

1972 No. 971

**HOVERCRAFT****The Hovercraft (Application of Enactments) Order 1972***Laid before Parliament in draft*

<i>Made - - - -</i>	<i>28th June 1972</i>
<i>Laid before Parliament</i>	<i>4th July 1972</i>
<i>Coming into Operation</i>	<i>12th July 1972</i>

## ARRANGEMENT OF ORDER

## Article

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At the Court at Buckingham Palace, the 28th day of June 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 1(4) of the Hovercraft Act 1968(a):

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 1(1)(h) and (j) and by section 1(3) of the Hovercraft Act 1968, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Citation and Commencement*

1. This Order may be cited as the Hovercraft (Application of Enactments) Order 1972 and shall come into operation 14 days after the date of making.

*Application*

2. This Order applies to hovercraft which are used—

- (i) wholly or partly on or over the sea or navigable waters; or
- (ii) on or over land to which the public have access or non-navigable waters to which the public have access; or
- (iii) elsewhere for the carriage of passengers for reward:

Provided that this Order shall not:

- (a) apply to hovertrains; nor
- (b) prejudice the operation of section 19 of the Road Traffic Act 1962(b).

*Interpretation*

3.—(1) In this Order, unless the context otherwise requires—

“Captain” means the person who is designated by the operator to be in charge of a hovercraft during any journey, or, failing such designation, the person who is for the time being lawfully in charge of the hovercraft;

“Hovertrains” means hovercraft which are at all times guided by tracks, rails or guides fixed to the ground;

“Navigable water” means any water which is in fact navigable by ships or vessels, whether or not the tide ebbs and flows there, and whether or not there is a public right of navigation in that water;

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

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(a) 1968 c. 59.  
(c) 1889 c. 63.

(b) 1962 c. 59.

*Application to hovercraft of enactments and instruments relating to vessels*

4. The enactments mentioned in column 1 of Part A of Schedule 1 to this Order, and the statutory instruments mentioned in column 1 of Part B of Schedule 1 to this Order, shall have effect as if any reference therein in whatever terms to ships, vessels or boats or activities or places connected therewith included a reference to hovercraft or activities or places connected with hovercraft, subject to the modifications (if any) contained in column 3 of Parts A and B respectively.

*Application to hovercraft of enactments and instruments relating to aircraft*

5. The enactments mentioned in column 1 of Part A of Schedule 2 to this Order and the statutory instruments mentioned in column 1 of Part B of Schedule 2 to this Order shall have effect as if any reference therein in whatever terms to aircraft or activities or places connected therewith included a reference to hovercraft or activities or places connected with hovercraft, subject to the modifications (if any) contained in column 3 of Parts A and B respectively.

*Application to hovercraft of enactments and instruments relating to motor vehicles*

6. The enactments mentioned in column 1 of Part A of Schedule 3 to this Order, and the statutory instruments mentioned in column 1 of Part B of Schedule 3 to this Order, shall have effect as if any reference therein in whatever terms to motor vehicles or activities or places connected therewith included a reference to hovercraft or activities or places connected with hovercraft, subject to the modifications (if any) contained in column 3 of Parts A and B respectively.

*Insurance*

7.—(1) The Insurance Companies Acts 1958 to 1967(a) shall have effect as if any reference therein to “vessels or aircraft” included a reference to hovercraft.

(2) Section 94 of the Companies Act 1967 shall have effect as if there were added to section 94 the following sub-section—

“(7) For the purposes of this Part of this Act, the business of effecting and carrying out contracts of insurance against loss of, or damage to, or arising out of or in connection with the use of, hovercraft, inclusive of third-party risks but exclusive of transit risks, if carried on by a person who at the same time carries on motor vehicle insurance business but does not otherwise carry on marine, aviation and transport business, shall be taken to be motor vehicle insurance business”.

*Wreck, salvage and distress*

8.—(1) The following enactments and instruments shall have effect as if any reference therein, in whatever terms, to ships, vessels or boats, or activities or places connected therewith, included a reference to hovercraft, or activities or places connected with hovercraft, namely—

(a) Sections 510 to 516, 518 to 537 and 544 to 571 of the Merchant Shipping Act 1894(b);

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(a) 1958 c. 72; 1967 c. 81.

(b) 1894 c. 60.

- (b) Section 72 of the Merchant Shipping Act 1906(a);
- (c) Sections 6 and 7 of the Maritime Conventions Act 1911(b);
- (d) Section 24 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932(c);
- (e) Section 8 of the Crown Proceedings Act 1947(d);
- (f) The Merchant Shipping (Navigational Warnings) Rules 1965(e);
- (g) The Merchant Shipping (Signals of Distress) Rules 1965(f).

In relation to the above enactments, as so applied, the expression "wreck" (save and except in so far as relates to the claims of any Admiral, Vice-Admiral, Lord of the Manor, heritable proprietor duly infeft, or any person other than Her Majesty and Her Royal Successors to unclaimed wreck for his own use) shall include any hovercraft or any part thereof or cargo thereof found sunk, stranded or abandoned in or on any navigable water, or on or over the foreshore, or place where the tide normally ebbs or flows.

(2) (a) Sections 56 and 57 of the Harbours, Docks and Piers Clauses Act, 1847(g) as incorporated with any local or special Act, whenever passed, and the provisions relating to the same subject matters as those sections of any local or special Act for the time being in force, shall apply in relation to hovercraft as those provisions apply to vessels, and the expressions "wreck" and "vessel" in those sections shall be deemed to include wreckage of or from hovercraft, and hovercraft, respectively;

(b) In the application in relation to hovercraft of the provisions of the said sections, the expressions "owner" shall mean the owner of the hovercraft at the time it was wrecked or laid by or neglected.

(3) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, hovercraft in, on or over navigable water or on or over the foreshore or place where the tide normally ebbs and flows 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 hovercraft to any property or person, the owner and crew of the hovercraft shall be entitled to the same reward for those services as they would have been entitled to if the hovercraft had been a vessel.

The foregoing provisions of this sub-section shall have effect notwithstanding that the hovercraft concerned is not registered in the United Kingdom and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of Her Majesty's dominions.

#### *Investigation of casualties*

9. Part VI of the Merchant Shipping Act 1894 (Special Shipping Inquiries and Courts), s. 66 of the Merchant Shipping Act 1906 and the Shipping Casualties and Appeals and Re-hearings Rules 1923(h) shall have effect as if references therein, in whatever terms, to ships or activities connected therewith included references to hovercraft or activities connected with hovercraft, subject to the modifications set out in Schedule 4 to this Order.

(a) 1906 c. 48.

(c) 1932 c. 9.

(e) S.I. 1965/1051 (1965 I, p. 2560).

(g) 1847 c. 27.

(h) S.R. & O. 1923/752 (Rev. XIV, p. 657; 1923, p. 535).

(b) 1911 c. 57.

(d) 1947 c. 44.

(f) S.I. 1965/1550 (1965 II, p. 4526).

*Nomenclature*

**10.**—(1) There shall be substituted a reference to “hovercraft” for the reference to “hover vehicles” in the British Railways Acts 1966 and 1967**(a)**.

(2) The reference to machines designed or adapted for use in agriculture in the definition of “field machine” in the Agriculture (Field Machinery) Regulations 1962**(b)** shall be deemed to include a reference to hovercraft used for agricultural purposes.

(3) For the reference in s. 13(4) of the Sea Fisheries (Shellfish) Act 1967**(c)** to “hover vehicle”, there shall be substituted a reference to “hovercraft”.

*W. G. Agnew.*

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**(a)** 1966 c. xvii; 1967 c. xxx.  
**(c)** 1967 c. 83.

**(b)** S.I. 1962/1472 (1962 II, p. 1605).

## Article 4

## SCHEDULE 1

## APPLICATION TO HOVERCRAFT OF CERTAIN ENACTMENTS AND INSTRUMENTS RELATING TO VESSELS

## PART A:—Enactments applied, and modifications

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Harbours, Docks and Piers Clauses Act 1847, sections 28, 52 and 53, and as incorporated in any local or special Act whenever passed	1847 c. 27.	
The General Pier and Harbour Act 1861	1861 c. 45.	
The General Pier and Harbour Act 1861 Amendment Act 1862	1862 c. 19.	
The Naval Agency and Distribution Act 1864, section 3	1864 c. 24.	
The Naval Prize Act 1864	1864 c. 25.	
The Public Stores Act 1875	1875 c. 25.	
The Territorial Waters Jurisdiction Act 1878	1878 c. 73.	
The Merchant Shipping Act 1894, sections 418, 419, 421, 422 and 446 to 450	1894 c. 60.	
The Congested Districts (Scotland) Act 1897	1897 c. 53.	
The Marine Insurance Act 1906	1906 c. 41.	
The Official Secrets Acts 1911 and 1920	1911 c. 28. 1920 c. 75.	
The Salmon and Freshwater Fisheries Acts 1923 to 1965	1923 c. 16. 1935 c. 43. 1965 c. 68.	
The Land Drainage Act 1930	1930 c. 44.	
The Improvement of Livestock (Licensing of Bulls) Act 1931, (as amended and extended)(a)	1931 c. 43.	
The Manchester Ship Canal Act 1936	1936 c. cxxiv.	
The Harbours, Piers and Ferries (Scotland) Act 1937	1937 c. 28.	

(a) amended by 1944 c. 28. extended by 1963 c. 11.

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Crown Proceedings Act 1947, sections 10 and 29	1947 c. 44.	
The Merchant Shipping (Safety Convention) Act 1949, sections 21 to 23	1949 c. 43.	In section 23(3), the words "and the ship shall be deemed for the purposes of Part V of the principal Act to be unsafe by reason of improper loading" shall not apply.
The Wireless Telegraphy Act 1949 (as modified by the Wireless Telegraphy Act 1967)	1949 c. 54. 1967 c. 72.	
The Prevention of Damage by Pests Act 1949	1949 c. 55.	
The Diseases of Animals Act 1950	1950 c. 36.	
The Visiting Forces Act 1952	1952 c. 67.	
The Pests Act 1954	1954 c. 68.	
The Army Act 1955, sections 25(3)(a) and (b), 60(2)(a) and (b), 148(2) and 198(8)(c)	1955 c. 18.	
The Air Force Act 1955, sections 25(3)(a) and (b), 60(2)(a) and (b) and 148(2)	1955 c. 19.	
The Naval Discipline Act 1957	1957 c. 53.	
The Registration of Births, Deaths and Marriages (Special Provisions) Act 1957	1957 c. 58.	
The Horse Breeding Act 1958, as extended by section 16(4) of the Agriculture (Miscellaneous Provisions) Act 1963	1958 c. 43. 1963 c. 11.	
The Highlands and Islands Shipping Services Act 1960	1960 c. 31.	
The Public Health Act 1961, section 76	1961 c. 64.	
The Water Resources Act 1963	1963 c. 38.	
The Wills Act 1963	1963 c. 44.	
The Fishery Limits Act 1964	1964 c. 72.	
The National Insurance Act 1965, section 100	1965 c. 51.	

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The National Insurance (Industrial Injuries) Act 1965, section 75; Schedule 1, Part I, paragraphs 2 to 5; and Schedule 1, Part II, paragraphs 2 and 3	1965 c. 52.	<p>(1) For paragraph 2(2)(b) and (c) of Schedule 1, Part I there shall be substituted:—</p> <p>“(b) to all hovercraft registered in the United Kingdom, not being hovercraft whose owner (or managing owner if there is more than one owner) or manager resides or has his principal place of business in Northern Ireland; or whose owner (or managing owner if there is more than one owner) has no place of business in the United Kingdom.”</p> <p>(2) In paragraph 2(3) of the said Schedule 1, Part I, the words “ship’s husband or other” shall be omitted.</p>
The Sea Fisheries Regulation Act 1966	1966 c. 38.	
The Marine, &c., Broadcasting (Offences) Act 1967	1967 c. 41.	
The Sea Fish (Conservation) Act 1967	1967 c. 84.	
The Firearms Act 1968	1968 c. 27.	
The Sea Fish Industry Act 1970	1970 c. 11.	
The Destructive Imported Animals Act (N.I.) 1933	23 Geo 5 c. 5. (N.I.)	
The Foyle Fisheries Acts (N.I.) 1952 and 1962	1952 c. 5 (N.I.) 1962 c. 5 (N.I.)	
The Exported Animals (Compensation) Act (N.I.) 1952	1952 c. 24 (N.I.)	
The Diseases of Animals Act (N.I.) 1958	1958 c. 13 (N.I.)	
The Marketing of Potatoes Act (N.I.) 1964	1964 c. 8 (N.I.)	
The Agriculture (Miscellaneous Provisions) Act (N.I.) 1965	1965 c. 3 (N.I.)	
The Seeds Act (N.I.) 1965	1965 c. 22 (N.I.)	
The National Insurance Act (Northern Ireland) 1966, section 95	1966 c. 6 (N.I.)	



Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, section 71, Schedule 1, Part I, paragraphs 2, 3 and 4; and Schedule 1, Part II, paragraphs 2 and 3	1966 c. 9 (N.I.)	<p>(1) For paragraph 2(2) of Part I of Schedule 1, there shall be substituted:—</p> <p>“This paragraph applies, with such exceptions as may be prescribed, to all hovercraft registered in the United Kingdom, not being hovercraft whose owner (or managing owner if there is more than one owner), or manager resides or has his principal place of business in Great Britain, or whose owner (or managing owner if there is more than one owner) has no place of business in the United Kingdom”.</p> <p>(2) In paragraph 2(3) of the said Schedule 1, Part I, the words “ship’s husband or other” shall be omitted.</p>
The Horticulture Act (N.I.) 1966	1966 c. 15 (N.I.)	
The Fisheries Acts (N.I.) 1966 & 1968	1966 c. 17 (N.I.) 1968 c. 31 (N.I.)	
The Diseases of Animals (Amendment) Act (N.I.) 1966	1966 c. 23 (N.I.)	

## PART B:—Instruments applied, and modifications

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Conveyance of Live Poultry Order of 1919 as amended(a)	S.R. & O. 1919/933 (Rev. XVIII, p. 434; Noted 1919, p. 966).	
The Transit of Animals Order of 1927 as amended(b)	S.R. & O. 1927/289 (Rev. II, p. 259; 1927, p. 57)	
The Foot-and-Mouth Disease Order of 1928 as amended(c)	S.R. & O. 1928/133 (Rev. II, p. 499; 1928, p. 94).	
The Pleuro-Pneumonia Order of 1928	S.R. & O. 1928/205 (Rev. II, p. 567; 1928, p. 118).	
The Cattle Plague Order of 1928	S.R. & O. 1928/206 (Rev. II, p. 472; 1928, p. 78).	
The Importation of Dogs and Cats Order of 1928 as amended(d)	S.R. & O. 1928/922 (Rev. II, p. 399; 1928, p. 177).	
The Animals (Importation) Order of 1930 as amended(a)	S.R. & O. 1930/922 (Rev. II, p. 331; 1930, p. 52).	
The Animals (Sea Transport) Order of 1930 as amended(e)	S.R. & O. 1930/923 (Rev. II, p. 284; 1930, p. 78).	
The Importation of Meat, &c. (Wrapping Materials) Order of 1932 as amended(a)	S.R. & O. 1932/317 (Rev. II, p. 409; 1932, p. 107).	
The Fowl Pest Order of 1936 as amended(a)	S.R. & O. 1936/1297 (Rev. XVIII, p. 442; 1936 II, p. 2086).	
The Epizootic Lymphangitis Order of 1938	S.R. & O. 1938/193 (Rev. II, p. 490; 1938 I, p. 141).	
The Sheep Scab Order of 1938 as amended(a)	S.R. & O. 1938/196 (Rev. II, p. 602; 1938 I, p. 234).	
The Anthrax Order of 1938	S.R. & O. 1938/204 (Rev. II, p. 457; 1938 I, p. 124).	

(a) The amendment is not relevant to the subject matter of this Order.

(b) The relevant amending instrument is S.R. & O. 1927/399 (Rev. II, p. 259; 1927, p. 88).

(c) S.I. 1969/1444 (1969 III, p. 4661).

(d) S.I. 1969/1743, 1970/358, 441 (1969 III, p. 5473; 1970 I, p. 1275; 1970 I, p. 1514).

(e) The relevant amending instrument is S.R. & O. 1932/248 (Rev. II, p. 284; 1932 p. 107).

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Parasitic Mange Order of 1938	S.R. & O. 1938/227 (Rev. II, p. 556; 1938 I, p. 191).	
The Glanders or Farcy Order of 1938	S.R. & O. 1938/228 (Rev. II, p. 545; 1938 I, p. 178).	
The Sheep-Pox Order of 1938	S.R. & O. 1938/229 (Rev. II, p. 588; 1938 I, p. 216).	
The Foot-and-Mouth Disease (Infected Areas Restrictions) Order of 1938 as amended(a)	S.R. & O. 1938/1434 (Rev. II, p. 528; 1938 I, p. 155).	
The Foot-and-Mouth Disease (Controlled Areas Restrictions) Order of 1938 as amended(b)	S.R. & O. 1938/1435 (Rev. II, p. 520; 1938 I, p. 169).	
The Poultry and Hatching Eggs (Importation) Order of 1947 as amended(c)	S.R. & O. 1947/1426 (Rev. XVIII, p. 450; 1947 I, p. 1841).	
The National Insurance (Industrial Injuries) Mariners Regulations 1948, as amended(d), regulations 1, 3, 7(1), 8, 10, 12, 13 and 14	S.R. & O. 1948/1471 (Rev. XVI, p. 432; 1948 I, p. 2990).	<p>(1) In regulation 1(2) the definition of "home-trade ship" and the words "and, subject as aforesaid, expressions to which meanings are assigned in the Merchant Shipping Acts 1894 to 1938 have the same meanings as in those Acts" shall not apply; and in the definition of "mariner" for the words from "under the Act" to "thereto", there shall be substituted the words "under the National Insurance (Industrial Injuries) Act 1965 by virtue of the provisions of paragraphs 2 (as modified by Schedule 1 to the Hovercraft (Application of Enactments) Order 1972) and 3-5 of Part 1 of Schedule 1 to that Act".</p> <p>(2) In regulation 3, the words "Subject to the provisions of the two next following regulations" shall be omitted; for the words "or of any regulations for the time being in force as to the payment of contributions under the National Insurance</p>

(a) S.I. 1956/101, 1969/1445 (1956 I, p. 175; 1969 III, p. 4667).

(b) The amendment is not relevant to the subject matter of this Order.

(c) The relevant amending instruments are S.I. 1952/586, 1959/1788, 1963/1102, 2150, 1967/790 (1952 III, p. 2627; 1959 II, p. 2207; 1963 II, p. 1866, III, p. 4799; 1967 II, p. 2317).

(d) The relevant amending instruments are S.I. 1954/923 and 1958/1083 (1954 I, p. 1434; 1958 II, p. 1669).

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
<p>The Prevention of Damage by Pests (Application to Shipping) Order 1951 as amended(a)</p> <p>The Poultry Pens, Fittings and Receptacles (Disinfection) Order 1952 as amended(b)</p> <p>The Horses (Sea Transport) Order 1952 as amended(c)</p>	<p>S.I. 1951/967 (1951 II, p. 197).</p> <p>S.I. 1952/437 (1952 III, p. 2628).</p> <p>S.I. 1952/1291 (1952 I, p. 146).</p>	<p>Act in respect of share fishermen" there shall be substituted the words "as applied by Schedule 1 to the Hovercraft (Application of Enactments) Order 1972" and after the words "by virtue of these regulations", there shall be inserted the words "as applied by Schedule 1 to the Hovercraft (Application of Enactments) Order 1972".</p> <p>(3) In regulation 8, for the words "to which paragraph 2 of Part 1 of the First Schedule to the Act applies, or by virtue of employment as a pilot within paragraph 3 thereof", there shall be substituted the words "to which paragraph 2 of Part 1 of Schedule 1 to the National Insurance (Industrial Injuries) Act 1965 as modified by Schedule 1 to the Hovercraft (Application of Enactments) Order 1972 applies"; for the words "at a port other than a proper return port", there shall be substituted the words "outside Great Britain"; for the words "to such a port", there shall be substituted the words "to Great Britain"; and paragraph (d) shall not apply.</p> <p>(4) In regulation 10, for the words "to which paragraph 2 of Part I of the First Schedule to the Act applies or as a pilot within paragraph 3 thereof", there shall be substituted the words "to which paragraph 2 of Part I of Schedule 1 to the National Insurance (Industrial Injuries) Act 1965 as modified by Schedule 1 to the Hovercraft (Application of Enactments) Order 1972 applies".</p> <p>(5) In regulation 13, the words "or by a superintendent" shall be omitted.</p>

(a) The relevant amending instrument is S.I. 1956/420 (1956 II, p. 1754).

(b) The amendments are not relevant to the subject matter of this Order.

(c) The relevant amending instrument is S.I. 1958/1272 (1958 I, p. 167).

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Horses (Landing from Northern Ireland and the Republic of Ireland) Order 1954	S.I. 1954/698 (1954 I, p. 133).	
The Importation of Carcases and Animal Products Order 1954, as amended(a)	S.I. 1954/853 (1954 I, p. 136).	
The Poultry Carcases (Landing) Order 1955 as amended(b)	S.I. 1955/147 (1955 II, p. 2052).	
The Animals (Landing from Channel Islands, Isle of Man, Northern Ireland and Republic of Ireland) Order 1955 as amended(c)	S.I. 1955/1310 (1955 I, p. 190).	
The Importation of Animal Semen Order 1955 as amended(d)	S.I. 1955/1390 (1955 I, p. 207).	
The Poultry Premises and Vehicles (Disinfection) Order 1956	S.I. 1956/11 (1956 II, p. 1895).	
The Prevention of Damage by Pests (Application to Shipping) (Amendment No. 2) Order 1956	S.I. 1956/420 (1956 II, p. 1754).	
The Fowl Pest (Infected Areas Restrictions) Order 1956 as amended(e)	S.I. 1956/1611 (1956 II, p. 1883).	
The Swine Fever (Infected Areas Restrictions) Order 1956 as amended(f)	S.I. 1956/1750 (1956 I, p. 180).	
The Diseases of Animals (Waste Foods) Order 1957	S.I. 1957/628 (1957 I, p. 148).	
The Service Departments Registers Order 1959 as amended(e)	S.I. 1959/406 (1959 II, p. 2303).	
The Movement of Animals (Records) Order 1960 as amended(e)	S.I. 1960/105 (1960 I, p. 302).	
The Landing of Unbarked Coniferous Timber Order 1961	S.I. 1961/656 (1961 I, p. 1395).	
The Importation of Hay, Straw and Dried Grass Order 1961	S.I. 1961/946 (1961 II, p. 1841).	

(a) The relevant amending instruments are S.I. 1960/2094, 1961/329, 1963/911, 1964/1089, 1966/37, 1967/606, 1793, 1805 (1960 I, p. 298; 1961 I, p. 520; 1963 II, p. 1541; 1964 II, p. 2409; 1966 I, p. 53; 1967 II, p. 1818; III, pp. 4795, 4817).

(b) The relevant amending instrument is S.I. 1963/2149 (1963 III, p. 4797).

(c) S.I. 1962/757, 1963/736, 1967/171 (1962 I, p. 752; 1963 I, p. 892; 1967 I, p. 281).

(d) S.I. 1964/1551 (1964 III, p. 3495).

(e) The amendment is not relevant to the subject matter of this Order.

(f) S.I. 1958/1284 (1958 I, p. 170).

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Swine Fever Order 1963	S.I. 1963/286 (1963 I, p. 239).	
The Exported Animals Protection Order 1964	S.I. 1964/704 (1964 II, p. 1352).	
The Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order 1965	S.I. 1965/1525 (1965 II, p. 4411).	<p>(1) For Article 3 there shall be substituted "the Collision Regulations shall apply to all United Kingdom registered hovercraft and to all other hovercraft within United Kingdom territorial waters".</p> <p>(2) For Article 4(2) there shall be substituted "The provisions of the said section 21 shall apply to all United Kingdom hovercraft, and to all other hovercraft within United Kingdom territorial waters".</p> <p>(3) In Rule 1(a) the words "or hovercraft" shall be added after "seaplanes" in the second sentence.</p> <p>(4) There shall be added to Schedule 1, Part B as Rule 7A the following Rule—</p> <p>(a) "In addition to the lights prescribed in Rule 2 and Rule 7 for a power driven vessel under way a hovercraft when under way and supported (wholly or partly) on its cushion of air shall carry where it can best be seen an amber flashing light flashing 60 times per minute and of such a character as to be visible all round the horizon at a distance of at least 5 miles.</p> <p>(b) A hovercraft when complying with the carriage of lights prescribed in Rule 4(a), Rule 4(c) and Rule 5(a) and (c) shall not carry an amber flashing light prescribed above."</p> <p>(5) There shall be added as paragraph (3) to the Preliminary to Part C—Sound Signals and Conduct in Restricted Visibility the following:—</p>

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
<p>The Merchant Shipping (Dangerous Goods) Rules 1965 as amended(a)</p> <p>The Hares (Control of Importation) Order 1965</p> <p>The Export of Horses (Veterinary Examination) Order 1966</p> <p>The National Insurance (Mariners) Regulations 1967 as amended(b) Regulations 1, 2, 10, 14 and 24</p>	<p>S.I. 1965/1067 (1965 II, p. 2681).</p> <p>S.I. 1965/2040 (1965 III, p. 6030).</p> <p>S.I. 1966/507 (1966, I p. 1071).</p> <p>S.I. 1967/386 (1967 I, p. 1294).</p>	<p>“(3) It should be noted that because of the noise of operation of some types of hovercraft, sound signals may not be heard from them and they may not be able to hear sound signals made by other vessels”.</p> <p>(6) There shall be added as paragraph (5) of the Preliminary to Part D—Steering and Sailing Rules, the following:—</p> <p>“(5) In complying with the Steering and Sailing Rules it should be borne in mind that hovercraft operate at high speed and that under certain circumstances the aspect presented by the hovercraft to other vessels is not always a true indication of its direction of travel.”</p> <p>(1) For “passenger steamer” wherever it appears, there shall be substituted “hovercraft carrying more than 12 passengers”, and</p> <p>(2) The definition of “passenger steamer” and “steamer” shall not apply.</p> <p>(1) In regulation 1(2), the definitions of “share fisherman”, “home-trade ship”, “home-trade port”, “foreign-going ship”, “passenger” and “passenger ship” and the words “and, subject as aforesaid, expressions to which meanings are assigned in the Merchant Shipping Acts 1894 to 1965 have the same meanings as in those Acts” shall not apply: in the definition of “mariner” the words “and includes a share fisherman” shall be omitted; in the definition of “manager” the words “ship’s husband or other” shall be omitted; and</p>

(a) S.I. 1968/332 (1968 I, p. 969).

(b) The relevant amending instrument is S.I. 1967/594 (1967 I, p. 1801).

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
<p>The Equine Animals (Importation) Order 1969 as amended(a)</p> <p>The Exotic Animals (Importation) Order 1969</p> <p>The Export of Horses (Excepted Cases) Order 1969</p> <p>The Export of Horses (Protection) Order 1969</p> <p>The Cattle Plague (Ireland) Order of 1900</p> <p>The Pleuro-Pneumonia (Ireland) Order of 1900</p> <p>The Sheep Pox (Ireland) Order of 1900</p> <p>The Glanders or Farcy (Ireland) Order of 1900 as amended(b)</p> <p>The Importation of Animals (Ireland) Order 1900</p> <p>The Foreign Animals (Ireland) Order of 1901</p> <p>The Importation of Horses, Asses and Mules (Ireland) Order 1907 as amended(c)</p>	<p>S.I. 1969/915 (1969 II, p. 2791).</p> <p>S.I. 1969/1737 (1969 III, p. 5450).</p> <p>S.I. 1969/1742 (1969 III, p. 5470).</p> <p>S.I. 1969/1784 (1969 III, p. 5582).</p> <p>S.R. &amp; O. 1901/7</p> <p>S.R. &amp; O. 1901/8</p> <p>S.R. &amp; O. 1901/10</p> <p>S.R. &amp; O. 1901/15</p> <p>S.R. &amp; O. 1901/17</p> <p>S.R. &amp; O. 1901/959</p> <p>S.R. &amp; O. 1907/59</p>	<p>the definition of "British ship" shall have effect subject to the modifications of paragraph 2 of Part I of Schedule 1 to the National Insurance (Industrial Injuries) Act 1965, effected by this Schedule.</p> <p>(2) In regulation 2, the proviso to paragraph (1) thereof, and paragraphs (2), (5) and (6) thereof, shall not apply.</p> <p>(3) In regulation 10, in paragraph (b), the words "superintendent or" shall be omitted; and in provisos (b) and (c) for the words "a proper return port" wherever they appear, there shall be substituted the words "Great Britain".</p> <p>(4) In regulation 14, paragraph (3) shall not apply.</p>

(a) S.I. 1971/1137 (1971 II, p. 3371).

(b) The amendment is not relevant to the subject matter of this Order.

(c) S.R. & O. 1907/1011.



Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Animals (Transit & General) (Ireland) Order of 1913 as amended(a)	S.R. & O. 1913/604	
The Portal Inspection (Ireland) Order of 1914 as amended(b)	S.R. & O. 1914/1564	
The Parasitic Mange (Ireland) Order of 1919 as amended(c)	S.R. & O. 1919/737	
The Conveyance of Live Poultry (Ireland) Order of 1919 as amended(d)	S.R. & O. 1919/1066	
The Animals Quarantine Order (N.I.) 1923	S.R. & O. 1923/501	
The Exportation of Animals (N.I.) Order 1923 as amended(e)	S.R. & O. 1923/1076	
The Swine Fever Order (N.I.) 1926	S.R. & O. 1926/95	
The Animals Disinfection (N.I.) Order 1927 as amended(c)	S.R. & O. 1927/52	
The Transit of Animals (N.I.) Order 1927 as amended(f)	S.R. & O. 1927/38	
The Foreign Animals (N.I.) Order Order 1928	S.R. & O. 1928/88	
The Musk Rats (N.I.) Order 1933	S.R. & O. 1933/46	
The Bovine Tuberculosis (N.I.) Order 1935 as amended(c)	S.R. & O. 1935/39	
The Grey Squirrels (N.I.) Order 1936	S.R. & O. 1936/65	
The Diseases of Animals (Poultry) Order (N.I.) 1949 as amended(e)	S.R. & O. 1949/192	
The Horses (Sea Transport) Order (N.I.) 1953	S.R. & O. 1953/87	
The Diseases of Animals (Therapeutic Substances) (N.I.) Order 1953 as amended(g)	S.R. & O. 1953/169	
The Non-Indigenous Rabbits (Prohibiting of Importation and Keeping) Order (N.I.) 1954	S.R. & O. 1954/161	
The Animals (Sea Transport) Order (N.I.) 1958	S.R. & O. 1958/5	

(a) S.R. &amp; O. 1927/38.

(c) The amendment is not relevant to the subject matter of this Order.

(d) S.R. &amp; O. 1927/97.

(f) S.R. &amp; O. 1932/115.

(b) S.R. &amp; O. 1923/483 &amp; S.R. &amp; O. 1933/53.

(e) S.R. &amp; O. 1939/109.

(g) S.R. &amp; O. 1963/127; S.R. &amp; O. 1958/204.

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Importation of Foreign Vegetables Order (N.I.) 1961	S.R. & O. 1961/28	
The Importation of Dogs and Cats Order (N.I.) 1961 as amended(a)	S.R. & O. 1961/29	
The Hay, Straw & Grass Meal Order (N.I.) 1962 as amended(b)	S.R. & O. 1962/62	
The Diseases of Animals (Boiling of Animal Food) Order (N.I.) 1962	S.R. & O. 1962/72	
The Foot and Mouth Disease Order (N.I.) 1962	S.R. & O. 1962/209	
The Unlawful Importations Order (N.I.) 1963	S.R. & O. 1963/178	
The Coypus Order (N.I.) 1963	S.R. & O. 1963/234	
The Foreign Animals Order (N.I.) 1964	S.R. & O. 1964/81	
The Diseases of Animals (Importation of Poultry) Order (N.I.) 1965 as amended(a)	S.R. & O. 1965/175	
The Foyle Area (Control of Netting) Regulations (N.I.) 1966	S.R. & O. 1966/72	
The Destructive Pests and Diseases of Plants Order (N.I.) 1966	S.R. & O. 1966/313	
The Importation of Dung Order (N.I.) 1967	S.R. & O. 1967/179	
The Rabbits and Hares (Control of Importation) Order (N.I.) 1967	S.R. & O. 1967/294	
The Mink Order (N.I.) 1967	S.R. & O. 1967/346	
The Mink (Importation and Keeping) Regulations (N.I.) 1968	S.R. & O. 1968/8	
The Fisheries Consolidated, Amendment and Licence Duties Bye-Laws (N.I.) 1969	S.R. & O. 1969/91	
The Exotic Animals Importation Order (N.I.) 1969 as amended(c)	S.R. & O. 1969/334	
The Landing of Carcases and Animal Products Order (N.I.) 1970	S.R. & O. 1970/145	

(a) The amendment is not relevant to the subject matter of this Order.

(b) S.R. & O. 1963/178.

(c) S.R. & O. 1971/8.

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Foyle Area (Control of Netting) (Amendment) Regulations (N.I.) 1970	S.R. & O. 1970/200	
The Sheep Scab Order (N.I.) 1970	S.R. & O. 1970/240	
The Exported Animals (Amendment of Charges) Order (N.I.) 1971	S.R. & O. 1971/56	
The Importation of Peat Moss Litter Order (N.I.) 1971	S.R. & O. 1971/186	

## SCHEDULE 2

## Article 5

## APPLICATION TO HOVERCRAFT OF CERTAIN ENACTMENTS AND INSTRUMENTS RELATING TO AIRCRAFT

## PART A:—Enactments applied and modifications

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected with hovercraft (if any)
The Civil Aviation Act 1949 sections 52 and 55 as amended by the Civil Aviation Act 1971.	1949 c. 67. 1971 c. 75.	<p>(1) In section 52, subsections (1), (2) and (4) shall not apply.</p> <p>(2) In section 52, subsection (3) the words "when on the surface of the water" shall be omitted.</p> <p>(3) In section 52, subsection (5), paragraphs (c) and (d) shall not apply.</p> <p>(4) In section 55—</p> <p>(i) references to the "Air Register Book of Births and Deaths" shall be deemed to be references to "the Hovercraft Register Book of Births and Deaths", and</p> <p>(ii) references to 'aircraft registered in Great Britain and Northern Ireland' shall be deemed to include references (as well as to hovercraft registered in Great Britain and Northern Ireland) to hovercraft not so registered which carry passengers to or from any port in the United Kingdom.</p> <p>(iii) References to the Civil Aviation Authority substituted for "the Minister" by the Civil Aviation Act 1971 shall in relation to hovercraft be deemed to be references to the Secretary of State, and references to the Authority substituted as aforesaid for references to his Department shall be deemed to be references to the Department of Trade and Industry.</p>

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected with hovercraft (if any)
The Army Act 1955 sections 24(1)(h), 24(3), 36(2), 44(2) and (3), 46(aa) and (ab), 48(2), 49, 50, 177(2) and 198	1955 c. 18.	
The Air Force Act 1955 sections 24(1)(h), 24(3), 36(2), 44(2) and (3), 46(b) and (c), 48(2), 49, 50, 172, 177(2) and 198	1955 c. 19.	
The Licensing Act 1964 section 87	1964 c. 26.	<p>In section 87—</p> <p>(i) In sub-section (1), for “the examination station approved for the airport under section 16 of the Customs and Excise Act 1952”(a) there shall be substituted “the approved wharf approved for the hoverport under section 14 of the Customs and Excise Act 1952 as applied by section 10 of the Finance Act 1966”(b).</p> <p>(ii) In sub-section (2) “The Secretary of State” shall be substituted for the words from “This section” (where they first appear) to “Aviation”; and the words “and any order under the said Act of 1956”, shall be omitted.</p> <p>(iii) In sub-section (3), for “Minister” there shall be substituted “Secretary of State”.</p> <p>(iv) In sub-section (3), for “examination station” there shall be substituted “approved wharf”.</p>
The Registration of Births, Deaths and Marriages (Scotland) Act 1965	1965 c. 49.	
The Tokyo Convention Act 1967	1967 c. 52.	<p>(1) For references to “flight” where they occur shall be substituted references to “journey”; and for references to “commander” wherever they occur there shall be substituted references to “captain”.</p>

(a) 1952 c. 44.

(b) 1966 c. 18.

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected with hovercraft (if any)
		<p>(2) In section 1(2) the words in brackets shall be omitted;</p> <p>(3) In section 1(3) from "and section 62(1)" to the end shall be omitted;</p> <p>(4) In section 2 for "registered in a Convention country" there shall be substituted "registered in any country other than the United Kingdom";</p> <p>(5) In section 3(5)(b)(ii) and 3(6)(b) "which is a Convention country" shall be omitted;</p> <p>(6) Section 4 shall not apply;</p> <p>(7) Section 5 shall not apply;</p> <p>(8) In section 6(1)(a) for sub-paragraphs (i) and (ii) there shall be substituted "an Order in Council made under the Hovercraft Act 1968".</p> <p>(9) In section 6(1)(a) "or the Air Transport Licensing Board" shall be omitted.</p> <p>(10) Section 6(1)(b) and 6(2) shall not apply;</p> <p>(11) In section 7(1) the definitions of "commander" "Convention country", "pilot in command", and "Tokyo Convention" shall not apply.</p> <p>(12) In section 7(2)(a), for from "taking off" to the end there shall be substituted "moving off on a journey until the moment when the hovercraft comes to a halt at the end of that journey; and"</p> <p>(13) Section 7(4) and (5)(b) shall not apply;</p> <p>(14) Sections 8 and 9 and the Schedule shall not apply.</p>

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected with hovercraft (if any)
The Civil Aviation Act 1968 section 16	1968 c. 61.	In section 16(2)(b) the words "and rights under section 14 of this Act or under regulations made by virtue of section 7(2) of the Civil Aviation (Euro-control) Act 1962"(a) shall not apply.
The Civil Aviation Act 1971 section 27	1971 c. 75.	In sub-section (2) references to "certificates of airworthiness to be granted or renewed in pursuance of the Air Navigation Orders" shall include references to any certificates to be granted or renewed in pursuance of Part II of the Hovercraft (General) Order 1972(b).

## PART B:—Instruments applied

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected with hovercraft (if any)
The Destructive Pests and Diseases of Plants Order 1965	S.I. 1965/216 (1965 I, p. 510).	
The Importation of Forest Trees (Prohibition) (Great Britain) Order 1965	S.I. 1965/2121 (1965 III, p. 6236)	
The Destructive Pests and Diseases of Plants (Scotland) Order 1966	S.I. 1966/1533 (1966 III, p. 4353)	
The Examination of Seed Potatoes (Scotland) Order 1970	S.I. 1970/1287 (1970 III, p. 4264)	

(a) 1962 c. 8.

(b) S.I. 1972/674 (1972 I, 2182)

## SCHEDULE 3

## Article 6

## APPLICATION TO HOVERCRAFT OF CERTAIN ENACTMENTS AND INSTRUMENTS RELATING TO MOTOR VEHICLES

## PART A: Enactments applied

Column 1 Enactments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Army Act 1955 sections 47(b), 172, 173, 184(1)(b) and (c)	1955 c. 18.	
The Air Force Act 1955 sections 47(b), 48(1), 173, 184(a), (b) and (c)	1955 c. 19.	

## PART B: Instruments applied

Column 1 Instruments applied	Column 2 References	Column 3 Modifications in relation to hovercraft or activities or places connected therewith (if any)
The Royal Botanic Gardens Kew Regulations 1957	S.I. 1957/710	
The Wakehurst Place Regulations 1969	S.I. 1969/1000	
The Agricultural Statistics (England and Wales) Regulations of 1948 as amended(a)	S.R. & O. 1948/2294 (Rev. I, p. 583; 1948 I, p. 30).	

(a) S.I. 1953/1867, 1956/1102 (1956 I, p. 5; 1956 I, p. 65).



## SCHEDULE 4

## Article 9

## INVESTIGATION OF CASUALTIES

## PART A

## MODIFICATIONS OF PART VI OF THE MERCHANT SHIPPING ACT 1894

The following are modifications of Part VI of the Merchant Shipping Act 1894 referred to in Article 9 of this Order:—

(1) For section 464 there shall be substituted—

“For the purposes of inquiries and investigations under this Part of this Act, a hovercraft casualty shall be deemed to occur when a hovercraft—

- (a) has sustained, caused or been involved in any accident occasioning loss of life or any serious injury to any person;
- (b) becomes lost, abandoned, missing or stranded;
- (c) suffers such damage as the result of any accident that its safety is impaired; or
- (d) becomes involved in a collision with another hovercraft or ship;

but only when the occurrence takes place—

- (i) on or over the sea or other navigable water; or
- (ii) between the time when any person goes on board the hovercraft for the purpose of making a journey which would involve crossing the sea or other navigable water and the time when it comes to rest at the end of such a journey; or
- (iii) during the testing or maintenance of a hovercraft which normally makes journeys on or over the sea or other navigable water

and also only if at the time the occurrence takes place, the hovercraft was registered in the United Kingdom or was operating unregistered in accordance with any provisions of any Order made under section 1(1)(a) of the Hovercraft Act 1968 or was within the United Kingdom or United Kingdom territorial waters.

(2) For section 465 there shall be substituted—

“(1) Where a hovercraft casualty has occurred a preliminary inquiry may be held respecting the casualty by a person appointed for the purpose by the Secretary of State.

(2) A person appointed under this section to hold a preliminary inquiry into a hovercraft casualty shall for the purpose of the inquiry have the powers conferred on an inspector by section 729 of this Act as if the reference therein to a ship were a reference to a hovercraft”.

(3) For section 466(1) there shall be substituted—

“The Secretary of State may cause a formal investigation to be held, if in England, Wales, or Northern Ireland, by a wreck commissioner, and in Scotland, by a sheriff, and any reference to the court holding an investigation under this section means a wreck commissioner or sheriff, as the case may be, holding such an investigation”.

(4) Section 466(2) shall not apply.

(5) For section 466(3) there shall be substituted—

“The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, hovercraft or other special skill or knowledge to be appointed by the Lord Chancellor”.

(6) Section 466(4) and (5) shall not apply.

(7) Section 467 to 474 shall not apply.

(8) In section 475(1) the words “or an inquiry into the conduct of a master, mate or engineer” shall be omitted.

(9) Section 475(3) shall not apply.

(10) Section 476 shall not apply.

(11) For section 477 there shall be substituted—

“(1) The Lord Chancellor may appoint such number of persons as he thinks fit to be wreck commissioners and may remove any wreck commissioners appointed by him.

(2) Before appointing a person as wreck commissioner in Northern Ireland, the Lord Chancellor shall consult the Lord Chief Justice of Northern Ireland”.

- (12) Section 478 shall not apply.
- (13) Sections 480-490 shall not apply.
- (14) For section 491 there shall be substituted—

“There may be paid out of the money provided by Parliament to any wreck commissioner, sheriff, assessor in any court of investigation under this part of this Act, registrar of a court, or any other officer, or person appointed for the purpose of any court of investigation under this part of this Act, such salary or remuneration (if any) as the Treasury may direct”.

#### PART B

#### MODIFICATIONS OF THE SHIPPING CASUALTIES AND APPEALS AND RE-HEARINGS RULES 1923

The following are modifications of the Shipping Casualties and Appeals and Re-hearings Rules 1923 referred to in Article 9 of this Order:—

- (1) After the word “owner”, wherever it appears, there shall be added “or operator”.
- (2) Rule 1 shall not apply.
- (3) In Rule 2 the definition of “List of Assessors” shall be deleted and in the definition of judge the words “sheriff substitute, stipendiary magistrate, justices” shall be omitted.
- (4) In Rule 15 the words “Except where the certificate of an officer is cancelled or suspended in which case the decision shall always be given in open Court” shall be omitted.
- (5) In Rule 19 the words “other than an appeal under section 68 of the Merchant Shipping Act 1906” shall be omitted.
- (6) For Rule 20(e) there shall be substituted the following—

“The Court of Appeal shall be assisted by not less than two suitably qualified or experienced persons to be selected by the Court who shall have regard to the nature of the case.”
- (7) In Rule 21(a) the words “or 478” shall be omitted and after “1894” there shall be inserted the words “as applied by the Hovercraft (Application of Enactments) Order 1972”.
- (8) Rules 22 to 26 shall not apply.
- (9) Rules 30 and 31 shall not apply.
- (10) Part II of the Appendix shall not apply.

#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order applies to hovercraft, with modifications, a number of enactments and instruments relating to ships, aircraft and motor vehicles. Amongst those relating to ships which are applied to hovercraft are Part VI of the Merchant Shipping Act 1894, which provides for the investigation of casualties, and the various enactments and instruments dealing with wreck, salvage and distress.

The Order also substitutes references to hovercraft in some enactments for references to hover vehicles.



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