1961 No. 70

CIVIL AVIATION

The Carriage by Air (Non-international Carriage) (Channel Islands) Order, 1961

Made - - - -	17*th January*, 1961
Laid before Parliament	23*rd January*, 1961
Coming into Operation	1*st 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 four 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 (Non-international Carriage) (Channel Islands) Order, 1961, and shall come into operation on the first day of February, 1961.

2. For paragraph 1 of the Second Schedule to the Carriage by Air (Non-international Carriage) (Channel Islands) Order, 1952(b) (which specifies exceptions, adaptations and modifications in the Second Schedule to the Carriage by Air Act, 1932, as applied by that Order to the Channel Islands in relation to non-international carriage), there shall be substituted the following paragraph:—

"1. In paragraph 1 for the words from 'In this paragraph' to the end of the paragraph there shall be substituted the following sub-paragraphs:—

'(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'.".

(a) 22 & 23 Geo. 5. c. 36. (b) S.I. 1952/2103 (1952 I, p. 525).

3. Accordingly, for paragraph 1 of the Fourth Schedule to the said Order (which sets out the said Second Schedule to the Act of 1932 as so adapted and modified) there shall be substituted the following paragraph :—

" 1.—(1) The liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

(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 granchildren 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.".

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Carriage by Air (Non-international Carriage) (Channel Islands) Order, 1952, and extends the class of persons for whose benefit an action may be brought in the Channel Islands in respect of the death of a passenger in the course of carriage by air which is not international carriage as defined in the Warsaw Convention of 1929. The amendments correspond to those made to the Carriage by Air Act, 1932, in its application to the Channel Islands by the Carriage by Air (Jersey) Order, 1961 (S.I. 1961/68), and the Carriage by Air (Guernsey) Order, 1961 (S.I. 1961/69), as regards international carriage.