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ANNOTATED LAWS OF PALESTINE

A STATEMENT OF THE STATUTE LAW
OF PALESTINE IN ALPHABETICAL ORDER
WITH CROSS-REFERENCES, ANNOTATIONS
TO DECIDED CASES, NOTES ON PRACTICE, ETC.

BY

A. M. APELBOM, LL. B.
BARRISTER AT LAW, ADVOCATE

FOREWORD

BY

SIR W. J. FITZGERALD, K.B., K.C., M.C.
CHIEF JUSTICE OF PALESTINE

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under Schedule II to this Order, or any validation conferred in the Colony under that Schedule on a certificate of airworthiness, may be cancelled or suspended by the Governor if he is satisfied that reasonable doubt exists as to the safety of the aircraft in question, and the conditions attached to any such certificate or validation may be varied by the Governor if he is satisfied that those conditions may properly be relaxed, or that reasonable doubt exists as to whether those conditions afford a sufficient margin of safety.

(3) Where any person is convicted of any contravention of or failure to comply with this Order in respect of any British aircraft registered in the Colony, the Governor may cancel or suspend the certificate of registration of that aircraft.

(3A) The Governor may vary or cancel any particulars or other matter entered by him or on his authority in any licence or certificate granted, or in any journey log-book issued, under this Order. [1929.] [1932.]

(4) When there is within the Colony—

(a) an aircraft in respect of which a certificate of registration or of airworthiness issued by the duly competent authority of some other place within His Majesty's dominions is in force, or

(b) a person holding a licence issued by any such authority and entitling such person to act as pilot navigator, engineer or other operative member of the crew of an aircraft,

the Governor may, on sufficient ground being shown to his satisfaction, after due inquiry, suspend any such certificate or licence, subject to an appeal to the authority by whom it was issued, the suspension, however, to remain in force pending the decision of such appeal.

(5) The Governor may require the holder of any licence, certificate or other document granted or issued or validated in the Colony under this Order or liable to be suspended under paragraph (4) of this article (or any person having the possession or custody of any such licence, certificate or document) to surrender the same to him for cancellation, suspension, endorsement or variation, in accordance with the provisions of this Order; and any person failing to comply with any such requirement within a reasonable time shall be deemed to have failed to comply with this Order. [1929.]

30. The Governor may make regulations for carrying out the purposes of this Order in respect of the following matters:—

(a) for prescribing anything which is to be prescribed under the provisions of this Order;

(b) for giving directions as respects any matter as to which the Governor is by this Order authorised to give directions.

(c) for prescribing the Scales of charges at aerodromes [1938.]

Regulations
by the Governor.
[1937.]

and the fees to be paid in respect of the grant of any certificate or licence or any other matter.

See Air Navigation (Fees) Regulations, 1940, *post*.
 Customs Aerodromes Regulations, 1942, *post*.

Interpretation.

31.—(1) In this Order, unless the context otherwise requires—
 “The Convention” means the Convention for determining by a common agreement certain uniform rules with respect to international air navigation signed on behalf of His Majesty in Paris on the thirteenth day of October, 1919;

“The protocol” means the additional protocol to the Convention aforesaid which was signed on behalf of His Majesty in Paris, and dated the first day of May, 1920;

[1932.]

“Aircraft” includes all balloons, whether fixed or free, kites, gliders, airships, and flying machines;

[1932.]

“Airship” means an aircraft using gas lighter than air as a means of support, and having means of propulsion and means of directional control;

[1929.]

“Balloon” means an aircraft, either fixed or free, using gas lighter than air as a means of support, and having no means of propulsion;

“Flying machine” includes all aeroplanes, seaplanes, flying boats, or other aircraft heavier than air and having means of propulsion;

“Glider” means an aircraft heavier than air, not fixed to the ground and having no means of mechanical propulsion, but having means of directional control;

“Military aircraft” includes naval, military and air force aircraft; and every aircraft commanded by a person in naval, military or air force service detailed for the purpose shall be deemed to be a military aircraft;

“State aircraft” means military aircraft and aircraft exclusively employed in State service, including postal, customs and police service;

“Passenger aircraft” and “goods aircraft” mean respectively aircraft intended for carrying passengers or goods for hire or reward, and include respectively aircraft in which passengers or goods are actually so carried;

[1935.]

“Public transport aircraft” means aircraft carrying passengers or goods for hire or reward or, in a case where the carriage is effected by an air transport undertaking, whether for hire or reward or not, and the expression “public transport flying machine” shall be construed accordingly;

- "Aerial work aircraft" means aircraft, not being public transport aircraft, which are being used for any commercial or industrial purpose or any lucrative purpose, and the expressions "aerial work flying machine" shall be constructed accordingly; [1935.]
- "Personnel" (in relation to an aircraft) includes the pilot, commander, navigator, and engineer, and any operative member of the crew;
- "Goods" includes mails;
- "Wireless telegraphy" includes wireless telephony;
- "Aerodrome" means any definite and limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft;
- "Proprietor of an aerodrome" includes any person responsible for the management thereof;
- "Licensed aerodrome" means an aerodrome licensed under this Order;
- "Prescribed" (except where otherwise expressly provided) means prescribed by this Order or by regulations or directions made or issued thereunder by the Governor;
- "Prohibited area" means any area in the Colony which the Governor may proclaim to be a prohibited area;
- "Contracting State" means any State which is for the time being a party to the Convention; [1929.]
- "Secretary of State" includes, in relation to any purpose of this Order, any person authorised by the Secretary of State for that purpose, and references to a person authorised by the Secretary of State include references to the holder for the time being of any office designated by the Secretary of State;
- "Governor" means the officer for the time being administering the Government of the Colony, and includes, in relation to any purpose of this Order other than the purposes of Article 30 thereof, any person authorised by the Governor for that purpose, and references to a person authorised by the Governor include references to the holder for the time being of any office designated by the Governor; [1937.]
- (2) In this Order— [1929.]
- References to his Majesty's dominions shall be construed as though territories under His Majesty's protection and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty formed part of His Majesty's Dominions;

- References to the Colony include references to the territorial waters adjacent thereto; and
- [1937. (No. 2)] References to passengers carried for hire or reward do not include references to any person when being carried within the Colony in an aircraft owned by a member of any of His Majesty's Forces or Civil Service where no payment made to the owner in respect of such carriage otherwise than by way of an allowance payable under Regulations applicable to him as such member; but include references to persons carried in aircraft for the purposes of instruction in flying for which payment is made. Provided that for the purpose of determining whether a pilot is required to hold a licence to fly aircraft carrying passengers or goods for hire or reward a member of an aeroplane club carried in an aircraft belonging to the club for the purposes of instruction shall not, if the pilot is also a member of the same club, be deemed to be a passenger carried for hire or reward, notwithstanding that payment is made for such instruction or carriage.
- [1935.]
- [1937.] References to directions given by the Governor shall include references to regulations made by him and the expression 'direct' shall be construed accordingly.
- [1935.] (2A) In relation to the carrying of a person in an aircraft for the purpose of instruction, payment shall be deemed, for the purpose of this Order, to be made for the instruction if any sum is paid or payable in respect of the particular flight by any person either to the instructor himself or to any person by whom the instructor is employed, or to whom he gives his services as an instructor, or if the instructor is employed for reward to instruct persons in flying aircraft.
- (3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.
- Printing
of order.
- 32.—(1) Where by any Order in Council for the time being in force any articles or words are directed to be added to or omitted from this Order, or to be substituted for any other articles or words in this Order, then, copies of this Order printed under the authority of His Majesty's Stationery Office, after such direction takes effect, may be printed with the articles or words added or omitted or substituted for other articles or words as such direction requires and with the articles and paragraphs thereof numbered in accordance with such direction, and this Order shall be construed as if it had at the time when such direction takes effect been made with such addition, omission or substitution.

(2) A reference in any document to this Order or to any provisions thereof shall, unless the context otherwise requires, be construed as referring to this Order as amended by any Order in Council for the time being in force.

33. Nothing in this Order shall be construed as conferring any right to land in any place as against the owner of the land or other persons interested therein, or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by an aircraft.

Saving.

34.—(1) This Order may be cited as the Air Navigation (Colonies, Protectorates and Mandated Territories) Order 1927.

Short title and commencement.

(2) This Order shall come into operation on the first day of January, 1928.

SCHEDULES.

Schedule I.

REGISTRATION AND MARKING OF AIRCRAFT.

A.—Registration.

1. (1) The Governor may establish in the Colony a Sub-Registry of Aircraft and may appoint an officer to act as Registrar of Aircraft.⁽¹⁾

(2) Such officer (hereinafter referred to as "the Registrar") shall for the purpose of registration act as the Agent of the Secretary of State for Air and shall follow such instructions as may from time to time be issued by the Secretary of State for Air. The salary of the Registrar and the expenses of the Sub-Registry shall be paid out of such funds as the Governor may lawfully apply to that purpose.

2. An aircraft shall not be registered in the Colony unless it is owned wholly either—

(a) by British subjects or British protected persons; or

[1939.]

(b) by a company or corporation—

(i) registered and having its principal place of business in His Majesty's dominions; and

(ii) whereof the Chairman and at least two-thirds of the Directors

[1939.]

are British subjects or British protected persons, and no aircraft shall be registered in the Colony which is already validly registered in any other part of His Majesty's dominions or in any foreign State.

[1931.]

3. Application for the registration of an aircraft owned by the applicant may be made in the Colony by a person resident for the time being in the Colony or by a Company incorporated in or doing business in the Colony. Such application shall be made to the Registrar.

4. (1) The Registrar on receipt of an application for registration of an aircraft in the Colony may, if satisfied that it is in order and complies

⁽¹⁾ The person for the time being holding the appointment of Director of Civil Aviation in Palestine was appointed Registrar in 1937. See 1937 P. G., sup. 2, p. 50.

with all conditions laid down in connection with the registration of aircraft and applicable to it, grant to the applicant a certificate of registration and may assign to the aircraft a registration mark.

(2) If the Registrar has doubts as to whether an application is in order and complies with the conditions as aforesaid, he may refer the matter to the Secretary of State for Air before issuing a certificate.

(3) If it should appear to the Registrar that he has issued a certificate in an improper case, he may cancel the certificate and shall forthwith report such cancellation to the Secretary of State for Air.

(4) An applicant who is aggrieved by the Registrar's refusal or cancellation of a certificate under this paragraph may appeal to the Secretary of State for Air.

5. Aircraft registered in the Colony shall be deemed to be registered British Aircraft but the certificate shall indicate that it has been issued in the Sub-Registry of the Colony.

6. The Registrar shall have the power, subject to an appeal to the Secretary of State for Air, to cancel any certificate of registration issued by him in error. Pending the decision of an appeal, a cancellation under this paragraph shall remain in force.

[1939.]

6A. The register of aircraft registered in the Colony shall be kept so as to show, in relation to each aircraft registered in that register, the owner for the time being of that aircraft.

[1939.]

7. In the event of any change in the ownership of a registered aircraft, the person, company or corporation for the time being registered as owner of that aircraft, or if that person is dead or that company or corporation dissolved, his personal representative or its successor in title, as the case may be, shall forthwith notify the change of ownership to the Registrar; and the Governor, upon the receipt of the notification, may cause the registration and the certificate of registration of the aircraft to be altered or cancelled, as the circumstances of the change of ownership appear to him to require.

[1939.]

8. When a registered aircraft has been destroyed or permanently withdrawn from use, the fact shall be notified as soon as may be to the Registrar by the person, company or corporation for the time being registered as owner of that aircraft or, if that person is dead or that company or corporation is dissolved, his personal representative or its successor in title, as the case may be; and, upon receipt of the notification, the Governor may cause the registration and the certificate of registration of the aircraft to be cancelled.

[1937.]

[1939.]

8A.—(1) If a registered aircraft ceases to be owned wholly either by persons or by a company or corporation fulfilling the conditions set out in paragraph 2 of this Schedule, the person, company or corporation for the time being registered as owner of that aircraft, or if that person is dead or that company or that corporation is dissolved, his personal representative or its successor in title, as the case may be, shall forthwith notify to the Registrar that the aircraft has ceased to be so owned as aforesaid.

(2) Upon the receipt of such notification, or if at any time he is satisfied that any of the requirements laid down in paragraph 2 of this Schedule

are not complied with, the Governor may cause the registration and the certificate of registration of the aircraft to be cancelled.

9. Where an aircraft within the Colony is already registered in some other part of His Majesty's dominions or in territories under His Majesty's protection, the Registrar may, at the owner's request, cancel the certificate of such registration and may, subject to the provisions of paragraph 2 of this Schedule, issue a fresh certificate for the aircraft from the Colonial Sub-Registry and assign it a mark appropriate to the Colony. The Registrar shall forthwith report to the Secretary of State for Air and to the registry of issue, if other than the Air Ministry, that he has endorsed or cancelled a certificate in pursuance of this paragraph and shall give the date and all necessary particulars of such endorsement or cancellation.

10. The registrar shall transmit every month to the Air Ministry copies of all registrations and of cancellations of registration which have been entered on his register during the preceding month.

11. The Registrar may require that an application for registration shall be supported by a statutory declaration.

12. The Registrar shall charge such fees in connection with the registration of aircraft as the Governor may prescribe.

13. The register of British aircraft in the Colony shall be open to inspection at such times and subject to such conditions as may be prescribed.

B.—Marking.

14. The nationality mark of an aircraft registered in the Colony shall be a group assigned by the Registrar of two capital letters in Roman character and the registration mark shall be a group assigned by the Registrar of three such letters. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and registration mark. [1929.] [1938.]

15. Subject as provided in paragraph 16A of this Schedule, the nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence, in the following manner:— [1935.] [1938.]

(a) Flying Machines. — The marks shall be painted or affixed once on the lower surface of the main plane structure and once on the upper surface of the main plane structure, the top of the letters constituting the marks to be towards the leading edge. The marks shall also be painted or affixed along each side of the fuselage or body between the main planes and the tail planes.

(b) Airships and Balloons. — In the case of airships, the marks shall be painted or affixed in three places at or near the maximum cross-section so as to appear once on each side of the airship and once on the upper surface. The letters constituting the marks on the upper surface shall be equidistant from the letters constituting the marks on the sides. In the case of spherical balloons, the marks shall be painted or affixed so as to appear in two places at or near the maximum horizontal circumference of the balloon and shall be placed as far as possible from one another, and, in the case of

non-spherical balloons, shall be painted or affixed at or near the maximum cross-section on each side of the balloon immediately above the rigging band or the points of attachment of the basket suspension cables. In the case of airships and balloons, the side marks shall be so placed as to be visible both from the sides and from the ground.

[1935.] 16. The height of the letters constituting the marks need not exceed
[1937.] eight feet unless otherwise required by the Governor. Subject as aforesaid and as provided in paragraphs 16A and 17 of this Schedule, the following provisions with regard to such letters shall be complied with:—

[1937.] (a) Flying Machines. — The letters constituting each group of marks on the main planes and on the fuselage or body shall be of equal height and shall be as large as it is possible to make them without their touching the visible outline of the surface on which the marks are placed.

(b) Airships and Non-spherical Balloons. — The height of the letters shall be equal to at least one-twelfth of the perimeter of the airship or balloon as its maximum cross-section.

(c) Spherical Balloons. — The height of the letters shall be equal to at least one-fifteenth of the maximum horizontal circumference of the balloon.

[1935.] 16A. In cases where the constructional features of the aircraft do not admit of compliance with any of the provisions of paragraphs 15 and 16 of this Schedule, the nationality and registration marks shall be painted on or affixed to the aircraft in such manner, and the letters constituting the marks shall be of such height, as may be approved by the Governor.

[1938.] 17.—(a) The width of each letter and the length of the hyphen between the nationality mark and the registration mark shall be two-thirds of the height of the letters and the thickness of the lines forming the letters and the hyphen shall be one-sixth of that length;

(b) As nearly as the constructional features of the aircraft admit, each letter shall be separated from the letter which immediately precedes or follows it (the hyphen for this purpose being regarded as a letter) by a space equal to half the width of the individual letters; and

(c) In order to render the marks clearly legible the lines forming the letters and the hyphen shall be solid and of a uniform colour contrasting clearly with the background on which they are placed.

[1938.] 18. (*Revoked*).

[1929.] 19. The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks must always be kept clean and visible.

[1935.] 20. Every aircraft shall carry, affixed in a prominent position to the fuselage or to the car or basket (as the case may be) a metal plate inscribed with the names and residence of the owner and the nationality and registration marks of the aircraft.

[1929.] 21. (*Revoked*).

[1929.] 22. (*Revoked*).

Schedule II.

CERTIFICATES OF AIRWORTHINESS FOR AIRCRAFT; DETENTION OF UNAIRWORTHY AIRCRAFT; INSPECTION, OVERHAULS, &c.

Issue and Validation of Certificates of Airworthiness.

1. Save as hereinbefore provided, a British aircraft registered in the Colony shall not fly unless it possesses a certificate of airworthiness validated or issued in accordance with the provisions of this Schedule. [1929.] [1932.]

2. When an aircraft is registered in the Colony, in respect of which a certificate of airworthiness has been issued by the duly competent authority in any other part of His Majesty's dominions, or in any foreign contracting State, or in any foreign State with which an agreement has been concluded on behalf of His Majesty permitting the aircraft of that State to fly over British territory, the Governor may, subject to such conditions and limitations and for such period as he shall think fit, confer on such certificate validity for the purpose of this Order, and may from time to time extend the validity so conferred or he may issue a fresh certificate of airworthiness in respect of the aircraft. [1932.]

3. When an aircraft which is registered in any other part of His Majesty's dominions, and in respect of which a certificate of airworthiness is in force, is within the Colony, the Governor may, upon the expiry of such certificate, issue a certificate of airworthiness in respect of the aircraft.

4. A validation conferred, or a certificate of airworthiness issued, under this Schedule shall remain valid only for such period as may be prescribed therein, unless extended or renewed for a further period by the Governor.

5. For the purpose of validating, issuing, extending the validation of, or renewing a certificate of airworthiness, the Governor may require to be furnished with such evidence as to the existing condition of the aircraft as he shall think fit.

Detention of Unairworthy Aircraft.

6. If the Governor has reason to believe, on complaint or otherwise, that a passenger or goods aircraft within the Colony is intended or is about to proceed on any flight while in a condition unfit for flight, he may give such directions and take such steps, by way of provisional detention of the aircraft or otherwise in relation thereto, as may be necessary for the purpose of causing the aircraft to be inspected by his authorised representatives, and may, upon the result of such inspection, cause the aircraft to be detained until the execution of such alterations or repairs as he may consider necessary to render the aircraft fit for flight.

Inspection, Overhauls, etc.

7. The Governor may issue directions as to the inspection, certification before flight, overhaul, repair and modification of British aircraft which are registered in the Colony, or in respect of which airworthiness certificates have been issued by him, and as to the inspection and certification before flight of other British aircraft within the Colony and any directions so issued shall be complied with as if they were contained in this Order.

Schedule III.

LOG-BOOKS.

Log-Books to be kept.

[1937.]

1. (1) The following log-books shall be kept in respect of British aircraft registered in the Colony:—

(a) for every aircraft when engaged in international navigation or when flying on a regular line or service of public air transport, a journey log-book;

(b) in addition, for every passenger or goods aircraft, an aircraft log-book;

(c) in addition, for every passenger or goods aircraft fitted with an engine, an engine log-book, and if fitted with more than one engine, a separate log-book for each engine.

(2) Every pilot licensed under this Order shall keep a pilot's log-book.

[1929.]

(2A) A log-book shall be kept in respect of every winch (including the cable worked thereby) used for the operation of a fixed balloon registered in the Colony and carrying passengers for hire or reward.

(3) The log-books shall be kept up to date in the prescribed form and manner.

2. The journey log-book shall be issued by the Governor; other log-books shall be in the prescribed form.

3. The log-books shall be preserved for two years after the last entry therein.

Instructions for Use of Log-Books.

4. (1) (a) The constructor shall fill in and sign the original entries in the aircraft and engine log-books so far as he is in a position to do so.

Subsequent entries therein shall be made and signed by such persons as may from time to time be prescribed.

Provided that as regards matters which could not have come to the notice of any person so prescribed the pilot shall be responsible for making and signing the entries.

(b) Entries in the journey log-book shall be made and signed by such persons as may from time to time be prescribed.

(2) All entries shall be made in ink:

Provided that in the case of the journey log-book the entries may be entered daily from a rough notebook kept in pencil. This rough notebook shall be produced when called for in the event of any inspection or investigation.

[1937.]

Schedule IV.

RULES AS TO LIGHTS AND SIGNALS AND RULES FOR AIR TRAFFIC.

*Preliminary**Interpretation.*

For the purposes of this Schedule—

(a) An aircraft shall be deemed to be "on the surface of the water" when any part of the aircraft is in contact with the water.

- (b) An aircraft, being in the air or on the surface of the water, shall be deemed to be "under way" when it is not moored to the ground or to any fixed object on the land or in the water;
- (c) An aircraft under way in the air or on the surface of the water shall be deemed to be "making way" when it has a velocity relative to the air or water respectively;
- (d) An aircraft shall be deemed not to be "under control" when it is unable to execute a manoeuvre required in respect of it by the rules laid down in this Schedule or by the Regulations for Preventing Collisions at Sea;
- (e) The expression "landing area" means that part of an aerodrome which is reserved for departures and landings of aircraft;
- (f) The expression "visible", when used in relation to lights, means visible on a dark night with a clear atmosphere;
- (g) The expression "plane of symmetry", in relation to an aircraft, means the plane of symmetry passing through the longitudinal axis of the aircraft;
- (h) The angular limits for lights laid down in the rules contained in Section I of this Schedule shall be determined when the aircraft is in its normal attitude for flying on a rectilinear horizontal course.

Section I.

Rules as to Lights and Visual Signals to be displayed and Sound Signals to be made by Aircraft.

General.

1.—(1) The rules as to lights to be displayed by aircraft contained in this Section of this Schedule shall be complied with by aircraft in all weathers during the period from sunset to sunrise or, in the case of aircraft being on or over the territory of a State by the law of which any other period is substituted for the period aforesaid, during the period so substituted.

(2) Throughout the period during which the said rules are to be complied with no other lights shall be displayed which may be mistaken for the lights required to be displayed by those rules.

(3) The lights required to be displayed by the said rules shall not be dazzling.

2.—(1) In the event of the failure of any light which is required by this Section of this Schedule to be displayed by aircraft in flight, the aircraft concerned shall, if the light cannot immediately be repaired or replaced, land as soon as it can do so without danger.

(2) Where owing to the difficulty of producing lamps to meet the requirements of this Section of this Schedule as regards sector lights, an overlap of those lights is unavoidable, the overlap shall be kept as small as possible; there shall be no sector in which no light is visible.

3. Nothing in this Section of this Schedule shall interfere—

- (a) with the operation of any special rules made by any State with respect to additional signal or station lights for military aircraft,

aircraft exclusively employed in State service or aircraft in group formation; or

- (b) with the exhibition of recognition signals adopted by owners of aircraft which have been authorised by their respective Governments and duly published.

Lights and Visual Signals to be displayed by Aircraft.

Flying Machines.

4.—(1) Every flying machine in the air or the landing area of a land aerodrome shall display the following lights, that is to say:—

- (a) on the right side, a green light, fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right;
- (b) on the left side, a red light, fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane symmetry of the aircraft and directed dead ahead, and the other is directed to the left;
- (c) at the rear, a white light, fixed so as to show astern an unbroken light visible at a distance of at least 3 miles, throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

(2) In cases where, in order to comply with the foregoing provisions of this paragraph, a single light has to be replaced by several lights, the field of visibility of each of those lights shall be so limited that only one of them can be seen at a time.

(3) In the case of a flying machine with a maximum span of less than 65 feet, the lights required by this paragraph to be displayed may be combined in one or more lamps placed centrally, provided that the requirements of this paragraph as to colour and visibility are complied with.

5. Every flying machine under way on the surface of the water shall display lights in accordance with the following provisions of this paragraph:—

- (a) if it is under control and is not being towed, it shall display the lights specified in paragraph 4 of this Schedule and in addition, forward, a white light, fixed so as to show forward an unbroken light, visible at a distance of at least 3 miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft;
- (b) if it is being towed, it shall display the lights specified in paragraph 4 of this Schedule;
- (c) if it is not under control, it shall display two red lights placed where they can best be seen, one vertically over the other, not less than 3 feet apart, and both being visible, so far as practicable, all round the horizon, at a distance of at least 2 miles, and it shall also display—

- (i) if making way, the lights specified in paragraph 4 of this Schedule;
or
- (ii) if not making way, the light specified in sub-paragraph (1)(c) of paragraph 4 of this Schedule;
- (d) if it is towing another flying machine or a glider, it shall display the lights specified in paragraph 4 of this Schedule and it shall also display, forward, two white lights placed where they can best be seen, one vertically over the other, not less than 6 feet apart, and both being visible at a distance of at least 3 miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

6. Every flying machine at anchor or moored on the surface of the water shall display lights in accordance with the following provisions of this paragraph:—

- (a) in every case, it shall display forward centrally where it can best be seen, a white light visible all round the horizon at a distance of at least 1 mile;
- (b) in a case where the length of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this paragraph to be displayed, a white light at or near its stern at a lower height than the forward light specified in sub-paragraph (a) of this paragraph, and visible all round the horizon at a distance of at least 1 mile;
- (c) in a case where the maximum lateral dimension of the flying machine is 150 feet or upwards, it shall display, in addition to any other light required by this paragraph to be displayed, a white light on each side placed in such a manner as to demarcate the maximum lateral dimension of the flying machine and visible, so far as practicable, all round the horizon at a distance of at least 1 mile.

Glider and free balloons.

7.—(1) In all cases in which flying machines are required by this Section of this Schedule to display lights, a glider shall display a red light visible, so far as practicable, in all directions.

(2) A free balloon shall display a red light placed not less than 15 or more than 30 feet below the basket and visible, so far as practicable, in all directions at a distance of at least $2\frac{1}{2}$ miles.

Captive Balloons and Kites.

8.—(1) In the case of a captive balloon or kite, lights shall be displayed in accordance with the following provisions of this sub-paragraph:—

- (a) the balloon or kite, when flown at an altitude exceeding 200 feet above the ground or at any altitude if it is less than 3 miles from an aerodrome or from a recognised air route, shall display a group of two lights consisting of a white light placed 12 feet vertically above a red light, both these lights being visible, so far as practicable, in all directions at a distance of at least $2\frac{1}{2}$ miles, and the white light being placed not less than 15 or more than 30 feet below the

basket, or, if there is no basket, below the lowest part of the balloon or kite:

- (b) in addition, from the mooring cable of the balloon or kite there shall be displayed, at intervals of 1,000 feet measured from the said group of two lights, similar groups of two lights, white and red, and if the lowest group of lights is obscured by clouds an additional group shall be displayed below the cloud base:
- (c) in addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle approximately equilateral and each side of which measures at least 80 feet; the side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights; the third light shall be a green light placed opposite the direction of the cable.

(2) By day the mooring cable of a captive balloon shall have attached to it at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 16 inches in diameter and 6 feet in length, and marked with alternate bands of white and red 20 inches in width.

- (3) By day the mooring cable of a kite shall be marked, either
 - (a) in the manner required by the last preceding sub-paragraph in the case of a captive balloon; or
 - (b) by streamers of stout paper attached to the cable at intervals of 300 feet measured from the lowest part of the kite, being streamers not less than 32 inches in length or 1 foot in width in their widest part and marked with alternate bands of white and red 4 inches wide.

(4) By way of exception to the provisions of this paragraph, captive balloons and kites used for meteorological observation which, owing to their insufficient static lift, cannot display the lights and signals required by this paragraph to be displayed may be flown, but only over areas which are notified as danger areas by notices to airmen. In every such case the position of the object to which the captive balloon or kite is moored on the ground shall be marked as required by sub-paragraph (1) (c) of this paragraph.

Airships.

9.—(1) Except as provided in the next following paragraph, an airship when under way shall display the following lights:—

- (a) forward, a white light, fixed so as to show forward an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft;
- (b) on the right side, a green light fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right;

(c) on the left side, a red light fixed so as to show an unbroken light, visible at a distance of at least 5 miles, throughout a dihedral angle of 110° formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left;

(d) at the rear, a white light fixed so as to show astern an unbroken light, visible at a distance of at least 3 miles, throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

(2) In a case where, in order to comply with the foregoing provisions of this paragraph, a single light has to be replaced by several lights, the field of visibility of each of those lights shall be so limited that only one can be seen at a time.

10.—(1) An airship which is under way and which is not under control, or which has voluntarily stopped its engines, or which is being towed, shall display the following lights:—

(a) the forward and rear lights specified in sub-paragraphs (1) (a) and (1) (d) of the last foregoing paragraph;

(b) in addition, below the airship, two red lights placed vertically one below the other 12 feet apart, the upper light being 25 feet below the control car, and both being visible, so far as practicable, in all directions at a distance of not less than $2\frac{1}{2}$ miles; -

(c) in addition, if making way but not otherwise, the side lights specified in sub-paragraphs (1) (b) and (1) (c) of the last foregoing paragraph.

(2) By day, an airship in the circumstances mentioned in sub-paragraph (1) of this paragraph shall display a group of two black balls or shapes, each at least 2 feet in diameter, placed vertically one below the other 12 feet apart, the upper one being 25 feet below the control car, and both being visible, so far as practicable, in all directions.

Where necessary, in order to comply with the foregoing provisions of this sub-paragraph, the said group of two black balls or shapes may be duplicated.

11.—(1) An airship when moored to a mooring mast shall display at or near the rear a white light visible, so far as practicable, in all directions at a distance of at least 3 miles.

(2) An airship, when moored to the ground or the surface of the water by a cable, shall display, forward, the white light specified in sub-paragraph (1) (a) of paragraph 9 of this Schedule and at the rear the white light specified in sub-paragraph (1) (d) of that paragraph, and in addition the airship and its mooring cable shall be lighted or marked in accordance with such of the provisions of paragraph 8 of this Schedule as are applicable in the case of a captive balloon.

(3) An airship while picking up its moorings, although it shall be considered as being under way and not being under control, shall display only the lights required by paragraph 9 of this Schedule to be displayed until it is finally made fast.

Sound Signals.

12. In fog, mist, falling snow or heavy rainstorm, whether by day or night, an aircraft on the water shall make the following sound signals:—

- (a) if not anchored or moored, a sound, at intervals of not more than two minutes, consisting of two blasts of about 5 seconds' duration with an interval of about 1 second between them;
- (b) if at anchor or moored, the rapid ringing of an efficient bell or gong for about 5 seconds, at intervals or not more than 1 minute.

SECTION II.

*Rules as to ground markings and signalling.**General.*

13. The meanings given to the various markings, lights and signals in this Section of this Schedule are reserved to them exclusively.

Ground markings, lights and signals on and in the vicinity of aerodromes open to public use.

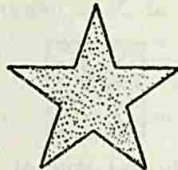
14. At every land aerodrome open to public use the following requirements shall be complied with:—

- (1) The boundaries of the landing area shall, by means of suitable markings, be rendered clearly visible both to aircraft in the air and to aircraft manoeuvring on the landing area;
- (2) In addition, a marking in the form of a circle may be placed on the landing area;
- (3) All obstructions existing on the landing area shall be clearly marked;
- (4) In case part of the landing area should become unfit for use, such part shall be delimited by clearly visible markings or flags, and may, in addition be indicated by one or more clearly visible crosses.

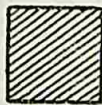
15. At every aerodrome open to public use the following requirements shall be complied with:—

- (1) The direction of the wind at the landing area shall be clearly indicated by a landing T, wind sleeve, smoke producing wind indicator or other recognised method.
- (2) If there is a landing T,
 - (a) it shall be used to indicate the compulsory direction for landing and taking off, even should such direction not correspond to the direction of the wind;
 - (b) normally it shall be placed so that the shaft of the T lies along the direction of the wind with the cross arm set at that end of the shaft from which the wind is blowing;
 - (c) if there is either no wind or a slight irregular wind, the T shall be fixed in the direction in which landing or departure is to be made and the fact that it is fixed shall be indicated by the presence of a ball, mounted on a mast in the signal area and clearly visible both to aircraft in flight and to aircraft manoeuvring on the landing area.

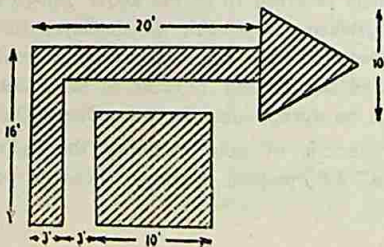
(3) When, by way of exception, the landing area at any aerodrome is regarded as divided into two approximately equal zones, one for departures and the other for landings, as provided for in paragraph 45 of this Schedule, this exceptional arrangement shall be indicated by a full star of five points, as illustrated below, of such a size that lines joining the successive points of the star would form a regular pentagon which could be inscribed in a circle the diameter of which is not less than 50 feet.



(4) (a) When in conformity with paragraph 37 of this Schedule the Governor temporarily suspends wholly or partially in respect of any aerodrome in the Colony which is open to public use the application of the special rules for air traffic contained in Section V of this Schedule there shall, to indicate such suspension, be placed horizontally a red square panel, each side of which measures at least 10 feet, as illustrated below:—

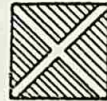


(b) If during such suspension as aforesaid it is provided among other things that in the case of a flying machine (i) flying outside a landing area at a distance of less than 2,000 yards from the nearest point of such area or (ii) making a circuit or partial circuit immediately after taking off or prior to landing, as referred to in paragraph 39 (b) and paragraph 43 respectively of this Schedule, the landing area is to be kept on the right of the flying machine and the circuit or partial circuit is to be righthanded, the red square panel specified in sub-paragraph (a) of this sub-paragraph shall along two of its sides be bordered by a red rectangular panel at least 3 feet in width, separated from the central panel by at least 3 feet, and at the extremity of one of the rectangular panels there shall be placed a red equilateral triangle, each side of which measures 10 feet, to indicate that the landing area is to be kept on the right and that circuits or partial circuits are to be right-handed, as illustrated below:—

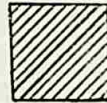


If, however, the only object of such suspension as aforesaid is that in such a case the landing area shall be kept on the right and that circuits or partial circuits shall be right-handed, the red square panel shall not be displayed.

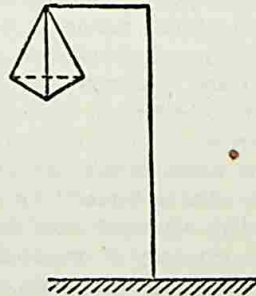
- (5) (a) When special circumstances necessitate a prohibition to land liable to be prolonged there shall be placed horizontally a red square panel each side of which measures at least 10 feet and the diagonals of which shall be marked by yellow strips at least 20 inches in width arranged in form of an X, as illustrated below:



- (b) When owing to the bad state of the landing area or for any other reason the observance of precautions in landing is required, they may be placed horizontally a red square panel each side of which measures at least 10 feet and one of the diagonals of which shall be marked by a yellow strip at least 20 inches in width, as illustrated below:—



- (c) When a landing by means of a radioelectric guide is taking place that fact may be indicated by hoisting on a mast a yellow triangular equilateral pyramid, each side of which measures at least 6 feet, as illustrated below:—



- (d) The use of the signals provided for in sub-paragraphs (b) and (c) of this sub-paragraph is optional.
- (6) The signals referred to in the above sub-paragraphs of this paragraph shall, whenever possible, be displayed in a special part of the aerodrome selected as a signal area; by way of exception, the wind indicators and the landing T referred to in sub-paragraphs (1) and (2) of this paragraph may be located elsewhere in the aerodrome.
- (7) During periods of poor visibility the lights existing for night lighting shall be operated by day, whenever possible and in so far as necessary.

16.—(1) At every aerodrome open to public use and used for night flying the following requirements shall be complied with during the working hours of the night service:—

(a) *As to dangerous lights:—*

No lights shall be exhibited at or in the neighbourhood of an aerodrome which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of the lights or signals required by this Schedule to be displayed;

(b) *As to aerodrome beacon:—*

The position of the aerodrome may be indicated by a luminous beacon.

(2) At every land aerodrome open to public use and used for night flying the following requirements shall be complied with during the working hours of the night service:—

(a) *As to lighting of obstructions:—*

Fixed red lights shall be displayed:—

(i) on all obstructions within the landing area which constitute a danger to aircraft in motion on the landing area;

(ii) as far as possible, on all obstructions within 1,000 yards of the boundary of the landing area and constituting a danger to aircraft approaching or leaving the aerodrome in a normal manner. In case it should be impossible to exhibit fixed red lights on such obstructions, the horizontal projection and the centre of the obstructions shall, as far as possible, be clearly indicated by synchronised red flashing or occulting lights, placed on a level with or near to the ground.

(b) *As to lighting of landing T and of wind indicators:—*

The landing T if used, and at least one of the wind indicators shall be illuminated with fixed lighting, preferably white.

(c) *As to lighting of signals:—*

The signals displayed in the signal area and also the signals referred to in sub-paragraphs (3), (4) and (5) of paragraph 15 of this Schedule, when used and wherever displayed, shall be suitably illuminated.

(d) *As to lighting of landing area:—*

(i) The landing area or the part thereof on which landings should be made shall be illuminated, if possible, by a floodlight or floodlight system during landing manoeuvres;

(ii) In default of such method or illumination as aforesaid, one of the two following alternative methods of illumination shall be used:—

First method:—

There shall be laid out on the ground a line of lights, spaced 50 yards apart, consisting of a central section of six lights, to indicate that landings should be made on the adjacent portion of the landing area and on either side of the said line, and at least two green lights at one end of the said line and at least two red lights at the other end of the said line, to indicate that landings should be made from the direction of the said green lights towards the said red lights;

Second method:—

There shall be laid out on the ground lights in the form of a T, the shaft of which shall be composed of at least four lights in a line at least 250 yards in length. The light at the foot of the T shall indicate the place where it should finish its run. Landings may be made on either side of the T but always parallel thereto, provided that, in the event of the area situate on either side of the shaft of the T becoming obstructed, the light indicating the cross arm of the T on that side shall be removed and landing shall be effected on the opposite side of the shaft of the T.

If either of the two alternative methods of illumination referred to above is used, the landing T shall not be displayed.

(e) As to approach lighting:—

The most favourable sectors of approach to the landing area may be indicated by green lights.

(f) As to boundary lighting:—

The boundary of the landing area shall be marked by fixed aviation-yellow lights, normally laid out 100 yards apart:

Provided that :—

- (i) when there are obstructions on the boundary of the landing area, the lights serving to mark such obstructions may take the place of boundary lights;
 - (ii) when local conditions render unavoidable the use of gas boundary lights, such lights may be given an intermittent character;
 - (iii) when the boundary of the landing area cannot be marked, only the extremities of such landing area between which aircraft may move without danger shall be indicated by fixed aviation-yellow lights.
- (3) At every water aerodrome open to public use and used for night flying the requirements specified in sub-paragraph (2) of this paragraph shall be complied with except in cases where compliance therewith is obviously impossible.

Distress, Urgency and Safety Signals.

17.—(1) (a) None of the signals referred to in this paragraph may be transmitted except with the authority of the commander or person responsible for the aircraft from which such signals are transmitted.

(b) When such signals are sent by radiotelegraphy or radiotelephony, the group of spoken expression shall be sent three times and followed by the group DE and the call sign, also sent three times, of the aircraft which sends it.

(2) As to distress signals:—

When an aircraft is threatened by grave and imminent danger and requires immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message:—

(a) In radiotelegraphy the signal SOS (. . . — — . . .).

(b) In radiotelephony the spoken expression "MAYDAY" (corresponding to the French pronunciation "m'aider").

(c) In visual signalling

- (i) The signal SOS (. . . — — — . . .) made with signaling apparatus.
- (ii) A succession of red pyrotechnical lights fired at short intervals.
- (iii) The two flag signal corresponding to the letters "NC" of the International Code of Signals.
- (iv) The distant signal, consisting of a square flag having, either above or below it, a ball or anything resembling a ball.

(d) In sound signaling

- (i) The signal SOS (. . . — — — . . .) made with any sound apparatus.
- (ii) A continuous sounding made with any sound apparatus.

(3) *As to urgency signals:—*

(a) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message:—

- (i) In radiotelegraphy the group PAN (. — — . . — — .), sent with the three letters well separated so that the signals AN may not be transmitted into one signal P.
- (ii) In radiotelephony the spoken expression PAN, which should be pronounced like the French word "PANNE".

(iii) In visual signalling:—

By day: a succession of white pyrotechnical lights.

By night: a succession of white pyrotechnical lights or a succession of short and intermittent flashes with the navigation lights.

(b) When the signal PAN is sent by an aircraft without any message following, it shall signify that the aircraft has been compelled to land and is unable to transmit its intended message owing to the rapidity of the landing, but does not require immediate assistance.

(c) When an aircraft has a very urgent message to transmit concerning the safety of the aircraft or of any person on board or within range of assistance or the safety of another aircraft, or of any ship or vehicle, the following signals (which as a general rule will be addressed to a specific authority) shall be used or displayed, either together or separately, before the sending of the message:—

- (i) In radiotelegraphy the group XXX (. . — — . . — — . . —) with the letters of each group and the successive groups clearly separated from each other.
- (ii) In visual signalling either a succession of green pyrotechnical lights or a succession of green flashes made with signalling apparatus.

(4) *As to safety signals:—*

When an aircraft is about to transmit a message concerning the safety of navigation or giving important meteorological warnings, the following signals

shall be used, either together or separately, before the sending of a message:—

- (a) In radiotelegraphy the group T T T (— — —) with the letters of each group and the successive groups clearly separated from each other.
- (b) In radiotelephony the French word "SECURITE" corresponding to the English pronunciation of the syllables SAY-CURE-E-TAY.
- (c) (Revoked).

[1938.]

Other Signals to or from Aircraft.

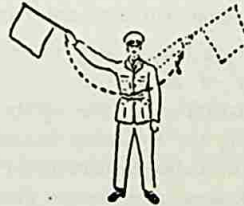
18. At aerodromes open to public use:—

(1) By day and by night when there is an officer controlling traffic, he shall, except as permitted by sub-paragraph (2) of this paragraph, use the following signals (which may be preceded by the last three letters of the registration group of the aircraft to which the signal is addressed sent in the International Morse Code by using a luminous beam of the same colour as the signal which is to follow):—

- (a) to authorise movement on the landing area other than taking-off, he shall direct at the aircraft an intermittent white luminous beam;
- (b) to authorise taking-off, he shall direct at the aircraft a continuous white luminous beam;
- (c) to prohibit taking-off or any movement on the landing area, he shall direct at the aircraft an intermittent red luminous beam.

(2) By day, when there is on the landing area an officer controlling traffic, he may use the following signals:—

(a) to authorise movement on the landing area other than taking-off, he shall wave a small white flag in the direction to be followed as shewn in the diagram below



(b) to authorise taking-off, he shall lower a small white flag in the direction of taking-off as shewn in the diagram below



- (c) to prohibit taking-off or movement towards the taking-off point, he shall raise a small red flag as shewn in the diagram below



- (d) to prohibit landing, he shall wave a small red flag vertically above his head as shewn in the diagram below



- (3) (a) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control, shall, before landing, ask permission by a signal made either by radiotelegraphy or radiotelephony or by visual signal made by means of a lamp or projector but not by means of the navigation lights.
- (b) The visual signal, sent by International Morse Code, shall be composed of the last three letters of the registration group of the aircraft and shall be repeated for as long as may be necessary.
- (c) The reply shall be given from the ground to the aircraft either by radiotelegraphy or radiotelephony or by visual signal, provided that, when permission has been asked by visual signal, the reply shall always be given by visual signal.
- (d) When the reply is given by visual signal, such signal shall consist of a repetition of the three-letter sign specified in sub-paragraph (b) of this sub-paragraph, sent by means of the signalling lights of the aerodrome and made either by a group of lights arranged on a horizontal plane at the apexes of an equilateral triangle, each side of which measures not less than 3 nor more than 10 feet, or by a luminous beam directed at the aircraft.
- (e) In giving the visual signal in reply, the colour green shall be used to give permission to land and the colour red shall be used to prohibit landing.

19.—(1) At every aerodrome the firing of a red pyrotechnical light or the display of a red flare from the ground, whether by day or by night and notwithstanding any previous permission, shall be taken as an instruction to

aircraft in flight that they are not to land for the moment and to aircraft manoeuvring on the landing area that they are to cease to move.

(2) At aerodromes provided with the triangular device specified in paragraph 18 (3) (d) of this Schedule the emission by means of such device of intermittent red lights shall, whether by day or by night and notwithstanding any previous permission, be taken as an instruction to aircraft in flight that they are not to land for the moment.

[1938. (No. 2)]

20. To require an aircraft to land, the following signals shall be used:—

By day and by night, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting green lights or stars;

In addition, if it is necessary to distinguish amongst several the aircraft which is to land, a continuous white luminous beam shall be directed at that aircraft:

Provided that when the authority who desires to give the order to land is able to establish radioelectric communication with the aircraft, this order may be given by using the means of communication established.

[1938. (No. 2)]

21. To warn an aircraft that it is in the vicinity of a prohibited area (including areas flight over which is temporarily prohibited or restricted) and should change its course, the following signals shall be used:—

(a) By day, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting black or white smoke.

(b) By night, a series of projectiles discharged at intervals of 10 seconds, showing on bursting white lights or stars, or an intermittent white luminous beam directed at the aircraft:

Provided that when the authority who desires to give the order for the change of course referred to in this paragraph is able to establish radioelectric communication with the aircraft, this order may be given by using the means of communication established.

SECTION III.

General Rules for Air Traffic.

22. Subject to the provisions of paragraphs 29 and 35 (a) and (c) of this Schedule, flying machines shall always give way to gliders and to balloons, fixed or free, and to airships, and airships shall always give way to gliders and to balloons, whether fixed or free.

23. An airship which is under way and which is not under control or which has voluntarily stopped its engines shall, for the purposes of the provisions of this Section of the Schedule, be classed as a free balloon.

24.—(1) When circumstances permit, an aircraft can ascertain risk of collision with another aircraft by carefully watching the successive compass bearings and angles of elevation of the other aircraft and it shall consider that risk of collision with the other aircraft exists if neither the bearing nor the angle of elevation changes appreciably and if the distance between the two aircraft diminishes.

(2) The term "risk of collision" includes all risk of accident due to undue proximity of other aircraft.

25. Every aircraft which is required by the rules contained in paragraphs 22, 23, and 24 of this Schedule to give way to another aircraft to avoid collision, shall keep at a safe distance, having regard to circumstances of the case.

26. While observing the provisions relative to risk of collision contained in paragraphs 24 and 25 of this Schedule, a mechanically-driven aircraft must always manoeuvre according to the rules contained in paragraphs 27, 28, 29, 30 and 31 of this Schedule as soon as it is apparent that, if it pursued its course, it would not pass clear of another aircraft.

27. When two mechanically-driven aircraft are meeting end on or nearly end on, each shall, without prejudice to the application of the provisions of paragraph 22 of this Schedule, alter its course to the right

28. Subject to the application of the provisions of paragraphs 22 and 35 (c) of this Schedule, when two mechanically-driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

29. An aircraft which overtakes another aircraft shall keep out of the way of the overtaken aircraft by altering its own course to the right.

[1938. (No. 2)]

If an aircraft approaches another aircraft from the rear, following a course forming an angle of less than 70° with the plane of symmetry of the latter, that is to say, is in such a position with reference to the other aircraft that at night it would be unable to see either of that aircraft's side lights, the aircraft approaching the other shall consider itself to be an overtaking aircraft, and no subsequent alteration of the relative position of the two aircraft shall make the aircraft which approaches the other a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the course of the overtaken aircraft until it is entirely past and clear.

As by day an aircraft which approaches another aircraft from the rear cannot always know with certainty whether it comes within the case provided for in the last preceding sub-paragraph, it should, if in doubt, assume that it is overtaking the other aircraft and alter its own course to the right.

30. Every aircraft which is obliged by the rules contained in this Schedule to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid passing over or under the other or crossing ahead of it.

31. Where by any of the rules contained in this Schedule one of two aircraft is to keep out of the way, the other shall keep its course and speed. When, however, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving-way aircraft alone, it shall take such action as will best aid to avert collision.

32. Every aircraft in a cloud, fog, mist or other conditions of bad visibility, shall proceed with caution, having careful regard to existing circumstances.

Every aircraft when flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

33. In order to obviate the increased risk of collision which exists on air traffic routes, the following rules shall be observed by flying machines, gliders and airships when flying on or in the vicinity of such routes:—

- (a) An aircraft when flying by compass along the straight line (rhumb line) joining two points on an air traffic route in common use shall keep such line at least 1,000 yards on its left.
- (b) An aircraft following either an officially recognised air traffic route or a route frequented by aircraft and indicated on the ground by a line of landmarks such as a road, railway, river, canal or coast line, etc., shall keep such route at least 300 yards on its left.
- (c) An aircraft shall not fly keeping on its right any of the lines or routes referred to in this paragraph except at a distance therefrom sufficient to avoid aircraft following such lines or routes in accordance with the rules contained in this paragraph.
- (d) An aircraft crossing one of the lines or routes referred to in this paragraph shall cross it at angles as rapidly as possible.
- (e) In the case of prearranged flights in group formation, the aircraft of the leader of the group shall lead the flight in such a manner that every aircraft in the group can comply with the rules contained in this paragraph.

34. To facilitate compliance with the rules for air traffic contained in this Schedule, the pilot of a flying machine shall, save in exceptional circumstances, be placed either in the plane of symmetry of the flying machine or on the left hand side of such plane.

SECTION IV.

Special Rules for Air Traffic on and in the Vicinity of all Aerodromes.

35. On and in the vicinity of all aerodromes:—

- (a) aircraft about to land on the aerodrome shall be given free way;
- (b) aircraft about to take off shall not attempt to do so until there is no risk of collision with another aircraft:
- (c) in the case of one flying machine or glider and another flying machine or glider both approaching the aerodrome for the purpose of landing, the flying machine or glider flying at the greater height shall be responsible for avoiding the flying machine or glider flying at the lower height but the latter flying machine or glider shall, if the contingency arises, comply with the provisions of paragraph 29 of this Schedule.

SECTION V.

Special Rules for Air Traffic on and in the Vicinity of Aerodromes open to Public Use.

General.

36.—(1) The rules contained in this Section of this Schedule shall be applied on and in the vicinity of aerodromes open to public use for flying machines.

(2) Gliders on and in the vicinity of aerodromes open to public use shall comply with the rules contained in this Section of this Schedule so far as possible.

37. The Governor may temporarily suspend the application of all or any of the rules contained in this Section of this Schedule in respect of any aerodrome in the Colony which is open to public use. Where any such suspension is for the time being in force with respect to any aerodrome, there shall be displayed at that aerodrome the appropriate signals provided for in paragraph 15 (4) of this Schedule.

38. At land aerodromes a neutral zone, situated along the perimeter of the landing area and at the approaches to the hangars, may be set apart for flying machines manoeuvring on the ground.

Flight over or in the Vicinity of the Landing Area.

39. Subject to the provisions of any special regulations in force with respect to any particular aerodrome.

(a) a flying machine shall not fly over the landing area of an aerodrome at a lower height than 2,000 feet except when departing therefrom or landing thereat,

(b) every flying machine flying outside a landing area at a distance of less than 2,000 yards from the nearest point of such area shall, unless it is flying at a greater height than 2,000 feet, keep the landing area on its left.

40. Flying machines shall not engage in aerial acrobatics in the vicinity of aerodromes at a distance of less than 4,000 yards from the nearest point of the perimeter of the aerodrome, unless they are flying at a greater height than 6,000 feet.

41. When a flying machine is about to land by means of a radioelectric guide, other flying machines, in order to avoid collision, shall comply with any local regulations in force which may be applicable or, in default of any such regulations, shall fly as low as possible below the clouds.

42. No fixed balloon, kite, or moored airship shall be elevated in the vicinity of any aerodrome without permission duly given under the law of the country in which the aerodrome is situated. As respects aerodromes situated in the Colony such permission may be given by the Governor.

Rules to be observed for Departures and Landings.

43. If a flying machine starting from or about to land on an aerodrome makes a circuit or partial circuit, the turning shall be made clear of the landing area and shall be left-handed (anti-clockwise) so that during such circuit the landing area shall always be on its left, unless either of the signals provided for in paragraph 15 (4) (b) of this Schedule is displayed, when the turning shall be right-handed.

44.—(1) Every flying machine when taken off from or landing at an aerodrome shall do so upwind, except when the natural conditions of the aerodrome do not permit. If, however, there is a landing T as provided for in sub-paragraph (2) of paragraph 15 of this Schedule or a line of lights in

the form of a T as provided for in sub-paragraph (2) (d) (ii) of paragraph 16 of this Schedule, the flying machine shall take off or land in the direction indicated by the T (i. e., by following the direction of the shaft of the T towards the cross arm of the T) or by the line of lights or lights in the form of a T as the case may be.

(2) Landings shall be preceded by a descent in a straight line, commencing at least 300 yards outside the perimeter of the landing area.

(3) Every flying machine landing at an aerodrome shall leave clear on its left any flying machine which has already landed or is already landing, or which is taking off or about to take off.

(4) Every flying machine taking off from an aerodrome shall leave clear on its left any flying machine which is already taking off.

(5) In observing the rules contained in this paragraph, every flying machine, when landing or taking off, shall leave a reasonable space on its right for other flying machines to land or take off.

(6) At an aerodrome two or more flying machines shall not take off or land simultaneously unless such simultaneous taking off or landing is pre-arranged.

(7) For the purposes of this paragraph two or more flying machines taking off or landing simultaneously by prearrangement shall be regarded as a simple flying machine.

45.—(1) By way of exception the landing area at an aerodrome may be regarded as divided into two approximately equal zones by a vertical plane orientated in the direction of departure and landing described in sub-paragraph (1) of paragraph 44 of this Schedule; in such a case, for an observer facing in the same direction as that in which departures and landings are to be made, the zone on the right shall be reserved for landings, and the zone on the left for departures.

(2) The aerodromes to which this paragraph applies shall be indicated by the signal provided for in sub-paragraph (3) of paragraph 15 of this Schedule.

(3) At aerodromes to which this paragraph applies a flying machine when landing shall do so in conformity with the provisions of sub-paragraph (1) and (2) of paragraph 44 of this Schedule, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other flying machine which has already landed or which is landing.

(4) At aerodromes to which this paragraph applies a flying machine when taking off shall do so in conformity with the provisions of sub-paragraph (1) of paragraph 44 of this Schedule, as far as possible to the left in the zone reserved for that purpose but leaving clear on its left any other flying machine which is already taking off.

46. At land aerodromes having a ground control no flying machine having proceeded on the landing area with the intention of taking off shall take off until it has received permission to do so by the signal specified in sub-paragraph (1) (b) or sub-paragraph (2) (b) of paragraph 18 of this Schedule.

Rules to be observed for Manoeuvres on the Ground.

47.—(1) At every land aerodrome a flying machine moving on the ground in the landing area shall normally do so in the direction of landing. It may, however, in order to shorten its course, cross the landing area to reach its point of taking off or the boundary, provided that in the course of such movement turns are always made to the left, that it gives free way to every aircraft leaving or landing, and that it conforms to the general air traffic rules contained in paragraphs 27, 28, 29, 30 and 31 of this Schedule.

(2) At every water aerodrome the rules for land aerodromes contained in sub-paragraph (1) of this paragraph shall apply, subject, however, to the provisions contained in paragraph 49 of this Schedule.

48. At aerodromes having a ground control, in addition to complying with the rules contained in paragraph 47 of this Schedule a flying machine shall not proceed on to the landing area until it has received permission to do so by the signal specified in sub-paragraph (1) (a) or sub-paragraph (2) (a) of paragraph 18 of this Schedule.

SECTION VI.

Special Rules relating to Aircraft on the Surface or near the Surface of the Water. [1938.]

49. Every aircraft manoeuvring under its own power on the water shall conform to the Regulations for Preventing Collision at Sea, and for the purposes of those Regulations shall be deemed to be a steam-vessel;

Provided that

(a) In conforming with the said Regulations it shall be borne in mind that steam-vessels in narrow channels are not able to manoeuvre so as to avoid collision with aircraft,

(b) The aircraft shall carry only the lights specified in Section I of this Schedule and not those prescribed for steam-vessels in the said Regulations, and shall not use, except as specified in paragraph 12 and sub-paragraph (2) (d) of paragraph 17 of this Schedule, or be deemed to hear the sound signals specified in the said Regulations, and

(c) Every aircraft in flight or in process of manoeuvring near the surface of the water shall as far as possible keep clear of all vessels and avoid impeding the navigation thereof. [1938.]

SECTION VII.

Miscellaneous Provisions.

50. The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

50A.—(1) The person in charge of an aircraft flying along an international air traffic route or on a regular line or service of public air transport shall— [1938.]

(a) before the aircraft commences any flight, procure such information as will enable him to acquire knowledge of the general meteorological situation and of the way in which it is developing; and

(b) immediately before the departure of the aircraft on any flight ascertain, from such information as may be available at the aerodrome or other place of departure, what are the meteorological conditions anticipated along the routes he may follow for the period during which the aircraft will be flying and what are the latest observed meteorological conditions at places along such routes or at places so near to such routes as to render the meteorological conditions existing at those places significant for the purpose of the intended flight.

(2) If at any aerodrome from which an aircraft to which this paragraph relates is about to depart a forecasting service is in operation, the person in charge of the aircraft shall, for the purposes of sub-paragraphs (a) and (b) of sub-paragraph (1) of this paragraph, consult personally the meteorologist employed on that service if he is available.

51. In conforming with the rules laid down in Sections III, IV and V of this Schedule due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render departure from the said rules necessary in order to avoid immediate danger.

52. Nothing in this Schedule shall exonerate any aircraft, or the owner, pilot or crew thereof, from the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

53. Nothing in this Schedule shall interfere with the operation of any special rule or rules duly made and published under the law of any country relative to the navigation of aircraft in the vicinity of any aerodrome or in or over any other place in that country, and it shall be obligatory on all owners, pilots and crews of aircraft to obey any such rule or rules.

Provided that nothing herein contained shall be deemed to require compliance with any such rule or rules in so far as compliance therewith would involve the provision of supplementary equipment for lights and signals other than such lights and signals as are required by Sections I and II of this Schedule to be displayed or used.

As respect any aerodrome or other place situated in the Colony any such special rule or rules as aforesaid may be prescribed by the Governor.

54. When an aircraft registered in the Colony is in the territory of any State which is not a Contracting State, the provisions of this Schedule shall apply to it only in so far as they do not conflict with the laws of such State.

Schedule V.

Licensing of Personnel.

1. Save as provided by Article 4 and Article 5 of this Order, every person acting as a commander, pilot, navigator, engineer or other operative member of the crew of a British aircraft registered in the Colony shall be

the holder of a licence in respect of the capacity in which he is so acting, granted or rendered valid under the provisions of this Order.

2. (1) The Governor may issue directions providing for—

- (a) The grant and renewal by him of such licences as aforesaid; and
 (b) The validation by him for the purpose of flying British aircraft registered in the Colony of licences granted by the duly competent authority in any other part of His Majesty's dominions or in any foreign State. [1932.]

(2) Pending the issue of such directions, licences may be granted, renewed or validated by the Governor on such conditions as he thinks fit.

3. No licence shall be granted if the Governor is not satisfied that the applicant is a fit and proper person to hold the licence. [1932.]

3A. On the issue of a licence to an applicant he shall forthwith sign his name on the licence as the holder thereof with his ordinary signature. [1937.]

4. In this Schedule the expression "licence" includes a certificate of competency.

Schedule VI.

Prohibited Areas.

1. Such specifically defined areas in the Colony as the Governor may by proclamation declare to be prohibited areas shall be prohibited areas within the meaning of this Schedule.

2. Every aircraft which finds itself above a prohibited area in contravention of this Order shall, as soon as aware of the fact, give the signal of distress provided in paragraph 17 of Schedule IV., and land as soon as possible outside the prohibited area at one of the nearest aerodromes in the Colony.

Provided that it shall not, unless compelled by stress of weather or other unavoidable cause, fly further into the prohibited area nor commence to descend while still above the prohibited area.

3. To warn an aircraft that it is in the vicinity of a prohibited area and should change its course, the signals prescribed in paragraph 21 of Schedule IV, shall be used. [1937.]

4. The signals which may be given when an aircraft flies, or attempts to fly, over a prohibited area in contravention of this Order shall be those prescribed in paragraph 20 of Schedule IV. [1937.]

5. Upon the signals referred to in paragraph 4 of this Schedule being given, the aircraft shall immediately give the signal referred to in paragraph 2 of this Schedule, and land in accordance with that rule.

6. If any aircraft flies, or attempts to fly, over any prohibited area or enters the Colony in contravention of this Order, and if, after signals referred to in paragraph 4 of this Schedule have been given by, or by the direction of, a commissioned officer in His Majesty's Naval, Military, or Air Forces, the aircraft fails to respond thereto by complying with the procedure laid or a commissioned officer in any Volunteer or Defence Force in the Colony,

the aircraft fails to respond thereto by complying with the procedure laid down in paragraph 5 of the Schedule, the officer may fire at or into such aircraft, and use any and every other means necessary to compel compliance, and every and any such officer and every other person acting in his aid and by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing.

[1931.]

7. (1) Where it is brought to the notice of the Governor—

(a) that a large number of persons is likely to gather in any district in the Colony for the purpose of witnessing some event of public interest; or

(b) that it is intended to hold in any district in the Colony an aircraft race or contest or exhibition of flying; or

[1937.]

(c) that any district in the Colony is to be used for purposes relating to defence which render expedient the temporary restriction of the flying of aircraft within or in the neighbourhood of such district;

the Governor may by directions impose such temporary restrictions on the flying of aircraft within or in the neighbourhood of that district as he may consider expedient in the interest of public safety or for the purpose of any such user as aforesaid, and no aircraft shall fly in contravention of any such directions:

[1937.]

Provided that any such restrictions, in so far as they relate to aircraft other than State aircraft, shall apply to British aircraft and aircraft registered in any other Contracting State without distinction.

(2) Any directions issued under this paragraph shall specify the area or areas to which the restrictions extend and the time or times during which the restrictions are to be in force, and, in the case of restrictions applying only to aircraft of, or other than, any particular class or description, the class or description of aircraft to which the restrictions apply, or do not apply, as the case may be.

(3) Any area specified in any such directions shall, during the specified time or times, be deemed to be a prohibited area for the purposes of paragraphs 2, 3, 4 and 5 of this Schedule, but not for the purposes of any other provisions of this Order.

Schedule VII.

Annex H. of the Convention.

CUSTOMS.

General Provisions.

1. Any aircraft going abroad shall depart only from aerodromes specially designated by the customs administration of each contracting State, and named "customs aerodromes."

Aircraft coming from abroad shall land only in such aerodromes.

2. Every aircraft which passes from one State into another is obliged to cross the frontier between certain points fixed by the contracting States. These points are shown on the aeronautical maps.

3. All necessary information concerning customs aerodromes within a State, including any alterations made to the list and any corresponding alterations necessary on the aeronautical maps and the dates when such alterations become valid, and all other information concerning any international aerodromes which may be established, shall be communicated by the State concerned to the International Commission for Air Navigation, which shall notify such information to all of the contracting States. The contracting States may agree to establish international aerodromes at which there may be joint customs services for two or more States.

4. When, by reason of a case of *force majeure*, which must be duly justified, an aircraft crosses the frontier at any other point, than those designated it shall land at the nearest customs aerodrome on its route. If it is forced to land before reaching this aerodrome it shall inform the nearest police or customs authorities.

It will only be permitted to leave again with the authorisation of these authorities, who shall, after verification, stamp the log-book and the manifest provided for in paragraph 5 they shall inform the pilot of the customs aerodrome where he must necessarily carry out the formalities of customs clearance.

5. Before departure, or immediately after arrival, according to whether they are going to or coming back from a foreign country, pilots shall show their log-books to the authorities of the aerodrome and, if necessary, the manifest of the goods and supplies for the journey which they carry.

6. The manifest is to be kept in conformity with the attached form No. 1.

The goods must be the subject of detailed declarations in conformity with the attached form No. 2, made out by the senders.

Every contracting State has the right to prescribe for the insertion either on the manifest or on the customs declaration of such supplementary entries as it may deem necessary.

7. In the case of an aircraft transporting goods the custom officer, before departure, shall examine the manifest and declarations, make the prescribed verifications and sign the log-book as well as the manifest. He shall verify his signature with a stamp. He shall seal the goods or sets of goods, for which such a formality is required.

On arrival the customs officer shall ensure that the seal is unbroken, shall pass the goods, shall sign the log-book and keep the manifest.

In the case of an aircraft with no goods on board, the log-book only shall be signed by the police and custom officials.

The fuel on board shall not be liable to customs duties provided the quantity thereof does not exceed that needed for the journey as defined in the log-book.

8. As an exception to the general regulations, certain classes of aircraft, particularly postal aircraft, aircraft belonging to aerial transport companies regularly constituted and authorised and those belonging to members of recognised touring societies not engaged in the public conveyance of persons or goods, may be freed from the obligation of landing at a customs aerodrome and authorised to begin or end their journey at certain inland aerodromes

appointed by the customs and police administration of each State at which customs formalities shall be complied with.

However, such aircraft shall follow the normal air-route, and make their identity known by signals agreed upon as they fly across the frontier.

Regulations applicable to Aircraft and Goods.

9. Aircraft landing in foreign countries are in principle liable to customs duties if such exist.

If they are to be re-exported, they shall have the benefit of the regulations as to permit by bond or deposit of the taxes.

In the case of the formation, between two or more countries of the Union, of touring societies, the aircraft of the said countries will have the benefit of the regulations of the "Triptyque."

10. Goods arriving by aircraft shall be considered as coming from the country where the log-book and manifest have been signed by the customs officer.

As regards their origin and the different customs regimes, they are liable to the regulations of the same kind as are applicable to goods imported by land or sea.

11. With regard to goods exported in discharge of a temporary receiving or bonded account or liable to inland taxes, the senders shall prove their right to send the goods abroad by producing a certificate from the customs of the place of destination.

Air Transit.

12. When an aircraft to reach its destination must fly over one or more contracting States, without prejudice to the right of sovereignty of each of the contracting States, two cases must be distinguished:—

- (1) If the aircraft neither sets down nor takes up passengers or goods it is bound only to keep to the normal air-route and make itself known by signals when passing over the points designated for such purpose.
- (2) In other cases, it shall be bound to land at a customs aerodrome and the name of such aerodrome shall be entered in the log-book before departure. On landing, the customs authorities shall examine the papers and the cargo, and take, if need be, the necessary steps to ensure the re-exportation of the craft and goods or the payment of the dues.

The provisions of paragraph 9 (2) are applicable to goods to be re-exported.

If the aircraft sets down or takes up goods, the customs officer shall verify the fact on the manifest, duly completed, and shall affix, if necessary, a new seal.

Various Provisions.

13. Every aircraft during flight, wherever it may be, must conform to the orders from police or customs stations and police or customs aircraft of the State over which it is flying.

14. Customs officers and excise officials, and generally speaking the representatives of the public authorities shall have free access to all starting and landing places for aircraft; they may also search any aircraft and its cargo to exercise their rights of supervision.

15. Except in the case of postal aircraft, all unloading or throwing out in the course of flight, except of ballast, may be prohibited.

16. In addition to any penalties which may be imposed by local law for infringement of the preceding regulations, such infringement shall be reported to the State in which the aircraft is registered, and the State shall suspend for a limited time, or permanently, the certificate of registration of the offending aircraft.

17. The provisions of this Annex do not apply to military aircraft visiting a State by special authorisation (Article 30, 31 and 32 of the Convention), nor to police and customs aircraft (Articles 30 and 33 of the Convention).

Model No. 1.

NOTE. — The manifest should not bear on it erasures or corrections except those approved by the proper customs officials, nor contain interlineations or several articles entered on the same line. As many extra sheets may be added as are necessary.

AIR NAVIGATION.

MANIFEST

OR GENERAL DECLARATION OF CARGO.

Space reserved
for entries by
Customs Officers.

Machine	}	Registration Mark.
Commanding Officer		}
	Residence:	
	Nationality:	
	Number of Licence:	
Goods	}	Place of departure: Country:
		Place of destination: Country:
		Number of annexed declarations:

The Commanding Officer guarantees the accuracy of the contents of this manifest under penalties provided by law. Consequently he has dated and signed this document immediately below the last entry.

File Number of Document.	Marks and Numbers on the Parcels.	Number (in Figures and Letters) and descriptions of Parcels	Nature of the Goods.	Weight.	Observations.

No. 2.

AIR NAVIGATION.

Place of Departure:
Place of Destination:

*Customs declaration made by M.
for the following goods:*

Parcels.		Nature of Goods.	Country of Origin.	Value.	Weight.		Observations.
Marks and Numbers.	Number				Gross.	Net.	

At _____ the _____ day of _____ 19____

Consignor.

Schedule VIII.

Colonies and Protectorates.

The Colony and Protectorate of Aden	Somaliland Protectorate.	[1938. — Aden]
Bahamas.	Gibraltar.	
Barbados.	Malta.	
Bermuda.	Cyprus.	
British Guiana.	The Colony and Protectorate of the Gambia.	
British Honduras.	Gold Coast Colony	
Jamaica and its Dependencies.	The Northern Territories of the Gold Coast.	
Leeward Islands.	Ashanti.	
Trinidad and Tobago.	The Colony and Protectorate of Nigeria.	
Grenada.	The Colony and Protectorate of Sierra Leone.	
St. Lucia.	Ceylon.	
St. Vincent.	Hong Kong.	
Falkland Islands and their Dependencies.	Mauritius.	
St. Helena.	Seychelles.	
Fiji.	Straits Settlements.	
The Islands of the Western Pacific.	Northern Rhodesia.	
The Colony and Protectorate of Kenya.		
Uganda Protectorate.		
Nyasaland Protectorate.		
Zanzibar Protectorate.		

Schedule IX.

Mandated Territories.

Cameroons under British Mandate.	Palestine.
Togoland under British Mandate.	Tanganyika Territory.

CUSTOMS (AIR NAVIGATION) REGULATIONS.⁽¹⁾

(9th February, 1933.)

1. These regulations may be cited as the Customs (Air Navigation) Regulations. Short title.

2. The Customs Ordinance shall apply to aircraft arriving in Palestine and to goods, mails and persons carried therein, with the following modifications:— Application of Customs Ordinance (with modifications) to aircraft arriving in Palestine.

(a) The following definitions shall be deemed to be inserted in section 2 thereof:—

⁽¹⁾ Drayton, Vol. III, pp. 2444-2448.

- (i) "examination station" means a space at a customs aerodrome or flying boat base approved by the Director as an examination station;
- (ii) "pilot" includes the person in charge of any aircraft;
- (b) The following provisions shall be deemed to be inserted between sections 60 and 61 thereof:—

IMPORTATION OF GOODS BY AIR.

- (i) Except in case of emergency an aircraft entering Palestine shall not land or alight for the first time except at a customs aerodrome or at a flying boat base.
- (ii) No person in any aircraft entering Palestine shall break or alter any seal placed upon any part of the aircraft or upon any goods therein by a customs officer at the aerodrome or flying boat base from which such aircraft departed for Palestine.
- (iii) The pilot of any aircraft arriving at a customs aerodrome or flying boat base from a place outside Palestine shall, on arrival, forthwith take his aircraft to the examination station:

Provided that a pilot shall not be deemed to have contravened this provision if he proves that circumstances over which he had no control prevented his taking his aircraft to the examination station and that he reported his arrival to an officer at the Customs and complied with the directions of such officer as to all goods carried in his aircraft.

- (iv) Within twenty four hours after the arrival at any customs aerodrome or flying boat base of an aircraft from a place outside Palestine the pilot shall—
 - (a) make a report to the proper officer of customs in the form prescribed by the Director; and
 - (b) truly furnish the several particulars required by such form; and
 - (c) deliver to such officer with such report his journey log-book, manifest and declaration of the goods on board his aircraft signed by

the customs officer at the aerodrome or flying boat base from which he departed for Palestine; and

- (d) land at such aerodrome or flying boat base for examination of baggage all passengers carried in such aircraft and, after making such reports, shall produce and, if required to do so, shall land all goods in such aircraft for examination.
- (v) A person importing goods in an aircraft shall not bring the goods into any place in Palestine other than a customs aerodrome or flying boat base, or unload the goods from any aircraft except at an examination station, unless such goods are unloaded in the presence and by direction of an officer of Customs, and shall not unload the goods except between such hours as the Director prescribes, or remove the goods from an examination station unless the goods have first been duly entered in the manner provided by this section and produced to the proper officer of Customs and duly cleared by him.
- (vi) A person shall not remove from any aircraft any goods imported therein until the report required by section (iv) has been made, and the authority of the proper officer of Customs has been obtained.
- (vii) The importer of any goods imported in aircraft shall deliver to the collector or officer in charge of Customs in whose district the aerodrome or flying boat base of importation is situated an entry of such goods in accordance with the provisions of this Ordinance and shall truly furnish thereon the several particulars required by the form of entry and shall pay to the proper collector or officer in charge of Customs all duties chargeable thereon under the Customs Duties Ordinance, at the times and in the manner prescribed by this Ordinance:

Provided that no entry shall be required in respect of the baggage of passengers.

- (viii) All goods imported into a customs aerodrome

or flying boat base in any aircraft shall be duly entered and unladen within twelve days, inclusive of Sundays and public holidays, from the time of the arrival of such aircraft at the aerodrome or flying boat base.

In case where such goods are not so entered, the Director may cause them to be conveyed to a customs warehouse as the Director may appoint.

- (ix) All goods imported in aircraft which have not been examined and cleared by the proper officer of Customs shall be stored in a transit shed approved by the Director at the customs aerodrome or flying boat base, and no person shall remove such goods from the transit shed before examination and clearance by such officer.
 - (x) If any aircraft arriving from a place outside Palestine shall land in any place other than a customs aerodrome or flying boat base, the pilot shall forthwith report to an officer of Customs or police officer, and shall on demand produce to such officer or police officer the journey log-book belonging to the aircraft, and shall not allow any goods to be unloaded therefrom without the consent of an officer of Customs, and no passenger thereof shall leave the immediate vicinity without the consent of an officer of Customs or police officer: if such place of landing shall be an aerodrome, the pilot shall forthwith report the arrival of the aircraft and the place whence it came to the proprietor of the aerodrome, who shall forthwith report the arrival of the aircraft to an officer of Customs and shall not allow any goods to be unloaded therefrom or any passenger thereof to leave the aerodrome without the consent of such officer.
- (c) The reference to the exportation of goods by air shall be omitted from section 121 (1) and the following provisions shall be deemed to be inserted between sections 121 and 122.
- (i) No aircraft shall depart to any place outside Palestine unless it is the place of final departure as a

customs aerodrome or a flying boat base :

Provided that this section shall not be deemed to apply to any aircraft which is compelled to land or alight after leaving a customs aerodrome or flying boat base owing to an emergency.

- (ii) The pilot of every aircraft in which goods are to be exported shall, before any goods are taken on board, deliver to the proper officer of Customs a notice of departure for a foreign destination in the form prescribed by the Director, in which shall be truly stated the particulars required by such form.
- (iii) (a) The pilot of every aircraft about to proceed direct to any place outside Palestine shall deliver in duplicate, to the proper officer of Customs at a customs aerodrome or flying boat base, together with the journey log-book belonging to the aircraft, an application for clearance from that aerodrome or flying boat base in the form prescribed by the Director and also, if the aircraft carries any goods, a manifest and declaration in the form prescribed by the Director, declaring the goods and stores on such aircraft and shall truly state therein the particulars required by such forms respectively; and such forms, when signed by such officers, shall be the clearance and authority for the aircraft to proceed to its foreign destination.
- (b) A pilot shall not depart in any such aircraft from Palestine until he has obtained such authority and, after obtaining such authority, shall not call at any other place in Palestine before proceeding to his foreign destination: any pilot intending to land at one or more customs aerodromes or flying boat bases before proceeding to his foreign destination shall apply for his clearance and authority at the last customs aerodrome or flying boat base at which he lands.
- (iv) (a) The exporter of any goods intended for exportation in aircraft shall deliver to the proper officer of Customs at the customs aerodrome or

flying boat base from which such aircraft is cleared to its foreign destination an entry in the form prescribed by the Director and shall truly state in such form, the particulars thereby required, and such form, when signed by the proper officer of Customs, shall be the clearance and authority for the exportation of such goods.

- (b) A person shall not export goods in such aircraft until such authority has been given by the proper officer of Customs.
- (v) A person shall not, without the consent of the proper officer of Customs, unload from any aircraft any goods loaded therein for exportation which have been cleared under the preceding section, or open, alter or break any lock, mark or seal placed by any officer of Customs on any goods in any aircraft about to depart from Palestine. This section shall apply to any aircraft about to leave Palestine forced to land owing to an emergency.
- (d) The following provisions shall be deemed to be inserted between sections 184 and 185:—
- (i) If any officer of Customs in the execution of his duties boards any aircraft in any place, the pilot thereof shall not convey him in the aircraft away from such place without his consent.
- (ii) (a) The proprietor of any aerodrome shall at all times permit any officer of Customs to enter and inspect his aerodrome and all buildings and goods thereon.
- (b) The pilot of any aircraft shall permit any officer of Customs at any time to board and inspect his aircraft and any goods laden therein, and every such officer shall have the right of access at any time to any place to which access is necessary for the purpose of such inspection.
- (c) The importer or exporter of any goods imported or exported in an aircraft shall produce such goods to the proper officer of Customs at the customs

aerodrome of importation or exportation, as the case may be, and permit him to inspect such goods.

- (iii) An aircraft shall not enter or leave Palestine having any secret or disguised place adapted for concealing goods.

AIR NAVIGATION (FEES) REGULATIONS (1)

(6th September, 1940).

IN EXERCISE of the powers conferred upon me by Article 30 of the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927, I hereby make the following Regulations:—

1. These Regulations may be cited as the Air Navigation (Fees) Regulations, 1940.

2. The scales of charges at aerodromes and the fees to be paid in respect of the grant of any certificate or licence shall be those specified in the Schedule to these Regulations:—

SCHEDULE.

I. REGISTRATION:	<i>£P. mils</i>
(a) On issue of certificate of registration where aircraft not previously registered in Palestine	1.050
(b) On issue of certificate of registration where aircraft previously registered in Palestine	—.250
(c) On inspection of register of aircraft	—.050
2. AIRWORTHINESS:	<i>£P. mils</i>
(a) On issue or renewal of certificate of airworthiness	1.050
(b) On inspection of aircraft by Air Registration Board	The actual cost of such inspection.
(c) On validation of certificate of airworthiness issued abroad	—.500
3. AERODROMES:	
(a) On grant of licence	1.250

(1) P. G. 1045 of 19.9.40, sup. 2, p. 1228.

(b) On renewal of licence	1.050
(c) On official inspection of aerodrome (where required) before grant of licence	2.100
(d) On official inspection of aerodrome (where required) before renewal of licence	2.100
(e) On official inspection of aerodrome (where required) on application for variation of licence	2.100
(f) On any official inspection (where required) of an aerodrome	Actual travelling expenses of nearest qualified inspecting officer.

Provided that where any such licence is granted or renewed for a period which will expire within twelve months from the date on which the grant or renewal becomes operative, no further fee shall be chargeable on the renewal of the licence, or on the grant of a further licence to the same person in respect of the same aerodrome, for any subsequent period falling within those twelve months.

4. LANDING OR ALIGHTING AND HOUSING FEES:

(a) *Alighting Fees:*

The alighting fee is 20 mils per 100 kgs. calculated on the gross loaded weight of the aircraft as permitted by the Certificate of Airworthiness. In assessing the alighting fee fractions of 100 kgs. will be ignored.

Machines fitted with tail skids instead of tail wheels will be charged double landing fees.

Machines used for instructional purpose must be fitted with tail wheels having rubber tyres and will pay 125 mils per hour in instructional flight.

(b) *Housing Fees:*

For each period of 24 hours or part thereof exceeding 8 hours:

(i) For aircraft housed with wings extended, at the rate of 10 mils for each unit of 3 square metres of floor area occupied.

(ii) For aircraft housed with wings folded or detached, at the rate of 10 mils for each unit of 2 square metres.

For periods of 8 hours or less, 50% of the daily rate will be charged.

The area occupied will be calculated as the product of the maximum length multiplied by the maximum width.

When hangar accommodation is available, but is not used by aircraft which remain on the aerodrome for periods longer than eight hours, a mooring fee as below will be charged.

(c) *Mooring Fees:*

Aircraft which remain on land aerodromes for more than eight hours or which use harbours or any moorings of the Government of Palestine, will pay mooring fees on the following scale:—

Landplanes: When hangar accommodation is available but not used, half the standard housing fee.

When hangar accommodation is not available one quarter of the housing fee.

Scaplanes: One quarter of the housing fee.

(d) Special rates may be applied to aircraft which are based on Government owned airports in Palestine for unbroken periods of more than thirty days.

All fees due for landing and housing must be paid before an aircraft may leave a Government aerodrome excepting when the Director of Civil Aviation has agreed to the monthly or quarterly settlement of accounts.

5. PERSONNEL:

£P. mls

(a) On issue of Navigator 1st Class Licence	— .250
(b) On renewal of Navigator 1st Class Licence	— .250
(c) On issue of Navigator 2nd Class Licence	— .250
(d) On renewal of Navigator 2nd Class Licence	— .250
(e) On issue or renewal of Pilot "A" Licence	— .250
(f) On issue of Pilot "B" Licence	— .500
(g) On renewal of Pilot "B" Licence	— .250
(h) (I) On issue of Ground Engineer's Licence	— .250

(2) On renewal of Ground Engineer's Licence	—250
(3) For addition of one category after grant of Licence	—250
(4) For each additional category after grant of Licence	—250
+ (5) For addition of types of aircraft to category A and/or B already on Licence	—250
+ (6) For addition of types of engines to category C and/or B already on Licence	—250
+ (7) For addition of types of both aircraft and engines to categories on Licence	
(8) For examination by the Air Registration Board (if required)	The actual cost of such examination.

NOTE: + No fee chargeable if application for addition is made with application for renewal of licence and applicant is required to pass examination on such renewal.

6. LOG BOOKS:	<i>£P.mils</i>
On issue of a Journey Log Book	—200
7. DUPLICATES OF CERTIFICATE OR LICENCE:	
On issue of any duplicate of a certificate of licence where original lost or destroyed	—250

CUSTOMS AERODROMES REGULATIONS, 1942⁽¹⁾.

In virtue of the powers vested in me by Article 30 of the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927, I, J. S. Macpherson, C. M. G., Officer Administrating the Government of Palestine, do hereby make the following regulations:—

Citation.

1. These regulations may be cited as the Customs Aerodromes Regulations, 1942.

⁽¹⁾ P. G. 1194 of 14.5.42, sup. 2, p. 785.

2. The following places are designated Customs Aerodromes :--

Lydda Airport.

Haifa Airport.

Sea of Galilee Marine Airport.

Kallia Marine Airport.

Designation of
Customs
Aerodromes.

3. A pilot who proposes to land at any of the following Aerodromes must notify his arrival as follows :—

For arrival at :—

(a) Lydda Airport

(b) Haifa Airport

(c) Sea of Galilee Marine
Airport

(d) Kallia Marine Airport

Notice of one hour to the Collector of
Customs, Haifa.

Notice of one hour to the Customs
Officer, Tiberias.

Notice of one hour to the Customs
Officer, Kallia.

4. The Customs Aerodromes and Prescribed Points Regulations, 1940, are hereby revoked.

THE COLONIAL AIR NAVIGATION (APPLICATION OF ACTS) ORDERS, 1937⁽¹⁾.

Consolidating the Principal Order and the Colonial Air Navigation (Application of Acts) (Amendment) Order, 1937, of the 23rd November, 1937. The principal Order was published in P. G. 707 of 29.7.37, sup. 2, p. 679 and the amending Order in P. G. 749 of 13.1.38, sup. 2, p. 49.

AT THE COURT AT WINDSOR CASTLE,

The 13th day of April, 1937.

Present

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT.

EARL MARSHAL.

MARQUESS OF ZETLAND.

LORD CHAMBERLAIN.

WHEREAS by Section 4 of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, it is provided that His Majesty may by Order in Council direct that any of the provisions

⁽¹⁾ The title as enacted by the 1937 Amendment Order.

of the said Air Navigation Act, 1920, other than Section 4, shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, any Colony, any British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom:

AND WHEREAS by Section 35 of the Air Navigation Act, 1936, it is provided that that Act shall be construed as one with the Air Navigation Act, 1920:

AND WHEREAS it is expedient to extend certain of the provisions of the Air Navigation Act, 1920, amended as aforesaid, and certain of the provisions of the Air Navigation Act, 1936, to certain colonies and British protectorates and to certain territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom:

Now, THEREFORE, His Majesty, by virtue of and in exercise of the powers in this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. This Order may be cited as "The Colonial Air Navigation (Application of Acts) Order, 1937".

2.—(1) In this Order and its schedules, unless the context otherwise requires—

"Colony" means and includes for the purposes of this Order any of the colonies, protectorates or mandated territories mentioned in the second schedule hereto;

"the Convention" means the Convention for determining by a common agreement certain uniform rules with respect to international air navigation signed on behalf of His Majesty in Paris on the thirteenth day of October, 1919;

"Governor" means the officer for the time being administering the Government of the Colony;

"the principal Act" means the Air Navigation Act, 1920;

"the Acts" means the principal Act and the Air Navigation Act, 1936.

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

3. The provisions of Sections 1, 2, 3, 7, 8, 9, 10, 11, 12, 12A, 14, 17, and 18 of the principal Act and of Sections 4, 5, 13, 14, 30 and 34 of the Air Navigation Act, 1936, adapted and modified as set out in the first schedule hereto, shall be and hereby are extended to the colonies mentioned in the second schedule hereto.

4. The Air Navigation (Colonies and Protectorates) Order in Council, 1922, and the Air Navigation (Mandated Territories) Order in Council, 1927, are hereby revoked.

M. P. A. Hankey.

FIRST SCHEDULE.

THE AIR NAVIGATION ACT, 1920.

1. *Section 1.*—His Majesty may make such Orders in Council as appear to Him necessary or expedient for carrying out the Convention and for giving effect thereto or to any of the provisions thereof, or to any amendment which may be made under article thirty-four thereof.

2. *Section 2.*—His Majesty may, by Order in Council, direct that the provisions of the Convention for the time being in force, or any of them, and whether or not those provisions are limited to aircraft of any special description, or engaged in any special kind of navigation, shall apply to or in relation to any aircraft in or over the Colony or the territorial waters adjacent thereto.

3. *Section 3.*—Without prejudice to the generality of the powers herein-before conferred, an Order in Council under Part I of the principal Act may make provision—

(a) prescribing the authority by which any of the powers exercisable under the convention by a contracting State, or by any authority therein, are to be exercised in the Colony;

(b) for the licensing, inspection, and regulation of aerodromes, for access to air-aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting the work therein carried on,

- for prohibiting or regulating the use of unlicensed aerodromes, and for the licensing of personnel employed at aerodromes in the inspection or supervision of aircraft;
- (c) as to the manner and conditions of the issue and renewal of any certificate or licence required by the Order or by the Convention, including the examination and tests to be undergone, and the form, custody, production, cancellation, suspension, endorsement and surrender of any such certificate or licence;
 - (d) as to the registration of aircraft in the Colony;
 - (e) as to the conditions under which aircraft may be used for carrying goods and passengers;
 - (f) as to the conditions under which aircraft may pass, or goods or passengers may be conveyed by aircraft, into or from the Colony, or from one part of the Colony to another;
 - (g) exempting from the provisions of the Order or of the Convention, or any of them, aircraft flown for experimental purposes, or any other aircraft or persons where it appears unnecessary that the same should apply;
 - (h) prescribing the scales of charges at licensed aerodromes;
 - (i) prescribing the fees to be paid in respect of the grant of any certificate or licence or otherwise for the purposes of the Order or the Convention;
 - (j) supplementing the Convention, in such manner as appears necessary or expedient, by regulations designed to promote the safety of aircraft and of persons and property carried therein, and to prevent aircraft endangering other persons and property;
 - (k) for the control and regulation of aerial lighthouses, and lights at or in the neighbourhood of aerodromes and aerial lighthouses, which are liable to endanger aircraft;
 - (l) regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of the Royal Air Force ensign, the civil air ensign and any other ensign established by His Majesty in Council for purposes connected with air navigation;

(*m*) for the imposition of penalties (not exceeding imprisonment for a term of six months and a fine of two hundred pounds) to secure compliance with the Order, and for authorising any steps to be taken for preventing aircraft from flying over prohibited areas or entering the Colony in contravention of the Order which were authorised to be taken in the United Kingdom under section two of the Aerial Navigation Act, 1913, for the purposes of that section.

4. *Section 7.*—(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, or the territorial waters adjacent thereto; and may by order provide for taking possession of and using for the purpose of His Majesty's naval, military, or air forces any aerodrome or landing ground, or any aircraft, machinery, plant, material or things found therein or thereon, and for regulating the use, erection, building, maintenance or establishment of any aerodrome, flying school, or landing ground, 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 Part I of the principal Act may make for the purposes of the Order in Council by virtue of paragraph (*m*) of section three of that Act.

(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.

(4) An order under this section may be revoked or varied by a subsequent order made by the Governor.

See Orders of High Commissioner, *post*.

5. *Section 8.*—(1) The Governor shall have power to establish

and maintain aerodromes (including power to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes) and to acquire land for that purpose by agreement or in accordance with the provisions of the law in force in the Colony relating to the acquisition of land for public purposes.

(2) For the avoidance of doubts it is hereby declared that one of the purposes for which the Governor may acquire land under this section is the purpose of securing that the land adjacent to the site of an aerodrome which the Governor has established, or is about to establish, shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the aerodrome.

6. Section 9—(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground, which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of the Acts and any Order made thereunder, being provisions which extend to the Colony, are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article or person falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

Provided that where material damage or loss is caused as aforesaid in circumstances in which—

- (a) damages are recoverable from the owner in respect of the said damage or loss by virtue only of the proceeding provisions in this section, and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of the said damage or loss.

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said damage or loss.

(2) Where any aircraft has been *bona fide* demised, let, or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

7. *Section 10.*—(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 with or without hard labour for a term not exceeding six months, or to both such imprisonment and fine.

For the purposes of 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 His Majesty in Council by Part I of the principal Act.

8. *Section 11.*—The law of the Colony relating to wreck and to salvage of life or property, and to the duty of rendering assistance to vessels in distress, shall apply to aircraft on or over the sea or tidal waters as it applies to vessels and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of a ship would be so entitled:

Provided that provision may be made by order by the Governor with the approval of a Secretary of State for making modifications of and exemptions from the provisions of such law as aforesaid in their application to aircraft to such extent and in such manner as appears necessary or expedient.

8A. In lieu of the preceding section the following section shall have effect as from such date as the Governor may by order appoint:--

Section 11.—(1) Any services rendered in assisting or in saving the cargo or apparel of, an aircraft in, on or over the sea

or any tidal water, or on or over the shores of the sea or any tidal water, 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 an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

The preceding provisions of this sub-section shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of His Majesty's dominions.

(2) The Governor may by regulations made with the approval of a Secretary of State direct that any provisions of any law of the Colony for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the regulations, apply in relation to aircraft as those provisions apply in relation to vessels.

(3) For the purposes of this section, any provisions of any law of the Colony which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

9. *Section 12.*—(1) The Governor may make regulations providing for the investigation in the Colony of any accident arising out of or in the course of air navigation and occurring in or over the Colony or the territorial waters adjacent thereto, or to British aircraft occurring elsewhere and likely in the absence of such provision to remain uninvestigated.

(2) Without prejudice to the generality of the foregoing provision, 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 the Acts or any order made thereunder, 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 for 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 five hundred and thirty to five hundred and thirty-seven inclusive of the Merchant Shipping Act, 1894, or any enactment (including the Acts) 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 with or without hard labour for a term not exceeding three months.

10. *Section 12A.*—Any Order in Council, order or regulations made under the Acts in relation to aircraft may provide for the detention of aircraft to secure compliance with the Order in Council, order or regulations, as the case may be, or with any provisions of the Acts in connection with which the Order in Council, order or regulations is or are made, and, in the case of an Order in Council made under Part I of the principal Act, provide for the detention of aircraft to prevent aircraft flying when unfit to fly, and may make such further provisions as appears to His Majesty in Council or the Governor, as the case may be, to be necessary or expedient for securing such detention.

11. *Section 14.*—(1) Any offence under the Acts or under an Order in Council or regulations made thereunder, and any offence whatever committed on a British aircraft, shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

(2) The Governor may by regulations make provision as to the courts in which proceedings may be taken for enforcing any claim under the Acts, or any other claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

12. *Section 17.*—(1) Notwithstanding that an Order in Council made by virtue of the Acts or a regulation so made by the Governor has effect only as part of the law of the Colony, no provision contained in the Order or regulations shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to British aircraft registered in the Colony, wherever they may be, or prohibits, requires or regulates—

(a) the doing of anything by persons in, or any of the personnel of, such British aircraft as aforesaid, wherever they may be, or

(b) the doing of anything in relation to such British aircraft as aforesaid by other persons being British subjects or British protected persons, wherever they may be.

For the purposes of this sub-section the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft, and all other members of the crew of the aircraft.

(1A) His Majesty may by Order in Council direct that any of the provisions of the Acts or of any Order in Council or regulations made by virtue of the Acts being a provision which has extra-territorial operation in relation to British aircraft registered in the Colony shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order made under this subsection, have such operation also in relation to British aircraft registered in the United Kingdom or in any other country or territory, other than the Colony, to which any of the provisions of the Acts can be extended under section four of the principal Act.

(2) An Order in Council under the Acts may be revoked or varied by a subsequent Order in Council.

(3) Any Order in Council made under the Acts shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within

the next subsequent twenty-one days on which that House has sat next after any such Order is laid before it praying that the Order or any provision thereof may be annulled, His Majesty in Council may annul the Order or provision, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any Order in Council under the Acts may authorise the Governor to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order.

13. *Section 18.*—(1) The Acts shall not apply to aircraft belonging to or exclusively employed in the service of His Majesty:

Provided that His Majesty may, by Order in Council, apply to any such aircraft, with or without modification, any of the provisions of the Acts or of any orders or regulations made thereunder.

(2) Nothing in the Acts or in any orders or regulations made thereunder shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority.

THE AIR NAVIGATION ACT, 1936.

14. *Section 4.*—(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 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 imprisonment and such fine 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 imprisonment and such fine.

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 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 arbitration), 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 and departure of aircraft for the purposes of the enactments relating to customs.

15. *Section 5.*—(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;

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

(2) Regulations under this section may, for the purpose of securing compliance with the regulations, provide for the imposition of penalties not exceeding, in the case of a first offence against the regulations, a fine of twenty pounds or, in the case of a second or subsequent such offence, a fine of fifty pounds or imprisonment for a term of three months.

(3) Nothing in this section shall be taken to affect the power under section one of the principal Act of giving effect by Order in Council to any provision or amendment of the Convention, being a provision or amendment which authorises the imposition of restrictions on the use of foreign aircraft.

16. *Section 13.*—If any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Order in Council made under Part I of the principal Act he shall be liable, on summary conviction, to a fine not exceeding five pounds:

Provided that no person shall be liable to any penalty under this section unless it is provided that, at the material time, notices warning trespassers of their liability under this section were posted, so as to be readily seen and read by members of the public, in such position on or near the boundary of the aerodrome as appear to the court to be proper.

17. *Section 14.*—(1) If the Governor is satisfied, with respect to any building structure or erection in the vicinity of an aerodrome to which this section applies that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions—

(a) to execute, instal, maintain, operate, and as occasion requires, to repair and alter, such works and apparatus

as may be necessary for enabling such warning to be given in the manner specified in the order, and

- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Governor that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Governor shall, before making any such order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Governor thinks proper.

(3) Every such order as aforesaid shall provide—

(a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and

(b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written information of objection on the part of that person to the proposals

contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Governor;

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Chief Justice or other Judicial Officer of the Colony; and, for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the order.

If any person contravenes the preceding provisions of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(5) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection, provided that—

(a) notice of the doing of that work is given as soon as

may be to the proprietor of the aerodrome, and

(b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

(6) Any order under this section may be revoked or varied by a subsequent order made by the Governor in accordance with the provisions of this section, but the revocation or variation of any such order shall not affect the previous operation thereof.

(7) In this section—

(a) the expression “aerodrome to which this section applies” means any premises which, by virtue of an Order in Council made under Part I of the principal Act, are for the time being licensed as an aerodrome for public use; and

(b) the expression “proprietor of the aerodrome” means in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an aerodrome in those premises, or, in the case of an aerodrome under the control of the Secretary of State for Air or the Governor, the officer in charge of the aerodrome.

18. *Section 30.*—(1) Nothing in the Acts or in this Order shall be taken to affect the validity of any Order in Council, order or regulations made in pursuance of the principal Act before the date of the entry into force of this Order, any regulations, directions or other instrument made or issued before the said date in pursuance of such Order in Council, or any Order in Council made before the said date applying any such Order in Council or regulations as aforesaid to the Colony; and any such Order in Council, order, regulations, directions or other instrument as aforesaid shall, if and so far as in force immediately before the said date, continue in force until revoked by an Order in Council, order, regulations or other instrument.

(2) An Order in Council made under any of the provisions of the Acts, or any order or regulations made by the Governor thereunder, may contain such incidental and supplementary provisions as appear to His Majesty in Council, or to the Governor, as the case may be, to be necessary or expedient for the purposes of the Order in Council, order or regulations.

19. *Section 34.*—(1) In the Acts the expression “land” includes land covered with water and any right in or over land.

(2) For the avoidance of doubt it is hereby declared that in the Air Navigation Act, 1936, the expression “loss or damage” and in Section 9 of the principal Act the expression “damage or loss” include, in relation to persons, loss of life and personal injury.

(3) Any reference in the Acts to goods or articles shall be construed as including a reference to mails or animals, and any reference in the Acts to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

SECOND SCHEDULE.

Aden (Colony and Protectorate)⁽¹⁾.

Bahamas.

Barbados.

Basutoland and Bechuanaland Protectorate⁽¹⁾.

Bermuda.

British Guiana.

British Honduras.

British Solomon Islands Protectorate.

Ceylon.

Cyprus.

Falkland Island and Dependencies.

Fiji.

Gambia (Colony and Protectorate).

Gibraltar.

Gilbert and Ellice Islands Colony.

Gold Coast—

(a) Colony.

(b) Ashanti.

(c) Northern Territories.

(d) Togoland under British Mandate.

⁽¹⁾ Added by the 1937 Amendment Order.

- Hong Kong
- Jamaica (including Turks and Caicos Islands and the Cayman Islands).
- Kenya (Colony and Protectorate).
- Leeward Islands—
- Antigua.
 - Dominica.
 - Montserrat.
 - St. Christopher and Nevis.
 - Virgin Islands.
- Malta.
- Mauritius.
- Nigeria—
- (a) Colony.
 - (b) Protectorate.
 - (c) Cameroons under British Mandate.
- Northern Rhodesia.
- Nyasaland Protectorate.
- Palestine (excluding Trans-Jordan).
- St. Helena and Ascension.
- Seychelles.
- Sierra Leone (Colony and Protectorate).
- Somaliland Protectorate.
- Straits Settlements.
- Swaziland⁽¹⁾.
- Tanganyika Territory.
- Trinidad and Tobago.
- Uganda Protectorate.
- Windward Islands—
- Grenada.
 - St. Lucia.
 - St. Vincent.
- Zanzibar Protectorate.

⁽¹⁾ Added by the 1937 Amendment Order.

AIR NAVIGATION (RESTRICTIONS ON FLYING BY CIVIL
AIRCRAFT) ORDER, 1939⁽¹⁾.

(11th September, 1939).

IN EXERCISE of the powers vested in me by paragraph 4 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937, and Regulation 39 of the Defence Regulations, 1939, I, SIR HAROLD ALFRED MACMICHAEL, K.C.M.G., D.S.O., High Commissioner for Palestine, do hereby order and it is hereby ordered as follows:—

1. This Order may be cited as the Air Navigation (Restrictions on Flying by Civil Aircraft) Order, 1939, and shall come into force on the date of the publication hereof.

[1940]

2.—(1) The following restrictions are hereby imposed upon flying by civil aircraft over Palestine or the territorial waters thereof:—

[1939]

- (a) Flying by civil aircraft is prohibited except between the hours of 0600 and 1800 from the 1st October to the 31st March and between 0500 and 1900 from the 1st April to the 30th September in any year.
- (b) No arms, ammunition, munitions of war explosives (other than explosives authorised for navigational and signalling purposes) shall be carried except in the case of arms carried by members of His Majesty's and Allied Forces.
- (c) No photographic apparatus, plates or films shall be carried in aircraft except in sealed containers.
- (d) Wireless apparatus shall not be used except for the transmission and receipt of messages relating solely to the control, safety or route of the aircraft.
- (e) Aircraft are prohibited from making any signal excepting those essential for navigation.
- (f) No aircraft shall fly which does not carry documents containing particulars of:—
 - (i) the nationality of each passenger and of each member of the crew;

(1) P. G. 929 of 11.9.39, sup. 2, p. 808, with which are consolidated the Amending Orders of 1939 (P. G. 935 of 19.9.39, sup. 2, p. 849) and 1940 (P. G. 979 of 18.1.40, sup. 2, p. 134).

- (ii) the immediate and ultimate destination of each passenger;
 - (iii) the conditions under which cargo carried is being transported including the name and address of its consignor and its immediate and ultimate destination.
- (g) No aircraft shall fly in such a manner as to be likely to endanger or to interfere with any of His Majesty's Forces, ships or aircraft.
- (h) No aircraft shall fly without clearly displaying the nationality, registration or other marks prescribed.

(2) Notwithstanding anything contained in sub-paragraph (1) hereof the Air Officer Commanding His Majesty's Air Forces in Palestine may, in his absolute discretion, grant in respect of any particular aircraft a dispensation in writing dispensing such aircraft from compliance with any of the provisions of sub-paragraph (1) hereof subject to any terms and conditions specified in such dispensation, and any person navigating such aircraft in pursuance of such dispensation shall comply with the terms and conditions specified therein. [1940]

3. Any person navigating any aircraft in contravention of the provisions of this Order shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine.

ORDER.

ORDER, No. 59 OF 1941, BY THE HIGH COMMISSIONER UNDER PARAGRAPH 4 OF THE FIRST SCHEDULE TO THE COLONIAL AIR NAVIGATION (APPLICATION OF ACTS) ORDER, 1937, AND REGULATION 39 OF THE DEFENCE REGULATIONS, 1939⁽¹⁾.

(18th June, 1941).

In Exercise of the powers vested in me by paragraph 4 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937, and regulation 39 of the Defence Regulations, 1939, I, SIR HAROLD ALFRED MAC MICHAEL, G.C.M.G., D.S.O., High Commissioner for Palestine, do hereby order and it is hereby ordered as follows:

⁽¹⁾ P. G. 1110 of 26.6.41, sup. 2, p. 1009.

1. The navigation of any description of aircraft over Palestine or any portion thereof or the territorial waters adjacent thereto is hereby prohibited, save under the authority of a permit issued in respect of the aircraft by the Air Officer Commanding the Royal Air Force in Palestine and Trans-Jordan and along such routes as may be specified in such a permit.

2. Any person navigating any aircraft in contravention of the provisions of this Order shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine, and any commissioned officer in His Majesty's Forces or any person acting under the orders of any such officer may fire at any aircraft that flies or attempts to fly in contravention of this Order.

CARRIAGE BY AIR ACT, 1932.

22 and 23 Geo. 5., cap. 36.

AN ACT TO GIVE EFFECT TO A CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR, TO MAKE PROVISION FOR APPLYING THE RULES CONTAINED IN THE SAID CONVENTION, SUBJECT TO EXCEPTIONS, ADAPTATIONS, AND MODIFICATIONS, TO CARRIAGE BY AIR WHICH IS NOT INTERNATIONAL CARRIAGE WITHIN THE MEANING OF THE CONVENTION, AND FOR PURPOSES CONNECTED WITH THE PURPOSES AFORESAID.

(12th July, 1932.)

WHEREAS a Convention for the unification of certain rules relating to international carriage by air was on the twelfth day of October nineteen hundred and twenty nine, signed at Warsaw on behalf of His Majesty:

And whereas it is expedient that provision should be made for giving effect to the said Convention:

And whereas it is also expedient to make provision for applying the rules contained in the said Convention, subject to exceptions, adaptations and modifications, to carriage by air which is not international carriage within the meaning of the Convention:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lord Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. — (1) As from such day as His Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom, the provision thereof as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons and subject to the provisions of this section, have the force of law in the United Kingdom in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage.

Provisions of Convention to have force of Law.

For date of application see note to the corresponding sub-section in the First Schedule to the 1934 Order in Council, *post*.

(2) His Majesty may by Order in Council from time to time certify who are the High Contracting Parties to the Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention and any such Order shall, except in so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

(3) Any reference in the said First Schedule to the territory of any High Contracting Party to the Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority in respect of which he is a party.

(4) Any liability imposed by Article seventeen of the said First Schedule on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger either under any statute or at common law, and the provisions set out in the Second Schedule to this Act shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced.

(5) Any sum in francs mentioned in Article twenty-two of the said First Schedule shall, for the purposes of any action against a carrier, be converted into sterling at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the Court.

For application to Palestine, see note to sec. 3, *infra*.

2. Every High Contracting Party to the Convention who has not availed himself of the provisions of the additional Protocol there-to shall, for the purposes of any action brought in a court in the United Kingdom in accordance with the provisions of Article twenty

Provisions as to actions against High Contracting Parties who

undertake
Carriage by air.

eight of the said First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

For application to Palestine, see note to sec. 3, *infra*.

Application of
this Act, to
colonies, protec-
torates, etc.

3. His Majesty may by Order in Council direct that the foregoing provisions of this Act shall extend subject however to such exceptions, adaptations, and modifications, if any, as may be specified in the Order, to all or any of the following territories, that is to say, the Isle of Man, any of the Channel Islands, any colony and any territory which is under His Majesty's protection, or in respect of which a mandate from the League of Nations is being exercised by His Majesty's Government in the United Kingdom.

Secs. 1 and 2 of the Act have been applied to Palestine by the Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1934, subject to minor adaptations and modifications (*post*). See First Schedule to the Order.

Provision for
applying Act
to carriage
by air which
is not
international.

4. His Majesty may by Order in Council apply the provisions of the First Schedule to this Act and any provision of section one of this Act to such carriage by air, not being international carriage by air as defined in the said First Schedule, as may be specified in the Order, subject however to such exceptions, adaptations and modifications, if any, as may be so specified.

Any such order may extend to the United Kingdom and to all or any of the territories mentioned in the last preceding section.

Provision as
to Orders
in Council.

5. — (1) An Order in Council made under either of the two last preceding sections may contain such consequential provisions as His Majesty in Council thinks fit, and may be varied or revoked by a subsequent Order in Council.

(2) Every such Order in Council shall be laid before Parliament so soon as may be after it is made.

Short title.

6. This Act may be cited as the Carriage by Air, Act, 1932.

SCHEDULES.FIRST SCHEDULE.

CONVENTION

FOR THE UNIFICATION OF CERTAIN RULES RELATING
TO INTERNATIONAL CARRIAGE BY AIR.

This Schedule was incorporated in the Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1934. See the Order, *post*, and notes thereto (First Schedule, first Annex).

CHAPTER I.

SCOPE. — DEFINITIONS.

Article I.

(1) This Convention applies to all international carriage of persons luggage or goods performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) For the purposes of this Convention the expression "international carriage" means any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territory of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party is not deemed to be international for the purposes of this Convention.

(3) A carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

Article 2.

(1) This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

See Additional Protocol, *post*, or limitations on the application of this sub-section. See note thereto.

(2) This Convention does not apply to carriage performed under the terms of any international postal Convention.

CHAPTER II.

DOCUMENTS OF CARRIAGE.

SECTION 1. — PASSENGER TICKET.

Article 3.

(1) For the carriage of passenger the carrier must deliver a passenger ticket which shall contain the following particulars:—

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right, the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the carrier or carriers;
- (e) a statement that the carriage is subject to the rules relating to liability established by this Convention.

(2) The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

SECTION 2. — LUGGAGE TICKET.

Article 4.

(1) For the carriage of luggage other than small personal objects of which the passenger takes charge himself the carrier must deliver a luggage ticket.

(2) The luggage ticket shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The luggage ticket shall contain the following particulars:-

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the name and address of the carrier or carriers;
- (d) the number of the passenger ticket;
- (e) a statement that delivery of the luggage will be made to the bearer of the luggage ticket.
- (f) the number and weight of the packages;
- (g) the amount of the value declared in accordance with Article 22(2);
- (h) a statement that the carriage is subject to the rules relating to liability established by this Convention.

(4) The absence, irregularity or loss of the luggage ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (d) (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

SECTION 3. — AIR CONSIGNMENT NOTE.

Article 5.

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air consignment note"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall subject to the provisions of Article 9 be none the less governed by the rules of this Convention.

Article 6.

(1) The air consignment note shall be made by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier" and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(3) The carrier shall sign on acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary to have done so on behalf of the consignor.

Article 7.

The carrier of goods has the right to require the consignor to make the separate consignment notes when there is more than one package.

Article 8.

The air consignment note shall contain the following particulars:—

- (a) the place and date of its execution;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the consignor;
- (e) the name and address of the first carrier;
- (f) the name and address of the consignee if the case so requires;
- (g) the nature of the goods;
- (h) the number of the package, the method of packing and the particulars, marks or numbers upon them;
- (i) the weight, the quantity and the volume or dimensions of the goods;
- (j) the apparent condition of the goods and of the packing;

- (k) the freight, if it has been agreed upon the date, place of payment and the person who is to pay it;
- (l) if the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred;
- (m) the amount of the value declared in accordance with Article 22(2);
- (n) the number of parts of the air consignment note;
- (o) the document handed to the carrier to accompany the air consignment note;
- (p) the time fixed for the completion of the carriage and a brief note of the route to be followed if these matters have been agreed upon;
- (q) a statement that the carriage is subject to the rules relating to liability established by this Convention.

Article 9.

If the carrier accepts goods without an air consignment note having been made out, or if the air consignment note does not contain all the particulars set out in Article 8(a) to (i) inclusive and (q) the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

Article 10.

(1) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(2) The consignor will be liable for all damages suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

Article 11.

(1) The air consignment note is *prima facie* evidence of the conclusion of the contract, of the receipt of the goods and of the condition of carriage.

(2) The statements in the air consignment note relating to the weight, dimensions, and packing of the goods as well as those relating to the number of packages are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the

goods do not constitute evidence against the carrier except so far as they both have been, and are stated in the air consignment note to have been checked by him in the presence of the consignor, or relate to the apparent condition of the goods.

Article 12.

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the goods by withdrawing them at the aerodrome of departure or destination or by stopping them in the course of the journey on any landing or by calling for them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by requiring them to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air consignment note delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air consignment note.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13.

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the goods at the place of destination to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(2) Unless it is otherwise agreed it is the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14.

The consignor and the consignee can respectively enforce all the rights given them by article 12 and 13 each in his own name, whether he is acting in his own interest or in the interest of another provided that he carries out the obligations imposed by the contract.

Article 15.

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air consignment note.

Article 16.

(1) The consignor must furnish such information and attach to the air consignment note such documents as are necessary to meet the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to enquire into the correctness or insufficiency of such information or documents.

CHAPTER III.

LIABILITY OF THE CARRIER.

Article 17.

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage sus-

tained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18.

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft or in the case of a landing outside an aerodrome in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or trans-shipment, any damage is presumed subject to proof to the contrary to have been the result of an event which took place during the carriage by air.

Article 19.

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, luggage or goods.

Article 20.

1. The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects he and his agents have taken all necessary measures to avoid the damage.

Article 21.

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person, the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22.

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with the law of the Court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments, shall not exceed 125,000 francs. Nevertheless by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the carriage of registered luggage and of goods, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of $65\frac{1}{2}$ milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

Article 23.

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provisions does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

Article 24.

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

Article 25.

(1) The carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court seised of the case, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any agent of the carrier acting within the scope of his employment.

Article 26.

(1) Receipt by the person entitled to delivery of luggage or goods without complaint is *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in case of goods. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

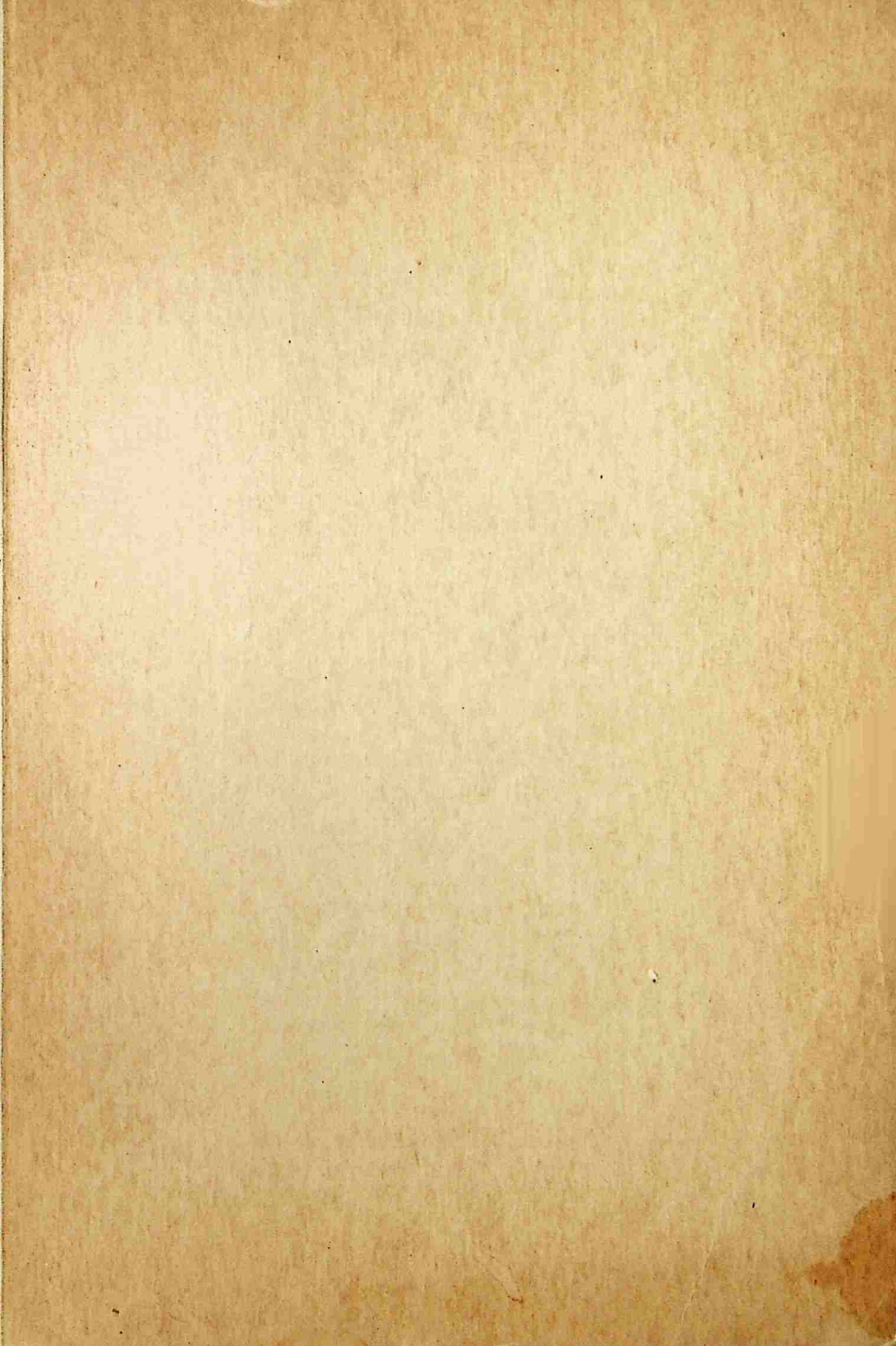
(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27.

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

Article 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an estab-



As on 21.9.1944.