



Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

PART VII

GENERAL

62 Jurisdiction

- (1) 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) His Majesty may, by Order in Council, make provision as to the courts in which proceedings may be taken for enforcing any claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and for applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.
- (3) Part VI of this Act applies to this section.

63 Interpretation

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
 - " 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;
 - " air transport service " means a service for the carriage by air of passengers, mails or other freight;
 - " Airways Corporations " means the British Overseas Airways Corporation, the British European Airways Corporation, and the British South American Airways Corporation;
 - " appropriate Minister " means, in relation to the undertakings indicated in paragraph (a) of the definition of statutory undertakers below, the Minister of Transport, in relation to those indicated in paragraph (b) thereof, the Minister

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of Fuel and Power (but in relation to the undertaking of the North of Scotland Hydro-Electric Board, the Secretary of State) and in relation to those indicated in paragraph (c) thereof the Minister of Health except in Scotland and in Scotland the Secretary of State;

" land " includes any estate or other interest in land and any easement, but this definition shall not affect the construction of the provisions of sections nineteen and twenty-three of this Act as to the acquisition of land;

" local authority " means, except in relation to Scotland, the council of a county, county borough, metropolitan borough or county district, or the Common Council of the City of London and, in relation to Scotland, any county or town council;

" Minister " means the Minister of Civil Aviation;

" owner ",—

- (a) in relation to any land in England or Wales means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits under a lease or agreement, the unexpired term whereof exceeds three years,
- (b) in relation to any land in Scotland or Northern Ireland, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years;

" purposes of civil aviation " includes all purposes connected with air navigation except purposes of defence of the realm by air and the expression " defence of the realm by air " includes the Air Force and the administration of all matters relating thereto;

" statutory undertaker " means any person (including a local authority) authorised by any Act (whether public, general or local), or by any order or scheme made under or confirmed by any Act, to construct, work or carry on—

- (a) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking ;
- or
- (b) any undertaking for the supply of electricity, gas or hydraulic power ; or
- (c) any undertaking for the supply of water ;

and the expression " statutory undertaking " shall be construed accordingly.

- (2) Any reference in this Act to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or to the carrying out of levelling operations on the land, and references to the maintenance of works or to interference' with works shall be construed accordingly.
- (3) For the avoidance of doubt it is hereby declared that in this Act the expression " loss or damage " includes in relation to persons, loss of life and personal injury.
- (4) Any reference in this Act to goods or articles shall be construed as including a reference to mails or animals.
- (5) Any reference in this Act 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.

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- (6) Any power conferred by this Act shall be in addition to and not in derogation of any other power so conferred.
- (7) Any power conferred by this Act to make rules or regulations shall be exercisable by statutory instrument.
- (8) Any power conferred by this Act to make any Order in Council or order shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any-, to vary or revoke the Order in Council or order.
- (9) References in this Act to any enactment shall, except in so far as the context otherwise requires, be taken as referring to that enactment as amended by or under any other enactment.

64 General application to Scotland

- (1) The provisions of this section shall, in addition to any express provisions for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.
- (2) Any reference to the High Court shall be construed as a reference to the Court of Session, and any reference to the Lord Chief Justice shall be construed as a reference to the Lord President of the Court of Session.
- (3) Any reference to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.
- (4) The expression " stay " shall mean " sist", the expression " requiring security from " shall mean " requiring caution to be found by", the expression " arbitrator" shall mean " arbiter", and the expression " plaintiff" shall mean "pursuer",
- (5) For any reference to an easement there shall be substituted a reference to a servitude.
- (6) Any inquiry in relation to an order, which by virtue of any provision of this Act is subject to special parliamentary procedure, shall, if the Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction has been so given—
 - (a) it shall be deemed to have been so given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, and
 - (b) nothing in section fifty of the Town and Country Planning (Scotland) Act, 1945, as applied under paragraph 4 or paragraph 8 of the Fourth Schedule to this Act shall apply to such inquiry.

65 General application to Northern Ireland

- (1) The following provisions shall, in addition to any express provision for the application to Northern Ireland of any provision of this Act, have effect for the general application of this Act to Northern Ireland, that is to say—
 - (a) any reference to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland;
 - (b) any reference to an Act of Parliament shall be construed as including a reference to an Act of the Parliament of Northern Ireland; and " enactment" includes an enactment of that Parliament;

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- (c) " summary conviction" means conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act;
 - (d) any reference to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland.
- (2) His Majesty may by Order in Council direct that any of the provisions of this Act set out in Part I of the Ninth Schedule to this Act, shall, in the application of that provision to Northern Ireland, have effect subject to such adaptations as may be specified in the Order.

Part VI of this Act applies to this subsection.

- (3) The authorisation required for the compulsory purchase by an authority of land in Northern Ireland under subsection (2) of section nineteen of this Act shall be a compulsory purchase order made by that authority and confirmed by the Minister, and the provisions of the Tenth Schedule to this Act shall have effect in relation to every such order; and the provisions of this subsection and that Schedule may be adapted under the last foregoing subsection.
- (4) The disputes which by this Act are directed to be determined by the Lands Tribunal shall, in the application of this Act to Northern Ireland, be determined by an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the arbitrator shall be selected in accordance with rules made by the Reference Committee under the said section one; and, save in the case of a dispute under subsection (3) of section nine, rules so made may make provision with respect to the reference and determination of the dispute and may apply any of the provisions of sections three to six of the said Act of 1919 with such modifications as may be necessary.

66 Application to H.M. dominions

- (1) His Majesty may, by Order in Council direct that any of the provisions of this Act set out in Part II of the Ninth Schedule to this Act shall extend with such exceptions, adaptations and modifications, if any, as may be specified in the Order in Council, to 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.

For the purposes of the Mandated and Trust Territories Act, 1947, this subsection shall be deemed to be contained, in an Act of an earlier session than that Act.

- (2) If and so far as the provisions of any law made by the legislature of Southern Rhodesia for the purpose of giving effect to the Chicago Convention, or any Annex thereto, or any amendment of the Convention or any Annex thereto, or for any other purposes similar to the purposes of the enactments set out in Part II of the Ninth Schedule to this Act, purporting to have extra-territorial operation in relation to aircraft registered in Southern Rhodesia, the said provisions shall be deemed to have such operation.
- (3) Part VI of this Act applies to this section.

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67 Application to Channel Islands and Isle of Man

- (1) His Majesty may by Order in Council direct that any of the provisions of this Act shall extend with such exceptions, modifications and adaptations, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man.
- (2) Part VI of this Act shall apply to any Order in Council under this section extending any of the enactments set out in Part II of the Ninth Schedule to this Act as it applies to any Order in Council made under an enactment to which the said Part VI applies.
- (3) An Order in Council under this section, except so far it extends any such enactment as aforesaid, may provide for the payment of sums out of moneys provided by Parliament for any purpose for which sums are required to be so paid in consequence of the exercise of the powers conferred by this section.

68 Transitory provisions

- (1) The disputes which by this Act are directed to be determined by the Lands Tribunal shall, in the period before the coming into force of the Lands Tribunal Act, 1949, for the part of Great Britain in question, be determined by an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the arbitrator shall be selected in accordance with rules made by the Reference Committee under the said section one; and, during the said period, save in the case of a dispute under subsection (3) of section nine, rules so made may make provision with respect to the reference and determination of the disputes and may apply any of the provisions of sections three to six of the said Act of 1919 with such modifications as may be necessary.
- (2) Section twenty-five of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, shall until the commencement of the Merchant Shipping (Safety Conventions) Act, 1949, apply in relation to sea-planes on the surface of the water as it applies in relation to ships or vessels:

Provided that rules under subsection (2) of the said section twenty-five with respect to sea-planes shall not be made by the Minister of Transport except after consultation with the Secretary of State and the Minister of Civil Aviation, and any reference in subsection (3) of the said section to the master or to the person in charge of the deck shall be construed as a reference to the pilot or other person on duty in charge of the sea-plane.

This subsection shall be construed as if contained in section fifty-two of this Act.

69 Amendments of other enactments

The provisions of the Eleventh Schedule to this Act shall have effect with respect to the amendments of the enactments therein specified.

70 Repeal and savings

- (1) The enactments set out in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of the Interpretation Act, 1889, this subsection shall have effect subject to the following provisions of this section.

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- (2) Nothing in this repeal shall affect any instrument or other thing whatsoever made or done or having effect under any enactment repealed by this Act and every such instrument or thing shall continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under this Act.
- (3) Nothing in this repeal shall affect the terms and conditions on and subject to which any person held office or served before the commencement of this Act.
- (4) Where under any Act passed before this Act there is a power to affect Acts of Parliament passed or in force before a particular time and that power would, but for the passing of this Act, have included power to change the law which is reproduced in this Act, then that power shall include power to make such provision as will secure the like change in the law as reproduced in this Act notwithstanding that this Act is not an Act passed or in force before that time and notwithstanding that the terms of this Act, apart from this subsection, are not such as to render that power applicable.
- (5) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.

71 Short title

This Act may be cited as the Civil Aviation Act, 1949.