (a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as may be prescribed by the regulations, and to preserve those records for such period as may be so prescribed ;
- (b) to produce for inspection, at such times and by such officers of the Organisation or of the Minister as may be so prescribed, any records which are required by the regulations or the Air Navigation Order to be preserved by those operators or managers ;
- (c) to furnish to the Organisation or to the Minister such particulars of any such records as may be so prescribed.

(5) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Use of certain records as evidence.

5.—(1) In any proceedings to which this section applies, any record made by any such authority or person as may be designated for the purposes of this subsection, or by a person acting under the control of such an authority or person, being a record purporting to show—

- (a) the position of any aircraft at any material time ; or
- (b) the terms or content of any message or signal transmitted to any aircraft, either alone or in common with other aircraft, or received from any aircraft, by the first-mentioned authority or person, or by a person acting under the control of that authority or person,

shall, if produced from the custody of that authority or person, be evidence, and in Scotland sufficient evidence, of the matters appearing from the record.

(2) This section applies to the following proceedings, that is to say—

- (a) proceedings for the recovery of any charges payable by virtue of regulations under section four of this Act, or for an offence under this Act committed by failure to make records in accordance with regulations made in pursuance of subsection (4) of that section, or by furnishing false particulars of records so made ;
- (b) proceedings for an offence under the Air Navigation Order being an offence committed by failure or refusal to comply with any rules or directions relating to the navigation of aircraft ;

and the authorities or persons to be designated for the purposes of subsection (1) of this section shall be designated, in relation to such proceedings, by regulations under the said section four or by the Air Navigation Order, as the case may be.

(3) The references in subsection (1) of this section to a record made by or under the control of any authority or person include references to a document or article purporting to be a copy of a record so made, and certified to be a true copy by or on behalf of that authority or person ; and in relation to such a copy that subsection shall have effect as if the words “ if produced from the custody of that authority or person ” were omitted.

6.—(1) Any person who, without reasonable cause, fails to comply with any requirement of regulations made by virtue of subsection (4) of section four of this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds. Offences.

(2) Any person who, being in possession of information furnished to or obtained by him in pursuance of regulations under the said subsection (4), discloses that information otherwise than—

- (a) with the consent of the person by whom it was furnished or from whom it was obtained ; or
- (b) for the purposes of the regulations ; or
- (c) for the purposes of any proceedings arising out of this Act, or of any criminal proceedings whether so arising or not ; or
- (d) for the purposes of any public inquiry or Inspector's investigation held or carried out in pursuance of regulations made under section ten of the Civil Aviation Act, 1949 (investigation of accidents) ; or
- (e) for the purpose of any report of any such proceedings, inquiry or investigation as aforesaid,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.

(3) Any person who, in furnishing in pursuance of such regulations any such particulars as are described in paragraph (c) of the said subsection (4), furnishes any particulars which to his knowledge are false in any material particular, or recklessly furnishes any particulars which are false in any material particular, shall be liable—

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

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(4) Any person who wilfully certifies any document or article to be a true copy of any such record as is mentioned in subsection (1) of section five of this Act knowing it not to be a true copy shall be liable—

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

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(5) References in the Forgery Act, 1913, to a document shall be construed as including a reference to any record, not being a document within the meaning of that Act, which is made as described in subsection (1) of the said section five and which purports to show as regards any aircraft any such information as is mentioned in paragraph (a) or (b) of that subsection.

Supplementary provisions.

7.—(1) Part VI of the Civil Aviation Act, 1949 (which contains supplementary provisions applicable to certain enactments contained in that Act, including provisions relating to the extra-territorial effect of Orders in Council and regulations, and savings in respect of Crown aircraft) shall have effect as if sections four to six of this Act were included among the enactments to which the said Part VI applies.

(2) Without prejudice to section fifty-eight of the said Act (under which orders and regulations made under any enactment to which Part VI of that Act applies may provide for the detention of aircraft to secure compliance therewith), regulations under section four of this Act may make provision—

(a) in the case of default in the payment of any charge payable by an operator under the regulations, for authorising the detention, pending payment, of the aircraft in respect of which the charge was incurred or of any other aircraft of which the person in default is the operator at the time when the detention begins ;

- (b) in the case of default in complying with any requirement imposed by the regulations on the operators of aircraft with respect to the production for inspection, or the furnishing of particulars, of any records, for authorising the detention, pending compliance, of any aircraft of which the person in default is the operator at the time when the detention begins ;

and such regulations may make such further provision as appears to Her Majesty in Council to be necessary or expedient for securing such detention.

(3) A court in any part of the United Kingdom shall have jurisdiction—

- (a) to hear and determine a claim for charges payable to the Minister by virtue of regulations under section four of this Act, notwithstanding that the person against whom the claim is made is not resident within the jurisdiction of the court ;
- (b) to hear and determine a claim against the Organisation for damages in respect of any wrongful act, neglect or default, notwithstanding that that act, neglect or default did not take place within the jurisdiction of the court or that the Organisation is not present within the jurisdiction of the court :

Provided that a court shall not have jurisdiction by virtue of paragraph (b) of this subsection in respect of damage or injury sustained wholly within or over a country to which this Act does not extend.

8.—(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, Interpretation  
and minor  
amendment.

- “ aerodrome ” has the same meaning as in the Civil Aviation Act, 1949 ;
- “ the Air Navigation Order ” means any Order in Council in force under section eight of the Civil Aviation Act, 1949 ;
- “ manager ”, in relation to an aerodrome, means a person who is in charge of, or holds an aerodrome licence (within the meaning of the Civil Aviation (Licensing) Act, 1960) in respect of, the aerodrome ;
- “ the Minister ” means the Minister of Aviation ;
- “ navigation services ” includes information, directions and other facilities furnished, issued or provided for the purposes of or in connection with the navigation or movement of aircraft ;

“operator”, in relation to an aircraft, means the person for the time being having the management of that aircraft;

“record” includes, in addition to a record in writing—

(a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;

(b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and

(c) any photograph;

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction.

(2) Any reference in this Act to any other enactment is a reference thereto as amended by or under any other enactment, including this Act; and any such reference to the Convention includes a reference to any amendment of the Convention which may be agreed upon between the contracting parties thereto.

(3) The definition of “operator” contained in this section shall be substituted for the definition of that expression in section ten of the Civil Aviation (Licensing) Act, 1960, and cognate expressions in that Act shall be construed accordingly.

Application  
to Channel  
Islands, Isle of  
Man, etc.

9.—(1) Her Majesty may by Order in Council direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to—

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

(b) any colony, protectorate or protected state;

and any such Order in Council may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient, and may be varied or revoked by a subsequent Order in Council.

(2) References in this section to a protectorate and to a protected state shall be construed as if they were references contained in the British Nationality Act, 1948.

10.—(1) This Act may be cited as the Civil Aviation (Eurocontrol) Act, 1961. Short title,  
commence-  
ment and  
extent.

(2) This Act (except this section) shall come into operation on such date as the Minister may by order appoint; and different dates may be appointed by order under this subsection for different purposes of this Act.

(3) It is hereby declared that this Act extends to Northern Ireland; and for that purpose any reference in this Act to an enactment of the Parliament of the United Kingdom is a reference to that enactment as it applies in Northern Ireland.

*Table of Statutes referred to in this Act*

| Short Title                                                              | Session and Chapter        |
|--------------------------------------------------------------------------|----------------------------|
| Forgery Act, 1913 ... ..                                                 | 3 & 4 Geo. 5. c. 27.       |
| British Nationality Act, 1948 ... ..                                     | 11 & 12 Geo. 6. c. 56.     |
| Civil Aviation Act, 1949 ... ..                                          | 12, 13 & 14 Geo. 6. c. 67. |
| International Organisations (Immunities and Privileges) Act, 1950 ... .. | 14 Geo. 6. c. 14.          |
| Civil Aviation (Licensing) Act, 1960 ... ..                              | 8 & 9 Eliz. 2. c. 38.      |

# **Carriage by Air (Supplementary Provisions) Act, 1962**

10 & 11 ELIZ. 2 CH. 43

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## **ARRANGEMENT OF SECTIONS**

### Section

1. Supplementary Convention to have force of law.
2. Interpretation of Supplementary Convention.
3. Application of provisions of Acts of 1961 and 1932.
4. Interim protection for carriers' servants and agents.
5. Application to British possessions, etc., and to carriage by air not governed by Supplementary Convention.
6. Application to Crown.
7. Short title, commencement and saving.

SCHEDULE—Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier.

## CHAPTER 43

An Act to give effect to the Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier; and for connected purposes. [19th July, 1962]

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

1.—(1) The provisions of the Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier, as set out in the Schedule to this Act, shall, so far as they relate to the rights and liabilities of carriers, carriers' servants and agents, passengers, consignors, consignees, and other persons, and subject to the provisions of this Act, have the force of law in the United Kingdom in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage. Supplementary Convention to have force of law.

(2) If there is any inconsistency between the text in English in Part I of the Schedule to this Act and the text in French in Part II of that Schedule, the text in French shall prevail.

2.—(1) In the Schedule to this Act "the Warsaw Convention" means—

- (a) before the day on which section one of the Carriage by Air Act, 1961, comes into force, the Convention set out in the First Schedule to the Carriage by Air Act, 1932, and Interpretation of Supplementary Convention. 9 & 10 Eliz. 2 c. 27. 22 & 23 Geo. 5. c. 36.

(b) on and after that day, the Convention set out in the First Schedule to the said Act of 1961,

but, in relation to rights or liabilities arising out of an occurrence before that day, "the Warsaw Convention" shall continue to have the same meaning as before that day.

(2) In Articles VII and VIII in the Schedule to this Act "court" includes (in an arbitration allowed by the Conventions referred to in the foregoing subsection or by Article IX, 3 in the Schedule to this Act) an arbitrator.

(3) In the application to Scotland of the Schedule to this Act and of the foregoing provisions of this section, for references to an arbitrator and a plaintiff there shall be substituted respectively references to an arbiter and a pursuer.

Application  
of provisions  
of Acts of  
1961 and 1932.

3.—(1) In paragraph (a) of subsection (1) and in subsections (2) and (3) of section four of the said Act of 1961 (which explain the limitations on liability in Article 22 in the First Schedule to that Act and enable a court to make appropriate orders and awards to give effect to those limitations) references to the said Article 22 shall include, subject to any necessary modifications, references to Article VI in the Schedule to this Act.

(2) In section five of the said Act of 1961 (which limits the time for bringing proceedings against a carrier's servant or agent and to obtain contribution from a carrier) references to a carrier include references to an actual carrier as defined in paragraph (c) of Article I in the Schedule to this Act as well as to a contracting carrier as defined in paragraph (b) of that Article.

(3) In section eight of the said Act of 1961 (which relates to actions against States brought in the United Kingdom in accordance with Article 28 in the First Schedule to that Act) and in section two of the said Act of 1932 (which contains corresponding provisions) the reference to Article 28 shall include a reference to Article VIII in the Schedule to this Act.

Interim  
protection for  
carriers'  
servants and  
agents.

4. Article V in the Schedule to this Act, and so much of Article VI in that Schedule as limits the aggregate amount which can be recovered from a carrier and his servants and agents, shall, in relation to rights or liabilities arising out of an occurrence before the day on which Article 25A in the First Schedule to the said Act of 1961 (to which those provisions are supplementary) comes into force, apply not only in relation to carriage performed by an actual carrier and to the persons mentioned in those provisions but also in relation to any other carriage governed by the Convention set out in the First Schedule to the said Act of 1932 and to any carrier under that Convention and his servants and agents.

5.—(1) Section nine of the said Act of 1961 (which enables Her Majesty to extend that Act to British possessions and other territories) shall (except so far as it relates to United Kingdom trust territories) apply to this Act as it applies to that Act, and an order under that section may relate to both that Act and this Act.

Application to British possessions, etc., and to carriage by air not governed by Supplementary Convention.

(2) Section ten of the said Act of 1961 (which enables Her Majesty to apply the First Schedule and other provisions of that Act to carriage by air which is not governed by the Convention set out in that Schedule) shall apply to the Schedule and other provisions of this Act as it applies to that Act, and an order under that section may relate to both that Act and this Act.

(3) Before the day on which section one of the said Act of 1961 comes into force, in subsections (1) and (2) of this section the references to sections nine and ten of the said Act of 1961 shall be read respectively, subject to any necessary modifications, as references to sections three and four of the said Act of 1932 (which contain corresponding provisions).

(4) This section shall come into force on the passing of this Act.

6.—(1) This Act shall bind the Crown.

Application to Crown.

(2) This section shall not have effect before the day on which section one of the said Act of 1961 comes into force.

7.—(1) This Act may be cited as the Carriage by Air (Supplementary Provisions) Act, 1962.

Short title, commencement and saving.

(2) Except as otherwise provided, this Act shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention in the Schedule to this Act comes into force as regards the United Kingdom.

(3) This Act shall not apply so as to affect rights or liabilities arising out of an occurrence before the day mentioned in the last foregoing subsection; and nothing in this section shall prevent any provision of this Act having effect before that day by virtue of an order under subsection (2) of section five of this Act.

## Section 1.

## SCHEDULE

## PART I

## THE ENGLISH TEXT

## CONVENTION

SUPPLEMENTARY TO THE WARSAW CONVENTION, FOR THE UNIFICATION  
OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR  
PERFORMED BY A PERSON OTHER THAN THE CONTRACTING CARRIER

## ARTICLE I

In this Convention:

- (a) [*This paragraph is not reproduced. It defines "Warsaw Convention."*]
- (b) "contracting carrier" means a person who as a principal makes an agreement for carriage governed by the Warsaw Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor ;
- (c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the Warsaw Convention. Such authority is presumed in the absence of proof to the contrary.

## ARTICLE II

If an actual carrier performs the whole or part of carriage which, according to the agreement referred to in Article I, paragraph (b), is governed by the Warsaw Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Convention, be subject to the rules of the Warsaw Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

## ARTICLE III

1. The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

2. The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Warsaw Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Warsaw Convention or any waiver of rights conferred by that Convention or any special declaration of interest in delivery at destination contemplated in Article 22 of the said Convention, shall not affect the actual carrier unless agreed to by him.

## ARTICLE IV

SCH.

Any complaint to be made or order to be given under the Warsaw Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Warsaw Convention shall only be effective if addressed to the contracting carrier.

## ARTICLE V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Convention to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Warsaw Convention, prevents the limits of liability from being invoked.

## ARTICLE VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

## ARTICLE VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seised of the case.

## ARTICLE VIII

Any action for damages contemplated in Article VII of this Convention must be brought, at the option of the plaintiff, either before a court in which an action may be brought against the contracting carrier, as provided in Article 28 of the Warsaw Convention, or before the court having jurisdiction at the place where the actual carrier is ordinarily resident or has his principal place of business.

## ARTICLE IX

1. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Convention or to fix a lower limit than that which is applicable according to this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Convention.

SCH.

2. In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

3. Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this 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 cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place in one of the jurisdictions referred to in Article VIII.

### ARTICLE X

Except as provided in Article VII, nothing in this Convention shall affect the rights and obligations of the two carriers between themselves.

*[Articles XI to XVIII and the concluding words of the Convention are not reproduced. They deal with the coming into force of the Convention and provide that in the case of inconsistency the text in French shall prevail.]*

### PART II

#### THE FRENCH TEXT

#### CONVENTION

COMPLEMENTAIRE A LA CONVENTION DE VARSOVIE, POUR L'UNIFICATION DE CERTAINES REGLES RELATIVES AU TRANSPORT AERIEN INTERNATIONAL EFFECTUEE PAR UNE PERSONNE AUTRE QUE LE TRANSPORTEUR CONTRACTUEL.

#### ARTICLE PREMIER

Dans la présente Convention :

(a) . . . . .

(b) "transporteur contractuel" signifie une personne partie à un contrat de transport régi par la Convention de Varsovie et conclu avec un passager ou un expéditeur ou avec une personne agissant pour le compte du passager ou de l'expéditeur ;

(c) "transporteur de fait" signifie une personne, autre que le transporteur contractuel, qui, en vertu d'une autorisation donnée par le transporteur contractuel, effectue tout ou partie du transport prévu à l'alinéa (b) mais n'est pas, en ce qui concerne cette partie, un transporteur successif au sens de la Convention de Varsovie. Cette autorisation est présumée, sauf preuve contraire.

#### ARTICLE II

Sauf disposition contraire de la présente Convention, si un transporteur de fait effectue tout ou partie du transport qui, conformément au contrat visé à l'article premier, alinéa (b), est régi par la

Convention de Varsovie, le transporteur contractuel et le transporteur de fait sont soumis aux règles de la Convention de Varsovie, le premier pour la totalité du transport envisagé dans le contrat, le second seulement pour le transport qu'il effectue.

SCH.

### ARTICLE III

1. Les actes et omissions du transporteur de fait ou de ses préposés agissant dans l'exercice de leurs fonctions, relatifs au transport effectué par le transporteur de fait, sont réputés être également ceux du transporteur contractuel.

2. Les actes et omissions du transporteur contractuel ou de ses préposés agissant dans l'exercice de leurs fonctions, relatifs au transport effectué par le transporteur de fait, sont réputés être également ceux du transporteur de fait. Toutefois, aucun de ces actes ou omissions ne pourra soumettre le transporteur de fait à une responsabilité dépassant les limites prévues à l'article 22 de la Convention de Varsovie. Aucun accord spécial aux termes duquel le transporteur contractuel assume des obligations que n'impose pas la Convention de Varsovie, aucune renonciation à des droits prévus par ladite Convention ou aucune déclaration spéciale d'intérêt à la livraison, visée à l'article 22 de ladite Convention, n'auront d'effet à l'égard du transporteur de fait, sauf consentement de ce dernier.

### ARTICLE IV

Les ordres ou protestations à notifier au transporteur, en application de la Convention de Varsovie, ont le même effet qu'ils soient adressés au transporteur contractuel ou au transporteur de fait. Toutefois, les ordres visés à l'article 12 de la Convention de Varsovie n'ont d'effet que s'ils sont adressés au transporteur contractuel.

### ARTICLE V

En ce qui concerne le transport effectué par le transporteur de fait, tout préposé de ce transporteur ou du transporteur contractuel, s'il prouve qu'il a agi dans l'exercice de ses fonctions, peut se prévaloir des limites de responsabilité applicables, en vertu de la présente Convention, au transporteur dont il est préposé, sauf s'il est prouvé qu'il a agi de telle façon que les limites de responsabilité ne puissent être invoquées aux termes de la Convention de Varsovie.

### ARTICLE VI

En ce qui concerne le transport effectué par le transporteur de fait, le montant total de la réparation qui peut être obtenu de ce transporteur, du transporteur contractuel et de leurs préposés quand ils ont agi dans l'exercice de leurs fonctions, ne peut pas dépasser l'indemnité la plus élevée qui peut être mise à charge soit du transporteur contractuel, soit du transporteur de fait, en vertu de la présente Convention, sous réserve qu'aucune des personnes mentionnées dans le présent article ne puisse être tenue pour responsable au delà de la limite qui lui est applicable.

SCH.

## ARTICLE VII

Toute action en responsabilité, relative au transport effectuée par le transporteur de fait, peut être intentée, au choix du demandeur, contre ce transporteur ou le transporteur contractuel ou contre l'un et l'autre, conjointement ou séparément. Si l'action est intentée contre l'un seulement de ces transporteurs, ledit transporteur aura le droit d'appeler l'autre transporteur en intervention devant le tribunal saisi, les effets de cette intervention ainsi que la procédure qui lui est applicable étant réglés par la loi de ce tribunal.

## ARTICLE VIII

Toute action en responsabilité, prévue à l'article VII de la présente Convention, doit être portée, au choix du demandeur, soit devant l'un des tribunaux où une action peut être intentée au transporteur contractuel, conformément à l'article 28 de la Convention de Varsovie, soit devant le tribunal du domicile du transporteur de fait ou du siège principal de son exploitation.

## ARTICLE IX

1. Toute clause tendant à exonérer le transporteur contractuel ou le transporteur de fait de leur responsabilité en vertu de la présente Convention ou à établir une limite inférieure à celle qui est fixée dans la présente Convention est nulle et de nul effet, mais la nullité de cette clause n'entraîne pas la nullité du contrat qui reste soumis aux dispositions de la présente Convention.

2. En ce qui concerne le transport effectué par le transporteur de fait, le paragraphe précédent ne s'applique pas aux clauses concernant la perte ou le dommage résultant de la nature ou du vice propre des marchandises transportées.

3. Sont nulles toutes clauses du contrat de transport et toutes conventions particulières antérieures au dommage par lesquelles les parties dérogeraient aux règles de la présente Convention soit par une détermination de la loi applicable, soit par une modification des règles de compétence. Toutefois, dans le transport des marchandises, les clauses d'arbitrage sont admises, dans les limites de la présente Convention, lorsque l'arbitrage doit s'effectuer dans les lieux de compétence des tribunaux prévus à l'article VIII.

## ARTICLE X

Sous réserve de l'article VII, aucune disposition de la présente Convention ne peut être interprétée comme affectant les droits et obligations existant entre les deux transporteurs.

# Air Corporations Act 1962

11 ELIZ. 2 CH. 5

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## ARRANGEMENT OF SECTIONS

### Section

1. Borrowing powers of air corporations.
2. General limits on borrowing.
3. Exchequer advances to air corporations.
4. Pensions in respect of members of air corporations.
5. Payment to members of compensation for loss of office.
6. Construction, amendments and repeals.
7. Short title and citation.



## CHAPTER 5

An Act to make further provision with respect to the borrowing powers of the British Overseas Airways Corporation and the British European Airways Corporation, and with respect to the power of the Minister of Aviation to make advances to those corporations; to make further provision with respect to the payment of pension benefits in the case of employees who become members of those corporations, and to provide in certain cases for compensating members of those corporations for loss of office; and for purposes connected with the matters aforesaid.

[20th December, 1962]

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

**1.**—In the Air Corporations Act 1949 (in this Act referred to as “the principal Act”) the following section shall be substituted for section 8 (which relates to the borrowing powers of the British Overseas Airways Corporation and the British European Airways Corporation):—

**Borrowing  
powers of air  
corporations.**

“**8.**—(1) Subject to the limits imposed by section 12 of this Act, each of the permanent corporations, with the consent of the Minister and the approval of the Treasury, or in accordance with the terms of any general authority issued by the Minister with the approval of the Treasury, may borrow temporarily, by way of overdraft or otherwise, such sums as the corporation may require for meeting their obligations or discharging their functions.

(2) Subject to those limits, each of the permanent corporations may borrow from the Minister, or, with the consent of the Minister and the approval of the Treasury, may borrow by the issue of stock, such sums as the corporation may require for all or any of the following purposes, that is to say—

- (a) the provision of working capital ;
- (b) the promotion of other undertakings, the acquisition of other undertakings or of shares or stock in other undertakings, and the making of loans to, and the fulfilment of guarantees given for the benefit of, other undertakings ;
- (c) the redemption of any stock which the corporation are required or entitled to redeem ; and
- (d) any other expenditure properly chargeable to capital account, including the repayment of any money borrowed by the corporation for defraying expenditure properly so chargeable.

(3) Subject to those limits, each of the permanent corporations may borrow from the Minister sums required by them for financing any accumulated deficit of the corporation on revenue account which has accrued at any time not later than the end of March 1964, but only to the extent to which that deficit—

(a) in the case of the British Overseas Airways Corporation, does not exceed one hundred million pounds, and

(b) in the case of the British European Airways Corporation, does not exceed ten million pounds, and may borrow from the Minister sums required for repaying any money borrowed by them under this subsection."

General limits  
on borrowing.

2. The following section shall be substituted for section 12 of the principal Act (which imposes limits on borrowing by the air corporations) :—

" 12.—(1) Subject to the following provisions of this section, the aggregate amount outstanding in respect of the principal of any moneys borrowed by the British Overseas Airways Corporation shall not at any time exceed two hundred and sixty million pounds, or such greater sum, not exceeding three hundred million pounds, as the Minister may from time to time by order specify.

(2) Subject to the following provisions of this section, the aggregate amount outstanding in respect of the principal of any moneys borrowed by the British European Airways Corporation shall not at any time exceed one hundred and ten million pounds, or such greater sum, not exceeding one

hundred and twenty-five million pounds, as the Minister may from time to time by order specify.

(3) Any order under this section shall be made by statutory instrument; and no such order shall be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.

(4) Nothing in this section shall prevent either of the permanent corporations from borrowing in excess of the limit imposed by virtue of the preceding provisions of this section for the purpose of redeeming any stock of the corporation which they are required or entitled to redeem, or of paying off any loan ”.

3.—(1) The Minister may with the approval of the Treasury <sup>Exchequer</sup> advance to either of the permanent corporations any sums <sup>advances to air</sup> which, within the limits imposed by section 12 of the principal <sup>corporations.</sup> Act, the corporation have power to borrow under section 8 of that Act.

(2) Any advances made by the Minister under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(3) The Treasury may issue out of the Consolidated Fund to the Minister such sums as are necessary to enable him to make advances under subsection (1) of this section.

(4) For the purpose of providing sums to be issued under the last preceding subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939; and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(5) Any sums received by the Minister under subsection (2) of this section shall be paid into the Exchequer, and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

(a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and

(b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(6) The Minister shall, in respect of each financial year, prepare, in such form and manner as the Treasury may direct,

an account of sums issued to him under this section and of the sums to be paid into the Exchequer under subsection (5) of this section and of the disposal by him of those sums respectively, and shall send it to the Comptroller and Auditor General not later than the end of November following that financial year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(7) Any account prepared under the last preceding subsection—

(a) if it is in respect of the year 1962-1963, shall include any sums issued to the Minister under section 42 of the Finance Act 1956 which relate to advances made to either of the permanent corporations in that year before the passing of this Act, and

(b) in any case, shall include any sums received by the Minister under subsection (4) of that section in respect of the financial year to which the account relates;

and the Minister shall not be required to prepare an account under that section in respect of the year 1962-1963 or any subsequent year.

(8) In relation to the making of advances to either of the permanent corporations after the passing of this Act, this section shall have effect in substitution for the provisions of section 42 of the Finance Act 1956 in so far as those provisions relate to those corporations; but (except as provided by the last preceding subsection) this section shall have effect without prejudice to the operation of any provisions of that section in relation to advances made before the passing of this Act.

Pensions in respect of members of air corporations.

4. Section 2 (1) of the Air Corporations Act 1953 (which makes provision as to the pension rights of employees of the air corporations who become members of those corporations) shall apply to a person who has at any time (whether before or after the passing of this Act) ceased to be an employee of one of the permanent corporations on becoming a member of the other of those corporations, as it applies to a person who becomes a member of the corporation by which he is employed.

Payment to members of compensation for loss of office.

5. Where, after the passing of this Act, a person ceases to be a member of either of the permanent corporations otherwise than on the expiry of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of the Treasury require the corporation to make to that person a payment of such amount as may be determined by the Minister with the approval of the Treasury.

6.—(1) Expressions used in this Act to which a meaning is assigned by the principal Act have the same meanings in this Act as in that Act. Construction,  
amendments  
and repeals.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment, including this Act.

(3) In section 9 (1) of the principal Act (which relates to the creation and issue of stock by the permanent corporations) and in section 1 (2) of the Air Corporations Act 1956 (which confers additional powers of borrowing on the British Overseas Airways Corporation) for the words "with the consent of the Treasury" there shall be substituted the words "with the consent of the Minister and the approval of the Treasury"; and in the proviso to the said section 1 (2) (which provides for the application to sums borrowed under that subsection of the limit imposed by section 12 (1) of the principal Act as amended by the said Act of 1956) for the words from "as amended" to the end there shall be substituted the words "as for the time being in force".

(4) Section 42 (2) (b) of the Finance Act 1956, and the Air Corporations Act 1960, are hereby repealed; but (without prejudice to section 3 (7) of this Act) the repeal in the said section 42 shall not affect the operation of any provisions of that section in relation to advances made thereunder before the passing of this Act.

7.—(1) This Act may be cited as the Air Corporations Act 1962. Short title  
and citation.

(2) This Act and the Air Corporations Acts 1949 to 1956 may be cited together as the Air Corporations Acts 1949 to 1962.

*Table of Statutes referred to in this Act*

| Short Title                      | Session and Chapter        |
|----------------------------------|----------------------------|
| National Loans Act 1939 ... ..   | 2 & 3 Geo. 6. c. 117.      |
| Air Corporations Act 1949 ... .. | 12, 13 & 14 Geo. 6. c. 91. |
| Air Corporations Act 1953 ... .. | 2 & 3 Eliz. 2. c. 7.       |
| Finance Act 1956 ... ..          | 4 & 5 Eliz. 2. c. 54.      |
| Air Corporations Act 1956 ... .. | 5 & 6 Eliz. 2. c. 3.       |
| Air Corporations Act 1960 ... .. | 8 & 9 Eliz. 2. c. 13.      |

*Fatal Accidents Act, 1959*

## CHAPTER 65\*

An Act to amend the Fatal Accidents Act, 1846, and the Carriage by Air Act, 1932, by enlarging the class of persons for whose benefit an action may be brought thereunder, and to provide for certain benefits to be left out of account in assessing damages in such an action [29th July, 1959]

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

Extension  
of classes of  
dependants.  
9 & 10 Vict.  
c. 93.

1.—(1) The persons for whose benefit or by whom an action may be brought under the Fatal Accidents Act, 1846, shall include any person who is, or is the issue of, a brother, sister, uncle or aunt of the deceased person.

(2) In deducing any relationship for the purposes of the said Act and this Act—

(a) an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person: and, subject thereto,

(b) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the stepchild of any person as his child: and

(c) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

7 & 8 Eliz. 2.  
c. 5.

(3) In this section "adopted" means adopted in pursuance of an adoption order made under the Adoption Act, 1958, or any previous enactment relating to the adoption of children, or any corresponding enactment of the Parliament of Northern Ireland: and for the purpose of any proceedings under the Fatal Accidents Act, 1846, an adoption authorised by any such order made in Scotland or Northern Ireland may be proved by the production of any document receivable as evidence thereof in that country.

25 & 26 Geo. 5.  
c. 30.

(4) In section six of the Law Reform (Married Women and Tortfeasors) Act, 1935, there shall be substituted for the words "wife, husband, parent or child" in paragraph (b) of subsection (1), the word "dependants", and for paragraph (a) of subsection (3) the following paragraph:—

"(a) the expression 'dependants' means the persons for whose benefit actions may be brought under the Fatal Accidents Acts, 1846 to 1959; and".

\*Public General Acts and Measures of 1959, 7 & 8 Eliz. II.

\*\*Schedules omitted.

(5) In paragraph 1 of the Second Schedule to the Carriage by Air Act, 1932 (which specifies the persons for whose benefit actions in respect of a passenger's death may be brought under that Act) the following shall be substituted for the words from "In this paragraph" to the end of the paragraph—

22 & 23 Geo.  
5. c. 36.

"(2) For the purposes of this paragraph the following shall be taken to be the members of the passenger's family, that is to say, the passenger's wife or husband, parents, grandparents, children and grandchildren and any person who is, or is the issue of, a brother, sister, uncle or aunt of the passenger.

(3) Subsection (2) of section one of the Fatal Accidents Act, 1959, shall apply in deducing any relationship for the purposes of this paragraph as it applies in deducing any relationship for the purposes of the Fatal Accidents Acts, 1846 to 1959, but as if it extended to the whole of the United Kingdom; and the definition of 'adopted' in subsection (3) of that section shall apply accordingly."

2.—(1) In assessing damages in respect of a person's death in any action under the Fatal Accidents Act, 1846, or under the Carriage by Air Act, 1932, there shall not be taken into account any insurance money, benefit, pension or gratuity which has been or will or may be paid as a result of the death.

Exclusion  
of certain  
benefits in  
assessment  
of damages.

(2) In this section—

"benefit" means benefit under the National Insurance Acts, 1946 (as amended by any subsequent enactment, whether passed before or after the commencement of this Act), or any corresponding enactment of the Parliament of Northern Ireland and any payment by a friendly society or trade union for the relief or maintenance of a member's dependants;

"insurance money" includes a return of premiums; and

"pension" includes a return of contributions and any payment of a lump sum in respect of a person's employment.

3.—(1) This Act may be cited as the Fatal Accidents Act, 1959; and the Fatal Accidents Act, 1846, the Fatal Accidents Act, 1864, and this Act may be cited together as the Fatal Accidents Acts, 1846 to 1959.

Short title,  
etc.  
27 & 28 Vict.  
c. 95.

(2) References in this Act to the Fatal Accidents Act, 1846, are references thereto as amended by and read together with the Fatal Accidents Act, 1864.

(3) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act shall apply only to actions brought in respect of deaths occurring after the commencement of this Act.

(5) The following provisions of this Act, that is to say, subsection (5) of section one, and so much of section

two as relates to actions under the Carriage by Air Act, 1932, extend to Scotland and Northern Ireland, so much of section three and the Schedule as relates to the Law Reform (Personal Injuries) Act, 1948, extends to Scotland, and so much of that section and Schedule as relates to the Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1948, extends to Northern Ireland; but except as aforesaid this Act does not extend to Scotland or Northern Ireland<sup>1</sup>

1960

CH. 38

*Civil Aviation (Licensing)  
Act, 1950*

CHAPTER 38\*

ARRANGEMENT OF SECTIONS

*Licensing of certain flying*

Section

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

*Prohibition of aerial advertising*

7. Prohibition of aerial advertising and propaganda.

*General*

8. Expenses of, and reports by, Board.
  9. Repeal of certain enactments.
  10. Interpretation.
  11. Power to extend provisions of Act to certain overseas territories.
  12. Citation, commencement and extent.
- Schedule—The Air Transport Licensing Board.\*\*

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

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

*Licensing of certain flying*

Establishment  
of licensing  
authority,  
and restriction  
of unlicensed  
flying.

1.—(1) There shall be established in accordance with the provisions of the Schedule to this Act an Air Transport Licensing Board (in this Act referred to as "the Board") with the general duty of exercising their func-

\*Public General Acts and Measures of 1960, 8 & 9. Eliz II.

\*\*Schedule omitted.

tions under this Act in such a manner as to further the development of British civil aviation.

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

(a) of such certificate, if any, (in this Act referred to as an “air operator’s certificate”) as any Order in Council for the time being in force under section eight of the Civil Aviation Act, 1949, may require the operator of the aircraft to hold for the purposes of such flights as that in question, being a certificate of his competence to secure that aircraft operated by him on such flights are operated safely; and

(b) subject to subsection (3) of this section, of a licence granted to the operator of the aircraft by the Board under section two of this Act (in this Act referred to as an “air service licence”), being a licence authorising the operator to operate aircraft on such flights as that in question.

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

(4) This section shall apply to—

(a) any flight in any part of the world by an aircraft registered in the United Kingdom; and

(b) any flight beginning or ending in the United Kingdom by an aircraft registered in such other country or territory, if any, as may be prescribed.

Air service  
licences.

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

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

(a) whether they are satisfied that, having regard in particular to his experience and financial resources and, subject to subsection (4) of this section, to his ability to provide satisfactory equipment, organisation and staffing arrangements, and having regard also to any contravention in respect of aircraft oper-

ated by him of the provisions of section one of this Act, the applicant is competent, and a fit and proper person, to operate aircraft for the purposes for which he seeks an air service licence;

(b) the provision made or proposed to be made against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by the applicant;

(c) any unfair advantage of the applicant over other operators by reason of the terms and conditions of employment of his servants;

(d) the existing or potential need or demand for any air transport service proposed;

(e) in the case of any air transport service proposed, the adequacy of any similar service authorised by any air service licence already granted and the tariff, if any, in respect of that similar service;

(f) the extent to which any air transport service proposed would be likely to result in wasteful duplication of, or in material diversion of traffic from, any air transport service which is being, or is about to be, provided under any air service license already granted;

(g) any capital or other expenditure reasonably incurred, or any financial commitment or commercial agreement reasonably entered into, in connection with the operation of aircraft on air transport services by any person (including the applicant) who is the holder of any air service license already granted;

(h) any objections or representations made in accordance with any relevant regulations under section five of this Act.

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

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

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

(a) in the case of a service between terminal points one of which is in the United Kingdom and

the other of which is in the United Kingdom, one of the Channel Islands or the Isle of Man, a provision setting out that tariff;

(b) in any other case, either a provision setting out that tariff or a provision specifying the manner in which that tariff is to be determined;

and in a case falling within paragraph (b) of this subsection the licence shall be of no effect until the said provision has been confirmed by the Minister either without modification or with such modifications as he may think fit after consultation with such holders of air service licences and other persons as he may consider appropriate:

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

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

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

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

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

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

(8) If, while an air service licence is in force and not later than the prescribed time before the expiry of the term for which it was granted, the holder thereof applies to the Board for the grant of a new air service licence in continuation thereof or in substitution therefor, then, without prejudice to the powers of the Board under

section three of this Act, unless the application is withdrawn the first-mentioned licence shall not cease to be in force by reason of the expiry of the said term until the Board have given their determination on the application nor, if the application is refused or if any new licence granted differs in its terms from the first-mentioned licence, until—

(a) the expiration of the period prescribed under section five of this Act for appealing against the Board's decision; and

(b) if an appeal is duly made within that period; the determination or abandonment of the appeal; and

(c) in the case of a successful appeal against a refusal of the application, the date of the coming into force of the new licence.

Revocation,  
suspension  
and variation  
of licences.

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

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

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

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

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

Advisory  
functions of  
Board.

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

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

(a) the representation is frivolous or vexatious; or  
(b) the matters to which the representation relates have already been sufficiently considered by the Board; or

(c) the matters to which the representation relates are for the time being regulated by an international agreement to which Her Majesty's Government in the United Kingdom is a party.

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

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

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

Regulations.

(a) for requiring, except in such circumstances, if any, as may be specified in the regulations, publication of notice of the making of any application for the grant, revocation, suspension or variation of an air service licence and for the making of objections or representations with respect to any such application;

(b) as to the persons entitled to be heard by the Board at any meeting to consider the grant, revocation, suspension or variation of any such licence;

(c) for conferring a right to appeal to the Minister from any decision of the Board with respect to any air service licence or any application for such a licence upon the holder of or applicant for the licence and upon such other persons, if any, as may be specified in the regulations, and generally as to such appeals, including in particular provision as to the time by which any such appeal must be made, the other persons, if any, to be made parties thereto, and the liability of any of the parties in respect of costs or expenses incurred in connection therewith:

(d) for the making of representations to the Minister by the Government of the Isle of Man or by the States of Jersey or Guernsey as respects any such decision of the Board as is mentioned in the last foregoing paragraph, and for applying in relation to those representations, with such modifications as the Minister thinks fit, any provision relating to appeals contained in this Act or in any regulations made thereunder;

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

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

(*a*) as to the form and manner in which any application, objection or representation shall be made to the Board;

(*b*) with respect to the furnishing by persons making an application, objection or representation to the Board of information or documents relevant thereto;

(*c*) as to the liability of any of the persons heard by virtue of paragraph (*b*) of subsection (1) of this section at any meeting of the Board in respect of costs or expenses incurred in connection with that hearing;

(*d*) with respect to the provision by holders of air service licences or air operator's certificates of statistical or other information with respect to their operations to which the licence or certificate relates;

(*e*) as to the circumstances, if any, in which an air service licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted;

(*f*) with respect to the surrender for cancellation or variation of air service licences;

(*g*) generally as to the procedure of the Board;

(*h*) for the setting up of regional advisory committees for the purpose of advising the Board on matters relating to their functions under this Act with particular regard to the circumstances and requirements of particular areas, and for the payment by the Minister of travelling or other expenses reasonably incurred by any person as a member of any such committee.

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

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

6.—(1) If an aircraft is used on any flight in convention of subsection (2) of section one of this Act, the operator of the aircraft, and if any other person, whether by negotiating a contract or otherwise howsoever, made

available facilities for travel or the consignment of goods on that flight knowing or having reasonable cause to suspect that the flight would be in contravention of the said subsection (2), that other person also, shall be guilty of an offence and be liable—

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

(b) on conviction on indictment, to a fine of such amount as the court may think fit, or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

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

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

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

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

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

(5) If any person fails without reasonable cause to comply with any requirement duly made of him under this Act to surrender an air service licence for cancella-

tion or variation, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds.

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

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

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

#### *Prohibition of aerial advertising*

Prohibition  
of aerial  
advertising  
and  
propaganda.

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

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

(a) in the case of a first conviction of an offence under this section, to a fine not exceeding one hundred pounds;

(b) in any other case, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment;

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

#### *General*

Expenses of,  
and reports  
by, Board.

8.—(1) The Minister shall provide the Board with such accommodation and equipment as appears to him to be necessary or expedient for the exercise of their functions

and shall also provide from among his officers and servants such number of persons to act as officers or servants of the Board as he may from time to time with the approval of the Treasury think fit; and any expenditure incurred by the Board with the approval of the Minister shall be defrayed by the Minister.

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

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

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

Repeal of  
certain  
enactments.

(a) in the Air Corporations Act, 1949, sections twenty-four (except subsection (2) thereof) and twenty-five (which relate to the reservation of certain air services to the British Overseas Airways Corporation, the British European Airways Corporation and their associates), section four (which provides for the appointment of regional committees by the said Corporation) and subsection (3) of section seven (which relates to one of the provisions repealed by the next following paragraph);

(b) in the Civil Aviation Act, 1949, section twelve (which provides for the constitution and functions of the Air Transport Advisory Council) and section thirteen (which empowers Her Majesty to make provision for the licensing of air transport and commercial flying by Order in Council);

(c) the entries relating to the said Advisory Council in Part II of the First Schedule to the House of Commons Disqualification Act, 1957, and in the said Part II as substituted by the Third Schedule to that Act.

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

Interpretation

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

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

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

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

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

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

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

"the Minister" means the Minister of Aviation;

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

"prescribed" means prescribed by the Minister by regulations under this Act;

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

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

Power to extend provisions of Act to certain overseas territories.

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

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

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

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

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

(4) For the avoidance of doubt, it is hereby declared that, without prejudice to any provision of any Order in Council under this section extending paragraph (b) of section nine of this Act to any of the territories mentioned in subsection (1) of this section, the repeal by the

said paragraph (b) of section thirteen of the Civil Aviation Act, 1949, shall not affect the operation of the said section thirteen as extended to any of those territories by an Order in Council made before the commencement of this Act under section sixty-six or sixty-seven of the said Act of 1949.

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

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

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

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

Citation,  
commence-  
ment and  
extent.

1960

CH. 13, 14

*Air Corporation Act, 1960*

CHAPTER 13\*

An Act to increase the borrowing powers of the British Overseas Airways Corporation and the British European Airways Corporation. [22nd March, 1960]

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

1.—(1) The limit imposed by section twelve of the Air Corporations Act, 1949, as amended by subsection (1) of section one of the Air Corporations Act, 1956, on the amount outstanding at any time of money borrowed by the British Overseas Airways Corporation or the British European Airways Corporation shall be raised—

Increase of  
borrowing  
powers of  
air  
corporations.  
12, 13 & 14  
Geo. 6. c. 91.  
5 & 6 Eliz. 2.  
c. 3.

(a) as respects money borrowed by the British Overseas Airways Corporation, from one hundred and sixty million pounds to one hundred and eighty million pounds;

(b) as respects money borrowed by the British European Airways Corporation, from sixty million pounds to ninety-five million pounds.

(2) In subsection (2) of section one of the said Act of 1956 (which confers certain additional borrowing powers on the British Overseas Airways Corporation but provides that nothing in that subsection shall authorise that corporation to borrow in excess of the limit imposed by subsection (1) of the said section twelve as amended by subsection (1) of the said section one), for the reference to subsection (1) of the said section one there shall be substituted a reference to subsection (1) of this section.

\*Public General Acts and Measures of 1960, 8 & 9 Eliz. II.

39-737-65—vol. II—87

Short title,  
citation  
and repeal.

2.—(1) This Act may be cited as the Air Corporations Act, 1960; and this Act and the Air Corporations Acts, 1949 to 1956, may be cited together as the Air Corporations Acts, 1949 to 1960.

(2) Subsection (1) of section one of the Air Corporations Act 1956, is hereby repealed.

1960 No. 2137

## CIVIL AVIATION

### THE CIVIL AVIATION (LICENSING) REGULATIONS, 1960\*

|                             |                     |
|-----------------------------|---------------------|
| Made.....                   | 21st November, 1960 |
| Laid before Parliament..... | 28th November, 1960 |
| Coming into Operation.....  | 1st December, 1960  |

The Minister of Aviation, in exercise of his powers under subsection (3) of section 1, subsections (1), (5) and (8) of section 2, and section 5, of the Civil Aviation (Licensing) Act, 1960,<sup>a</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations, after consultation with the Council on Tribunals in respect of Regulations 4 to 11 and 14 thereof in accordance with section 8 of the Tribunals and Inquiries Act, 1958,<sup>b</sup> as applied to the Air Transport Licensing Board by the Tribunals and Inquiries (Air Transport Licensing Board) Order, 1960,<sup>c</sup> and with the approval of the Treasury of Regulation 17 thereof:—

#### *Citation and Operation*

1. These Regulations shall come into operation on the 1st day of December, 1960, and may be cited as the Civil Aviation (Licensing) Regulations, 1960.

#### *Interpretation and Supplementary*

2.—(1) The Interpretation Act, 1889<sup>d</sup>, shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires—

“The Act” means the Civil Aviation (Licensing) Act, 1960;

“Charter service” means an air transport service (not being an exempted service) which is provided under a contract of hire giving—

(a) a single hirer the exclusive right to use the carrying capacity of the aircraft, or

(b) several hirers the right to use together the total carrying capacity of the aircraft for the carriage of ships' crews (including masters), their baggage and parts or equipment for ships;

“Class A licence” means a licence for an air transport service, other than a charter service, between places named in the licence;

“Class B licence” means a licence for a charter service between places named in the licence, not being a group charter service, but

\*In *Statutory Instruments 1960*, Part I, No. 2137, p. 579.

<sup>a</sup> 8 & 9 Eliz. 2, c. 38.

<sup>b</sup> 6 & 7 Eliz. 2, c. 66.

<sup>c</sup> S.I. 1960/1335.

<sup>d</sup> 52 & 53 Vict. c. 63.

involving more than three flights in each direction between the same two places;

"Class C licence" means a licence for a charter service between places named in the licence, involving not more than three flights in each direction between the same two places;

"Class D licence" means a licence for a group charter service between places named in the licence, involving more than three flights in each direction between the same two places;

"Class E licence" means a licence for an air transport service which is not restricted to flights between places named in the licence;

"Class F licence" means a licence for a flight for any purpose, other than the provision of an air transport service, for which a licence is required by the Act;

"Exempted service" means a service provided solely by means of flights exempted by Regulation 3 of these Regulations from the requirement of a licence;

"Group charter service" means a charter service (not being an exempted service) in relation to which all the conditions of any one of the categories specified in the First Schedule hereto are complied with;

"Hearing" means a hearing at which oral evidence or argument may be heard, and "to hear" shall be construed accordingly;

"Licence" means an air service licence under section 2 of the Act;

"Official record", in relation to the Board, means a publication entitled "Civil Aviation Licensing Notices" and published by or on behalf of the Board;

"Party", in relation to a case before the Board, has the meaning assigned to it by paragraph (7) of Regulation 10 of these Regulations;

"Party", in relation to an appeal to the Minister, has the meaning assigned to it by paragraph (8) of Regulation 14 of these Regulations;

"Proposal" means such a proposal by the Board as is referred to in paragraph (1) of Regulation 6 of these Regulations.

(3) For the purposes of these Regulations, a document may be served on any person by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

(4) In computing any period of time specified in these Regulations by reference to hours the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded, and for that purpose any day which is a bank holiday under the Bank Holidays Act, 1871<sup>a</sup>, in any part of the United Kingdom shall be treated as a bank holiday.

#### *Exemption from the requirement of an air service licence*

3.—(1) Paragraph (b) of subsection (2) of section 1 of the Act (which prohibits the use of aircraft on any flight for reward or in connection with any trade or business except under and in accordance with the terms of a licence) shall not apply to any flight—

(a) solely for the purpose of carrying passengers in a case where the flight is to begin and end at the same place;

<sup>a</sup> 34 & 35 Vict. c. 17.

(b) solely for one or more of the following purposes, that is to say—

(i) the provision of ambulance or rescue facilities, including medical, ambulance and other attendants;

(ii) the carriage of emergency food or medical supplies;

(iii) the carriage of any one or more of the following, that is to say, the operator of the aircraft, any bona fide servant of his, and any baggage or other property of the operator or any such servant;

(iv) the training or testing of persons in the performance of duties, in connection with aircraft;

(iv) the testing or demonstrating of the aircraft of any apparatus, whether or not that apparatus is carried in the aircraft, or the testing or demonstrating of any manner of flying or of any arrangements in connection with flying or with the carriage of passengers or cargo by air;

(vi) the dropping or projecting of material in the interests of agriculture, horticulture, forestry, or public health, or as a measure against oil-pollution;

(vii) the taking of photographs or carrying out of a survey from the air;

(c) solely for the carriage of cargo, or passengers with or without their baggage, or both cargo and passengers, in consequence of a person's exclusive right to use the carrying capacity of the aircraft on that flight, being—

(i) cargo all of which is consigned by that person and none of which is carried in pursuance of an agreement between that person and any other person made otherwise than as a term of a sale of the cargo in question;

(ii) passengers none of whom is carried at a separate fare;

(d) solely for carrying out the operator's obligations under a charter of the aircraft to any Government Department;

(e) any flight to or from a place at which the aircraft neither takes up nor sets down passengers or cargo, being a flight made in the course of providing an air transport service authorised by a licence;

(f) any positioning flight on which no passengers or cargo are carried, that is to say a flight solely to enable the aircraft to arrive at a place at which—

(i) the aircraft is to be used for a flight; or

(ii) the aircraft is to be parked or stored; or

(iii) the aircraft or any part of the aircraft or its equipment is to be modified, inspected, tested, overhauled or repaired, or any part of the aircraft or its equipment is to be replaced;

(g) beginning in accordance with the terms of a licence, but ending otherwise than in accordance with such terms by reason of—

(i) an emergency occurring after the beginning of the flight; or

(ii) compliance with the law of the United Kingdom or any country or territory in which the aircraft then is; or

(iii) any other circumstance beyond the control of the operator and commander of the aircraft;

(h) made in substitution for a flight which could lawfully have been made by an aircraft operated by another operator, but which, for reasons beyond the control of that other operator, was unfit for the flight; and in such a case the operator of the aircraft shall as soon as may be provide the Board with particulars in writing of the flight and of the substitution.

(2) For the purposes of sub-paragraph (c) (ii) of paragraph (1) of this Regulation—

(a) any consideration wholly or partly in respect of or in connection with the carriage of a passenger shall be deemed to be a fare, irrespective of the person by or to whom it has been or is to be given:

Provided that consideration for the exclusive right to use the passenger capacity of an aircraft shall be deemed not to be a fare; and

(b) a fare shall be deemed to be separate although it is for several journeys, or for a journey by a group of passengers which is less than the entire passenger capacity of the aircraft.

#### *Applications for the grant of a licence*

4.—(1) Subject to the provisions of paragraph (2) of this Regulation, and without prejudice to the provisions of Regulation 9, every application for the grant of a licence shall include the following particulars:—

(a) the name, address and business name (if any) of the applicant, and, in the case of an individual, the country of which he is a citizen;

(b) in the case of a body corporate, the country or territory in which it is incorporated and arrangements under which, and the citizenship of the persons by whom, it is substantially controlled;

(c) in the case of a partnership carrying on business in Scotland, the countries of which the partners are citizens;

(d) the number and the types of the aircraft previously operated by the applicant and the periods of time and geographical areas of his operations;

(e) the applicant's financial resources;

(f) the number and types of the aircraft and the equipment which the applicant intends to employ and his existing and proposed organisation and staffing arrangements;

(g) the provision made or proposed to be made by the applicant against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by him;

(h) the terms and conditions of employment of the applicant's servants, and, if particulars thereof have been furnished to the National Joint Council for Civil Air Transport, an indication to that effect;

(i) the class of licence applied for and the period for which it is to be in effect;

(j) except in the case of an application for the grant of a Class F licence—

(i) a concise indication of the existing or potential need or demand for the proposed service; and

(ii) if the applicant already holds an air service licence, particulars of any capital expenditure, financial commitment or commercial agreement, being particulars which the applicant wishes the Board to take into consideration under paragraph (g) of subsection (2) of section 2 of the Act; and  
(k) (i) in the case of a Class A, Class B, Class C or Class D licence, the places of departure and destination of all flights to be made under the licence;

(ii) in the case of a licence for a group charter service, particulars showing compliance with each of the conditions of any one of the categories specified in the First Schedule hereto;

(iii) in the case of a Class E licence, the geographical area to which flights under the licence are to be limited;

(iv) in the case of a Class F licence, a general description of the purpose of the flights;

(v) any other limitations to which the licence is to be subject, including limitations as to the capacity, frequency or class of service or the classes or descriptions of passengers or cargo to be carried;

(vi) except in the case of a Class C licence for a group charter service, and in the case of a Class D licence, the tariff, if any, proposed or the manner in which it is to be determined, the class of service and the facilities to be provided;

(vii) the types of aircraft to be used;

(viii) in the case of a Class B, Class C or Class D licence, the name and address of the travel agent, organiser or other person, if any, (whether or not a charterer of the aircraft who is to make available facilities for travel or the consignment of goods on the proposed service.

(2) If an applicant for the grant of a licence has previously furnished to the Board, in connection with another application by him, the particulars referred to in sub-paragraphs (a) to (h) of paragraph (1) of this Regulation, he shall not be obliged to repeat those particulars he shall indicate whether or not those particulars apply unchanged to that application and in what respect, if any, they have changed or do not apply.

(3) Every application for the grant of a licence shall be made on a form supplied by the Board and shall be signed by or on behalf of the applicant. It shall be accompanied by the fee payable under these Regulations in respect of the application and by five copies of the application, which copies need not be signed:

Provided that the Board may, if they think fit, accept less than five copies of the application in any particular case.

(4) Subject to the provisions of paragraph (7) of this Regulation, every application for the grant of a Class A, Class B, Class E or Class F licence shall be received at the office of the Board not less than six months before the beginning of the period for which the licence is proposed to be in effect.

(5) Subject as aforesaid, every application for a Class D licence shall be received at the office of the Board—

(a) if it is an application in respect of an Area I, II or III Service, not less than three months before the beginning of the period for which it is proposed to be in effect;

(b) if it is an application in respect of an Area IV, V or VI Service, not less than 14 days before the beginning of the said period.

(6) Subject as aforesaid, every application for the grant of a Class C licence shall be received at the office of the Board not less than 72 hours before the beginning of such period.

(7) The Board may, if they think fit, consider an application for a licence notwithstanding that it has been received at their office otherwise than at the time provided in paragraph (4), (5) or (6) of this Regulation.

(8) The Board shall, as soon as may be after the receipt by them of an application for the grant of a licence accompanied by the prescribed fee, publish in their official record such particulars of the application as they think necessary for indicating the substance of the application, and shall make a copy of the application available at their office for inspection by any person at any reasonable time;

Provided that—

(a) the Board shall not publish particulars of any application for a Class C licence, or for a Class D licence for an Area IV, V or VI Service, unless within forty-eight hours after their receipt of the application they have served the applicant with notice of their intention so to do; and

(b) in the case of any licence other than a Class A or a Class E licence the Board may dispense with publication as aforesaid if they are satisfied that for reasons of urgency it is desirable to do so.

(9) If in the opinion of the Board an application for a licence relates to more than one service, the Board may direct that the application shall, for the purposes of these Regulations, be treated as being such number of separate applications as they may specify in the direction, and the application shall be treated accordingly.

(10) In this Regulation references to an Area Service shall be construed in accordance with paragraph 1 of the Second Schedule to these Regulations.

#### *Applications for the revocation, suspension or variation of licences*

5.—(1) Every application for the suspension of a license shall state the period of the proposed suspension, and every application for the variation of a license shall specify the variation proposed.

(2) Every application for the revocation, suspension or variation of a licence shall state the reasons advanced in support of the application.

(3) Every such application shall be made on a form supplied by the Board, and shall be signed by or on behalf of the applicant.

(4) Every such application shall be accompanied by the fee, if any, payable under these Regulations in respect of the application, and by five copies of the application, which copies need not be signed: provided that the Board may accept less than five copies of the application in any particular case. A signed copy of the application shall be served by the applicant on the holder of the licence within 24 hours after it has been received at the office of the Board unless the applicant is himself the holder of the licence.

(5) Paragraphs (4) to (8) of Regulation 4 of these Regulations shall apply in relation to an application for the revocation, suspen-

sion or variation of a licence as they apply in relation to an application for the grant of that licence:

Provided that in respect of an application—

(a) by the holder of a licence for its revocation or suspension; or

(b) by an person for a variation which, in the opinion of the Board, is unlikely to prejudice the interests of any persons of the categories specified in paragraph (3) of Regulation 10 of these Regulations,  
the Board may

(i) consider the application notwithstanding that it has been received at their office at a later time than is otherwise required by this paragraph; and

(ii) dispense with publication of particulars of the application.

*Revocation, suspension or variation of licences without application being made*

6.—(1) If the Board propose to revoke, suspend or vary a licence, otherwise than in pursuance of an application made to them in that regard, they shall serve on the holder of the licence not less than twenty-one days notice of their intention to publish particulars of the proposal in their official record, together with their reasons for their proposal.

(2) The Board shall consider any representations which may be made to them by the holder of the licence before the expiration of the said notice.

(3) Upon the expiration of the said notice the Board shall publish particulars of the proposal in their official record, unless they have abandoned the proposal.

*Objections and Representations*

7.—(1) Every objection and representation relating to an application to the Board, or to a proposal of the Board to revoke, suspend or vary any licence, shall be made in writing signed by or on behalf of the person making it and shall be communicated in writing to the Board at their office, together with five copies, which need not be signed.

(2) In the case of an application or proposal particulars of which have been published in the Board's official record, the objection or representation shall be communicated to the Board within the period of twenty-one days beginning with the day of publication as aforesaid. The Board may, if they think fit, consider an objection or representation notwithstanding that it has been communicated to them otherwise than as aforesaid.

(3) The objection or representation shall clearly identify the application or proposal to which it relates and shall state concisely the grounds on which it is based, and whether the person making it wishes to be heard at a meeting of the Board.

(4) The person making the objection or representation shall within 24 hours after it has been communicated to the Board serve a copy of it on—

(a) the applicant;

(b) any other person who is the holder of the licence to which it relates; and

(c) any body which the Board are obliged by paragraph (1) of Regulation 8 of these Regulations to consult in respect of the application or proposal.

(5) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application.

*Consultation by the Board*

8.—(1) The Board shall not grant, revoke, suspend or vary any Class A or Class B licence for an air transport service to, from or within Scotland, Wales, Northern Ireland, any of the Channel Islands, or the Isle of Man except after consulting with the regional advisory committee for Scotland, Wales or Northern Ireland (provided for in Regulation 20 of these Regulations), the Channel Islands Air Advisory Council, or the Isle of Man Airports Board, whichever shall be appropriate in the circumstances:

Provided that consultation as aforesaid shall not be required in respect of any application for the variation of a licence, being an application of which the Board have not published particulars in their official record.

(2) If the Board have published particulars of an application for a licence in their official record, they shall not grant that licence except after consulting with the National Joint Council for Civil Air Transport with regard to the terms and conditions of employment of the applicant's servants.

*Furnishing of information to the Board by persons making applications, objections or representations*

9.—The Board may require any person who has made an application, objection or representation to them under these Regulations to provide the Board with all such information or documents in his possession or control relevant to the application, objection or representation as may be specified in the requirement; and, whenever in their opinion, after consulting the said person, it is necessary and proper to do so, having regard in particular to the question whether the information is of a confidential nature, the Board may furnish particulars of any such information or copies of any such documents to any person who has a right to be heard by the Board in connection with the case to which the information or documents relate.

*Hearings and decisions by the Board in connection with licences*

10.—(1) Any applicant for the grant of a licence shall have a right to be heard by the Board at a meeting to consider his application unless the Board are obliged by subsection (3) of section 2 of the Act to refuse the application.

(2) Any holder of a licence shall have a right to be heard by the Board at a meeting of the Board to consider the revocation, suspension or variation of his licence.

(3) A person who has made an objection to or representation in respect of an application to or proposal of the Board in accordance with Regulation 7 of these Regulations, and who has indicated in the objection or representation that he wishes to be heard by the Board, shall, unless in the case of an application to the Board, they are obliged by subsection (3) of section 2 of the Act to refuse it, have a right to be

heard by the Board at a meeting to consider the application or proposal, if he belongs to one or more of the following categories—

- (a) the holder of any air service licence;
  - (b) an applicant for any air service licence whose application has not yet been determined by the Board, or having been so determined, is or may be the subject of an appeal to the Minister;
  - (c) the holder of an aerodrome licence;
  - (d) a person whose business includes the carriage of passengers, mails or other cargo for reward otherwise than by air and whose principal place of business is in the United Kingdom, any of the Channel Islands, or the Isle of Man;
  - (e) a Government Department or Minister of the Crown, including a Department or Minister of the Government of Northern Ireland, but not including the Minister of Aviation.
- (4) Subject to the provisions of subsection (3) of section 2 of the Act, the Board shall not be required to determine any application without hearing the applicant, but, subject to paragraphs (1), (2) and (3) of this Regulation, they may dispense with a hearing whenever they think fit.

(5) A hearing shall not be held by the Board at any meeting to consider an application to or proposal of the Board unless they have served on all persons having a right to be heard at that meeting not less than fourteen days notice in writing of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates. A similar notice shall be published by the Board in their official record not less than seven days before the day of the hearing, and shall be exhibited in a public place for a like period.

(6) In addition to persons having a right to be heard, the Board may, if they think fit, hear any other person.

(7) Every person who belongs to one or more of the categories set forth in paragraph (3) of this Regulation and has a right to be heard by the Board in connection with any case shall, for the purposes of these Regulations, be deemed to be a party to that case.

(8) The Board may, if they think fit, and subject to the provisions of this Regulation, hear two or more cases together, but a party to one case shall not on that account be deemed to be a party to any other case.

(9) At a hearing by the Board every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral or written evidence, and examine any other party to that case and any witnesses by him.

(10) The Board shall give reasons for their decision—

(a) if any objections to the application have been considered by the Board;

(b) if the Board have held a hearing in connection with the application; or

(c) if the Board have refused the application, or have granted the application with a modification determined by the Board:

Provided that the Board shall not be required to disclose any information which they have received from the Minister in the course of consultation with him in accordance with subsection (3) of section 2 of the Act.

(11) The Board shall serve a copy of their decision on every party to the case as soon as may be and shall cause particulars of their decision to be published in their official record.

(12) The Board shall furnish a copy of the reasons for their decision to any person who so demands.

(13) If the Board are obliged by subsection (3) of section 2 of the Act to refuse an application, an indication to that effect shall be sufficient reason for their refusal.

(14) If the application in question contains the name and address of such persons as are referred to in sub-paragraph (k) (viii) of paragraph (1) Regulation 4 of these Regulations, the Board shall serve all such persons, being persons resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man, with notice of their decision, clearly identifying the application to which it relates.

(15) All the proceedings at a hearing of the Board in connection with a licence or proposal shall be recorded by a shorthand writer, or, if the Board think fit, by some other means, and if any party to the case before the Board shall so require within the time allowed under these Regulations for appealing from the decision of the Board, or if an appeal is lodged in accordance with these Regulations, the Board shall cause a transcript of the record to be made available for purchase by any person at a reasonable price:

Provided that a transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case.

#### *Further provisions as to procedure*

11.—(1) The quorum of the Board shall, unless the Board shall otherwise decide in relation to a particular case or class of cases, be three members.

(2) Every hearing by the Board shall be held in public unless the Board shall otherwise decide in relation to the whole or part of a particular case.

(3) Subject to the provisions of the Act, the failure of the Board or of any person to give any notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Board, but may be a ground of appeal to the Minister; and the Board may, and shall if they consider that any person may have been prejudiced, take such steps as they think fit before reaching their decision to cure the irregularity, whether by the giving of any notice or the taking of any step or otherwise.

(4) For the exercise of their advisory functions under section 4 of the Act the Board may hear such persons as they think fit, and in that event they shall cause reasonable notice of the intended date, time, and place of the hearing to be published in their official record and to be served on such persons, if any, as they consider to be concerned with the subject on which they are to advise.

#### *Conditions of licences*

12.—In granting or varying a licence the Board may impose conditions of any of the following descriptions:—

- (a) as to any of the matters referred to in sub-paragraphs (a) to (g) of paragraph (1) of Regulation 4 of these Regulations;

(b) as to the places of departure and destination of any flight under the licence, or the geographical area of such flights, or the purpose thereof;

(c) as to the periods, seasons or times during or at which an air transport service may be provided under the licence, and the frequency or class of that service;

(d) as to the places at which or areas in which passengers or cargo may or must be taken up or set down on flights under the licence;

(e) as to the numbers of passengers and the weight or quantity of cargo that may be carried on any flight under the licence;

(f) as to the classes or descriptions of passengers or cargo that may be so carried, including in particular the nationality, place of residence and ultimate destination of the passengers, and the nationality or place of business of the consignor or consignee of the cargo;

(g) as to the incidence of expenses incurred by or in respect of passengers carried under the licence;

(h) as to the provision, preservation and production of certificates relating to the matters referred to in sub-paragraphs (f) and (g);

(i) as to the travel agents or other persons who may make available or offer facilities for carriage by air under the licence, the facilities they must provide, and the consideration they may receive from the passengers or from the holder of the licence;

(j) as to the arrangements to be made in respect of the service between the holder of the licence and—

(i) any other person holding a licence;

(ii) persons providing transport services otherwise than by air;

(k) as to connections between the transport services to be provided under the licence, and transport services whether or not provided by air;

(l) as to the facilities and amenities to be provided by the holder of the licence in connection with the air transport service to which the licence relates;

(m) as to the advertising or publicity or booking arrangements relating to the said service;

(n) as to the production of the licence to any person reasonably requiring to examine it;

(o) as to the validity of the licence if the fees prescribed by Regulation 17 of these Regulations and the Second Schedule thereto are not paid in accordance with the prescribed provisions.

#### *Provisions as to tariffs*

13.—The following exceptions and modifications are hereby prescribed for the purposes of subsection (5) of section 2 of the Act:—

(a) in the case of a Class A or Class B licence the Board may, if they think fit and with the consent of the Minister (which may be given generally or in respect of a particular case or class of cases) dispense wholly or in part with a provision as to the tariff to be charged;

(b) in the case of a Class C, Class D or Class E licence the Board may, if they think fit, dispense wholly or in part with a provision as to the tariff to be charged;

(c) in the case of a licence of any class the Board shall dispense with a provision as to the tariff to be charged in respect of the carriage of postal packets on behalf of the Postmaster-General within, from or to the British postal area or any British postal agency, or in respect of the carriage of postal packets otherwise than as aforesaid where charges are payable therefor to the Postmaster-General (whether as principal or agent); and for the purpose of this sub-paragraph the expressions "British postal agency", "British postal area" and "postal packet" shall have the same respective meanings as are assigned to them by subsection (1) of section 87 of the Post Office Act, 1953.<sup>a</sup>

#### *Appeals to the Minister*

14.—(1) The holder of or applicant for the licence and any other party to the case before the Board shall have a right to appeal to the Minister in accordance with the provisions of this Regulation from any decision of the Board with respect to any licence or any application for a licence.

(2) An appeal to the Minister against a decision of the Board shall be made by written notice clearly identifying the case to which it relates and stating concisely the grounds on which the appeal is based.

(3) The notice shall be signed by or on behalf of the appellant and shall be received by the Minister within the period of twenty-one days beginning with the day of the publication of the decision of the Board in their official record.

(4) A copy of the notice of appeal shall be served by the appellant on the Board and on each of the parties to the case before the Board; and for this purpose any person having the right to appeal against a decision of the Board may require them to furnish him with the names and addresses of the other parties to the case before the Board.

(5) The Minister shall serve on the appellant and on each of the parties as aforesaid not less than twenty-one days notice of the date, time and place of the hearing of the appeal, and shall cause not less than seven days notice thereof to be published in the official record of the Board.

(6) The Minister shall appoint a Commissioner to hear each appeal, and the Commissioner shall hold the hearing in public unless he shall otherwise decide in relation to the whole or part of the case.

(7) The appellant and any person who was a party to the case before the Board, or who was heard by the Board in connection with that case, shall have a right to be heard by the Commissioner:

Provided that a party to a case who did not exercise his right to be heard by the Board shall not have a right to be heard by the Commissioner unless he has served on the Minister, the Board and all the other parties to the hearing at least ten days notice of his wish to be heard by the Commissioner, stating concisely his reasons for wishing to be heard, and has obtained the Minister's consent to his being heard.

<sup>a</sup> 1 & 2 Eliz. 2, c. 36.

(8) Any person heard by the Commissioner in connection with an appeal shall be deemed for the purposes of these regulations to be a party to that appeal.

(9) The Commissioner may if he thinks fit to hear two or more appeals together, but a party to one appeal shall not on that account be deemed to be a party to any other appeal.

(10) Any party to the appeal may appear in person or be represented by any other person whom he may have authorised to represent him.

(11) Any party to the appeal may produce to the Commissioner evidence additional to that before the Board, if he has served the Board and the other parties to the hearing before the Board with at least ten days notice of his intention to do so, setting forth the substance of the new evidence; and any witness giving new evidence before the Commissioner may be examined as to that new evidence by the other parties to the appeal.

(12) The Commissioner may, if he thinks fit, invite the Board to amplify or explain the reasons for their decision of the case. Any amplification or explanation of their reasons which the Board may furnish shall be in writing, and a copy of it shall be served by the Board on all the parties to the appeal.

(13) The Board shall furnish the Commissioner with a transcript of the record of any relevant hearing by them.

(14) The Commissioner shall send to the Minister a report containing a summary of the proceedings at the hearing, his recommendation to the Minister as to the disposal of the appeal and as to the liability of the parties thereto in respect of the costs or expenses thereof, together with the reasons for his recommendations.

(15) The Minister shall consider the summary and recommendations of the Commissioner and shall make such order as he thinks fit as to the application or proposal which is the subject of the appeal, and in particular may order the Board to hear or rehear the whole or part of the case. If the Minister does not accept the recommendations of the Commissioner, in whole or in part, he shall give his reasons for not so doing.

(16) (a) In determining an appeal other than an appeal which has been heard by a Commissioner in Scotland the Minister may, if he thinks fit, order any of the parties to the appeal to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs.

(b) Any costs required by an order under the foregoing subparagraph to be taxed may be taxed in the county court on such scale as may be directed by the order.

(c) Any sum payable by virtue of an order under subparagraph (a) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court; and, subject to county court rules, an application for an order of the county court under this paragraph may be made *ex parte*.

(d) The powers of the county court under the foregoing provisions of this paragraph may be exercised by the Registrar.

(e) In relation to an appeal which has been heard by a Commissioner in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the appeal were parties to the submission, and any award of expenses by the Minister under this sub-paragraph may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.

(17) The Minister shall communicate his order (including his order as to costs, if any) and the reasons for it, if given, in writing to the Board together with a copy of the Commissioner's report. The Board shall—

(a) take such action as the Minister may have ordered them to take in respect of the licence or application therefor;

(b) serve a copy of the Minister's order on any such person as is referred to in sub-paragraph (k)(viii) of paragraph (1) of Regulation 4 of these Regulations, being a person resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man; and

(c) cause the substance of the Minister's order to be published in their official record.

(18) The Minister shall serve on each of the parties to the appeal a copy of the Commissioner's report and of the Minister's order, and the reasons for it, if given, and shall cause copies of those documents to be available for purchase by any person at a reasonable price.

#### *Continuation of expired licences*

15.—The periods respectively set forth in the following table are hereby prescribed for the purposes of subsection (8) of section 2 of the Act (which provides that in the circumstances therein set forth a licence shall not cease to be in force by reason of the expiry of the term for which it was granted) :—

| <i>Term of licence</i>                              | <i>Period Prescribed</i>      |
|-----------------------------------------------------|-------------------------------|
| Not more than 6 months.....                         | half the term of the licence. |
| More than 6 months but not more than 12 months..... | 4 months.                     |
| More than 12 months.....                            | 6 months.                     |

#### *Transfer of licences*

16.—(1) Subject to the provisions of this Regulation—

(a) If the sole holder of a licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative

(b) If in connection with the reconstruction of any body corporate or bodies corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate) or such part thereof as includes the provision of the air transport services or of flights for other purposes authorized by the licence, is transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.

(2) The person required by paragraph (1) of this Regulation to be treated as the holder of the licence may apply to the Board—

(a) If he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any

person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest), and

(b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.

(3) The application shall state the grounds on which it is based and shall be received at the office of the Board within the period of twenty-eight days beginning with the day on which the applicant first became entitled to make it; and if no application as aforesaid is made within that period, the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

(4) The application shall, for the purposes of these Regulations, be treated as if it were an application for the variation of the licence.

(5) The Board shall not, without the consent of the Minister, grant an application for the transfer of a licence to, or the substitution of the name of, any person who is not such a person as is described in subsection (7) of section 2 of the Act.

(6) For the purposes of this Regulation "legal personal representative" has the same meaning as is assigned to it by section 742 of the Merchant Shipping Act, 1894<sup>a</sup>.

17.—The provisions of the Second Schedule to these Regulations shall apply in respect of the fees payable to the Board in connection with air service licences and applications relating thereto.

*Provision of information by holders of air service licences or of air operator's certificates*

18.—The Minister or the Board may require any person who is the holder of a licence or of an air operator's certificate to provide the Minister and the Board, or either of them, with such statistical, financial and other information as may be specified in the requirement with respect to that person's operations to which the licence or certificate relates; and any person on whom a requirement as aforesaid is served shall comply with it within the period specified in the requirement, if and to the extent that he has the required information in his possession or control.

*Surrender of licences*

19.—If revocation or variation of a licence has taken effect, the Board may require any person who has the licence in his possession or control to surrender it to them for cancellation or variation, as the case may be.

*Regional Advisory Committees*

20.—(1) There shall be set up regional advisory committees for Scotland, Wales and Northern Ireland for the purpose of advising the Board on matters relating to their functions under the Act, with particular regard to the circumstances and requirements of Scotland, Wales and Northern Ireland respectively.

<sup>a</sup> 57 & 58 Vict. c. 60.

(2) Each such committee shall consist of not less than ten and not more than sixteen persons.

(3) The Minister shall, after consulting respectively with the Secretary of State for Scotland, the Minister for Welsh Affairs and the Minister of Commerce of Northern Ireland, appoint the members of the regional advisory committees for Scotland, Wales and Northern Ireland, together with a chairman for each Committee from among its members.

(4) A member of a regional advisory committee shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member.

(5) The Minister shall provide each of the regional advisory committees with such accommodation, equipment and assistance as appears to him to be necessary or expedient for the exercise of their functions.

(6) The Minister shall pay any travelling or other expenses which in his opinion are reasonably incurred by any person as a member of any of the aforesaid regional advisory committees.

Dated this 21st day of November, 1960.

### FIRST SCHEDULE

#### CONDITIONS OF GROUP CHARTER SERVICES

##### *Category A—(Groups supported by voluntary contributions)*

(i) The operator's reward for providing the service shall be raised entirely by voluntary contributions;

(ii) There shall be no minimum contribution;

(iii) The contributors shall include persons not to be carried on the service;

(iv) It shall not be a condition of being carried on the service that the passenger shall have made a contribution or given any other consideration; and

(v) Every passenger carried on the service shall be selected by the hirer of the aircraft for some reason additional to his request that he be carried.

##### *Category B—(Spontaneous groups)*

(i) All the passengers to be carried shall have made an arrangement with each other to share the cost of providing the operator's reward for the service;

(ii) The arrangement shall not have been the consequence of any advertisement or other communication made by or on behalf of the operator of the aircraft, the hirer of the aircraft, or the agent of either of them, being an advertisement or communication which could reasonably be construed as calculated or likely to invite or induce persons to travel under the arrangement;

(iii) The aggregate of the amounts paid by or on behalf of the passengers in respect of the service shall not exceed the amount of the operator's reward therefor.

##### *Category C—(Affinity groups)*

(i) Every passenger to be carried shall be a member of a single organised group which pursues a principal objective other than travel, and shall have been a member of that group for the period of six months preceding the flight, or shall be the spouse or dependent child of a person so qualified, or a parent of such a person living in the same household as that person;

(ii) The objective other than travel pursued by the group shall be sufficient to distinguish it from the general public;

(iii) The membership of the group shall not exceed twenty thousand persons; and

(iv) Advertisements and other communications, whether oral or written, for the purposes of inviting or inducing persons to engage on the journey shall be communicated only to members of the group, and only by members or officials of the group.

## SECOND SCHEDULE

## FEES

1. The Table referred to in this Schedule is as follows:—

| 1                                                                                       | 2               | 3                                                  | 4          |
|-----------------------------------------------------------------------------------------|-----------------|----------------------------------------------------|------------|
| Description of Licence                                                                  | Application Fee | Fee for grant, variation, suspension or revocation | Annual Fee |
| Class A Licence for—                                                                    | £ s. d.         | £ s. d.                                            | £ s. d.    |
| Area I Service.....                                                                     | 25 0 0          | 25 0 0                                             | 40 0 0     |
| Area II Service.....                                                                    | 50 0 0          | 50 0 0                                             | 80 0 0     |
| Area III Service.....                                                                   | 100 0 0         | 200 0 0                                            | 160 0 0    |
| Area IV Service.....                                                                    | 200 0 0         | 400 0 0                                            | 400 0 0    |
| Area V Service.....                                                                     | 100 0 0         | 200 0 0                                            | 160 0 0    |
| Area VI Service.....                                                                    | 200 0 0         | 400 0 0                                            | 400 0 0    |
| Class C Licence if an application in respect thereof is not published by the Board..... | 2 0 0           | Nil                                                | Nil        |
| Any other Licence:—                                                                     |                 |                                                    |            |
| (a) for a restricted number of journeys.....                                            | 25 0 0          | Nil                                                | 10 0 0     |
| (b) for an unrestricted number of journeys.....                                         | 25 0 0          | 50 0 0                                             | 60 0 0     |

*Standard Fees*

2. Subject to the provisions of this Schedule, fees shall be payable to the Board as follows:—

(a) upon making an application for the grant of a licence the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence applied for;

(b) for the grant of a licence, the applicant shall pay, on the first day on which the licence authorises a flight, the fee specified in the third column of the Table opposite the description of the licence granted;

(c) upon making an application for variation of a licence (whether or not in respect of more than one particular) the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence as it would be if the application were granted;

(d) for the variation of a licence (whether or not in more than one particular) the applicant shall pay on the first day on which the variation comes into force, the fee specified in the third column of the Table opposite the description of the licence as varied;

(e) upon making an application for the revocation or suspension of a licence of which he is not the holder the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence, taking into account any variations which may have been made, and if his application is granted he shall thereupon pay the fee specified in the third column of the Table opposite that description;

(f) the holder of a licence shall pay in respect thereof the annual fee specified in the fourth column of the Table opposite the description of the licence, taking into account any variations which may have been made; payment shall first become due upon the expiration of the period of one year after the first day on which the licence authorises a flight and each subsequent payment shall become due at intervals of one year after that date; each payment of an annual fee shall relate to the year following the day on which it becomes due, and, if the fee exceeds ten pounds, shall be reduced by one-twelfth for every month by which the unexpired portion of the term of the licence is less than one year;

(g) if a licence is suspended, the annual fee shall not become due so long as the suspension continues, but upon the ending of the suspension the holder of the licence shall pay that fee, reduced by one-twelfth for every month of suspension during the year to which the fee relates.

*Variation of licences: Special provisions*

3.—(1) The Board may reduce by such amount as they think fit the fee in respect of an application by the holder of a licence for its variation, and for the

variation of the licence, if, in their opinion, it is proper to do so by reason of the disproportion between the amount of the fee and the benefit conferred by the variation.

(2) In a case where a licence is varied with effect in the course of a year to which an annual fee relates, the amount of the annual fee shall be adjusted proportionately so as to take account of any resulting variation in the description of the licence; and any additional annual fee shall be paid by the holder of the licence, or any refund on the annual fee shall be made to him (whichever shall be appropriate), on the date on which the variation comes into force.

(3) If the Board are of the opinion that an application for variation of a licence is in substance an application for a licence for a new service, they may, on varying the licence, direct that for the purpose of the annual fee, the licence is to be treated as if it were several licences of such number and description as they may specify in the direction.

(4) Where an application for variation of a licence relates solely to a provision as to the tariff to be charged the fee to be paid for that application shall be £2 0s. 0d. and, if no hearing has been held by the Board in connection with that application, no fee shall be payable for the variation.

#### *Transitional Licences: Special provisions*

4. When a licence is granted in pursuance of an Order made under subsection (6) of section 2 of the Act—

(a) the fees specified in the second and third columns of the Table shall not be payable;

(b) annual fees in respect of the licence shall be paid in accordance with the foregoing provisions of this Schedule, except that the first such payment shall become due on 30th March, 1961, and each subsequent payment shall become due at intervals of one year after that date.

#### *Refund of Fees*

5.—(1) Where an application for a licence or the variation, revocation or suspension thereof is withdrawn before a notice of a hearing in connection with such application has been published by the Board in their official record the Board may refund such part of the application fee as they think proper in the circumstances of the case.

(2) Where the Board are obliged by subsection (3) of section 2 of the Act to refuse an application for the grant of a licence they shall refund the whole of the application fee.

(3) Where a licence has been revoked or suspended the Board may refund such portion, if any, of the fees paid for the grant of the licence or of the annual fee as they think proper in the circumstances of the case:

Provided that no portion of a fee shall be refunded unless that fee exceeds ten pounds.

#### *Definition of Area Services*

6.—(1) For the purposes of this Schedule—

“Area I Service” means a service between places all of which are within the following territories:—

the United Kingdom,  
any of the Channel Islands,  
the Isle of Man;

“Area II Service” means a service, not being an Area I Service, between places all of which are within the following territories:—

the United Kingdom,  
any of the Channel Islands,  
the Isle of Man,  
the Republic of Ireland,  
Belgium,  
Holland,  
Luxembourg,

France, north of the rhumb lines successively joining the following points: 47° 00' north latitude 02° 02' west longitude, 47° 00' north latitude 02° 00' east longitude, 49° 28' north latitude 06° 04' east longitude,

Germany, west of the rhumb lines successively joining the following points: 49° 28' north latitude 06° 04' east longitude, 50° 43' north latitude 08° 00' east longitude, 53° 43' north latitude and 08° 00' east longitude,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man ;

"Area III Service" means a service, not being an Area I or an Area II Service, between places all of which are within the following territories :—

the United Kingdom,  
any of the Channel Islands,  
the Isle of Man,  
any of the Canary Islands,  
any of the Madeira Islands,  
Morocco,  
Cyprus,  
Iceland,

the area enclosed by the parallels of latitude 66° north and 34° north and the meridians of longitude 10° west and 30° east,  
if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man ;

"Area IV Service" means a service, not being an Area I, an Area II or an Area III Service, if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man ;

"Area V Service" means a service between places within a circle having a diameter not exceeding 1,500 nautical miles, none of which is in the United Kingdom, any of the Channel Islands or the Isle of Man ;

"Area VI Service" means a service, between places within a circle having a diameter exceeding 1,500 nautical miles, none of which is in the United Kingdom, any of the Channel Islands or the Isle of Man.

(2) The circle referred to in the preceding sub-paragraph shall have a radius of 12½° of latitude measured on Mercator's projection on the scale of latitude at the centre of the circle.

#### EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations are made under the Civil Aviation (Licensing) Act, 1960, and include in particular provision for—

(a) the exemption of flights for certain purposes from the requirement of an air service licence under that Act (Regulation 3) ;

(b) the form and manner of applying for the grant, variation, suspension and revocation of a licence, and of making objections and representations in connection with such an application (Regulations 4, 5 and 7) ;

(c) consultation and hearings by the Air Transport Licensing Board ; and generally as to their procedure (Regulations 8, 10 and 11) ;

(d) the conditions which the Board may include in a licence and the circumstances in which they may or shall dispense with a provision in a licence as to tariffs (Regulations 12 and 13) ;

(e) appeals to the Minister of Aviation from decisions of the Board (Regulation 14) ;

(f) the fees to be paid to the Board in connection with air service licences and applications relating thereto (Regulation 17 and the Second Schedule) ;

(g) the provision to the Minister and the Board of statistical, financial and other information by licence holders, and by the holders of air operator's certificates granted under any Order in Council made under section 8 of the Civil Aviation Act, 1949 (Regulation 18) ;

(h) the setting up of regional advisory committees for Scotland, Wales and Northern Ireland for the purpose of advising the Board (Regulation 20).

#### COLONIAL AIR NAVIGATION

Civil aviation in the British colonies, protectorates and dependencies is controlled by the Colonial Air Navigation Order, 1961, in *Statutory Instruments* 1961, Part III, No. 2316, pages 4146–4270.

This Order was issued under the authority of the Civil Aviation Act, 1949 (12, 13 & 14 Geo. 6, C. 67).

Aden (Colony and Protectorate)

Bahamas

- Basutoland  
Bechuanaland Protectorate  
Bermuda  
British Guiana  
British Honduras  
British Solomon Islands Protectorate  
British Virgin Islands  
Central and Southern Line Islands  
Cyprus: Sovereign Base Areas of Akrotiri and Dhekelia  
Falkland Islands and Dependencies  
Fiji  
Gambia (Colony and Protectorate)  
Gibraltar  
Gilbert and Ellice Islands Colony  
Hong Kong  
Kenya (Colony and Protectorate)  
Malta  
Mauritius  
North Borneo  
St. Helena and Ascension  
Sarawak  
Seychellas  
State of Singapore  
Swaziland  
Tanganyika  
Uganda (Act applicable under Legal Notice No. 15, E.A.S.C.O.  
Gazette Supp. No. 2. Jan. 31, 1962)  
The West Indies:—  
    Antigua  
    Barbados  
    Cayman Islands  
    Dominica  
    Grenada  
    Jamaica  
    Montserrat  
    St. Christopher and Nevis and Anguilla  
    St. Lucia  
    St. Vincent  
    Trinidad and Tobago  
    Turks and Caicos Islands  
Zanzibar Protectorate  
    Application is made by :  
    1. Colonial Civil Aviation (Application of Act) order 1952, in  
    *Statutory Instruments 1952*, Part I, No. 868, page 565 ff. and the  
    following Orders:  
    2. Colonial Civil Aviation (Application of Act) Order, 1953, in  
    *Statutory Instruments 1953*, Part I, Nos. 591 and 1669, pages 275 and  
    277  
    3. Colonial Civil Aviation (Application of Act) Order 1954, in  
    *Statutory Instruments 1954*; Part I, No. 830, page 463  
    4. Colonial Civil Aviation (Application of Act) Order, 1955, in  
    *Statutory Instruments 1955*, Part I, No. 709, page 458

5. Colonial Civil Aviation (Application of Act) Order, 1958, in *Statutory Instruments 1958*, Part I, No. 1514, page 303

6. Colonial Civil Aviation (Application of Act) Order, 1959, in *Statutory Instruments 1959*, Part I, No. 1052, page 684

7. Colonial Civil Aviation (Application of Act) Order, 1961, in *Statutory Instruments 1961*, Part III, No. 2317, page 4271.

1961 No. 2316

## CIVIL AVIATION\*

### THE COLONIAL AIR NAVIGATION ORDER, 1961

Made----- 6th December, 1961  
Laid before Parliament----- 7th December, 1961  
Coming into Operation----- 8th December, 1961

#### ARRANGEMENT OF ORDER

##### PART I. REGISTRATION AND MARKING OF AIRCRAFT

###### Article

1. Aircraft to be registered.
2. Registration of aircraft in the Colony.
3. Nationality and registration marks.

##### PART II. AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

4. Certificate of airworthiness to be in force.
5. Issue and renewal of certificates of airworthiness.
6. Certification of maintenance.
7. Inspection, overhaul, repair, replacement and modification.
8. Licensing of maintenance engineers.
9. Equipment of aircraft.
10. Radio equipment of aircraft.
11. Aircraft, engine and propeller log books.
12. Aircraft weight schedule.
13. Access and inspection for airworthiness purposes.

##### PART III. AIRCRAFT CREW AND LICENSING

14. Composition of crew of aircraft.
15. Members of flight crew—licences.
16. Grant and renewal of licences to members of flight crew.
17. Validation of licences.
18. Personal flying log book.
19. Instruction in flying.
20. Glider pilot—minimum age.

##### PART IV. OPERATION OF AIRCRAFT

21. Operations Manual.
22. Public transport—operators' responsibilities.
23. Public transport—loading of aircraft.
24. Public transport—operating conditions.
25. Aircraft not registered in the Colony—weather conditions.
26. Pre-flight action by commander of aircraft.
27. Pilots to remain at controls.
28. Public transport of passengers—duties of commander.
29. Operation of radio in aircraft.
30. Towing of gliders.
31. Towing, picking up and raising of persons and articles.
32. Dropping of persons and articles.

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\*Statutory Instruments 1961, Part III P. 4146-4200.

33. Carriage of munitions of war.
34. Carriage of dangerous goods.
35. Method of carriage of persons.
36. Exits and break-in markings.
37. Imperilling safety of aircraft.
38. Imperilling safety of any person or property.
39. Drunkenness in aircraft.
40. Smoking in aircraft.
41. Authority of commander of aircraft.
42. Stowaways.

#### PART V. FATIGUE OF FLIGHT CREW

43. Application, interpretation and modification of Part V.
44. Duties of operators to prevent excessive fatigue of flight crew.
45. Establishment of limits on flight times, flying duty periods and rest periods.
46. Maximum flying duty periods for pilots and flight engineers.
47. Minimum rest periods for flight crew.
48. Records of flight times, duty periods and rest periods.
49. Maximum flight times for flight crew.
50. Provision for particular cases.

#### PART VI. DOCUMENTS

51. Documents to be carried.
52. Production of documents.
53. Preservation of documents, etc.
54. Revocation, suspension and variation of certificates, licences and other documents.
55. Offences in relation to documents.

#### PART VII. CONTROL OF AIR TRAFFIC

56. Rules of the air and air traffic control.
57. Power to prohibit or restrict flying.
58. Balloons, kites and airships.

#### PART VIII. AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

59. Aerodromes: public transport of passengers and instruction in flying.
60. Use of Government aerodromes.
61. Licensing of aerodromes.
62. Charges at aerodromes licensed for public use.
63. Use of aerodromes by aircraft of Contracting States and of the Commonwealth.
64. Noise and vibration caused by aircraft on aerodromes.
65. Aeronautical lights.
66. Dangerous lights.
67. Customs Airports.

#### PART IX. GENERAL

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69. Power to prevent aircraft flying.
70. Right of access to aerodromes and other places.
71. Obstruction of persons.
72. Enforcement of directions.
73. Fees.
74. Penalties.
75. Extra-territorial effect of the Order.
76. Application of Order.
77. Regulations by the Governor.
78. Application of Order to the Crown and visiting forces, etc.
79. Exemption from Order.
80. Provisions for East African Territories.
81. Interpretation.
82. Interpretation in relation to the East African Territories.
83. Saving.
84. Small aircraft.
85. Revocation.
86. Citation and commencement.

## SCHEDULES

## First Schedule—

Part A. Table of General Classification of Aircraft.

Part B. Nationality and Registration Marks of Aircraft Registered in the Colony.

## Second Schedule—A and B Conditions.

## Third Schedule—Categories of Aircraft.

## Fourth Schedule—Maintenance Engineers: Privileges of Licences.

## Fifth Schedule—Aircraft Equipment.

## Sixth Schedule—Radio Apparatus to be carried in Aircraft.

## Seventh Schedule—Aircraft, Engine and Propeller Log Books.

## Eighth Schedule—Areas Specified in connection with the Carriage of Flight Navigators as Members of the Flight Crews of Public Transport Aircraft.

## Ninth Schedule—Flight Crew of Aircraft: Licences and Ratings.

## Tenth Schedule—Public Transport—Operational Requirements.

## Eleventh Schedule—Documents to be Carried by Aircraft Registered in the Colony.

## Twelfth Schedule—Rules of the Air and Air Traffic Control.

## Thirteenth Schedule—Fees.

## Fourteenth Schedule—Penalties.

## Fifteenth Schedule—Territories to which this Order applies.

At the Court of Saint James, the 6th day of December, 1961.

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the eighth day of November, 1961, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) on any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom;

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorized thereto by the said Letters Patent, and in pursuance of the powers vested in Her Majesty by the Civil Aviation Act, 1949<sup>a</sup>, and the Colonial Civil Aviation (Application of Act) Order, 1952<sup>b</sup>, and of all other powers enabling Her Majesty in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

<sup>a</sup> 12, 13, & 14 Geo. 6. c. 67.

<sup>b</sup> S.I. 1952/868 (1952 I, p. 565).