



# Civil Aviation Act 1968

## CHAPTER 61

### ARRANGEMENT OF SECTIONS

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Section

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## Section

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ELIZABETH II



1968 CHAPTER 61

An Act to amend the law relating to aerodromes, aircraft and civil aviation; to enable the Board of Trade to give financial assistance in respect of certain aerodromes; and to extend the powers of the Parliament of Northern Ireland in relation to aerodromes in Northern Ireland.  
[25th October 1968]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Aerodromes*

1.—(1) Subject to the provisions of this section, the road traffic enactments shall apply in relation to roads which are within a designated aerodrome but to which the public does not have access as they apply in relation to roads to which the public has access.

Control of road traffic at Board of Trade and local authority aerodromes.

(2) The Minister of Transport may by order direct that in their application to roads within such an aerodrome the road traffic enactments shall have effect subject to such exceptions, adaptations or modifications as appear to him necessary or expedient for the purpose or in consequence of conferring—

- (a) on the person owning or managing the aerodrome functions exercisable under those enactments by a highway authority or local authority; and
- (b) on the chief officer of any aerodrome constabulary functions so exercisable by a chief officer of police.

(3) An order under this section may exempt from the application of the road traffic enactments particular roads or lengths

of roads to which the public does not have access and may require the person owning or managing the aerodrome in question to indicate the roads or lengths of roads so exempted in such manner as may be specified in the order.

(4) Before making an order under this section in respect of any aerodrome the Minister of Transport shall consult the person owning or managing it.

(5) In this section—

“designated aerodrome” means any aerodrome which is owned or managed by the Board of Trade or a local authority and is designated for the purposes of this section by an order made by the Minister of Transport;

“the road traffic enactments” means the enactments (whether passed before or after this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment;

“aerodrome constabulary” means, in relation to an aerodrome owned or managed by the Board of Trade, the special constables appointed under section 37 of the Civil Aviation Act 1949 and, in relation to an aerodrome owned or managed by a local authority, any body of constables which the authority have power to maintain at that aerodrome.

1949 c. 67.

(6) Any order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order under this section.

(7) In the application of this section to Scotland or Wales, for any reference to the Minister of Transport there shall be substituted a reference to the Secretary of State; and for the purposes of this subsection Monmouthshire shall be treated as forming part of Wales.

Byelaws at  
Board of  
Trade  
aerodromes.

2.—(1) The Board of Trade may, in respect of any aerodrome owned or managed by them, make byelaws for regulating the use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws—

(a) for securing the safety of aircraft, vehicles and persons using the aerodrome and preventing danger to the public arising from the use and operation of the aerodrome;

(b) for preventing obstruction within the aerodrome;

(c) for regulating vehicular traffic anywhere within the aerodrome except on roads therein to which the road

traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;

- (d) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;
- (e) for prohibiting or restricting access to any part of the aerodrome;
- (f) for preserving order within the aerodrome and preventing damage to property therein;
- (g) for regulating or restricting advertising within the aerodrome;
- (h) for requiring any person, if so requested by a constable or aerodrome official, to leave the aerodrome or any particular part of it, or to state his name and address and the purpose of his being on the aerodrome;
- (i) for restricting the area which is to be taken as constituting the aerodrome for the purposes of the byelaws.

(2) The power to make byelaws under this section shall be exercisable by statutory instrument.

(3) Before making any byelaws under this section the Board shall take such steps as appear to the Board to be appropriate for giving public notice of the proposed byelaws and for affording an opportunity for representations to be made with respect to them, and the Board shall have regard to any such representations and may then make the byelaws in the form proposed or in that form with such modifications as the Board think fit.

(4) In section 23(9) of the Civil Aviation Act 1949, paragraph 1949 c. 67. (e) (which enables Part II of the Military Lands Act 1892 to be applied in relation to the Board's aerodromes) is hereby repealed, but any byelaws made under the said Part II which are in force immediately before the passing of this Act and relate to any aerodrome owned or managed by the Board of Trade shall, in so far as they could have been made by the Board under this section, continue in force and have effect as if so made.

(5) In paragraph (c) of subsection (1) of this section "the road traffic enactments" has the same meaning as in section 1 of this Act; and in paragraph (h) of that subsection "aerodrome official" means a person authorised by the person who is the owner or has the management of the aerodrome, and any such official shall not exercise any power under a byelaw made by virtue of that paragraph (including any byelaw so made by virtue

of section 3(1) or 4(1) of this Act) without producing written evidence of his authority if required to do so.

(6) In the application of this section to Northern Ireland, in subsection (1)(c) the words “except on roads therein to which the road traffic enactments apply” and “(with that exception)” shall be omitted.

Byelaws  
at local  
authority  
aerodromes.

3.—(1) A local authority may, in respect of any aerodrome owned or managed by it, make byelaws for regulating the use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws with respect to any of the matters mentioned in paragraphs (a) to (i) of section 2(1) of this Act.

(2) The confirming authority in relation to byelaws made under this section shall be the Board of Trade.

1933 c. 51.  
1947 c. 43.

(3) Section 250(9) of the Local Government Act 1933 and section 301(14) of the Local Government (Scotland) Act 1947 (notice of byelaws made by one local authority to be given to another) and section 251 of the said Act of 1933 and section 302 of the said Act of 1947 (penalties) shall not apply to byelaws made under this section.

(4) The Board of Trade may, after consultation with any local authority which appears to the Board to be concerned, by order repeal any enactment in a local Act which appears to the Board to be unnecessary having regard to the provisions of this section or to be inconsistent therewith; and any such order, which shall be made by statutory instrument and subject to annulment in pursuance of a resolution of either House of Parliament, may contain such incidental and transitional provisions as the Board think fit.

Byelaws at  
certain  
private  
aerodromes.

4.—(1) The Board of Trade may by order designate for the purposes of this section any private aerodrome (that is to say, any aerodrome not owned or managed by the Board, the British Airports Authority or a local authority), and the proprietor of any aerodrome so designated shall have power to make byelaws for regulating the use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws with respect to any of the matters mentioned in paragraphs (a) to (i) of section 2(1) of this Act.

1965 c. 16.

(2) Byelaws made under this section shall not have effect until they are confirmed by the Board, and the provisions of Schedule 3 to the Airports Authority Act 1965 (which govern the making and confirmation of byelaws by the Authority) shall apply also, subject to any necessary modifications, to byelaws made under this section.

(3) Any order under subsection (1) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order under that subsection.

5. Any person contravening any byelaws made under section 2, 3 or 4 of this Act shall be liable on summary conviction to a fine not exceeding such amount as may be specified by the byelaws in question in relation to the contravention, but no amount so specified shall exceed twenty-five pounds. Byelaws: penalties.

6.—(1) Any local authority may make arrangements with the person owning or managing an aerodrome in Great Britain whereby the local authority provides facilities for civil aviation at that aerodrome; and the power of a local authority under section 19 of the Civil Aviation Act 1949 to provide and maintain roads, approaches, apparatus, equipment, buildings and other accommodation shall be exercisable in connection with any aerodrome in respect of which the local authority has made such an arrangement. Provision of facilities by local authorities at aerodromes not established or maintained by them. 1949 c. 67.

(2) Section 20 of the said Act of 1949 (under which the Board of Trade may empower a local authority to carry on an ancillary business in connection with any aerodrome provided by the local authority under section 19 of that Act) shall have effect as if references to any aerodrome provided by a local authority under the said section 19 included references to so much of any other aerodrome as consists of buildings or other works provided and maintained by a local authority by virtue of the foregoing subsection.

(3) The power of a local authority under section 3 of this Act to make byelaws in respect of any aerodrome owned or managed by it shall include power to make byelaws in respect of so much of any other aerodrome as consists of buildings or other works provided by it as aforesaid.

(4) Provision may be made under paragraph (o) of section 8(2) of the said Act of 1949 for regulating the charges that may be made for the use of, and for services provided at, so much of any aerodrome (whether or not licensed as mentioned in that paragraph) as consists of buildings or other works provided as aforesaid by a local authority.

(5) The Board of Trade may, after consultation with any local authority which appears to the Board to be concerned, by order repeal any enactment in a local Act which appears to the Board to be unnecessary having regard to the provisions of the last foregoing subsection or to be inconsistent therewith;

and any such order, which shall be made by statutory instrument and subject to annulment in pursuance of a resolution of either House of Parliament, may contain such incidental and transitional provisions as the Board think fit.

Powers of rural district councils as respects aerodromes. 1949 c. 67.

7. Section 19 of the Civil Aviation Act 1949 (power of local authorities to provide aerodromes) shall have effect in relation to councils of rural districts as it has effect in relation to other local authorities, and accordingly in subsection (9) of that section the words "the expression 'local authority' does not include the council of a rural district in England or Wales, and" are hereby repealed.

Facilities for consultation at certain aerodromes.

8.—(1) This section applies to any aerodrome which is managed by a person other than the British Airports Authority and is designated for the purposes of this section by an order made by the Board of Trade.

(2) The person having the management of any aerodrome to which this section applies shall provide for users of the aerodrome, for any local authority (or, if the person having the management of the aerodrome is a local authority, for any other local authority) in whose area the aerodrome or any part thereof is situated or whose area is in the neighbourhood of the aerodrome, and for any other organisation representing the interests of persons concerned with the locality in which the aerodrome is situated, adequate facilities for consultation with respect to any matter concerning the management or administration of the aerodrome which affects their interests.

(3) Any order under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under this section, but any order varying or revoking a previous order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Appointment of traffic wardens by British Airports Authority.

9.—(1) For the purpose of enabling persons appointed by the British Airports Authority to discharge in relation to the aerodromes owned or managed by the Authority functions discharged elsewhere by traffic wardens appointed by police authorities, the Board of Trade may by order apply in relation to the Authority, subject to such adaptations and modifications as appear to the Board to be necessary or expedient, any enactment relating to traffic wardens which is for the time being in force (whether passed before or after the commencement of this Act) and any order or other instrument having effect by virtue of any such enactment.

(2) Any order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance



of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order under this section.

10.—(1) The Minister of Transport may by order direct that, in their application to land in any aerodrome owned or managed by the British Airports Authority, the provisions of—

Functions of  
British  
Airports  
Authority  
as respects  
abandoned  
vehicles.  
1967 c. 69.

- (a) section 20, section 21 and section 22 of the Civic Amenities Act 1967 (powers and duties of local authorities to remove and dispose of vehicles abandoned on land in their area) and section 28 of that Act (powers of entry etc.) so far as relating to the said section 20; and
- (b) any regulations for the time being in force under any of those sections,

shall have effect subject to such exceptions, adaptations or modifications as appear to him necessary or expedient for the purpose or in consequence of transferring to the Authority the powers and duties conferred or imposed by those provisions on local authorities or local authorities of any description.

(2) In relation to the provisions of—

- (a) sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 (removal of vehicles from roads if illegally, obstructively or dangerously parked or broken down, and from roads or open land if abandoned); and
- (b) any regulations for the time being in force under any of those sections,

the powers of the Minister of Transport under section 12(2) of the Airports Authority Act 1965 (which enable him to adapt the road traffic enactments in their application to roads within aerodromes owned or managed by the Authority for the purpose of conferring on the Authority and the chief officer of its constabulary functions of local authorities and chief officers of police) shall be exercisable not only as respects the application of those provisions to roads within those aerodromes but also as respects their application to other land within those aerodromes.

(3) Where the provisions of—

- (a) section 20 of the Civic Amenities Act 1967;
- (b) section 20 or 52 of the Road Traffic Regulation Act 1967;
- or
- (c) any regulations for the time being in force under any of those sections,

apply to land in any aerodrome in accordance with an order made under or by virtue of this section, those provisions shall have effect in relation to vehicles in a building on that land which is used for providing facilities for the parking of vehicles as they have effect in relation to vehicles on land in the open air.

(4) Before making an order under subsection (1) of this section the Minister of Transport shall consult the British Airports Authority; and any such order shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order.

(5) In the application of this section to Scotland or Wales, for any reference to the Minister of Transport there shall be substituted a reference to the Secretary of State; and for the purposes of this subsection Monmouthshire shall be treated as forming part of Wales.

Prevention  
of theft at  
aerodromes  
of British  
Airports  
Authority.

1965 c. 16.

**11.**—(1) The Board of Trade may by order designate for the purposes of this section any area appearing to the Board to be used wholly or mainly for the storage or handling of cargo in any aerodrome owned or managed by the British Airports Authority.

(2) Any constable appointed under the Airports Authority Act 1965 may—

- (a) stop any person who is leaving an area designated for the purposes of this section and inspect any goods carried by that person;
- (b) stop and search any vehicle or aircraft which is leaving any such area and inspect the vehicle or aircraft and any goods carried on or in it; and
- (c) detain in the area—
  - (i) any such goods as aforesaid for which there is not produced a document authorising their removal from the area signed by a person authorised in that behalf by the British Airports Authority; and
  - (ii) any such vehicle or aircraft as aforesaid so long as there are on or in it goods liable to detention under this paragraph.

(3) Nothing in subsection (2) of this section shall be construed as conferring a power to search any person.

(4) In any area designated for the purposes of this section the powers of a constable under section 11(2)(b) of the said Act of 1965 (by virtue of which he has power to stop, search and detain any vehicle carrying a person employed by the Authority or employed to work on any of their aerodromes, and to board and search any aircraft, if he has reasonable grounds to suspect that stolen property is to be found in or on the vehicle or aircraft) shall—

- (a) extend to any vehicle whether or not it is carrying such a person as aforesaid; and

(b) include power, not only to board and search an aircraft, but also to stop and detain it.

(5) Any order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order under this section.

12.—(1) Subject to subsection (2) of this section, the Board of Trade may, with the approval of the Treasury, make grants or loans— Financial assistance for certain aerodromes.

(a) in respect of any expenses incurred or to be incurred by any person—

(i) in investigating the need for, or for the expansion of, an aerodrome in any part of Great Britain;

(ii) in establishing or expanding any such aerodrome;

(iii) in maintaining any such aerodrome or in providing or maintaining, in connection therewith, roads, approaches, apparatus, equipment, buildings or other accommodation;

(b) for making good any losses incurred by any person in the operation of, or in the provision of any services at, any such aerodrome.

(2) No grant or loan shall be made under this section in respect of, or in connection with, any of the aerodromes which were transferred to the British Airports Authority by the Airports Authority Act 1965; and for the purposes of subsection (3) of section 5 of that Act (which sets a limit of £70 million on the aggregate amount outstanding in respect of the principal of any money borrowed by the Authority under that section and its commencing capital debt) any money lent to the Authority under this section shall be treated as if it were money borrowed by the Authority under that section. 1965 c. 16.

(3) Any loan made by the Board under this section shall be repaid to them at such times and by such methods, and (except in the case of a loan made by the Board free of interest) interest thereon shall be paid to the Board at such rates and at such times, as the Board may with the approval of the Treasury from time to time direct.

13.—(1) The limitation imposed by paragraph (10) of subsection (1) of section 4 of the Government of Ireland Act 1920 precluding the Parliament of Northern Ireland from making laws in respect of aerial navigation shall not be construed as Aerodromes in Northern Ireland. 1920 c. 67.

precluding that Parliament from making laws in respect of aerodromes in Northern Ireland and, in relation to any such laws as aforesaid—

- (a) the limitation imposed by paragraph (1) of that subsection in respect of the Crown or the property of the Crown (including foreshore vested in the Crown); and
- (b) the limitation imposed by paragraph (7) of that subsection in respect of trade with any place outside Northern Ireland or quarantine,

shall not apply.

1949 c. 67.

(2) In the Civil Aviation Act 1949—

- (a) sections 19 and 20 (local authority aerodromes) shall cease to extend to Northern Ireland; and
- (b) section 22 (aerodromes of other statutory bodies in Northern Ireland), in Schedule 9 (provisions which may be adapted for Northern Ireland) the words “Sections nineteen to twenty-two”, Schedule 10 (compulsory purchase of land in Northern Ireland) and paragraph 1(4) of Schedule 11 (application of section 143 of the Public Health Act 1936 to Board of Trade aerodromes in Northern Ireland) are hereby repealed;

1936 c. 49.

but this subsection shall not have effect until such date as may be appointed by the Board of Trade by an order made by statutory instrument.

(3) The powers conferred by section 8 of the said Act of 1949 (regulation of air navigation) may be exercised so as to provide for the licensing of any aerodrome in Northern Ireland notwithstanding that it is owned or managed by any department of the government of Northern Ireland and so as to impose duties on any such department as licensee of any such aerodrome, including duties as to the charges which may be made for the use of, or for services provided at, any such aerodrome.

*Charges at airports and for air navigation services*

Detention  
and sale of  
aircraft for  
unpaid  
airport  
charges.

**14.**—(1) Where default is made in the payment of airport charges incurred in respect of any aircraft at an aerodrome to which this section applies, the aerodrome authority may, subject to the provisions of this section—

(a) detain, pending payment, either—

- (i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins); or

- (ii) any other aircraft of which the person in default is the operator at the time when the detention begins; and
  - (b) if the charges are not paid within fifty-six days of the date when the detention begins, sell the aircraft in order to satisfy the charges.
- (2) An aerodrome authority shall not detain, or continue to detain, an aircraft under this section by reason of any alleged default in the payment of airport charges if the operator of the aircraft or any other person claiming an interest therein—
  - (a) disputes that the charges, or any of them, are due or, if the aircraft is detained under subsection (1)(a)(i) of this section, that the charges in question were incurred in respect of that aircraft; and
  - (b) gives to the authority, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.
- (3) An aerodrome authority shall not sell an aircraft under this section without the leave of the court; and the court shall not give leave except on proof that a sum is due to the authority for airport charges, that default has been made in the payment thereof and that the aircraft which the authority seek leave to sell is liable to sale under this section by reason of the default.
- (4) An aerodrome authority proposing to apply for leave to sell an aircraft under this section shall take such steps as may be prescribed by the Board of Trade by regulations made by statutory instrument—
  - (a) for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon; and
  - (b) for affording to any such person an opportunity of becoming a party to the proceedings on the application;and, if leave is given, the aerodrome authority shall secure that the aircraft is sold for the best price that can reasonably be obtained; but failure to comply with any requirement of this subsection in respect of any sale, while actionable as against the aerodrome authority concerned at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.
- (5) The proceeds of any sale under this section shall be applied as follows, and in the following order, that is to say—
  - (a) in payment of any customs duty or purchase tax which is due in consequence of the aircraft having been brought into the United Kingdom;

1962 c. 8.

- (b) in payment of the expenses incurred by the aerodrome authority in detaining, keeping and selling the aircraft, including their expenses in connection with the application to the court;
- (c) in payment of the airport charges which the court has found to be due;
- (d) in payment of any charge in respect of the aircraft which is due by virtue of regulations under section 4 of the Civil Aviation (Eurocontrol) Act 1962 (charges for air navigation services);

and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

(6) The power of detention and sale conferred by this section in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in subsections (2) to (5) of this section include, except where the context otherwise requires, references to any such equipment and stores.

(7) The power of detention conferred by this section in respect of an aircraft extends to any aircraft documents carried in it; and any such documents may, if the aircraft is sold under this section, be transferred by the aerodrome authority to the purchaser.

(8) The power conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised on the occasion on which the charges have been incurred or on any subsequent occasion when the aircraft is on the aerodrome on which those charges were incurred or on any other aerodrome owned or managed by the aerodrome authority concerned.

(9) This section applies to any aerodrome owned or managed by any government department, the British Airports Authority or a local authority and to any other aerodrome designated for the purposes of this section by an order made by the Board of Trade; and in this section—

“aerodrome authority”, in relation to any aerodrome, means the person owning or managing it;

“airport charges” means charges payable to an aerodrome authority for the use of, or for services provided at, an aerodrome but does not include charges payable by virtue of regulations under section 4 of the Civil Aviation (Eurocontrol) Act 1962;

“ aircraft documents ”, in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

“ the court ” means, as respects England and Wales, the High Court; as respects Scotland, the Court of Session; and, as respects Northern Ireland, the High Court of Justice in Northern Ireland;

“ operator ”, in relation to any aircraft, means the person for the time being having the management of that aircraft.

(10) The Board of Trade may, after consultation with any local authority which appears to the Board to be concerned, by order repeal any enactment in a local Act which appears to the Board to be unnecessary having regard to the provisions of this section or to be inconsistent therewith, and any such order may contain such incidental and transitional provisions as the Board think fit.

(11) Any order under subsection (9) or (10) of this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order under that subsection.

(12) Nothing in this section shall prejudice any right of an aerodrome authority to recover any charges, or any part thereof, by action.

(13) The foregoing provisions of this section shall come into force on such day as the Board of Trade may by order made by statutory instrument appoint.

**15.—(1)** Regulations may be made by the Board of Trade under section 4 of the Civil Aviation (Eurocontrol) Act 1962 for requiring the payment—

Charges for  
air navigation  
services.

1962 c. 8.

(a) to any international organisation other than the Organisation mentioned in that section, or

(b) to any government outside the United Kingdom,

of charges of such amounts as may be prescribed by the regulations in respect of navigation services provided for aircraft, being services provided by that international organisation or government, as the case may be, in pursuance of an agreement to which the United Kingdom is a party.

(2) In relation to regulations made under the said section 4 by virtue of the foregoing subsection, that section shall have effect as if—

- (a) in subsection (3)(a) (which requires the charges payable to the Organisation mentioned in that section to be fixed in accordance with tariffs approved under the Convention relating to that Organisation) for the references to that Organisation and Convention there were substituted respectively references to the international organisation or government to which charges are payable by virtue of the regulations and to the relevant agreement with the United Kingdom;
- (b) in subsection (4)(b) and (c) (under which certain information can be required by the said Organisation) for the reference to that Organisation there were substituted a reference to the international organisation or government aforesaid.

(3) Liability for any charges payable by virtue of regulations under the said section 4 and the requirements mentioned in subsection (4) of that section may be imposed upon the operator of any aircraft whether or not it is registered in the United Kingdom, whether or not it is in or over the United Kingdom at the time when the services to which the charges relate are provided and whether or not those services are provided from a place in the United Kingdom.

(4) Regulations under section 7(2) of the said Act of 1962 (provisions for securing compliance with regulations under the said section 4) may make, in relation to aircraft detained for non-payment of any charge payable by virtue of regulations under the said section 4, provision corresponding to any provision made by or under section 14 of this Act.

(5) In the said section 7(2) (which deals with regulations made by the Board of Trade but at one point erroneously refers to Her Majesty in Council) for the words “ Her Majesty in Council ” there shall be substituted the words “ the Board of Trade ”.

(6) In this section “ navigation services ” and “ operator ” have the same meanings respectively as in the said Act of 1962.

#### *Rights in aircraft*

Power to provide for the mortgaging of aircraft.

16.—(1) Her Majesty may by Order in Council make provision for the mortgaging of aircraft registered in the United Kingdom or capable of being so registered.



(2) Without prejudice to the generality of the powers conferred by the foregoing subsection, an Order in Council under this section may, in particular—

- (a) include provisions which correspond (subject to such adaptations or modifications as appear to Her Majesty in Council to be necessary or expedient) to any of the provisions of the Merchant Shipping Act 1894 relating 1894 c. 60. to the mortgaging of ships;
- (b) make provision as respects the rights and liabilities of mortgagors and mortgagees of such aircraft as are mentioned in subsection (1) of this section, and as respects the priority inter se of such rights and the relationship of such rights to other rights in or over such aircraft, including possessory liens for work done to such aircraft and rights under section 14 of this Act or under regulations made by virtue of section 7(2) of the Civil Aviation (Eurocontrol) Act 1962; 1962 c. 8.
- (c) make provision as respects the operation, in relation to such aircraft as aforesaid, of any of the enactments in force in any part of the United Kingdom relating to bills of sale or the registration of charges on the property or undertaking of companies;
- (d) provide for the rights of mortgagees of such aircraft to be exercisable, in such circumstances as may be specified in the Order, in relation to payments for the use of the aircraft;
- (e) confer on courts in the United Kingdom powers in respect of any register maintained in pursuance of the Order and in respect of transactions affecting aircraft registered therein;
- (f) make provision for enabling the mortgage of an aircraft to extend to any store of spare parts for that aircraft and for applying, for that purpose, to any such spare parts provisions such as are mentioned in the foregoing paragraphs of this subsection;
- (g) make provision for prescribing, subject to the consent of the Treasury, the fees to be paid in respect of the making or deletion of entries in any such register as aforesaid and in respect of any other matters in respect of which it appears to Her Majesty in Council to be expedient for the purposes of the Order to charge fees;
- (h) provide for the imposition of penalties in respect of the making of false statements in connection with matters dealt with in the Order and in respect of the forgery of documents relating to such matters.

(3) An Order in Council under this section may provide for any of the provisions of any such Order to extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to any relevant overseas territory and to aircraft registered in any such territory.

Power to give effect to Convention on Rights in Aircraft.

17.—(1) Her Majesty may by Order in Council make such provision as appears to Her to be necessary or expedient for giving effect to the Convention on the International Recognition of Rights in Aircraft which was signed at Geneva on behalf of the United Kingdom on 19th June 1948.

(2) Without prejudice to the generality of the powers conferred by the foregoing subsection, an Order in Council under this section may, in particular, make provision—

- (a) for the recognition in the United Kingdom of rights of the kind specified in the Convention in or over aircraft registered in other states party to the Convention, being rights registered or recorded in those states in accordance with the Convention and recognised as valid by the law of the state party to the Convention in which the aircraft in question was registered when the rights were constituted;
- (b) for subordinating to any such rights as aforesaid, to such extent as may be required under the Convention, any other rights in or over such aircraft as aforesaid, including possessory liens for work done to such aircraft and rights under section 14 of this Act or under regulations made by virtue of section 7(2) of the Civil Aviation (Eurocontrol) Act 1962;
- (c) as respects the operation, in relation to such aircraft as aforesaid, of any of the enactments in force in any part of the United Kingdom relating to bills of sale or the registration of charges on the property or undertaking of companies;
- (d) for prohibiting the sale in execution of any such aircraft as aforesaid without an order of a court, and otherwise for safeguarding in the case of such a sale any such rights as are mentioned in paragraph (a) of this subsection;
- (e) for the recognition in the United Kingdom, in priority to other rights in or over any such aircraft as aforesaid or any aircraft registered in the United Kingdom or a relevant overseas territory, of any charge consequent on salvage or similar operations in respect of the aircraft, being a charge arising in accordance with the law of any other state party to the Convention in which those operations terminated;

1962 c. 8.

(f) for the application, in accordance with the Convention, of provisions corresponding to those made by virtue of paragraphs (a) to (d) of this subsection to cases where a right such as is mentioned in the said paragraph (a) (being a right created as security for the payment of indebtedness) extends to any store of spare parts for the aircraft in question.

(3) An Order in Council under this section may provide for any of the provisions of any such Order to extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to any relevant overseas territory.

18.—(1) An Order in Council under either of the two last foregoing sections may apply, in such cases and to such extent as appears to Her Majesty in Council to be expedient, to aircraft belonging to or employed in the service of Her Majesty. Provisions supplementary to sections 16 and 17.

(2) An Order in Council under either of those sections may contain such incidental and supplementary provisions as appear to Her Majesty in Council to be necessary or expedient for the purposes of the Order, and may be revoked or varied by a subsequent Order under that section.

(3) No such Order as aforesaid shall be submitted to Her Majesty in Council unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament:

Provided that this subsection shall not apply to an Order which applies only to a relevant overseas territory.

(4) In the two last foregoing sections and in this section “relevant overseas territory” means any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction.

#### *Miscellaneous*

19.—(1) In subsection (2) of section 8 of the Civil Aviation Act 1949 (which in paragraphs (a) to (q) specifies matters concerned with the regulation of air navigation for which provision may be made by an Order in Council under that section) there shall be added the following paragraphs:— Control of aircraft noise and supersonic flight. 1949 c. 67.

“(r) for prohibiting aircraft from taking off or landing in the United Kingdom unless there are in force in respect of those aircraft such certificates of compliance with standards as to noise as may be specified in the Order and except upon compliance with the conditions of those certificates;

(s) for regulating or prohibiting the flight of aircraft over the United Kingdom at speeds in excess of Flight Mach 1. ”.

(2) No Order under section 8 of the said Act of 1949 making provision for any such matter as is mentioned in paragraph (r) of subsection (2) of that section shall be submitted to Her Majesty in Council unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament; and so much of section 57(2) of that Act as provides that Orders in Council under the said section 8 are to be subject to annulment in pursuance of a resolution of either House of Parliament shall not apply to any such Order as aforesaid.

Extra-territorial regulation of certain British-controlled aircraft not registered in the United Kingdom.  
1949 c. 67.

**20.** In relation to any Order in Council made by virtue of section 8 of the Civil Aviation Act 1949 (regulation of air navigation) and any regulation made by virtue of such an Order, section 59(1) of that Act (under which such an Order or regulation may have extra-territorial effect in relation to British aircraft registered in the United Kingdom) shall have effect as if references therein to British aircraft registered in the United Kingdom included references to any aircraft which is not so registered but is for the time being under the management of a person who, or of persons each of whom, is qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom.

Registration of rights enforceable under s. 23(7) of Act of 1949.

**21.—(1)** A right in or in relation to land in England or Wales granted or agreed to be granted to the Board of Trade after the passing of this Act shall not be enforceable by virtue of section 23(7) of the Civil Aviation Act 1949 (powers over land in connection with civil aviation) against a purchaser for money or money's worth of a legal estate in any land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement has been registered in the prescribed manner in the register of local land charges of the local authority in whose area the land, or any part of the land, to which the grant or agreement relates is situated.

1925 c. 22.

(2) The power conferred by subsection (6) of section 15 of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the foregoing subsection; and in that subsection “prescribed” means prescribed by rules made in the exercise of that power.

(3) In subsection (1) of this section “local authority” means the council of a county district, county borough or London borough and the Common Council of the City of London, and “purchaser” has the same meaning as in the said Act of 1925.

(4) A grant or agreement made as respects land in Scotland shall not be enforceable by virtue of section 23(7) of the said

Act of 1949 against a third party who shall have in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the grant or agreement being recorded in the Register of Sasines, or against any person deriving title from such third party.

22. In section 26(1) of the Civil Aviation Act 1949 (power of Board of Trade to exercise control over land in the interests of the safe and efficient use for civil aviation purposes of land vested in or to be acquired by the Board) the reference to civil aviation purposes shall include a reference to the testing of aircraft designed for civil aviation. Control over land in interests of testing of civil aircraft. 1949 c. 67.

23.—(1) Summary proceedings for an offence against any Order in Council in force under section 8 of the Civil Aviation Act 1949, or any regulations made by virtue of such an Order, may be instituted at any time within twelve months from the commission of the offence if— Provisions relating to aircraft accidents.

(a) it was committed in connection with the flight of an aircraft in the course of which an accident occurred; and

(b) not more than six months after the commission of the offence—

(i) public notice has been given that an investigation into the accident is being carried out in accordance with regulations under section 10 of the said Act of 1949; or

(ii) the Board of Trade (acting alone or with any other government department) have directed that a public inquiry into the accident be held in accordance with those regulations.

(2) The fact that any such direction as is mentioned in subsection (1)(b)(ii) of this section has been given on any date may be proved by the production of a certificate to that effect purporting to be signed by an officer of the Board of Trade.

(3) For the purposes of this section the flight of an aircraft shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends.

(4) In the said section 10 and in this section “accident” shall be construed as including any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened.

Power of British Airports Authority, B.E.A. and B.O.A.C. to provide technical advice and assistance.

Minor amendments relating to British Airports Authority, B.E.A. and B.O.A.C. 1965 c. 16. 1967 c. 33.

**24.** Without prejudice to their powers apart from this section, the British Airports Authority, the British European Airways Corporation and the British Overseas Airways Corporation shall each have power to provide for any person technical advice or assistance, including research services, as respects any matter in which the Authority or, as the case may be, the Corporation concerned have skill or experience.

**25.—**(1) Paragraph 8(1) of Schedule 1 to the Airports Authority Act 1965 and paragraph 11 of Schedule 1 to the Air Corporations Act 1967 (which require the fixing of the common seal of the Authority and of B.E.A. and B.O.A.C. to be authenticated by the signatures of the chairman or a member of the body concerned and also by another person authorised to act for that purpose) shall be amended as follows:—

- (a) in the said paragraph 8(1) for the words from “the signatures” to the end there shall be substituted the words “the signature of the secretary of the Authority or some other person authorised by the Authority, either generally or specially, to act for that purpose”;
- (b) in the said paragraph 11 for the words from “the signature” to the end there shall be substituted the words “the signature of the secretary of the corporation or some other person authorised by the corporation, either generally or specially, to act for that purpose”;

(2) It is hereby declared that—

- (a) in the said Act of 1965 “pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto, and any sums payable on or in respect of the death of that person; and
- (b) for the purpose of making any provision required or authorised to be made by regulations under section 24 of the said Act of 1967 (pensions and similar benefits for employees of B.E.A., B.O.A.C. and certain other undertakings and bodies) regulations under that section may incorporate and give effect to provisions contained in any trust deed entered into by any employing authority within the meaning of that section.

Repeal of inoperative provisions relating to damage caused by aircraft. 1949 c. 67.

**26.** The following provisions of the Civil Aviation Act 1949 are hereby repealed, namely—

- (a) section 42 and Schedule 5 (limit of liability for loss or damage caused by aircraft);

- (b) section 48 (power to give effect to Convention relating to damage caused by aircraft);
- (c) section 50 (which confers a power, not yet exercised, to bring the foregoing provisions into operation);
- (d) in Part I of Schedule 9 the words "Sections forty-two to fifty".

*Supplementary*

27.—(1) There shall be paid out of moneys provided by Financial Parliament— provisions.

- (a) any expenses (including grants or loans under section 12) incurred by any government department in consequence of any provision of this Act;
- (b) any increase attributable to this Act in the sums so payable under any other Act.

(2) There shall be paid into the Consolidated Fund any sums received by any government department in consequence of any provision of this Act.

(3) In this section "government department" does not include the Postmaster General.

28.—(1) This Act may be cited as the Civil Aviation Act 1968. Short title, interpretation and extent.

(2) This Act and the Civil Aviation Acts 1949 to 1967 may be cited together as the Civil Aviation Acts 1949 to 1968.

(3) In this Act, except where the context otherwise requires—

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; and

"local authority" means, in relation to England and Wales, the council of a county, county borough, county district or London borough, the Greater London Council or the Common Council of the City of London and, in relation to Scotland, a county council or a town council.

(4) The definitions of "aerodrome" and "local authority" contained in the last foregoing subsection shall be substituted for the definitions of those expressions contained in section 63(1) of the Civil Aviation Act 1949.

(5) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any other enactment, including, except where the context otherwise requires, this Act.

(6) The following provisions of this Act extend to Northern Ireland, namely—

sections 2, 5 and 14 (until the date appointed under section 13(2) of this Act)

section 13

sections 15 to 20

sections 22 and 23

section 24 except so far as it relates to the British Airports Authority

1967 c. 33.

section 25 so far as it relates to the Air Corporations Act 1967

section 26

this section

but, save as aforesaid, this Act shall not extend to Northern Ireland.

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