STATUTORY INSTRUMENTS

1967 No. 805

CIVIL AVIATION

The Carriage by Air (Isle of Man) 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), 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 Isle of Man subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

2. 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.

3. This Order may be cited as the Carriage by Air (Isle of Man) Order 1967 and shall come into operation on 1st June 1967.

W. G. Agnew.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION TO THE ISLE OF MAN 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 "United Kingdom" there shall be substituted the words "Isle of Man".

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

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

3. In section 3 for the words from "section" to "Northern Ireland" there shall be substituted the words "section 2 of the Fatal Accidents Act 1852 (an Act of Tynwald)".

4. In section 4 for the words "United Kingdom" wherever they occur there shall be substituted the words "Isle of Man" and in subsection (1)(*b*) of that section the words "of any part" shall be omitted.

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

6. For section 6 there shall be substituted the following section:—

"6. It is hereby declared that for the purposes of Article 21 in Schedule 1 to this Act the provisions of the Law Reform (Contributory Negligence) Act 1946 (an Act of Tynwald) are provisions of the law of the Isle of Man under which a court may exonerate the carrier wholly or partly for his liability.".

7. In section 8 for the words "United Kingdom" there shall be substituted the words "Isle of Man".

8. Section 11 shall be omitted.

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

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

" *Construction of references to enactments of Tynwald*

12. Any reference in this Act to an enactment of Tynwald shall be construed as a reference to that enactment as amended by any Act of Tynwald whether before or after the passing of this Act and to any enactment of Tynwald passed after this Act which re-enacts the said enactment with or without modification.".

10. In section 14(3) the words before " the Acts " shall be omitted and for the words " section 38 of the Interpretation Act 1889 " there shall be substituted the words " section 9 of the Interpretation Act 1949 (an Act of Tynwald) ".

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 the Isle of Man by the Civil Aviation Act (Isle of Man) Order 1952(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 " United Kingdom " there shall be substituted the words " Isle of Man ".

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 the Isle of Man by the Carriage by Air (Isle of Man) Order 1935(e) and by the Carriage by Air (Isle of Man) 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 the Isle of Man by this Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Isle of Man, 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.

(a) 1949 c. 67. (b) S.I. 1952/1032 (1952 I, p. 561). (c) 1932 c. 36.
(d) 1959 c. 46. (e) S.R. & O. 1935/557 (Rev. I, p. 1229: 1935, p. 125).
(f) S.I. 1961/333 (1961 I, p. 525).