STATUTORY INSTRUMENTS

1967 No. 804

CIVIL AVIATION

The Carriage by Air (Guernsey) Order 1967

Made - - - - *24th May* 1967
Coming into Operation *1st June* 1967

At the Court at Buckingham Palace, the 24th day of May 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred upon Her by section 9 of the Carriage by Air Act 1961(a) and by section 5(1) of the Carriage by Air (Supplementary Provisions) Act 1962(b) 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. The Carriage by Air Act 1961 and the Carriage by Air (Supplementary Provisions) Act 1962 shall extend to the Bailiwick of Guernsey subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

2. This Order and any Order in Council made under section 2 or 7 or order made under section 4 of the said Act of 1961 shall be registered by the Royal Court of Guernsey.

3. The Interpretation Act 1889(c) shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

4. This Order may be cited as the Carriage by Air (Guernsey) Order 1967 and shall come into operation on 1st June 1967.

W. G. Agnew.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION TO GUERNSEY OF THE CARRIAGE BY AIR ACT 1961 AND THE CARRIAGE BY AIR (SUPPLEMENTARY PROVISIONS) ACT 1962

PART I—THE CARRIAGE BY AIR ACT 1961

1. In section 1(1) for the words "the United Kingdom" there shall be substituted the word "Guernsey".

2. For section 1(3) there shall be substituted the following subsection:—

"(3) This section shall come into force on 1st June 1967.".

3. For section 3 there shall be substituted the following section:—

'3. References in Article 1 of the Law entitled "Loi relative à la compensation qui pourra être accordée aux familles de personnes dont la mort aura été causée par accident" registered on 28th December 1900, as it applies

(a) 1961 c. 27. (b) 1962 c. 43. (c) 1889 c. 63.

in the Island of Guernsey, and as it has effect in Alderney and in Sark by virtue of the Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law 1965, to "un acte blâmable, négligence ou impéritie" shall include references to any occurrence which gives rise to a liability under Article 17 in Schedule 1 to this Act.'.

4. In section 4 for the words "the United Kingdom" wherever they occur there shall be substituted the word "Guernsey".

5. In section 5(3) the words after "references to an arbitration" shall be omitted.

6. Section 6 shall be omitted.

7. In section 8 for the words "the United Kingdom" there shall be substituted the word "Guernsey".

8. Section 11 shall be omitted.

9. For section 12 there shall be substituted the following section:—

"*Construction of references to enactments having effect in Guernsey*

12. Any reference in this Act to an enactment which has effect in Guernsey shall be construed as a reference to that enactment as amended whether before or after the passing of this Act and to any such enactment made thereafter which re-enacts that enactment with or without modification.".

10. In section 14(3) the words before "the Acts" shall be omitted.

11. In Schedule 2 the reference to the Civil Aviation Act 1949(a) shall be construed as a reference to that Act as extended to Guernsey by the Civil Aviation Act (Channel Islands) Order 1953(b), and the entries in that Schedule, other than those relating to that Act, the Carriage by Air Act 1932(c) and the Nuclear Installations (Licensing and Insurance) Act 1959(d), shall be omitted.

PART II—THE CARRIAGE BY AIR (SUPPLEMENTARY PROVISIONS) ACT 1962

12. In section 1(1) for the words "the United Kingdom" there shall be substituted the word "Guernsey".

13. For section 2(1) there shall be substituted the following subsection:—

'(1) In the Schedule to this Act "the Warsaw Convention" means the Convention set out in Schedule 1 to the Carriage by Air Act 1961, but, in relation to rights or liabilities arising out of an occurrence before 1st June 1967, "the Warsaw Convention" means the Convention set out in Schedule 1 to the Carriage by Air Act 1932.'.

14. Section 2(3) shall be omitted.

15. In section 4 for the words from "the day on which" to "comes into force" there shall be substituted the words "1st June 1967".

16. Section 5(3) and (4) shall be omitted.

17. Section 6(2) shall be omitted.

18. For section 7(2) there shall be substituted the following subsection:—

"(2) This Act shall come into force on 1st June 1967.".

19. In section 7(3) the words after "foregoing subsection" shall be omitted.

PART III—GENERAL

20. Any reference to the Carriage by Air Act 1932 shall be construed as a reference to that Act as extended to Guernsey by the Carriage by Air (Guernsey) Order 1935(e) and by the Carriage by Air (Guernsey) Order 1961(f), and any reference to the Carriage by Air Act 1961 or to the Carriage by Air (Supplementary Provisions) Act 1962 shall be construed as a reference to that Act as extended to Guernsey by this Order.

21. In this Schedule "Guernsey" means the Bailiwick of Guernsey.

(a) 1949 c. 67. (b) S.I. 1953/393 (1953 I, p. 270). (c) 1932 c. 36. (d) 1959 c. 46.
(e) S.R. & O. 1935/559 (Rev. I, p. 1228: 1935, p. 127). (f) S.I. 1961/69 (1961 I, p. 138).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to Guernsey, with exceptions, adaptations and modifications, the Carriage by Air Act 1961, which gives effect to the Convention concerning carriage by air known as " the Warsaw Convention as amended at The Hague, 1955 ", and the Carriage by Air (Supplementary Provisions) Act 1962, which gives effect to the Convention, supplementary to the Warsaw Convention, for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier.