
STATUTORY INSTRUMENTS

1972 No. 971

The Hovercraft (Application of Enactments) Order 1972

Citation and Commencement

1. This Order may be cited as the Hovercraft (Application of Enactments) Order 1972 and shall come into operation 14 days after the date of making.

Application

2. This Order applies to hovercraft which are used—

- (i) wholly or partly on or over the sea or navigable waters; or
- (ii) on or over land to which the public have access or non-navigable waters to which the public have access; or
- (iii) elsewhere for the carriage of passengers for reward:

Provided that this Order shall not:

- (a) apply to hovertrains; nor
- (b) prejudice the operation of section 19 of the Road Traffic Act 1962.

Interpretation

3.—(1) In this Order, unless the context otherwise requires—

“Captain” means the person who is designated by the operator to be in charge of a hovercraft during any journey, or, failing such designation, the person who is for the time being lawfully in charge of the hovercraft;

“Hovertrains” means hovercraft which are at all times guided by tracks, rails or guides fixed to the ground;

“Navigable water” means any water which is in fact navigable by ships or vessels, whether or not the tide ebbs and flows there, and whether or not there is a public right of navigation in that water;

(2) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Application to hovercraft of enactments and instruments relating to vessels

4. The enactments mentioned in column 1 of Part A of Schedule 1 to this Order, and the statutory instruments mentioned in column 1 of Part B of Schedule 1 to this Order, shall have effect as if any reference therein in whatever terms to ships, vessels or boats or activities or places connected therewith included a reference to hovercraft or activities or places connected with hovercraft, subject to the modifications (if any) contained in column 3 of Parts A and B respectively.

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Application to hovercraft of enactments and instruments relating to aircraft

5. The enactments mentioned in column 1 of Part A of Schedule 2 to this Order and the statutory instruments mentioned in column 1 of Part B of Schedule 2 to this Order shall have effect as if any reference therein in whatever terms to aircraft or activities or places connected therewith included a reference to hovercraft or activities or places connected with hovercraft, subject to the modifications (if any) contained in column 3 of Parts A and B respectively.

Application to hovercraft of enactments and instruments relating to motor vehicles

6. The enactments mentioned in column 1 of Part A of Schedule 3 to this Order, and the statutory instruments mentioned in column 1 of Part B of Schedule 3 to this Order, shall have effect as if any reference therein in whatever terms to motor vehicles or activities or places connected therewith included a reference to hovercraft or activities or places connected with hovercraft, subject to the modifications (if any) contained in column 3 of Parts A and B respectively.

Insurance

7.—(1) The Insurance Companies Acts 1958 to 1967⁽¹⁾ shall have effect as if any reference therein to “vessels or aircraft” included a reference to hovercraft.

(2) Section 94 of the Companies Act 1967 shall have effect as if there were added to section 94 the following sub-section—

“(7) For the purposes of this Part of this Act, the business of effecting and carrying out contracts of insurance against loss of, or damage to, or arising out of or in connection with the use of, hovercraft, inclusive of third-party risks but exclusive of transit risks, if carried on by a person who at the same time carries on motor vehicle insurance business but does not otherwise carry on marine, aviation and transport business, shall be taken to be motor vehicle insurance business”.

Wreck, salvage and distress

8.—(1) The following enactments and instruments shall have effect as if any reference therein, in whatever terms, to ships, vessels or boats, or activities or places connected therewith, included a reference to hovercraft, or activities or places connected with hovercraft, namely—

- (a) Sections 510 to 516, 518 to 537 and 544 to 571 of the Merchant Shipping Act 1894;
- (b) Section 72 of the Merchant Shipping Act 1906;
- (c) Sections 6 and 7 of the Maritime Conventions Act 1911;
- (d) Section 24 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932;
- (e) Section 8 of the Crown Proceedings Act 1947;
- (f) The Merchant Shipping (Navigational Warnings) Rules 1965⁽²⁾;
- (g) The Merchant Shipping (Signals of Distress) Rules 1965⁽³⁾.

In relation to the above enactments, as so applied, the expression “wreck” (save and except in so far as relates to the claims of any Admiral, Vice-Admiral, Lord of the Manor, heritable proprietor duly infeft, or any person other than Her Majesty and Her Royal Successors to unclaimed wreck for his own use) shall include any hovercraft or any part thereof or cargo thereof found sunk, stranded or abandoned in or on any navigable water, or on or over the foreshore, or place where the tide normally ebbs or flows.

(1) 1958 c. 72; 1967 c. 81.

(2) (1965 I, p. 2560).

(3) (1965 II, p. 4526).

- (a) (2) (a) Sections 56 and 57 of the Harbours, Docks and Piers Clauses Act, 1847 as incorporated with any local or special Act, whenever passed, and the provisions relating to the same subject matters as those sections of any local or special Act for the time being in force, shall apply in relation to hovercraft as those provisions apply to vessels, and the expressions “wreck” and “vessel” in those sections shall be deemed to include wreckage of or from hovercraft, and hovercraft, respectively;
- (b) In the application in relation to hovercraft of the provisions of the said sections, the expressions “owner” shall mean the owner of the hovercraft at the time it was wrecked or laid by or neglected.

(3) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, hovercraft in, on or over navigable water or on or over the foreshore or place where the tide normally ebbs and flows 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 hovercraft to any property or person, the owner and crew of the hovercraft shall be entitled to the same reward for those services as they would have been entitled to if the hovercraft had been a vessel.

The foregoing provisions of this sub-section shall have effect notwithstanding that the hovercraft concerned is not registered in the United Kingdom and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of Her Majesty's dominions.

Investigation of casualties

9. Part VI of the Merchant Shipping Act 1894 (Special Shipping Inquiries and Courts), s. 66 of the Merchant Shipping Act 1906 and the Shipping Casualties and Appeals and Re-hearings Rules 1923⁽⁴⁾ shall have effect as if references therein, in whatever terms, to ships or activities connected therewith included references to hovercraft or activities connected with hovercraft, subject to the modifications set out in Schedule 4 to this Order.

Nomenclature

10.—(1) There shall be substituted a reference to “hovercraft” for the reference to “hover vehicles” in the British Railways Acts 1966 and 1967.

(2) The reference to machines designed or adapted for use in agriculture in the definition of “field machine” in the Agriculture (Field Machinery) Regulations 1962 shall be deemed to include a reference to hovercraft used for agricultural purposes.

(3) For the reference in s. 13(4) of the Sea Fisheries (Shellfish) Act 1967 to “hover vehicle”, there shall be substituted a reference to “hovercraft”.

W.G. Agnew

(4) (Rev.XIV, p. 657; 1923, p. 535).