9TH SCH. —*cont.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 90—*cont.*	The Rating and Valuation Act, 1925—*cont.*	In section twenty-two, in subsection (1) (*b*), the words "and tithe rentcharge, if any". In section sixty-eight, in subsection (1), in the definition of "gross value", the words "and tithe rentcharge, if any", and subsection (2).
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In the Third Schedule, in paragraph 2, the words "any tithe rentcharge or", where they first occur, and the words "tithe rentcharge or", where they secondly and thirdly occur.
20 & 21 Geo. 5. c. 24.	The Railways (Valuation for Rating) Act, 1930.	In section four, in subsection (1) (*b*) and subsection (3) (ii), the words "and tithe rentcharge (if any)".

CHAPTER 44.

An Act to amend the law with respect to aviation and matters connected therewith.

[31st July 1936.]

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.

PROVISIONS FOR THE DEVELOPMENT, REGULATION AND CONTROL OF CIVIL AVIATION.

Agreements for subsidising air transport.

1.—(1) The Secretary of State may, with the approval of the Treasury, agree to pay subsidies to any persons and to furnish facilities for their aircraft, in consideration of undertakings entered into by those

PART I. —*cont.*

persons with respect to the carriage by air of passengers or goods:

Provided that—

(*a*) the aggregate amount of the subsidies payable under all the agreements made in pursuance of this section shall not exceed one million five hundred thousand pounds in any financial year; and

(*b*) no subsidy shall be payable under any such agreement after the thirty-first day of December, nineteen hundred and fifty-three.

(2) Any sums required by the Secretary of State for the fulfilment of any agreement made in pursuance of this section shall be paid out of moneys provided by Parliament.

(3) It shall be a term of every agreement made in pursuance of this section between the Secretary of State and a company that no subsidy shall be payable under the agreement unless such directions as may have been given by the Secretary of State for securing that one or more of the directors of the company shall be a person or persons nominated by the Secretary of State are complied with.

(4) A copy of every agreement made in pursuance of this section shall, as soon as may be after the agreement is made, be laid before each House of Parliament and if either House, within fourteen days from the day on which a copy of such an agreement is laid before it, resolves that the agreement be annulled, the agreement shall thenceforth be void, without prejudice, however, to the making of a new agreement.

In reckoning any period of fourteen days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses of Parliament are adjourned for more than four days.

20 & 21 Geo. 5. c. 30.

(5) The Air Transport (Subsidy Agreements) Act, 1930, shall cease to have effect; but this repeal shall not affect the validity of any agreement made in pursuance of that Act, and every such agreement shall, for the purposes of the proviso to subsection (1) of this section, be deemed to have been made in pursuance of this section.

PART I. —*cont.*

Delegation of certain functions of Secretary of State as respects civil aviation.

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

(*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 Secretary of State, 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 Secretary of State 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 Part I of the principal 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.

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 Secretary of State to be necessary or expedient for the purposes of the order, and may be varied or revoked by a subsequent order of the Secretary of State, but the revocation of such an order shall be without prejudice to the making of a new order under this section.

(3) No order delegating or entrusting any functions to such a body as aforesaid shall be made under this section unless, at least twenty days previously, a draft of the order has been laid before each House of Parliament, and if either House, within twenty days from the day on which a draft of such an order is laid before it, resolves that it is inexpedient that an order in terms of the draft should be made, no further proceedings shall be taken thereon, without prejudice, however, to the making of a new draft order.

PART I. —*cont.*

In reckoning any period of twenty days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses of Parliament are adjourned for more than four days.

(4) The Secretary of State 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 Secretary of State for making contributions under this subsection shall be paid out of moneys provided by Parliament.

Application to seaplanes of regulations as to ships. 57 & 58 Vict. c. 60.

3.—(1) The power of His Majesty in Council under subsection (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—

(*a*) between seaplanes on the surface of the water, and

(*b*) between vessels and seaplanes on the surface of the water;

and the power of His Majesty in Council under subsection (1) of section twenty-five of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to prescribe what signals shall be signals of distress and urgency shall include power to prescribe what signals shall be signals of distress and urgency in the case of seaplanes on the surface of the water; and accordingly the said sections and sections four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, as amended by any subsequent Act, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, except that—

22 & 23 Geo. 5. c. 9.

(i) the reference in subsection (1) of the said section four hundred and eighteen to the Admiralty and the Board of Trade shall be construed as including a reference to the Secretary of State;

(ii) rules under subsection (2) of the said section twenty-five with respect to seaplanes shall not be made by the Board of Trade except after consultation with the Secretary of State;

(iii) for the purposes of subsection (2) of the said section four hundred and eighteen and for the

PART I —*cont.*

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

(iv) any references in subsection (3) of the said section twenty-five or 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: 28 & 29 Vict. c. 125.

Provided that the persons on whose recommendation rules under section seven of that Act may be made shall, in the case of rules relating to seaplanes, include the Secretary of State.

(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 preceding subsection or not, confers or imposes on a

PART I. —*cont.*

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 after the commencement of this Act shall not be confirmed or approved by that Department except after consultation with the Secretary of State;

(*b*) in a case where the enactment in question does not provide as aforesaid, byelaws made thereunder after the commencement of this Act 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;

(*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 court or judge shall, before allowing or approving the byelaws, take into consideration any representations made with respect thereto by or on behalf of the Secretary of State:

Provided that in relation to any byelaws which are determined by the Minister of Transport, after consultation with the Board of Trade, primarily to concern the interests of navigation, paragraph (*b*) of this subsection shall have effect as if for the reference therein to the Minister of Transport there were substituted a reference to the Board of Trade.

(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

PART I. —*cont.*

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 manœuvre 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.

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

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

(*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;

PART I. —*cont.*

(*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 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 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 such imprisonment and such fine 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 such imprisonment and such fine.

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. PART I. —*cont.*

(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 Part I of the principal Act as a place of landing and departure of aircraft for the purposes of the enactments relating to customs.

Licensing of air transport and commercial flying.

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

(*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 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;

PART I. —*cont.*

(*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 Secretary of State 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.

Subsection (3) of section seventeen of the principal Act (which requires Orders in Council to be laid before Parliament) shall not apply in relation to Orders made under this section.

(4) Nothing in this section shall be taken to affect the power under section one of the principal Act of giving effect by Order in Council to any provision or amendment of the Convention referred to in that section, being a provision or amendment which authorises the imposition of restrictions on the use of foreign aircraft.

Detention of aircraft.

6. The principal Act shall be amended by inserting therein, after section twelve, the following section:—

"12A. Any Order in Council, order or regulations made under 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 provisions of this Act in connection with which the Order in Council, order or regulations is or

are made, and, in the case of an Order in Council under Part I of this Act, provide for the detention of aircraft to prevent aircraft flying when unfit to fly, and may make such further provision as appears to His Majesty in Council or the Secretary of State, as the case may be, to be necessary or expedient for securing such detention." PART I. —*cont.*

Amendment of s. 17 of principal Act.

7. The following subsection shall be inserted at the end of section seventeen of the principal Act :—

"(4) Any Order in Council under this Act may authorise the Secretary of State to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order."

PART II.

PROVISIONS AS TO AERODROMES.

Extension of s. 8 of principal Act to metropolitan borough councils.

8. The councils of metropolitan boroughs shall be included among the local authorities to which section eight of the principal Act (which empowers certain local authorities to establish aerodromes) applies.

Compulsory acquisition of land by local authorities for aerodrome purposes.

9.—(1) Subject to the provisions of this section, a local authority to which section eight of the principal Act, as amended by this Act, applies may be authorised by means of an order (hereafter in this Act referred to as a "compulsory purchase order") made by that local authority and confirmed by the Secretary of State, to purchase land compulsorily for any purpose for which the local authority is authorised to acquire land by agreement under that section.

(2) The provisions of the First Schedule to this Act (being provisions which, subject to certain adaptations, modifications and exceptions, correspond with the provisions of the Town and Country Planning Act, 1932, referred to in the margin of the said Schedule) shall have effect in relation to every compulsory purchase order. 22 & 23 Geo. 5. c. 48.

(3) In subsections (3) and (4) of section eight, and in subsection (1) of section nineteen, of the principal Act (which contain provisions as to the mode of defraying the expenses of local authorities under the said section eight, and empower local authorities to borrow for the purposes of that section) references to expenses under the said section eight and references to the purposes of that

PART II. —*cont.*

section shall be construed as respectively including references to expenses under this section and references to the purposes of this section.

Dealing with land held by local authorities for aerodrome purposes.

10.—(1) Where any land is held by a local authority to which section eight of the principal Act, as amended by this Act, applies, for any purpose for which land may be acquired under that section, the local authority shall not, without the consent of the Secretary of State, appropriate that land for any other purpose or dispose of the land in any way.

(2) Without prejudice to the provisions of the preceding 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.

23 & 24 Geo. 5. c. 51.

Power of common council to combine with other local authorities.

11. 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 section eight of the principal Act or by or under this Part of this Act, 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.

Power of local authorities to carry on businesses in connection with aerodromes provided by them.

12.—(1) If the Secretary of State is satisfied, with respect to any aerodrome provided by a local authority under section eight of the principal Act, 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

PART II. —*cont.*

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.

Any such order may be varied or revoked by a subsequent order of the Secretary of State.

(2) Subsection (2) of section eight of the principal Act is hereby repealed; but any local authority which, immediately before the date of the passing of this Act, was carrying on any business by virtue of a certificate given under that subsection by the Air Council, may continue to do so until the Secretary of State otherwise directs by an order made either generally or in relation to that local authority.

Trespassing at licensed aerodromes.

13. If any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Order in Council under Part I of the principal Act, he shall be liable, on summary conviction, to a fine not exceeding five pounds:

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 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.

Indication of presence of obstructions near aerodromes.

14.—(1) If the Secretary of State 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

PART II. —*cont.*

(*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 Secretary of State 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 Secretary of State 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 Secretary of State 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

PART II. —*cont.*

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 Secretary of State;

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 determined 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 preceding 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 such imprisonment and such fine; 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.

PART II. —*cont.*

(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) Any order under this section may be revoked or varied by a subsequent order made by the Secretary of State in accordance with the provisions of this section, but the revocation or variation of any such order shall not affect the previous operation thereof.

(7) 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;

(*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.

(8) 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 Part I of the principal 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; 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.

Part III.

Limitation of, and provision to be made for securing discharge of, liability in respect of certain damage caused by Aircraft.

Limitation of liability for certain damage caused by aircraft.

15.—(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 commencement of this Part of this Act, 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 Second Schedule to this Act:

PART III. —*cont.*

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.

(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 preceding 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

PART III. —*cont.*

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.

(5) Where an application is made to the court under the last preceding 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 section or in section nine of the principal Act 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, and nothing in this section shall be construed as affecting the amount of any compensation payable under the Workmen's Compensation Acts. 22 & 23 Geo. 5. c. 36.

Provision to be made in respect of aircraft

16.—(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

PART III. —*cont.*

against third party risks.

the flying of the aircraft by that person or that other person, as the case may be,—

(*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 preceding 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 such fine and such imprisonment.

(3) The preceding 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. PART III. —*cont.*

(4) In this section—

(*a*) the expression "authorised insurer" means an insurance company or an underwriter in whose case the requirements of the Assurance Companies Act, 1909, (as amended by Part II of the Road Traffic Act, 1930, and by this Part of this Act) with respect to deposits by insurance companies and deposits and guarantees by underwriters are complied with; 9 Edw. 7. c. 49. 20 & 21 Geo. 5. c. 43.

(*b*) 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

(*c*) the expression "local authority" means the council of a county, county borough or county district, the common council of the city of London, the council of a metropolitan borough, or any joint board or joint committee which is so constituted as to include among its members representatives of any such council.

Hirers of aircraft to be treated as owners in certain circumstances.

17. 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

PART III. —*cont.*

owner, the last two preceding sections 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.

Incidental provisions as to policies and securities.

18.—(1) A policy of insurance or a security shall be of no effect for the purposes of the preceding 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 Secretary of State, 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.

(2) The provisions of the Third 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 preceding provisions of this Part of this Act.

Offences in connection with the obtaining and issue of policies and securities and certificates relating thereto.

19.—(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 such imprisonment and such fine.

(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 such imprisonment and such fine.

PART III. —*cont.*

Amendment of Assurance Companies Act, 1909.

20.—(1) Section one of the Assurance Companies Act, 1909, shall have effect as if after paragraph (*f*) of that section, as amended by section forty-two of the Road Traffic Act, 1930, there were added the following paragraph :—

"(*g*) aircraft insurance business, that is to say, the business of effecting contracts of insurance for the purpose of insuring owners or hirers of any aircraft against loss of, or damage to or arising out of or in connection with the use of, the aircraft, including third party risks."

(2) Where an assurance company within the meaning of the Assurance Companies Act, 1909, carries on aircraft insurance business, that Act shall apply with respect to that business in the same way as it applies to motor vehicle insurance business :

Provided that—

(*a*) the Board of Trade may by regulations direct that, in the case of companies carrying on aircraft insurance business, such alterations as the Board think appropriate shall be made in the forms in which such companies are required by section four of the said Act to prepare accounts and balance sheets; and

(*b*) if a company carries on both aircraft insurance business and motor vehicle insurance business, paragraphs (*a*) and (*b*) of subsection (2) of section forty-two of the Road Traffic Act, 1930, (which relate to the deposit to be made under section two of the Assurance Companies Act, 1909,) shall have effect in relation to the company as if its aircraft insurance business were part of its motor vehicle insurance business.

(3) For the purposes of section one of the Assurance Companies Act, 1909, as amended by this section, a person shall be deemed to be a hirer of an aircraft if, but only if, the aircraft has been demised, let or hired out to him for a period exceeding fourteen days by the owner of the aircraft, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner.

PART III. —*cont.*

Provision for giving effect to a certain Convention signed in Rome.

21.—(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 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:

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 section nine of the principal Act and the preceding provisions of this Part of this Act; or

(ii) that all or any of the provisions of the said section and the said provisions of this Part of this Act 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 preceding 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. PART III. —*cont.*

22. This Part of this Act shall come into operation on such day as the Secretary of State may by order appoint, and references in this Act to the commencement of this Part of this Act shall be construed as references to the beginning of the said day. Commencement of Part III.

PART IV.

CENTRAL ADMINISTRATION OF MATTERS RELATING TO AIR FORCE AND CIVIL AVIATION.

23.—(1) Section six of the principal Act (which extends the purposes of the Air Council so as to include all matters connected with air navigation) shall cease to have effect, and the powers, duties, liabilities, rights and property which, immediately before the passing of this Act, were exercisable by, imposed on, and vested in, the Air Council for purposes of civil aviation shall be powers, duties, liabilities, rights and property respectively of the Secretary of State as such. Transfer to Secretary of State of Air Council's functions with respect to civil aviation.

(2) Any enactment passed before the passing of this Act which contains a reference to the Air Council or to the President of the Air Council shall, if and so far as that enactment is operative for purposes of civil aviation, have effect as if the said reference were a reference to the Secretary of State.

(3) Nothing in the preceding provisions of this section shall affect the validity of any document or act which, before the passing of this Act, has been duly executed, issued or done by or on behalf of the Air Council or the President of the Air Council, and every such document or act shall, if and so far as it was, immediately before the passing of this Act, operative for purposes of civil aviation, have effect as if it had been duly executed, issued or done by or on behalf of the Secretary of State.

24.—(1) Section thirteen of the Air Force (Constitution) Act, 1917, (which empowers His Majesty to adapt by Order in Council to the circumstances of the Air Force certain enactments relating to military matters) shall have effect as if in that section for the words "the President of Amendment of 7 & 8 Geo. 5. c. 51 and 25 & 26 Geo. 5. c. 26.

PART IV. —*cont.*

the Air Council" there were substituted the words "the Secretary of State for Air."

(2) Save as otherwise provided by this Act, the Orders in Council made under section thirteen of the Air Force (Constitution) Act, 1917, which were in force immediately before the passing of this Act shall, until revoked, have effect as if for the words "the President of the Air Council" and the words "the Secretary of State who is President of the Air Council," wherever those words occur in the said Orders, there were substituted the words "the Secretary of State for Air".

(3) Section one of the Defence (Barracks) Act, 1935, shall have effect as if in that section for the words "the President of the Air Council" there were substituted the words "the Secretary of State for Air".

Management and disposal of land vested in Secretary of State for purposes of civil aviation.

25. The following subsections shall be inserted at the end of section fifteen of the principal Act:—

"(2) The Secretary of State shall have power to manage, sell, let or exchange any land vested in him for purposes of civil aviation, whether acquired under the Military Lands Acts, 1892 to 1903, as amended by this section, or under any other Act, 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, as respects any land acquired under that Act.

6 & 7 Geo. 5. c. 63.

(3) The Secretary of State shall have power by agreement to take land on lease for purposes of civil aviation, and to manage and (subject to the terms of the lease) to sublet any land so taken on lease or assign the lease."

Provisions as to property and rights of Secretary of State.

26.—(1) His Majesty may by Order in Council apply in relation to the Secretary of State for Air, with any necessary modifications or adaptations, the enactments set out in Part I of the Fourth Schedule to this Act, so as to confer on that Secretary of State all such powers, rights and privileges in relation to the acquisition and holding of land for the purpose of discharging any of his functions, and in relation to the management, use and disposal in any manner of land acquired for that purpose,

PART IV. —*cont.*

as under the said enactments are, by virtue of any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, as amended by this Act, 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.

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

(2) Where, either after or before the passing of this Act, any property of any description other than land has become vested in any Secretary of State for Air on behalf of, or in trust for, His Majesty or the Air Council, that property shall, unless otherwise lawfully disposed of, pass and devolve to, and vest in, and be deemed always to have passed and devolved to, and vested in, the successors in office from time to time of the Secretary of State for Air in whom the property was originally vested, as if the Secretary of State for Air were a corporation sole.

(3) Any instrument which, either after or before the passing of this Act, has been made by, to or with any Secretary of State for Air in relation to any such property other than land as is or was vested in him in the manner mentioned in the last preceding subsection, shall be deemed to have been made by, to or with him and his successors in office from time to time, as if the Secretary of State for Air were a corporation sole.

(4) Any instrument in connection with the acquisition, management or disposal of any land or other property, being an instrument to which the Secretary of State for Air is expressed to be a party, shall be deemed to be validly executed by him if it is executed on his behalf by the Under Secretary of State for Air, the Secretary of the Air Ministry or any other person authorised in that behalf by the Secretary of State, and any such instrument purporting to have been executed as aforesaid on behalf of the Secretary of State for Air shall, until the contrary is proved, be deemed to have been so executed on his behalf.

PART IV. —*cont.*

The method provided by this subsection for the execution of such an instrument as aforesaid shall be in addition to any other method available by law for the execution of such an instrument on behalf of a Secretary of State, and this subsection shall not be construed as affecting the validity of any method by which other instruments may be executed on behalf of a Secretary of State.

30 & 31 Vict. c. 128.

(5) Section twenty of the War Department Stores Act, 1867, (which relates to the institution of legal proceedings) shall apply in relation to the Secretary of State for Air and to any action or proceeding concerning any property vested in him on behalf of, or in trust for, His Majesty or the Air Council as that section applies in relation to the Secretary of State for War and to any action or proceeding concerning military or ordnance stores, and accordingly that section shall have effect in relation to the Secretary of State for Air as set out with modifications in Part II of the Fourth Schedule to this Act, and any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, shall, if and so far as, immediately before the passing of this Act, the Order applied section twenty of the War Department Stores Act, 1867, or section thirty-four of the Defence Act, 1842, in relation to the President of the Air Council, cease to have effect.

5 & 6 Vict. c. 94.

The provisions of this subsection and of Part II of the Fourth Schedule to this Act shall have the same effect in relation to Northern Ireland as they would have if the War Department Stores Act, 1867, extended, and had always extended, to Northern Ireland as well as to England.

PART V.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

Wages and conditions of employment of persons employed.

27.—(1) The wages paid by any subsidised person to persons employed by him in connection with the carriage by air of passengers or goods, and the conditions of employment of persons so employed, shall, unless agreed upon by the employer and by organisations representative of the persons employed, or by a joint industrial council representing them, not be less favourable to the persons employed than the wages which would be payable, and the conditions which would

PART V. —*cont.*

have to be observed, under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government Departments, and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed in accordance with this section, it shall, if not otherwise disposed of, be referred by the Secretary of State to the industrial court for settlement.

In this subsection the expression "subsidised person" means a person in respect of whom there is subsisting an agreement made under Part I of this Act for the payment of a subsidy to him by the Secretary of State.

(2) Where any matter is referred to the industrial court under this section, the court, in arriving at its decision, shall have regard to any determination that may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates, being a determination contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.

(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 later date as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid or the conditions of employment to be observed under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

Minor and consequential amendments of principal Act.

28. The amendments specified in the second column of the Fifth Schedule to this Act (being amendments consequential on the provisions of this Act and amendments relating to matters of minor detail) shall be made in the provisions of the principal Act specified in the first column of that Schedule.

Explanation of 22 & 23 Geo. 5. c. 36.

29. 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

PART V. —*cont.*

that references to agents in the First Schedule to that Act include references to servants.

Transitional and incidental provisions as to certain Orders in Council, &c.

30.—(1) Nothing in this Act shall be taken to affect the validity of any Order in Council, order or regulations made in pursuance of the principal Act before the date of the passing of this Act, any regulations or directions made or issued before the said date in pursuance of such an Order in Council, or any Order in Council made before the said date applying any such Order in Council or regulations as aforesaid to the Isle of Man or to any of the Channel Islands; and any such Order in Council, order, regulations or directions as aforesaid shall, if and so far as in force immediately before the said date, continue in force until revoked by an Order in Council, order or regulations.

(2) An Order in Council made under any of the provisions of the principal Act and 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.

Exercise of powers of Board of Trade.

31. Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Application to Scotland.

32. This Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say:—

(1) Any reference to the High Court or to the Court of Appeal 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;

(2) 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";

PART V. —*cont.*

(3) For section ten there shall be substituted the following section:—

"10. Where any land is held by a local authority to which section eight of the principal Act as amended by this Act applies, for any purpose for which land may be acquired under that section, the local authority shall have power, with the consent of the Secretary of State but not otherwise, to appropriate that land for any other purpose or to dispose of that land";

(4) For paragraph (*c*) of subsection (4) of section sixteen there shall be substituted the following paragraph:—

"(*c*) the expression 'local authority' 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";

(5) For subsection (5) of section twenty-six there shall be substituted the following subsection:—

"(5) Any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, shall, if and so far as, immediately before the passing of this Act, the Order applied section thirty-four of the Defence Act, 1842, in relation to the President of the Air Council, cease to have effect";

and Part II of the Fourth Schedule shall not apply;

(6) In paragraph 1 of Part I of the First Schedule, for the words "section ninety-two and sections "one hundred and twenty-seven to one hundred "and thirty-two of the Lands Clauses Consolida- 8 & 9 Vict. "tion Act, 1845" there shall be substituted the c. 18. words "section ninety and sections one hundred "and twenty to one hundred and twenty-five "of the Lands Clauses Consolidation (Scotland) 8 & 9 Vict. "Act, 1845" and for the words "sections c. 19. "seventy-seven to eighty-five of the Railways 8 & 9 Vict. "Clauses Consolidation Act, 1845" there shall c. 20.

PART V. —*cont.*

be substituted the words "sections seventy to "seventy-eight of the Railways Clauses Consoli- "dation (Scotland) Act, 1845"; and for paragraph 5 of Part I of the First Schedule there shall be substituted the following paragraph:—

8 & 9 Vict. c. 33.

"5. The provisions of subsections (1) and (3) of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply to any local inquiry held by the Secretary of State in pursuance of the last preceding paragraph, as they apply to local inquiries held under that section, subject, however, to the following and any other necessary modifications:—

52 & 53 Vict. c. 50.

(*a*) references to the Secretary of State, and to a person appointed by the Secretary of State shall be respectively substituted for references to the Secretary for Scotland and to a person nominated by a writing under his hand;

(*b*) references to authorities concerned in the inquiry shall include references to parties to the inquiry;

(*c*) 'five guineas' shall be substituted for 'three guineas';

(*d*) the Secretary of State may make orders as to the costs of the inquiry and as to the parties by whom such costs shall be paid";

(7) In Part II of the First Schedule, the words "and "any land subject to be inclosed under the "Inclosure Acts, 1845 to 1882" and the definition of the expression "allotment" shall be omitted, and for the reference to the Local Loans Act, 1875, there shall be substituted a reference to the Local Authorities Loans (Scotland) Acts, 1891 and 1893;

38 & 39 Vict. c. 83.

(8) Sub-paragraph (1) of paragraph 2 of the Third Schedule shall have effect as if the words "by "virtue of any enactment relating to interest on "judgments" were omitted therefrom, and for

sub-paragraph (7) of that paragraph there shall be substituted the following sub-paragraph :— PART V. —*cont.*

" (7) References in the preceding 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."

Special provisions as to Northern Ireland.

33.—(1) His Majesty may by Order in Council direct that any of the provisions of this Act and of sub-sections (3) to (5) of section eight of the principal Act shall, in the application of that provision to Northern Ireland, have effect subject to such adaptations as may be specified in the Order.

(2) Except in so far as the Parliament of Northern Ireland may otherwise enact, the provisions contained in the Sixth Schedule to this Act (which, subject to certain adaptations, modifications and exceptions, correspond with the 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 commencement of Part III of this Act, 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. 24 & 25 Geo. 5. c. 41.

Interpretation.

34.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" policy of insurance " includes a covering note;

" the principal Act " means the Air Navigation Act, 1920; 10 & 11 Geo. 5. c. 80.

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

" statutory undertakers " means any persons authorised by any enactment or statutory order to construct, work or carry on any railway, canal,

PART V. —*cont.*

inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

" Workmen's Compensation Acts " means the Workmen's Compensation Acts, 1925 to 1934, or any corresponding enactments of the Parliament of Northern Ireland.

(2) In the principal Act and in this Act—

(*a*) the expression " land " includes land covered with water and any right in or over land; and

(*b*) the expression " purposes of civil aviation " includes all purposes connected with air navigation, except purposes of the defence of the realm by air;

and for the purposes of paragraph (*b*) of this subsection the expression " the defence of the realm by air " includes the Air Force and the administration of all matters relating thereto.

(3) For the avoidance of doubt it is hereby declared that in this Act the expression " loss or damage " and in section nine of the principal Act the expression " damage or loss " include, in relation to persons, loss of life and personal injury.

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

Short title, construction, citation and repeal.

35.—(1) This Act may be cited as the Air Navigation Act, 1936, and shall be construed as one with the principal Act; and that Act and this Act may be cited together as the Air Navigation Acts, 1920 and 1936.

(2) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS WITH RESPECT TO COMPULSORY PURCHASE ORDERS. Sections 9 (2) and 32 (6) and (7).

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,— [22 & 23 Geo. 5. c. 48, 3rd Sched., Part I, para. 1.]

(*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 9 & 10 Geo. 5. c. 57.

(*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:— [22 & 23 Geo. 5. c. 48, 3rd Sched., Part I, para. 3.]

(*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;

1ST SCH. —*cont.*

(*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 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; and

(*c*) where any land in England to which the compulsory purchase order relates is glebe land or other land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the Ecclesiastical Leasing Acts, of land belonging to a benefice.

[22 & 23 Geo. 5. c. 48, 3rd Sched., Part I, para. 4.]

3. Before submitting a compulsory purchase order to the Secretary of State, 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 Secretary of State for confirmation, and specifying the time within which, and the manner in which, objections to the order may be made.

1ST SCH. —*cont.*

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 preceding paragraph to be served, or if all such objections so made are withdrawn, the Secretary of State 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: [22 & 23 Geo. 5. c. 48, 3rd Sched., Part I, para. 5.]

Provided that—

(*a*) the Secretary of State 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 Secretary of State 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.

5. The provisions of subsections (2), (3), (4), (5) and (8) of section two hundred and ninety of the Local Government Act, 1933, (which relate to the conduct of local inquiries and to costs in connection therewith) shall apply in relation to any inquiry held by direction of the Secretary of State under the last preceding paragraph, as they apply in relation to an inquiry held by direction of the Secretary of State under subsection (1) of that section. [22 & 23 Geo. 5. c. 48, s. 38, as amended by 23 & 24 Geo. 5. c. 51.]

6. For the purposes of this Part of this Schedule a notice may be served— [22 & 23 Geo. 5. c. 48, 3rd Sched., Part I, para. 6.]

(*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,

1ST SCH. —*cont.*

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.

[22 & 23 Geo. 5. c. 48, 3rd Sched., Part II, paras. 1 & 4.]

1. The Secretary of State 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 archæological interest or which forms part of any common, open space or allotment or which belongs to a local authority within the meaning of the Local Loans Act, 1875, 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 Forestry Commissioners.

2. In this Part of this Schedule—

(*a*) the expression "common" includes any town or village green, and any land subject to be inclosed under the Inclosure Acts, 1845 to 1882;

(*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.

PART III.

VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

[22 & 23 Geo. 5. c. 48, 1st Sched., Part III, para. 1.]

1. As soon as may be after a compulsory purchase order has been confirmed by the Secretary of State, 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.

1ST SCH. —*cont.*

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 preceding paragraph, make an application for the purpose to the High Court, and upon any such application the court— [22 & 23 Geo. 5. c. 48, 1st Sched., Part III, para. 2.]

(*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 preceding 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. [22 & 23 Geo. 5. c. 48, 1st Sched., Part III, para. 3.]

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. [22 & 23 Geo. 5. c. 48, 1st Sched., Part III, para. 4.]

PART IV.

REGULATIONS.

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

Section 15 (1).

SECOND SCHEDULE.

LIMITS OF LIABILITY.

1. The limits of liability under subsection (1) of section fifteen 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.
(*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 Secretary of State may by regulations prescribe the manner in

2ND SCH. —*cont.*

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.

THIRD SCHEDULE.

Sections 18 (2) and 32 (8).

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 III of this Act: [20 & 21 Geo. 5. c. 43, s. 38; 24 & 25 Geo. 5. c. 50, s. 12.]

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

(iii) by providing that the insurer does not undertake to indemnify the person insured in respect of any liability to pay compensation under the Workmen's Compensation Acts, 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 or damage caused on any one occasion to persons or property

3RD SCH. —*cont.*

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,

(v) 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

(vi) 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 Part I of the principal Act.

[24 & 25 Geo. 5. c. 50, s. 10.]

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 III 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.

3rd Sch. —*cont.*

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

(*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 Secretary of State.

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

(3) No sum shall be payable by an insurer under the preceding 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

3RD SCH. —*cont.*

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, 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 aforesaid 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 preceding 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 preceding 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 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— 3RD SCH. —*cont.*

(*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.

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 III 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. [24 & 25 Geo. 5. c. 50, s. 11.] 20 & 21 Geo. 5. c. 25.

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 III 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 III 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. [24 & 25 Geo. 5. c. 50, s. 13; 20 & 21 Geo. 5. c. 43, s. 113 (1) and (2).]

(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.

3RD SCH. —*cont.*

[24 & 25 Geo. 5. c. 50, s. 10 (6) and (14); 20 & 21 Geo. 5. c. 43, s. 113 (1) and (3).]

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 preceding 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 section, 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.

[24 & 25 Geo. 5. c. 50, s. 15.]

6. The preceding provisions of this Schedule shall apply in relation to securities having effect for the purposes of Part III 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 III 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.

[20 & 21 Geo. 5. c. 43, s. 43.]

7.—(1) No part of any sum which, for the purpose of any provision of section sixteen 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 III 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 Secretary of State after consultation with the Lord Chancellor, apply to deposits made under section sixteen of this Act with the Accountant-General of the Supreme Court. 3RD SCH. —*cont.*

Supplementary Provisions.

8.—(1) The Secretary of State may make regulations— [20 & 21 Geo. 5. c. 43, ss. 41 and 111 (1) and (3).]

(*a*) for prescribing the forms of certificates of insurance and certificates of security to be used for the purposes of Part III 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 Secretary of State 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 III of this Act) that the provisions of Part III 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 III of this Act.

(2) If any person contravenes or fails to comply with any regulations made by the Secretary of State 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 regulations made by the Secretary of State under this paragraph shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, they shall thenceforth be void except as respects things previously done or omitted to be done, without prejudice, however, to the making of new regulations.

(4) In this paragraph the expression "chief officer of police" has the same meaning as in the Police Pensions Act, 1921. 11 & 12 Geo. 5. c. 31.

Sections 26 (1) – (5) and 32 (5).

FOURTH SCHEDULE.

ENACTMENTS APPLICABLE TO THE SECRETARY OF STATE FOR AIR.

PART I.

ENACTMENTS WHICH MAY BE APPLIED BY ORDER IN COUNCIL.

Section six of the Defence Act, 1842.

18 & 19 Vict. c. 117. Sections two and five of the Ordnance Board Transfer Act, 1855.

36 & 37 Vict. c. 72. The Defence Acts Amendment Act, 1873.

45 & 46 Vict. c. 50. Section two hundred and fifty-four of the Municipal Corporations Act, 1882.

55 & 56 Vict. c. 43. Part II of the Military Lands Act, 1892.

PART II.

SECTION TWENTY OF THE WAR DEPARTMENT STORES ACT, 1867, AS APPLIED IN RELATION TO THE SECRETARY OF STATE FOR AIR.

20. The Secretary of State for Air may institute and prosecute, any action or proceeding, civil or criminal, concerning any property of whatsoever description vested in him on behalf of, or in trust for, His Majesty or the Air Council, and may defend any such action or proceedings; and in every such action or proceeding the Secretary of State for Air may be so described without more; and any such action or proceeding shall not be affected by any change in the person for the time being holding the office of Secretary of State for Air:

Provided always as follows:—

(1) nothing herein shall take away or abridge in or in relation to any such action or proceeding any legal right, privilege or prerogative of the Crown; and in all such actions and proceedings, and in all matters or proceedings connected therewith, the Secretary of State may exercise and enjoy all such rights, privileges and prerogatives as are for the time being exercised and enjoyed in any proceeding in any court of law or equity by the Crown, as if the Crown were actually a party to such action or proceeding; and

(2) it shall be lawful for His Majesty, if and when it seems fit, to proceed by information or by any other Crown

process, legal or equitable, in any case in which it would have been competent for His Majesty so to proceed if no provisions respecting procedure had been inserted in this Act. 4TH SCH. —*cont.*

FIFTH SCHEDULE.

Section 28.

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

Provisions amended.	Amendments.
Section one	After the word "necessary" there shall be inserted the words "or expedient."
Section two	For the words "British Islands" there shall be substituted the words "United Kingdom," and the words "and may make such consequential and supplementary provisions as appear necessary or expedient for the purpose of such application" shall be omitted.
Section three	In paragraph (*a*) for the words "British Islands" there shall be substituted the words "United Kingdom"; for paragraph (*d*) there shall be substituted the following paragraph:— "(*d*) as to the registration of aircraft in the United Kingdom"; for paragraph (*f*) there shall be substituted the following paragraph:— "(*f*) as to the conditions under which aircraft may pass, or goods or passengers may be conveyed by aircraft, into or from the United Kingdom or from one part of the United Kingdom to another"; in paragraph (*j*) for the words "general safety regulations" there shall be substituted the words "regulations designed to promote the safety of aircraft and of persons and property carried therein, and to prevent aircraft endangering other persons and property"; at the end of paragraph (*k*) there shall be inserted the words "and lights which are liable to endanger aircraft"; for

5TH SCH. —*cont.*

Provisions amended.	Amendments.
Section three—*cont.*	paragraph (*l*) there shall be substituted the following paragraph:— "(*l*) regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of the Royal Air Force ensign, the civil air ensign and any other ensign established by His Majesty in Council for purposes connected with air navigation"; and in paragraph (*m*) the words "or the Convention," in each place where those words occur, shall be omitted, the words "the mode of enforcing such penalties and" shall be omitted, and for the words "British Islands" there shall be substituted the words "United Kingdom".
Section four	For this section there shall be substituted the following section:— "4. His Majesty may by Order in Council direct that any of the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, 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."
Section seven	In subsection (1), for the words "British Islands" there shall be substituted the words "United Kingdom," and for the words "without prejudice to the generality of this provision, any such order may" there shall be substituted the words "may by order"; for subsection (2) there shall be substituted the following subsection:— "(2) An order under this section may make, for the purposes of the order, such provision as an Order in Council under

Provisions amended.	Amendments.	5TH SCH. —*cont.*
Section seven—*cont.*	Part I of this Act may make for the purposes of the Order in Council by virtue of paragraph (*m*) of section three of this Act"; and in the proviso to subsection (3), for the words "British Islands" there shall be substituted the words "United Kingdom".	
Section eight	- For subsection (1) there shall be substituted the following subsections:— "(1) The Secretary of State may, and any local authority to which this section applies may, with the consent of the Secretary of State 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: Provided that this subsection shall not be construed as authorising the Secretary of State to act otherwise than for purposes of civil aviation. "(2) Without prejudice to the operation of section fifteen of this Act, a local authority may, for the purpose of exercising any of the powers conferred on the authority by the preceding provisions of this section, acquire land by agreement; and 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. "(2A) The powers conferred on a local authority by the preceding provisions of this section shall be exerciseable by that authority outside, as well as within, its area";	

5TH SCH. —*cont.*

Provisions amended.	Amendments.
Section eight—*cont.*	In subsection (3), after the words "city of London," where those words first occur, there shall be inserted the words "the councils of metropolitan boroughs," and after the words "city of London," where those words secondly occur, there shall be inserted the words "or the council of a metropolitan borough"; in subsection (4), for the words "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" there shall be substituted the words "or in the case of a council of a "metropolitan borough, in like manner "and subject to the like conditions as for "the purposes of the Metropolis Manage-"ment Acts, 1855 to 1893, or, in the case "of the London County Council, under and "in accordance with the London County "Council (Finance Consolidation) Act, 1912, "as amended by any subsequent enact-"ment"; and at the end of the section there shall be inserted the following subsection:— "(6) 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 Board of Trade and subject to such conditions as they may impose."
Section nine	In subsection (1) the words "and of the Convention" shall be omitted, and after the word "article" there shall be inserted the words "or person"; and for the proviso to subsection (1) there shall be substituted the following proviso:— "Provided that where material damage or loss is caused as aforesaid in circumstances in which— (*a*) damages are recoverable from the owner in respect of the said damage or loss by virtue only of the preceding provisions of this section, and

Provisions amended.	Amendments.	5TH SCH. —*cont.*
Section nine—*cont.*	(*b*) a legal liability is created in some person other than the owner to pay damages in respect of the said damage or loss, the owner shall be entitled to be indemnified by that other person against any claim in respect of the said damage or loss."	
Section ten	In subsection (2) for the words " any general " safety or other regulations prescribed by " Order in Council under " there shall be substituted the words " the powers conferred on His Majesty in Council by ".	
Section eleven	In lieu of this section the following section shall have effect as from such date as His Majesty may by Order in Council appoint :— " 11.—(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 preceding 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	

5TH SCH. —*cont.*

Provisions amended.	Amendments.
Section eleven—*cont.*	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."
Section twelve	- In subsection (1) for the words "British Islands" there shall be substituted the words "United Kingdom," and for the words "to British aircraft elsewhere" there shall be substituted the words "elsewhere to British aircraft registered in the United Kingdom".
Section thirteen	- In subsection (1) for the words "British Islands," in each place where those words occur, there shall be substituted the words "United Kingdom".
Section seventeen-	For subsection (1) there shall be substituted the following subsections:— "(1) Notwithstanding that an Order in Council made by virtue of this Act or a regulation so made by the Secretary of State 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

Provisions amended.	Amendments.	5TH SCH. —*cont.*
Section seventeen— *cont.*	(*b*) the doing of anything in relation to such British aircraft as aforesaid by other persons being British subjects, 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.	
	"(1A) His Majesty may by Order in Council direct that any of the provisions of this Act or of any Order in Council or regulations made by virtue of this Act, 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 to which any of the provisions of this Act can be extended under section four of this Act."	
Section nineteen -	At the end of the section there shall be inserted the following subsection :—	
	"(3) His Majesty may by Order in Council direct that in Northern Ireland the powers conferred by or under any of the provisions of section eight of this Act and of Part II of the Air Navigation Act, 1936, on a local authority to which that section applies shall (subject to any restrictions imposed by the Order) be, and be deemed always to have been, exercisable also by any statutory body specified in the Order, and that any of the said provisions shall, in relation to that body, have effect subject to such adaptations as may be so specified."	

Section 33 (2).

SIXTH SCHEDULE.

PROVISIONS CORRESPONDING WITH S. 1 OF 24 & 25 GEO. 5. C. 41, TO OPERATE IN NORTHERN IRELAND WITH RESPECT TO THE EFFECT OF DEATH ON CERTAIN CAUSES OF ACTION.

1. This Schedule applies to every cause of action in respect of loss or damage which, after the commencement of Part III of this Act, 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 commencement of Part III of this Act, 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.

6TH SCH. —*cont.*

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

SEVENTH SCHEDULE.

Section 35 (2).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 80.	The Air Navigation Act, 1920.	In section two the words from "and may make" to the end of the section; in section three, in paragraph (*e*) the word "mails", and in paragraph (*m*) the words "or the Convention", in each place where those words occur, and the words "the "mode of enforcing such "penalties, and"; section six; subsection (2) of section eight; in section nine, in subsection (1) the words "and of the Convention"; in section ten, in subsection (2) the words "general safety or other"; subsection (3) of section fourteen; in section fifteen the words "the purposes of this "Act and generally for "the"; subsection (2) of section nineteen; and the Schedule.
20 & 21 Geo. 5. c. 30.	The Air Transport (Subsidy Agreements) Act, 1930.	The whole Act.

7TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 50.	The Public Works Facilities Act, 1930.	Paragraph 2 of Part I of the First Schedule, except as regards any order submitted under section two to the appropriate Minister before the date of the passing of this Act.

CHAPTER 45.

An Act to amend the law with respect to customs in the Isle of Man. [31st July 1936.]

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 :—

Increased duties on tea.

22 & 23 Geo. 5. c. 41.

1.—(1) In lieu of the duties of customs payable under section seven of the second Act of 1932, there shall, until the first day of August, nineteen hundred and thirty-seven, be payable on tea removed or imported into the Isle of Man duties of customs at the following increased rates, that is to say :—

Tea, not being an Empire product ... the lb. 6*d.*

Tea, being an Empire product ... the lb. 4*d.*

9 & 10 Geo. 5. c. 74.

(2) In this section the expression " Empire product " has the same meaning as in section five of the Act of 1919 as amended by any subsequent enactment.

(3) This section shall be deemed to have had effect as from the thirteenth day of May, nineteen hundred and thirty-six.

Continuation of certain annual duties.

2. Subject as hereinafter provided, the duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following table, by the respective enactments set out in the second column of that table,