1961 No. 69

CIVIL AVIATION

The Carriage by Air (Guernsey) Order, 1961

Made - - - -	*17th January*, 1961
Laid before Parliament	*23rd January*, 1961
Coming into Operation	*1st February*, 1961

At the Court at Buckingham Palace, the 17th day of January, 1961

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections three and five of the Carriage by Air Act, 1932(**a**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Carriage by Air (Guernsey) Order, 1961, and shall come into operation on the first day of February, 1961.

2. Paragraph 1 of the Second Schedule to the Carriage by Air Act, 1932 (which specifies the persons for whose benefit actions in respect of a passenger's death may be brought under that Act and which extends to the Bailiwick of Guernsey by virtue of the Carriage by Air (Guernsey) Order, 1935(**b**)), shall extend thereto subject to the following variation, that is to say, that for the words from "In this paragraph" to the end of the paragraph there shall be substituted the following:—

"(2) For the purposes of this paragraph the following shall be taken to be the members of the passenger's family, that is to say, the passenger's wife or husband, parents, grandparents, children and grandchildren and any person who is, or is the issue of, a brother, sister, uncle or aunt of the passenger.

(3) In deducing any relationship for the purposes of this paragraph—

(*a*) an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person; and, subject thereto,

(*b*) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the stepchild of any person as his child; and

(*c*) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

(4) In this paragraph 'adopted' means adopted in pursuance of an adoption order made by a court of competent jurisdiction in the United Kingdom, Channel Islands or Isle of Man.".

3. In Article 1 of the Carriage by Air (Guernsey) Order, 1935, the words following "in the said section one" shall be omitted.

W. G. Agnew.

(**a**) 22 & 23 Geo. 5. c. 36. (**b**) S.R. & O. 1935/559 (Rev. I, p. 1228: 1935, p. 127).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Carriage by Air Act, 1932, provides that, in cases of international carriage, the liability of a carrier in the event of the death of a passenger is enforceable for the benefit of members of his family. The Act was extended to the Bailiwick of Guernsey by the Carriage by Air (Guernsey) Order, 1935. Section 1 (5) of the Fatal Accidents Act, 1959, amended the Act of 1932 by extending the class of persons who count as members of the deceased's family for this purpose. This Order provides that those amendments shall extend also to the Bailiwick of Guernsey.