
STATUTORY INSTRUMENTS

1972 No. 674

The Hovercraft (General) Order 1972

PART IV

SUPPLEMENTARY PROVISIONS

Right of access to hoverports

25. The Secretary of State and any authorised person shall have the right of access at all reasonable times to any hoverport and any place where a hovercraft is for the purpose of inspecting any hovercraft or any document which they have power to demand under this Order, and for the purpose of detaining any hovercraft under the provisions of this Order.

Safety of persons and property

26.—(1) A person shall not wilfully or negligently—

- (a) act in a manner likely to endanger a hovercraft, or any person therein; or
- (b) go or attempt to go on a journey on a hovercraft without the consent of the captain or other person authorised to give it.

(2) A person shall not—

- (a) enter a hovercraft when drunk, or be drunk in a hovercraft; or
- (b) smoke in a place in a hovercraft or at a hoverport where and when smoking is prohibited by notice.

Duty to obey captain

27. Every person in a hovercraft shall obey all lawful commands which the captain may give for the purpose of securing the safety of the hovercraft and of persons or property carried therein, or the safety, efficiency or regularity of navigation.

Power to prevent hovercraft operating

28.—(1) If it appears to the Secretary of State or an authorised person that any hovercraft is intended or likely to be operated—

- (a) in such circumstances that any provision of Articles 4, 6, 7, 8, 13 or 18 of this Order would be contravened in relation to the journey; or
- (b) in such circumstances that the journey would be in contravention of any other provision of this Order and be a cause of danger to any person or property whether or not in the hovercraft; or
- (c) while in a condition unfit for operation whether or not the journey would otherwise be in contravention of any provision of this Order,

the Secretary of State or that authorised person may direct the operator or the captain of the hovercraft that he is not to permit the hovercraft to make the particular journey or any other journey of such description as may be specified in the direction, until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State, or that person may take such steps as are necessary to detain the hovercraft.

(2) For the purposes of paragraph (1) of this Article the Secretary of State or any authorised person may enter upon and inspect any hovercraft.

Revocation etc. of Certificates etc

29.—(1) The Secretary of State may, if he thinks fit, provisionally suspend any certificate, licence, approval, permission, exemption or other document issued, granted or having effect under this Order other than under Part II, pending inquiry into or investigation of the case. Without prejudice to Article 18(2) of this Order the Secretary of State may on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption, or other document which has been revoked, suspended or varied under this Article shall surrender it to the Secretary of State within a reasonable time after being required to do so by him.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document has been granted or issued, or which has effect under this Order, shall render the document invalid during the continuance of the breach.

Obstruction of persons

30. A person shall not wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Enforcement of directions

31. Any person who fails to comply with any direction given to him by the Secretary of State or by any authorised person under any provision of this Order shall be deemed for the purpose of this Order to have contravened that provision.

Exemption from Order

32. The Secretary of State may exempt from any of the provisions of this Order or any regulations made thereunder any hovercraft or persons or classes of hovercraft or persons, either absolutely or subject to such conditions as he thinks fit.

Penalties

33.—(1) If any provision of this Order is contravened in relation to a hovercraft, the operator of that hovercraft and the captain thereof, shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of sub-paragraphs (3) to (5) of this Article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order was due to any cause not avoidable by

the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) If any person contravenes any provision of this Order, not being a provision referred to in paragraph (4) or paragraph (5) of this Article, he shall be liable on summary conviction to a fine not exceeding ten pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding twenty pounds.

(4) If any person contravenes any provision specified in Part A of the Schedule to this Order he shall be liable on summary conviction to a fine not exceeding fifty pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding one hundred pounds, or on indictment both to such fine and to imprisonment for a term not exceeding three months.

(5) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on summary conviction to a fine not exceeding two hundred pounds or, on indictment both to such fine and to imprisonment for a term not exceeding six months.

Crown application

34.—(1) Subject to the following provisions of this Article, the provisions of this Order shall apply to or in relation to hovercraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other hovercraft and for the purposes of such application the Government Department or other authority for the time being responsible on behalf of Her Majesty for the operational management of the hovercraft shall be deemed to be the operator of the hovercraft and in the case of a hovercraft belonging to Her Majesty to be the owner of the interest of Her Majesty in the hovercraft:

Provided that nothing in this Article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of the hovercraft.

(2) Save as provided in paragraph (3) of this Article nothing in this Order shall apply to or in relation to any military hovercraft.

(3) Where a military hovercraft is operated by a civilian and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval or military or air forces or as a member of a visiting force or international headquarters, Article 20 shall apply on the occasion of that journey.

Fees

35. The Secretary of State may, by regulations made by statutory instrument, require the payment of fees in respect of any matter relating to hovercraft which is specified in this Order, and may prescribe with the approval of the Treasury the amount of any such fee or the manner in which that amount is to be determined, and sections 1, 2 and 3 of the Statutory Instruments Act 1946 shall apply to the regulations.

Extra-territorial effect of the Order

36.—(1) Except where the context otherwise requires, the provisions of this Order—

- (a) in so far as they apply (whether by express reference or otherwise) to hovercraft registered in the United Kingdom, shall apply to such hovercraft wherever they may be;
- (b) in so far as they apply as aforesaid to other hovercraft shall apply to such hovercraft when they are within the United Kingdom;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any hovercraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be; and

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(d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any hovercraft registered in the United Kingdom by other persons shall, where such persons are British subjects, apply to them wherever they may be.

(2) Nothing in this Article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.