



# Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

## PART I

### CENTRAL ADMINISTRATION

#### **1 Appointment and: functions of Minister of Civil Aviation**

- (1) It shall be lawful for His Majesty to appoint a Minister of Civil Aviation (in this Act referred to as "the Minister") who shall be charged with the general duty of organising, carrying out and encouraging measures for the development of civil aviation, for the designing, development and production of civil aircraft, for the promotion of safety and efficiency in the use thereof, and for research into questions relating to air navigation :

Provided that this subsection shall not authorise the production of civil aircraft by the Minister.

- (2) The acquisition and disposal of aircraft, aero-engines and aviation equipment in discharge of the Minister's said duty shall be subject to the approval of the Treasury.

#### **2 Oath of allegiance and official oath**

The Minister shall take the oath of allegiance and the official oath, and the Promissory Oaths Act, 1868, shall have effect as if the name of the Minister were included in the first Part of the Schedule to that Act.

#### **3 Appointment of officers, remuneration and expenses**

- (1) The Minister may appoint a Parliamentary Secretary, and such other secretaries, officers and servants as he may with the consent of the Treasury determine.
- (2) There shall be paid—
- (a) to the Minister, an annual salary not exceeding five thousand pounds;

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(b) to any Parliamentary Secretary appointed by the Minister, and to any other secretaries, officers and servants appointed by the Minister, such salaries or remuneration as the Treasury may determine,

and for the purposes of section six of the Ministers of the Crown Act, 1937 (which makes provision against duplicate salaries) any salary payable under this subsection to the Minister or to any Parliamentary Secretary appointed by him shall be deemed to be a salary payable under that Act.

(3) The salary of the Minister and his expenses (including any salaries or remuneration payable under paragraph (b) of the last foregoing subsection) shall be defrayed out of moneys provided by Parliament.

#### **4 Capacity to sit in House of Commons**

A person holding office as Minister of Civil Aviation, or as Parliamentary Secretary to the Ministry, shall not thereby be rendered incapable of being elected as a member of the Commons House of Parliament, or of sitting or voting as such a member.

#### **5 Seal, style and acts of Minister**

(1) The Minister shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary to the Ministry or of any person authorised by the Minister to act in that behalf.

(2) The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by this section, or to be signed by a secretary to the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

(4) The Documentary Evidence Act, 1868, shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary to the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

#### **6 Transfer to Minister of property, rights and liabilities relating to civil aviation**

(1) Any property vested in, right enjoyed by, or liability incumbent on the Secretary of State for the purposes of civil aviation immediately before the time of vesting shall without more vest in or devolve on the Minister.

(2) Any regulation, order, direction, appointment, determination, agreement, requirement or representation made or other thing done or proceeding taken by, to or before the Secretary of State for the purposes of civil aviation before the time of vesting, and in force or having effect at that time shall be treated as if it had been made, done or taken by, to or before the Minister and shall continue in force or have effect accordingly.

(3) A certificate by the Secretary of State and the Minister that any property, right or liability vested, enjoyed or incurred in or by the Secretary of State was or was not

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vested, enjoyed or incurred for the purposes of civil aviation, or that anything made, done or taken by, to or before the Secretary of State, was or was not made, done or taken for those purposes shall, in determining any question as to the effect of either of the two foregoing subsections, be conclusive of the matters certified.

- (4) In this section the expression " time of vesting " means the passing of the Ministry of Civil Aviation Act, 1945.

## **7 Delegation of certain functions of Minister**

- (1) The Minister may by order provide for delegating to a body appearing to him to be so constituted as to consist of—
- (a) persons substantially representative of the interests concerned with civil aviation (and in particular of operators, constructors and insurers of aircraft), and
  - (b) two persons appointed by the Minister, one as being an independent person and the other as being a person who has had not less than five years' professional experience as a pilot of civil aircraft,

such of the administrative functions of the Minister with respect to the matters to which this subsection applies as may be specified in the order, and for entrusting to that body such advisory functions in connection with any of the said matters as may be so specified ; and an order under this section may direct that any fees for the time being prescribed by an Order in Council under section eight of this Act in relation to matters with respect to which functions are delegated under this section to such a body as aforesaid, shall be paid to, and may be retained by, that body.

The matters to which this subsection applies are the design, construction and maintenance of aircraft, and matters connected therewith.

- (2) An order under this section may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the order.
- (3) An order under this section shall be made by statutory instrument and if the order delegates or entrusts any functions to such a body as aforesaid a draft of the statutory instrument shall be laid before Parliament.
- (4) The Minister may contribute such sums as he may, with the approval of the Treasury, determine to the payment of any expenses which may be incurred by such a body as aforesaid for the purposes of an order under this section; and any sums required by the Minister for making contributions under this subsection shall be paid out of moneys provided by Parliament.
- (5) Part VI of this Act applies to this section.