



Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

PART II

REGULATION OF CIVIL AVIATION

General

8 Power to give effect to Chicago Convention and regulate air navigation

- (1) Whereas on the seventh day of December, nineteen hundred and forty-four at the International Civil Aviation Conference held at Chicago, there was signed on behalf of the Government of the United Kingdom a Convention on International Civil Aviation (hereinafter referred to as " the Chicago Convention ") :

And whereas a copy of the final Act of the said Conference including (amongst other things) the text of the Chicago Convention was, on the fourth day of April, nineteen hundred and forty-five, presented to Parliament by command of His Majesty:

And whereas it is expedient to provide for giving effect to the Chicago Convention and to make further provision for the regulation of air navigation:

Now, therefore, His Majesty may by Order in Council make such provision as appears to Him to be requisite or expedient—

- (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or
 - (b) generally for regulating air navigation.
- (2) His Majesty may by Order in Council make provision—
- (a) as to the registration of aircraft in the United Kingdom ;
 - (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the Order are in force with respect to them and except

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upon compliance with such conditions as to maintenance or repair as may be specified in the Order;

- (c) for the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes ;
- (d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the Order except in accordance with provisions in that behalf contained in the Order, and for the licensing of those employed at aerodromes licensed under the Order in the inspection or supervision of aircraft;
- (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the United Kingdom may fly, and as to the conditions under which aircraft may fly from one part of the United Kingdom to another;
- (f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be specified in the Order;
- (g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;
- (h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;
- (i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation ;
- (j) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (k) for regulating the use of the civil air ensign and any other ensign established by His Majesty in Council for purposes connected with air navigation;
- (l) for prohibiting aircraft from flying over such areas in the United Kingdom as may be specified in the Order ;
- (m) for applying, adapting or modifying the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to His Majesty in Council to be requisite or expedient for the protection of the revenue, the importation of goods into the United Kingdom without payment of duty;
- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the Order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

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- (o) for regulating the charges that may be made for the use of aerodromes licensed under the Order and for services provided at such aerodromes;
 - (p) for prescribing, subject to the consent of the Treasury, the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by the Order and in respect of any other matters in respect of which it appears to His Majesty in Council to be expedient for the purpose of the Order to charge fees ;
 - (q) for exempting from the provisions of the Order or any of them any aircraft or persons or classes of aircraft or persons.
- (3) An Order in Council under this section may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the United Kingdom but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in the United Kingdom operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.
- (4) An Order in Council under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine of two hundred pounds and imprisonment for a term of six months, and, in the case of any provision having effect by virtue of paragraph (1) of subsection (2) of this section, may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the Order.
- (5) There shall be paid out of moneys provided by Parliament—
- (a) any sums payable by His Majesty's Government in the United Kingdom by way of contribution to the expenses of the International Civil Aviation Organisation under the Chicago Convention ;
 - (b) such expenses of any delegate, representative or nominee of His Majesty's Government in the United Kingdom appointed for any purposes connected with the Chicago Convention as may be approved by the Treasury ;
 - (c) any expenses incurred by His Majesty's Government in the United Kingdom for the purposes of Chapter XV of the Chicago Convention (which relates to the provision of airports and other air navigation facilities); and
 - (d) any other expenses incurred by a Government Department by reason of this section.
- (6) There shall be paid into the Exchequer—
- (a) all sums received by His Majesty's Government in the United Kingdom by way of repayment of expenses incurred for the purposes of the said Chapter XV ; and
 - (b) all sums received by way of fees paid under an Order in Council under this section other than fees which, under an order made under section seven of this Act are paid to any of the bodies to which functions of the Minister are delegated under that section.
- (7) Part VI of this Act applies to this section.

9 Control of aviation in time of war or emergency

- (1) In time Of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order regulate or prohibit, either absolutely or subject to

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such conditions as may be contained in the order and notwithstanding the provisions of this Act or any Order in Council or regulations made thereunder, the navigation of all or any descriptions of aircraft over the United Kingdom or any portion thereof; and may by order provide for taking possession of and using for the purposes of His Majesty's naval, military or air forces any aerodrome, or any aircraft, machinery, plant, material or things found therein or thereon, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, or flying school, 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 section eight of this Act may by virtue of subsection (4) of that section make for the purpose of securing compliance with provisions thereof having effect by virtue of paragraph (Z) of subsection (2) of that section.
- (3) Any person who suffers direct injury or loss, owing, to the operation of an order of the Secretary of State under this section, shall be entitled to receive compensation from the Secretary of State, the amount thereof to be fixed, in default of agreement, by the Lands Tribunal; and the principles of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall, with the necessary modifications, apply where possession is taken of any land :

Provided that no compensation shall be payable by reason of the operation of a general order under this section prohibiting flying in the United Kingdom or any part thereof.

- (4) The power to make an order under this section shall be exercisable by statutory instrument.
- (5) Any expenses incurred by a Secretary of State in the exercise of his powers under this section shall be paid out of moneys provided by Parliament.
- (6) Part VI of this Act applies to this section.

10 Investigation of accidents

- (1) The Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation, and either occurring in or over the United Kingdom or occurring elsewhere to British aircraft registered in the United Kingdom:

Provided that regulations not relating only to civil aviation shall be made by the Secretary of State and the Minister acting jointly.

- (2) 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 in the order;
 - (b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents any of the provisions of section three of the Notice of Accidents Act, 1894;
 - (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 under this Part of this Act or any

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Order in Council or order made under this Part of this Act, where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed or surrendered, and requiring the production of any such licence 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 of the Merchant Shipping Act, 1894, or any enactment 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 for a term not exceeding three months.
- (4) Any expenses incurred by a Secretary of State or the Minister in the exercise of his powers under this section, including the expenses of any investigation under this section, shall be paid out of moneys provided by Parliament.
- (5) Part VI of this Act applies to this section.

11 Dangerous flying

- (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 for a term not exceeding six months or to both.

In 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 section eight of this Act.
- (3) Part VI of this Act applies to this section.