

SCHEDULE 2

CIVIL AVIATION ACT 1949

PART II

REGULATION OF CIVIL AVIATION

General

“Power to give effect to Chicago Convention and regulate air navigation

Section 8.—(1) Her Majesty may by Order in Council make such provision as appears to Her to be requisite or expedient—

- (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or
 - (b) generally for regulating air navigation.
- (2) Her Majesty may by Order in Council make provision—
- (a) as to the registration of aircraft in the Colony;
 - (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the Order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified either in the Order or by the Governor;
 - (c) for the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;
 - (d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified either in the Order or by the Governor except in accordance with provisions in that behalf contained in the Order, and for the licensing of those employed at aerodromes licensed under the Order in the inspection or supervision of aircraft;
 - (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the Colony may fly, and as to the conditions under which aircraft may fly from one part of the Colony to another;
 - (f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be specified either in the Order or by the Governor;
 - (g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
 - (h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft

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endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

- (i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (j) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (k) for regulating the use of the civil air ensign and any other ensign established by Her Majesty in Council for purposes connected with air navigation;
- (l) for prohibiting aircraft from flying over such areas in the Colony as may be specified either in the Order or by the Governor;
- (m) for applying, adapting or modifying, or enabling the Governor to apply, adapt or modify, the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting, or enabling the Governor to permit, in connection with air navigation, subject to such conditions as appear to Her Majesty in Council, or to the Governor, as the case may be, to be requisite or expedient for the protection of the revenue, the importation of goods into the Colony without payment of duty;
- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the Order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
- (o) for regulating, or enabling the Governor to regulate, the charges that may be made for the use of aerodromes licensed under the Order and for services provided at such aerodromes;
- (p) for prescribing, or enabling the Governor to prescribe, the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by, or in pursuance of, the Order and in respect of any other matters in respect of which it appears to Her Majesty in Council, or to the Governor, to be expedient for the purpose of the Order to charge fees;
- (q) for exempting from the provisions of the Order or any of them any aircraft or persons or classes of aircraft or persons.

(3) An Order in Council under this section may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the Colony but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in the Colony operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.

(4) An Order in Council under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine of two hundred pounds and imprisonment for a term of six months, and, in the case of any provision having effect by virtue of paragraph (1) of subsection (2) of this section, may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the Order.

(7) Part VI of this Act applies to this section.”

“Control of aviation in time of war or emergency

Section 9.—(1) In time of war, whether actual or imminent, or of great national emergency, the Governor may by order regulate or prohibit, either absolutely or subject to such conditions

as may be contained in the order, the navigation of all or any descriptions of aircraft over the Colony or any portion thereof; and may be order provide for taking possession of and using for the purposes of Her Majesty's naval, military or air forces any aerodrome, or any aircraft in the Colony, or any machinery, plant, material or things found in or on any such aerodrome or such aircraft, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, or flying school, or any class or description thereof.

(2) An order under this section may make, for the purposes of the order, such provision as an Order in Council under section 8 of this Act may by virtue of subsection (4) of that section make for the purpose of securing compliance with provisions thereof having effect by virtue of paragraph (1) of subsection (2) of that section.

(3) Any person who suffers direct injury or loss, owing to the operation of an order of the Governor under this section, shall be entitled to receive compensation from the Governor, from such public funds as he may lawfully apply for the purpose, the amount thereof to be fixed, in default of agreement, by an arbitrator to be agreed upon or failing agreement to be appointed by the Chief Justice or other chief judicial officer of the Colony:

Provided that no compensation shall be payable by reason of the operation of a general order under this section prohibiting flying in the Colony or any part thereof.

(6) Part VI of this Act applies to this section.”

“Investigation of accidents

Section 10.—(1) The Governor may make regulations providing for the investigation of any accident arising out of or in the course of air navigation, and either occurring in or over the Colony or occurring elsewhere to British aircraft registered in the Colony.

(2) Regulations under this section may contain provisions—

- (a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified;
- (b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents any of the provisions of any law in force in the Colony relating to the investigation of deaths or accidents;
- (c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;
- (d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in the Colony under this Part of this Act or any Order in Council or order made under this Part of this Act, or the withdrawal or suspension of any validation conferred in the Colony of a licence granted by a duly competent authority elsewhere, where it appears on an investigation that the licence or certificate ought to be cancelled, suspended, endorsed or surrendered, or the validation withdrawn or suspended, as the case may be, and requiring the production of any such licence or certificate for the purpose of being so dealt with:

Provided that nothing in this section shall limit the powers of any authority under sections 530 to 537 of the Merchant Shipping Act 1894 or any enactment amending those sections.

(3) If any person contravenes or fails to comply with any regulations under this section, he shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

(5) Part VI of this Act applies to this section.”

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“Dangerous flying

Section 11.—(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

In this section the expression “owner” in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(2) The provisions of this section shall be in addition to and not in derogation of the powers conferred on Her Majesty in Council by section 8 of this Act.

(3) Part VI of this Act applies to this section.” in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence. (2)The provisions of this section shall be in addition to and not in derogation of the powers conferred on Her Majesty in Council by section 8 of this Act.(3)Part VI of this Act applies to this section.

“Licensing of air transport and commercial flying

Section 13.—(1) The Governor may, with the approval of a Secretary of State, make regulations—

- (a) to secure that aircraft shall not be used in the Colony by any person—
 - (i) for plying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations, or
 - (ii) for such flying undertaken for the purpose of any trade or business as may be so specified,except under the authority of, and in accordance with, a licence granted to the said person by the licensing authority specified in the regulations;
- (b) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence;
- (c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence under the regulations;
- (d) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;
- (e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in the regulations;
- (f) prescribing the fees to be paid in respect of the grant of any licence under the regulations, or enabling such fees to be prescribed by any person or authority specified in that behalf by the regulations;

and such regulations may make different provision as respects different classes of aircraft and different classes of licences.

(2) Regulations made under this section may, for the purpose of securing compliance with the regulations, provide for the imposition of the following penalties, namely—

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- (a) in the case of a first offence against the regulations, a fine not exceeding five hundred pounds or imprisonment for a term not exceeding three months or both such fine and such imprisonment; and
 - (b) in the case of a second or subsequent offence against the regulations, a fine not exceeding five thousand pounds or imprisonment for a term not exceeding two years or both such fine and such imprisonment.
- (3) Part VI of this Act applies to this section.”

“Information as to air transport undertakings and use of customs aerodromes

Section 14.—(1) The Governor may, with the approval of a Secretary of State, make regulations—

- (a) requiring any person—
 - (i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations, or
 - (ii) who is the holder of a licence in respect of a customs aerodrome,to furnish to such authorities as may be specified in the regulations such information relating to the use of aircraft for the purpose of his said business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom, as may be prescribed by the regulations;
- (b) requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such of the provisions of the regulations as relate to him;
- (c) prescribing the times at which, and the form and manner in which, any information required under the regulations is to be furnished:

Provided that a person carrying on such a business as is mentioned in sub-paragraph (i) of paragraph (a) of this subsection shall not be required to furnish information relating to the use of aircraft on journeys wholly outside the Colony, or relating to persons exclusively employed outside the Colony, unless the person carrying on the business is either a British subject or a British protected person resident in the Colony or a citizen of the Republic of Ireland resident in the Colony or a body corporate incorporated under the law of the Colony.

(2) Regulations under this section may provide for imposing on any person who contravenes or fails to comply with any provision of the regulations such penalties (not exceeding a fine of twenty pounds and a further fine of five pounds for every day on which the contravention or non-compliance continues after conviction therefor) as may be specified in the regulations.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such regulations, and if any person discloses any such information in contravention of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such fine and such imprisonment or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such fine and such imprisonment.

Nothing in this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or of regulations made

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under this section, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including arbitrations), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose, that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

(4) In this section the expression “customs aerodrome” means an aerodrome for the time being appointed as a place of landing or departure of aircraft for the purposes of the enactments relating to customs .

(5) Part VI of this Act applies to this section.” means an aerodrome for the time being appointed as a place of landing or departure of aircraft for the purposes of the enactments relating to customs .
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