STATUTORY INSTRUMENTS

# 1961 No. 334

# CIVIL AVIATION

## The Carriage by Air (Non-international Carriage) (Isle of Man) Order, 1961

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| *Made* - - - - | *27th February*, 1961 |
| *Laid before Parliament* | *3rd March*, 1961 |
| *Coming into Operation* | *1st April*, 1961 |

At the Court of Saint James, the 27th day of February, 1961

Present,

**Her Majesty Queen Elizabeth The Queen Mother**
**Her Royal Highness The Princess Margaret**

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| **Lord President** | **Mr. Secretary Maclay** |
| **Mr. Secretary Profumo** | **Mr. Powell** |

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the seventeenth day of January, 1961, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And Whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorized thereto by the said Letters Patent, and in pursuance of the powers conferred by sections four and five of the Carriage by Air Act, 1932(a), and of all other powers in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

**1.** This Order may be cited as the Carriage by Air (Non-international Carriage) (Isle of Man) Order, 1961, and shall come into operation on the first day of April, 1961.

**2.** The Second Schedule to the Carriage by Air (Non-international Carriage) (Isle of Man) Order, 1952(b) (which specifies exceptions, adaptations and modifications in the Second Schedule to the Carriage by Air Act,

(a) 22 & 23 Geo. 5. c. 36. (b) S.I. 1952/1343 (1952 I, p. 537).

1932, as applied by that Order to the Isle of Man in relation to non-international carriage), shall have effect as if there were included in it the following additional provisions :—

" 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) Subsection (2) of section two of the Fatal Accidents Act, 1961 (an Act of Tynwald), shall apply in deducing any relationship for the purposes of this paragraph as it applies in deducing any relationship for the purposes of the Fatal Accidents Acts, 1852 to 1961 (being Acts of Tynwald) ; and the definition of " adopted " and the provision relating to the proof of certain adoption orders in subsection (3) of that section shall apply accordingly.'.".

**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 grandchildren and any person who is, or is the issue of, a brother, sister, uncle or aunt of the passenger.

(3) Subsection (2) of section two of the Fatal Accidents Act, 1961 (an Act of Tynwald), shall apply in deducing any relationship for the purposes of this paragraph as it applies in deducing any relationship for the purposes of the Fatal Accidents Acts, 1852 to 1961 (being Acts of Tynwald) ; and the definition of ' adopted ' and the provision relating to the proof of certain adoption orders in subsection (3) of that section shall apply accordingly.".

*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) (Isle of Man) Order, 1952, and extends the class of persons for whose benefit an action may be brought in the Isle of Man 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 Isle of Man by the Carriage by Air (Isle of Man) Order, 1961 (S.I. 1961/333), as regards international carriage.