



# Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

## PART V

### MISCELLANEOUS

#### 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.

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- (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:—

- (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;

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- (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.