



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART IV

#### AIRCRAFT

##### *Seaplanes*

#### 97 Seaplanes

<sup>F1</sup>(1) .....

- (2) For the purpose of the <sup>M1</sup>Dockyard Ports Regulation Act 1865 seaplanes when on the surface of the water shall be deemed to be vessels.
- (3) In section 28 of the <sup>M2</sup>Harbours, Docks and Piers Clauses Act 1847 (which relates to the exemption of certain vessels from harbour rates) as incorporated with any statutory provision, the expression “vessel” shall be deemed to include any aircraft on the surface of the water, being an aircraft which is designed to float or manoeuvre on water.
- (4) Subject to subsection (5) below, 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.
- (5) Byelaws made by virtue of subsection (4) above 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.
- (6) Where any enactment, whether by virtue of subsection (4) above or not, confers or imposes on a conservancy or harbour authority a power or duty to make byelaws for the

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regulation of seaplanes when on the surface of the water, or to include in the byelaws such provisions as are mentioned in that subsection, the following provisions shall have effect—

- (a) in the 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;
- (b) in a case where the enactment in question does not provide as aforesaid, byelaws made thereunder 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 Secretary of State;
- (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 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.

(6) In this section—

“byelaws” includes rules and regulations;

“conservancy authority” and “harbour authority” shall have the <sup>[F2]</sup>the same meaning as in the Merchant Shipping Act 1995];

“enactment” includes any provisional order for the time being in force (whether or not it has been confirmed by an Act);

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;

and, for the purposes of this section, seaplanes taking off from or alighting on the water shall be deemed to be on the surface of the water while in contact therewith.

#### Subordinate Legislation Made

**P1** S. 97(1): power under s. 418(1) [Merchant Shipping Act 1894 \(c. 60, SIF 111\)](#) as extended by this s. 97(1) exercised by [S.I. 1991/768](#), [S.I. 1991/769](#)

#### Textual Amendments

**F1** S. 97(1) repealed (1.1.1996) by [1995 c. 21, s. 314\(1\)](#), [Sch. 12](#) (with s. 312(1))

**F2** Words in s. 97(6) substituted (1.1.1996) by [1995 c. 21, s. 314\(2\)](#), [Sch. 13 para. 64\(e\)](#) (with s. 312(1))

#### Marginal Citations

**M1** [1865 c. 125](#).

**M2** [1847 c. 27](#).

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