



Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

PART V

MISCELLANEOUS

51 Application of law of wreck and salvage to aircraft

- (1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

The foregoing provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of His Majesty's dominions.

- (2) His Majesty may by Order in Council direct that any provisions of any Act for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, apply in relation to aircraft as those provisions apply in relation to vessels.
- (3) For the purposes of this section, any provisions of an Act which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck, and the expression " Act" shall be deemed to include any local or special Act and any provisions of the Harbours, Docks and Piers Clauses Act, 1847, as incorporated with any local or special Act, whenever passed.
- (4) Part VI of this Act applies to this section.

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52 Application to seaplanes of regulations as to ships

(1) The power of His Majesty in Council under subsection (4) of section four hundred and eighteen of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

- (a) between seaplanes on the surface of the water, and
- (b) between vessels and seaplanes on the surface of the water;

and accordingly the said section and sections four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, except that—

- (i) the reference in subsection (1) of the said section four hundred and eighteen to the Admiralty and the Minister of Transport shall be construed as including a reference to the Secretary of State and the Minister of Civil Aviation;
- (ii) for the purposes of subsection (2) of the said section four hundred and eighteen and for the purposes of the said section four hundred and twenty-four, sections four hundred and eighteen, four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, shall be deemed to be the only provisions of Part V of that Act relating to the collision regulations or otherwise relating to collisions ; and
- (iii) any reference in the said section four hundred and nineteen to the master or to the person in charge of the deck shall be construed as a reference to the pilot or other person on duty in charge of the seaplane.

In this subsection the expression " vessels" has the same meaning as in the Merchant Shipping Act, 1894.

(2) For the purpose of the Dockyard Ports Regulation Act, 1865, seaplanes when on the surface of the water shall be deemed to be vessels:

Provided that the persons on whose recommendation rules under section seven of that Act may be made shall, in the case of rules relating to seaplanes, include the Secretary of State and the Minister of Civil Aviation.

(3) Any enactment which confers or imposes on a conservancy or harbour authority any power or duty to make byelaws for the regulation of ships or vessels shall be construed as if the power or duty so conferred or imposed included a power or duty to make byelaws for the regulation of seaplanes when on the surface of the water, and also a power to include in the byelaws provisions authorising the harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised by the enactment in question to exercise as respects ships or vessels:

Provided that byelaws made by virtue of this subsection shall not in any circumstances require, or authorise a harbour master or other officer to require, the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(4) Where any enactment, whether by virtue of the last foregoing subsection or not, confers or imposes on a conservancy or harbour authority a power or duty to make byelaws for the regulation of seaplanes when on the surface of the water, or to include in the byelaws such provisions as are mentioned in the said subsection, the following provisions shall have effect:—

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- (a) in a case where the enactment provides that the byelaws shall not come into force unless they have been confirmed or approved by some Government Department, byelaws made thereunder in relation to seaplanes shall not be confirmed or approved by that Department except after consultation with the Secretary of State and the Minister of Civil Aviation ;
 - (b) in a case where the enactment in question does not provide as aforesaid, byelaws made thereunder after the end of July, nineteen hundred and thirty-six in relation to seaplanes shall not, except in a case where they are required to be allowed or approved by a court or a judge, come into force unless they have been confirmed by the Minister of Transport after consultation with the Secretary of State and the Minister of Civil Aviation;
 - (c) in a case where the enactment in question provides that the byelaws shall not come into force unless they have been allowed or approved by a court or a judge, the conservancy or harbour authority shall, before making application to that court or judge for the allowance of the byelaws, forward a copy thereof to the Secretary of State and the Minister of Civil Aviation, and the court or judge shall, before allowing or approving the byelaws, take into consideration any representations made with respect thereto by or on behalf of the Secretary of State or the Minister of Civil Aviation.
- (5) For the purpose of this section—
- (a) the expression " enactment" shall be construed as including any provisional order for the time being in force (whether or not it has been confirmed by an Act), and the expression " byelaws" shall be construed as including rules and regulations;
 - (b) the expressions " conservancy authority" and " harbour authority " shall have the meanings respectively assigned to them by section seven hundred and forty-two of the Merchant Shipping Act, 1894;
 - (c) the expression " seaplane" shall be construed as including a flying boat and any other aircraft designed to manoeuvre on the water ; and
 - (d) seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while in contact therewith.
- (6) Part VI of this Act applies to this section.

53 Exemption of aircraft and parts thereof from seizure on patent claims

- (1) Any lawful entry into the United Kingdom or any lawful transit across the United Kingdom, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in the United Kingdom, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.
- (2) The importation into, and storage in, the United Kingdom of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person

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in the United Kingdom on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in the United Kingdom or are exported from the United Kingdom for sale or distribution.

- (3) This section applies—
- (a) to an aircraft, other than an aircraft used in military, customs or police services, registered in any country or territory in the case of which there is for the time being in force a declaration made by His Majesty by Order in Council, with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory, and
 - (b) to such other aircraft as His Majesty may by Order in Council specify.
- (4) The provisions of the Eighth Schedule to this Act shall have effect with respect to the detention on patent claims in respect of foreign aircraft other than aircraft to which this section applies.
- (5) Part VI of this Act applies to this section.

54 Explanation of Carriage by Air Act, 1932

For the avoidance of doubt in the construction of the Carriage by Air Act, 1932, whether as forming part of the law of the United Kingdom or as extended to any other country or territory, it is hereby declared that references to agents in the First Schedule to that Act include references to servants.

55 Recording and registration of births and deaths, etc.

- (1) The Minister may by regulations provide for requiring such persons as may be specified in the regulations to keep records and make returns to him—
- (a) of births and deaths occurring in any part of the world in any aircraft registered in Great Britain and Northern Ireland; and
 - (b) of the death, outside the United Kingdom, of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident;
- and for the keeping in his Department of a record of any returns made to him in accordance with any such requirement as aforesaid.
- Any person who fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (2) Proceedings for an offence under this section shall not, in England or Wales, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions, and shall not, in Northern Ireland be instituted except by or with the consent of the Minister, or by the Attorney-General for Northern Ireland.
- (3) Where such an offence as aforesaid has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to

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have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

In this subsection the expression "director" includes any person occupying the position of director, by whatever name called.

- (4) Where any such regulations provide for the keeping of records in the Department of the Minister in accordance with subsection (1) of this section they shall also provide for the transmission of certified copies of those records to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require.
- (5) The Registrar General to whom any such certified copies are sent shall cause them to be filed and preserved in a book to be kept by him for the purpose, and to be called the Air Register Book of Births and Deaths.
- (6) Regulations made under subsection (1) of this section shall provide for the rectification of any records kept in the Department of the Minister in pursuance of the regulations and for the transmission of certified copies of any corrected entry in the records to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require.
- (7) The Registrar General to whom a certified copy of any such corrected entry is sent in accordance with the regulations shall cause the corrected entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths.
- (8) The enactments relating to the registration of births and deaths in England, Scotland and Northern Ireland shall have effect as if the Air Register Book of Births and Deaths were a certified copy or duplicate register transmitted to the Registrar General in accordance with those enactments.
- (9) The Minister may by regulations provide—
 - (a) for the keeping in his Department of a record of persons reported to him as missing, being persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident to an aircraft registered in Great Britain and Northern Ireland ;
 - (b) for the rectification of any such record; and
 - (c) for the transmission of information as to the matters for the time being entered on the record to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland, as the case may require.

56 Custody and disposal of lost property

The Minister may by regulations make provision for securing the safe custody and re-delivery of any property which, while not in proper custody, is found on any premises belonging to him or under his control, or on any premises occupied by any of the Airways Corporations or in any aircraft on any such premises; and any such regulations may in particular—

- (a) provide for requiring charges to be paid in respect of any such property before it is re-delivered; and

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- (b) provide for authorising the disposal of any such property if it is not re-delivered before the expiration of such period as may be specified in the regulations.