CHAPTER 80.

An Act to enable effect to be given to a Convention for regulating Air Navigation, and to make further provision for the control and regulation of aviation.

[23rd December 1920.]

WHEREAS the full and absolute sovereignty and rightful jurisdiction of His Majesty extends, and has always extended, over the air superincumbent on all parts of His Majesty's dominions and the territorial waters adjacent thereto:

And whereas a Convention (in this Act referred to as "the Convention") for determining by a common agreement certain uniform rules with respect to international air navigation, was signed on behalf of His Majesty in Paris on the thirteenth day of October, nineteen hundred and nineteen, and has been presented to Parliament:

And whereas it is expedient to make further provision for controlling and regulating the navigation of aircraft, whether British or foreign, within the limits of His Majesty's jurisdiction as aforesaid, and, in the case of British aircraft, for regulating the navigation thereof both within such jurisdiction and elsewhere:

And whereas it is also expedient that provision should be made by Parliament for enabling effect to be given to the Convention:

Be it therefore 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.

POWER TO APPLY CONVENTION.

Power to give effect to Convention.

1. His Majesty may make such Orders in Council as appear to him necessary for carrying out the Convention and for giving effect thereto or to any of the provisions thereof, or to any amendment which may be made under article thirty-four thereof.

Power to apply Convention to internal flying.

2. His Majesty may, by Order in Council, direct that the provisions of the Convention for the time being in force, or any of them, and whether or not those provisions are limited to aircraft of any special description, or engaged in any special kind of navigation, shall apply to or in relation to any aircraft in or over the British Islands or the territorial waters adjacent thereto, and may make such consequential and supplementary provisions as appear necessary or expedient for the purpose of such application.

3. Without prejudice to the generality of the powers hereinbefore conferred, an Order in Council under this Part of this Act may make provision— Special provisions which may be made by Order in Council.

(*a*) prescribing the authority by which any of the powers exerciseable under the Convention by a contracting State, or by any authority therein, are to be exercised in the British Islands;

(*b*) for the licensing, inspection, and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting the work therein carried on, for prohibiting or regulating the use of unlicensed aerodromes, and for the licensing of personnel employed at aerodromes in the inspection or supervision of aircraft;

(*c*) as to the manner and conditions of the issue and renewal of any certificate or licence required by the Order or by the Convention, including the examinations and tests to be undergone, and the form, custody, production, cancellation, suspension, endorsement and surrender of any such certificate or licence;

(*d*) as to the keeping and form of the register of British aircraft;

(*e*) as to the conditions under which aircraft may be used for carrying goods, mails and passengers;

(*f*) as to the conditions under which aircraft may pass, or goods, mails, or passengers may be conveyed by aircraft, into or from the British Islands, or from one British island to another;

(*g*) exempting from the provisions of the Order or of the Convention, or any of them, aircraft flown for experimental purposes, or any other aircraft or persons where it appears unnecessary that the same should apply;

(*h*) prescribing the scales of charges at licensed aerodromes;

(*i*) prescribing, subject to the consent of the Treasury, the fees to be paid in respect of the grant of any certificate or licence or otherwise for the purposes of the Order or the Convention;

(*j*) supplementing the Convention, in such manner as appears necessary or expedient, by general safety regulations;

(*k*) for the control and regulation of aerial lighthouses, and lights at or in the neighbourhood of aerodromes and aerial lighthouses;

(*l*) regulating the signals which may be made by aircraft and persons carried therein; and

(*m*) for the imposition of penalties (not exceeding imprisonment for a term of six months and a fine of two hundred pounds) to secure compliance with the Order or the Convention, and for the mode of

enforcing such penalties, and authorising any steps to be taken for preventing aircraft from flying over prohibited areas or entering the British Islands in contravention of the Order or the Convention which were authorised to be taken under section two of the Aerial Navigation Act, 1913, for the purposes of that section.

2 & 3 Geo. 5. c. 22.

Application to British possessions, &c.

4.—(1) His Majesty may, by Order in Council, extend, with any necessary modifications and exceptions, any of the provisions of this Act to any British possessions other than those mentioned in the Schedule to this Act, and to any territory under His Majesty's protection:

Provided that the expression "territory under His Majesty's protection" shall not include any territory over which the Government of any part of His Majesty's Dominions mentioned in the Schedule to this Act exercises authority.

(2) His Majesty may, by any such Order in Council extending any provisions of this Act as aforesaid, or by any subsequent Order, make any provisions of an Order in Council made under sections one to three of this Act applicable to any such possessions or territories as aforesaid, and to registered aircraft being the property of British subjects resident or companies incorporated therein, with such modifications and extensions as shall appear necessary.

Expenses of international commission for air navigation, &c.

5. Any sums required for the contribution from the United Kingdom for the organisation and operations of the international commission for air navigation set up under the Convention, or occasioned by the sending of technical delegations, shall be paid by the Secretary of State out of moneys provided by Parliament.

PART II.

GENERAL.

Purposes of Air Council. 7 & 8 Geo. 5. c. 51.

6. The purposes of the Air Council, established under the Air Force (Constitution) Act, 1917, shall extend so as to include all matters connected with air navigation.

Special powers in case of emergency.

7.—(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 the provisions of this Act or any Order or regulations made thereunder, the navigation of all or any descriptions of aircraft over the British Islands or any portion thereof, or the territorial waters adjacent thereto; and, without prejudice to the generality of this provision, any such order may provide for taking possession of and using for the purposes of His Majesty's naval, military or air forces any aerodrome or landing ground, 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, flying school, or landing ground, or any class or description thereof.

(2) The order may provide for the imposition of penalties to secure compliance with the order, not exceeding those which may be imposed for contravention of an Order in Council under Part I. of this Act, and may authorise such steps to be taken in order to secure such compliance as appear to the Secretary of State to be necessary.

(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 an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, the principles of that Act being applied, with the necessary modifications, where possession is taken of any land or premises: 9 & 10 Geo. 5. c. 57.

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

(4) An order under this section may be revoked or varied by a subsequent order made by the Secretary of State.

Establishment of aerodromes by Air Council and local authorities.

8.—(1) The Air Council, and any local authority to which this section applies with the consent of the Air Council, and subject to such conditions as the Air Council may prescribe, shall have power to establish and maintain aerodromes (including power to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes) and to acquire land for that purpose, by purchase or hire, in the case of a local authority by agreement, and in the case of the Air Council either by agreement or in accordance with the provisions of this Act as to the acquisition of land by the Air Council. Land may be acquired by a local authority under this section either within or without the area of the authority.

(2) A local authority providing an aerodrome under this section shall have power to carry on in connection therewith any subsidiary business certified by the Air Council to be ancillary to the carrying on of an aerodrome.

(3) The local authorities to which this section applies are the common council of the City of London, the councils of counties and county boroughs, and urban district councils, and the expenses of those councils under this section shall be defrayed, in the case of the common council of the city of London out of the general rate, in the case of a county council as expenses for general county purposes, and in the case of other councils as expenses incurred in the administration of the Public Health Acts, 1875 to 1908.

(4) A local authority may borrow for the purposes of this section, in the case of the common council of the city of London under the City of London Sewers Acts, 1848 to 1897, and in the case of a county council under section sixty-nine of the Local Government Act, 1888, as if those purposes were mentioned in that section, and in the case of the council of a county borough or urban district shall have the same power of borrowing under this section as they have under the Public Health Acts, 1875 to 1908, for the purpose of defraying any expenses incurred by them in the administration of those Acts, but money so borrowed shall not be reckoned as part of the debt of such local authority for the purposes of any enactment limiting the powers of borrowing by the authority.

51 & 52 Vict. c. 41.

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

Trespass, nuisance, and responsibility for damage.

9.—(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground, which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of this Act and any Order made thereunder and of the Convention are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

Provided that, where any damages recovered from or paid by the owner of an aircraft under this section arose from damage or loss caused solely by the wrongful or negligent action or omission of any person other than the owner or some person in his employment, the owner shall be entitled to recover from that person the amount of such damages, and in any such proceedings against the owner the owner may, on making such application to the court and on giving such undertaking in costs as may be prescribed by rules of court, join any such person as aforesaid as a defendant, but where such person is not so joined he shall not in any subsequent proceedings taken against him by the owner be precluded from disputing the reasonableness of any damages recovered from or paid by the owner.

(2) Where any aircraft has been bonâ fide demised, let, or hired out for a period exceeding fourteen days to any other person

by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

Penalty for dangerous flying.

10.—(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 with or without hard labour for a term not exceeding six months, or to both such imprisonment and fine.

For the purposes of 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 any general safety or other regulations prescribed by Order in Council under Part I. of this Act.

Wreck and salvage.

11. The law relating to wreck and to salvage of life or property, and to the duty of rendering assistance to vessels in distress (including the provisions of the Merchant Shipping Acts, 1894 to 1916, and any other Act relating to those subjects), shall apply to aircraft on or over the sea or tidal waters as it applies to vessels, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of a ship would be so entitled :

Provided that provision may be made by Order in Council for making modifications of and exemptions from the provisions of such law and Acts as aforesaid in their application to aircraft, to such extent and in such manner as appears necessary or expedient.

Power to provide for investigation of accidents.

12.—(1) The Secretary of State may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and occurring in or over the British Islands or the territorial waters adjacent thereto, or to British aircraft elsewhere.

(2) Without prejudice to the generality of the foregoing provision, 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;

(*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; 57 & 58 Vict. c. 28.

(*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 Act or any order made thereunder, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed, or surrendered, and for the production of any such licence for the purpose of being so dealt with:

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

57 & 58 Vict. c. 60.

(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 with or without hard labour for a term not exceeding three months.

Infringement of patents.

13.—(1) Where it is alleged by any person interested that a foreign aircraft making a passage through or over the British Islands infringes in itself or in any part of it any invention, design or model which is entitled to protection in the British Islands, it shall be lawful, subject to and in accordance with Rules of Court, to detain such aircraft until the owner thereof deposits or secures in respect of the alleged infringement a sum (in this section called 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 a sum as may be agreed between the parties interested, or in default of agreement shall be fixed by the Secretary of State 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. 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 section into effect.

(3) For the purposes of this section, 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 the purpose of a passage.

Jurisdiction.

14.—(1) Any offence under this Act or under an Order in Council or regulations made thereunder, and 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 under this Act, or any other claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall, with the necessary modifications, and in particular with the substitution of the Air Council for the Board of Trade, apply to the detention of any aircraft under this Act or any orders or regulations made thereunder as it applies to the detention of a ship under that Act.

Acquisition of land.

15. The power of a Secretary of State to acquire land under the Military Lands Acts, 1892 to 1903, shall include power to acquire land for the purposes of this Act and generally for the purposes of civil aviation, 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.

Expenses of the Secretary of State and Air Council.

16. Any expenses incurred by a Secretary of State or the Air Council in the exercise of their powers under this Act, including the expenses of any investigation under this Act, shall be paid out of moneys provided by Parliament.

Provisions as to Orders in Council.

17.—(1) An Order in Council under this Act may be made applicable to any aircraft in or over the British Islands or the territorial waters adjacent thereto, and to British aircraft wherever they may be.

(2) An Order in Council under this Act may be revoked or varied by a subsequent Order in Council.

(3) Any Order in Council made under this Act shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such Order is laid before it praying that the Order or any provision thereof may be annulled, His Majesty in Council may annul the Order or provision, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Savings.

18.—(1) This Act shall not 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

provisions of this Act or of any orders or regulations made thereunder.

(2) Nothing in this Act, or in any orders or regulations thereunder, shall prejudice or affect the rights, powers, or privileges of any general or local lighthouse authority.

Application to Scotland and Ireland.

19.—(1) This Act shall apply to Scotland subject to the following modifications :—

Subsections (3) and (4) of the section of this Act relating to establishment of aerodromes by the Air Council and local authorities shall not apply, and in lieu thereof—

(*a*) the local authorities to which the said section shall apply shall be county councils and town councils, and the expenses of county councils under the said section shall be defrayed out of the general purposes rate, provided that notwithstanding anything in the Local Government (Scotland) Act, 1889, the ratepayers of any police burgh, which shall have established an aerodrome in virtue of the powers conferred by the said section, shall not be assessed by the county council for any such expenses, and the expenses of town councils under the said section shall be defrayed out of the public health general assessment, provided that such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment;

52 & 53 Vict. c. 50.

(*b*) a county council may borrow for the purposes of the said section on the security of the general purposes rate in the manner and subject to the conditions prescribed by the Local Government (Scotland) Act, 1889, and a town council may borrow for the purposes of the said section on the security of the public health general assessment in like manner and subject to the like conditions as they may borrow for the purpose of the provision of hospitals.

(2) This Act shall apply to Ireland subject to the following modifications :—

References to the Public Health (Ireland) Acts, 1878 to 1919, shall be substituted for references to the Public Health Acts, 1875 to 1908, and a reference to Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall be substituted for the references to section sixty-nine of the Local Government Act, 1888.

Short title, repeal, and commencement.

20.—(1) This Act may be cited as the Air Navigation Act, 1920.

(2) The Air Navigation Acts, 1911 to 1919, are hereby repealed :

Provided that any certificate or licence issued under those Acts or under any order made thereunder shall remain in force as though the same had been issued under this Act, and that any orders made by the Secretary of State under those Acts, and in force at the date of the passing of this Act, shall continue in force until revoked or superseded by an Order in Council under this Act, and whilst in force shall have effect as though those Acts were still in force.

SCHEDULE.

Section 4.

The Dominion of Canada.
The Commonwealth of Australia (including Norfolk Island and Papua).
The Dominion of New Zealand.
The Union of South Africa.
Newfoundland.
India.

CHAPTER 81.

An Act to amend the law with respect to the administration of justice and with respect to the constitution of the Supreme Court, to facilitate the reciprocal enforcement of judgments and awards in the United Kingdom and other parts of His Majesty's Dominions or Territories under His Majesty's protection, and to regulate the fees chargeable by, and on the registration of, Commissioners for Oaths. [23rd December 1920.]

BE 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.

TRIAL OF MATRIMONIAL CAUSES, TRIAL BY JURY, ADMIRALTY JURISDICTION OF HIGH COURT, AND AMENDMENTS OF JUDICATURE ACTS.

Power to try matrimonial causes at assizes. 36 & 37 Vict. c. 66.

1. Any commissioner acting under a commission of assize or any other commission granted under section twenty-nine of the Supreme Court of Judicature Act, 1873, shall, subject to rules of court, have power to try and determine matrimonial causes of any prescribed class and any matters arising out of