EXTENSION OF ACT OF 1949

1952 No. 1032

The Civil Aviation Act (Isle of Man) Order, 1952

Made - - - -	23*rd May*, 1952
Laid before Parliament	24*th May*, 1952
Coming into Operation	9*th June*, 1952

At the Court at Buckingham Palace, the 23rd day of May, 1952

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (1) of section sixty-seven of the Civil Aviation Act, 1949(a) (hereafter in this Order referred to as "the Act"), it is provided that Her Majesty may by Order in Council direct that any of the provisions of the Act shall extend, with such exceptions, modifications and adaptations, if any, as may be specified in the Order, to the Isle of Man:

Now, therefore, Her Majesty in pursuance of the power conferred upon Her by the said section sixty-seven is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Act shall extend to the Isle of Man with the exceptions, adaptations and modifications specified in the Schedule to this Order.

2. This Order may be cited as the Civil Aviation Act (Isle of Man) Order, 1952, and shall come into operation on the ninth day of June, 1952.

F. J. Fernau.

SCHEDULE

Exceptions, Adaptations and Modifications

PART I

Exceptions

(Provisions of the Act which are not extended)

Section seven.
In section ten, paragraph (*b*) of subsection (2).
Section twelve.
In section thirteen, subsection (3).
Sections fifteen to seventeen.
In section eighteen, subsections (2) to (4).
Sections nineteen to twenty-two.
In section twenty-three, subsections (1), (3), (4), (8), (9) and (10).
Sections twenty-four to twenty-six.
Sections twenty-eight to thirty-seven.
Section thirty-nine.
In section forty-three, subsection (5) and paragraph (*b*) of subsection (6).
Section forty-seven.

(a) 12, 13 & 14 Geo. 6. c. 67.

In section fifty-two, subsections (2) and (4).
In section sixty-three, subsection (2).
Sections sixty-four to sixty-seven.
In section sixty-eight, subsection (1).
Section sixty-nine.

First Schedule.
Second Schedule.
Third Schedule.
Fourth Schedule.
In the Sixth Schedule, sub-paragraph (4) of paragraph 8.
Seventh Schedule.
Ninth Schedule.
Tenth Schedule.
Eleventh Schedule.

PART II

ADAPTATIONS AND MODIFICATIONS

1.—(1) Any reference to the Civil Aviation Act, 1949, shall be construed as a reference to that Act as extended to the Isle of Man by this Order.

(2) Any reference to the Merchant Shipping (Safety and Load Line Conventions) Act, 1932(a), or to the Carriage by Air Act, 1932(b), shall be construed as a reference to that Act as extended to the Isle of Man.

2. Any reference to the United Kingdom, except in relation to the Government thereof, shall be construed as including the Isle of Man.

3. In section eight, in paragraph (*d*) of subsection (5), after the words "Government Department" there shall be inserted the words "or the Governor".

4. In section nine—

(*a*) in subsection (1), for the words "and may by order provide" there shall be substituted the words "and the Governor may by order provide as regards the Isle of Man"; and, in subsection (4), after the word "power" there shall be inserted the words "of the Secretary of State";

(*b*) for subsection (3) there shall be substituted the following subsection:—

"(3) Any person who suffers direct injury or loss, owing to the operation of an order made under this section by the Secretary of State or the Governor, shall be entitled to receive compensation from the Secretary of State, the amount thereof to be fixed, in default of agreement, by an official arbitrator appointed under the Public Authorities (Acquisition of Lands) Acts of the Isle of Man, the principle of those Acts being applied, with the necessary modifications, where possession is taken of land.".

5. In section eighteen, for subsection (1) there shall be substituted the following subsection:—

"(1) Without prejudice to the general duties imposed upon the Isle of Man Local Government Board by any enactment or otherwise, it shall be the duty of the said Board to make such arrangements as they think necessary—

(*a*) for preventing danger to public health from aircraft arriving at any aerodrome in the Isle of Man; and

(*b*) for preventing the spread of infection by means of any aircraft leaving any such aerodrome so far as may be necessary or expedient for the purposes of carrying out any treaty, convention, arrangement or agreement with any country.".

(a) 22 & 23 Geo. 5. c. 9. (b) 22 & 23 Geo. 5. c. 36.

6. In section twenty-three—

(*a*) in subsection (2), for the words "The Minister may also acquire by agreement otherwise than under the said Acts" there shall be substituted the words "The Minister may with the approval of the Governor acquire by agreement";

(*b*) in subsection (7), the last paragraph (which adapts the subsection in its application to Scotland) shall be omitted.

7. In section twenty-seven, in subsections (1) to (6), for the expressions "Minister" and "Lord Chief Justice", wherever they occur, there shall be substituted respectively the expressions "Governor" and "First Deemster and the Clerk of the Rolls".

8. In section forty-three, in subsection (4)—

(*a*) after the words "Great Britain", where they first occur, there shall be inserted the words "or the Isle of Man";

(*b*) in the proviso, the following paragraph shall be inserted after paragraph (*b*):—

"(*c*) an assurance company or association carrying on business in the Isle of Man to which, if the business were being carried on in Great Britain, either of the foregoing paragraphs would apply,".

9. In section fifty-two, in subsection (3), there shall be added at the end the following proviso:—

"Provided also that byelaws shall not be made in pursuance of this subsection except after consultation with the Secretary of State.".

10. In section fifty-five—

(*a*) in subsection (2), there shall be added at the end the words "and shall not, in the Isle of Man, be instituted except by or with the consent of the Minister, or by the Attorney General for the Isle of Man";

(*b*) in subsections (4) and (6) and paragraph (*c*) of subsection (9), the word "or" shall be omitted and after the words "Northern Ireland" there shall be inserted the words "or the Registrar General of Births, Deaths and Marriages in the Isle of Man";

(*c*) in subsection (8), the word "and", in the second place where it occurs, shall be omitted and after the words "Northern Ireland" there shall be inserted the words "and the Isle of Man".

11. In section fifty-six, for the word "Minister" there shall be substituted the word "Governor" and for the words "belonging to him or under his control" there shall be substituted the words "used as an aerodrome".

12. In section fifty-seven in subsection (1), after the word "Minister" there shall be inserted the words "or the Governor".

13. In section sixty-two, for subsections (2) and (3) there shall be substituted the following subsection:—

"(2) Proceedings in the Isle of Man for any offence under this Act, or under an Order in Council or regulations made thereunder, shall, subject to the provisions of subsection (2) of section fifty-five of this Act, be taken at the suit of the Attorney General for the Isle of Man.".

14.—(1) In section sixty-three, in subsection (1)—

(*a*) the definition of the expressions "appropriate Minister" and "owner" shall be omitted;

(*b*) after the definition of "Airways Corporations" there shall be inserted the following definition:—

"'Governor' includes the Governor, Lieutenant Governor, Deputy Governor, Deputy Lieutenant Governor and acting Governor or acting Lieutenant Governor of the Isle of Man for the time being;";

(*c*) for the definition of "local authority" there shall be substituted the following definition:—

"'local authority' means—

(i) in relation to the Borough of Douglas, the Mayor, Aldermen and Burgesses of the Borough of Douglas; and

(ii) in relation to any other place in the Isle of Man, the Commissioners of a Local Government District;".

(2) In the said section sixty-three for subsection (7) there shall be substituted the following subsection:—

"(7) Any power to make rules or regulations conferred by this Act shall, if conferred on the Minister, be exercisable by statutory instrument and, if conferred on the Governor, be exercisable by order of the Governor.".

15. In section seventy, for subsections (1), (2), (3) and (5) there shall be substituted the following subsections:—

"(1) Subject to the provisions of this section, the Orders in Council set out in the Twelfth Schedule to this Act are hereby revoked to the extent specified in the third column of that Schedule.

(2) Nothing in this revocation shall affect any instrument or other thing whatsoever made or done or having effect under any enactment extended to the Isle of Man by any Order in Council revoked by this Act and every such instrument or thing shall continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under this Act.

(3) Nothing in this revocation shall affect the terms and conditions on and subject to which any person held office and served before the date of the extension of this Act to the Isle of Man.

(5) Any document referring to any Act or enactment extended to the Isle of Man by any Order in Council revoked by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.".

16. For the Twelfth Schedule there shall be substituted the following Schedule:—

"TWELFTH SCHEDULE

REVOCATIONS

S.R. & O. or S.I. Reference	Title	Extent of Revocation
1938 (No. 1329) I, p. 29	The Air Navigation Acts (Extension to the Isle of Man) Order, 1938.	The whole Order except so much thereof as extends to the Isle of Man sections twenty-four and twenty-six of the Air Navigation Act, 1936.
1948 (No. 1338) I, p. 481	The Civil Aviation Act (Extension to the Isle of Man) Order, 1948.	So much thereof as extends to the Isle of Man any enactment corresponding to an enactment in the Civil Aviation Act, 1949.".