

HIGH COMMISSIONER'S NOTICE No. 6 OF 1938.

The following Orders of His Majesty in Council, dated the 13th day of April, 1937, and the 23rd day of November, 1937, respectively, and entitled "The Colonial Air Navigation (Application of Acts) Orders 1937" are published for general information.

High Commissioner's Notice No. 31 of 1922 is hereby cancelled.

By Command of His Excellency the
High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 10th January, 1938.

AT THE COURT AT WINDSOR CASTLE.

the 13th day of April, 1937.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
EARL MARSHAL.

MARQUESS OF ZETLAND.
LORD CHAMBERLAIN.

Whereas by Section 4 of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, it is provided that His Majesty may by Order in Council direct that any of the provisions of the said Air Navigation Act, 1920, other than Section 4, shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, 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:

And whereas by Section 35 of the Air Navigation Act, 1936, it is provided that that Act shall be construed as one with the Air Navigation Act, 1920:

And whereas it is expedient to extend certain of the provisions of the Air Navigation Act, 1920, amended as aforesaid, and certain of the provisions of the Air Navigation Act, 1936, to certain colonies and British protectorates and to certain territories 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:

Now, therefore, His Majesty, by virtue of and in exercise of the powers in this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Colonial Air Navigation (Application of Acts) Order, 1937".

2. (1) In this Order and its schedules, unless the context otherwise requires—

"Colony" means and includes for the purposes of this Order any of the colonies, protectorates or mandated territories mentioned in the second schedule hereto;

"the Convention" means the Convention for determining by common agreement certain uniform rules with respect to international air navigation signed on behalf of His Majesty in Paris on the thirteenth day of October, 1919;

"Governor" means the officer for the time being administering the Government of the Colony;

"the principal Act" means the Air Navigation Act, 1920;

“ the Acts ” means the principal Act and the Air Navigation Act, 1936.

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

3. The provisions of Sections 2, 3, 7, 8, 9, 10, 11, 12, 12A, 14, 17, and 18 of the principal Act and of Sections 4, 5, 13, 14, 30 and 34 of the Air Navigation Act, 1936, adapted and modified as set out in the first schedule hereto, shall be and hereby are extended to the colonies mentioned in the second schedule hereto.

4. The Air Navigation (Colonies and Protectorates) Order in Council, 1922, and the Air Navigation (Mandated Territories) Order in Council, 1927, are hereby revoked.

M. P. A. Hankey.

FIRST SCHEDULE.

THE AIR NAVIGATION ACT, 1920.

1. *Section 1.*—His Majesty may make such Orders in Council as appear to Him necessary or expedient for carrying out the Convention and for giving effect thereto or to any of the provisions thereof, or to any amendment which may be made under article thirty-four thereof.

2. *Section 2.*—His Majesty may, by Order in Council, direct that the provisions of the Convention for the time being in force, or any of them, and whether or not those provisions are limited to aircraft of any special description, or engaged in any special kind of navigation, shall apply to or in relation to any aircraft in or over the Colony or the territorial waters adjacent thereto.

3. *Section 3.*—Without prejudice to the generality of the powers hereinbefore conferred, an Order in Council under Part I of the principal Act may make provision—

- (a) prescribing the authority by which any of the powers exercisable under the Convention by a contracting State, or by any authority therein, are to be exercised in the Colony;
- (b) 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 the work therein carried on, for prohibiting or regulating the use of unlicensed aerodromes, and for the licensing of personnel employed at aerodromes in the inspection or supervision of aircraft;
- (c) as to the manner and conditions of the issue and renewal of any certificate or licence required by the Order or by the Convention, including the examination and tests to be undergone, and the form, custody, production, cancellation, suspension, endorsement and surrender of any such certificate or licence;
- (d) as to the registration of aircraft in the Colony;
- (e) as to the conditions under which aircraft may be used for carrying goods and passengers;
- (f) as to the conditions under which aircraft may pass, or goods or passengers may be conveyed by aircraft, into or from the Colony, or from one part of the Colony to another;
- (g) exempting from the provisions of the Order or of the Convention, or any of them, aircraft flown for experimental purposes, or any other aircraft or persons where it appears unnecessary that the same should apply;
- (h) prescribing the scales of charges at licensed aerodromes;
- (i) prescribing the fees to be paid in respect of the grant of any certificate or licence or otherwise for the purposes of the Order or the Convention;

- (j) supplementing the Convention, in such manner as appears necessary or expedient, by regulations designed to promote the safety of aircraft and of persons and property carried therein, and to prevent aircraft endangering other persons and property;
- (k) for the control and regulation of aerial lighthouses, and lights at or in the neighbourhood of aerodromes and aerial lighthouses, and lights which are liable to endanger aircraft;
- (l) regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of the Royal Air Force ensign, the civil air ensign and any other ensign established by His Majesty in Council for purposes connected with air navigation;
- (m) for the imposition of penalties (not exceeding imprisonment for a term of six months and a fine of two hundred pounds) to secure compliance with the Order, and for authorising any steps to be taken for preventing aircraft from flying over prohibited areas or entering the Colony in contravention of the Order which were authorised to be taken in the United Kingdom under section *two* of the Aerial Navigation Act, 1913, for the purposes of that section.

4. *Section 7.*—(1) In time of war, whether actual or imminent, or of great national emergency, the Governor may, by order, regulate or prohibit, either absolutely or subject to such conditions as may be contained in the order, the navigation of all or any descriptions of aircraft over the Colony or any portion thereof, or the territorial waters adjacent thereto; 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 landing ground, 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, flying school, or landing ground, 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 Part I of the principal Act may make for the purposes of the Order in Council by virtue of paragraph (m) of section *three* of that Act.

(3) Any person who suffers direct injury or loss, owing to the operation of an order of the Governor under this section, shall be entitled to receive compensation from the Governor from such public funds as he may lawfully apply for the purpose, the amount thereof to be fixed in default of agreement, by an arbitrator to be agreed upon or failing agreement to be appointed by the Chief Justice or other chief Judicial Officer of the Colony:

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

(4) An order under this section may be revoked or varied by a subsequent order made by the Governor.

5. *Section 8.*—(1) The Governor shall have power to establish and maintain aerodromes (including power to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes) and to acquire land for that purpose by agreement or in accordance with the provisions of the law in force in the Colony relating to the acquisition of land for public purposes.

(2) For the avoidance of doubts it is hereby declared that one of the purposes for which the Governor may acquire land under this section is the purpose of securing that the land adjacent to the site of an aerodrome which the Governor has

established, or is about to establish, shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the aerodrome.

6. *Section 9.*—(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground, which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of the Acts and any Order made thereunder, being provisions which extend to the Colony, are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article or person falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

Provided that where material damage or loss is caused as aforesaid in circumstances in which—

- (a) damages are recoverable from the owner in respect of the said damage or loss by virtue only of the preceding provisions of this section, and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of the said damage or loss,

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said damage or loss.

(2) Where any aircraft has been bona fide demised, let, or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

7. *Section 10.*—(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 with or without hard labour for a term not exceeding six months, or to both such imprisonment and fine.

For the purposes of 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 Part I of the principal Act.

8. *Section 11.*—The law of the Colony relating to wreck and to salvage of life or property, and to the duty of rendering assistance to vessels in distress, shall apply to aircraft on or over the sea or tidal waters as it applies to vessels, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of a ship would be so entitled:

Provided that provision may be made by order by the Governor with the approval of a Secretary of State for making modifications of and exemptions from the provisions of such law as aforesaid in their application to aircraft to such extent and in such manner as appears necessary or expedient.

8A. In lieu of the preceding section the following section shall have effect as from such date as the Governor may by order appoint:—

Section 11.—(1) Any services rendered in assisting or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, 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 an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

The preceding provisions of this sub-section shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of His Majesty's dominions.

(2) The Governor may by regulations made with the approval of a Secretary of State direct that any provisions of any law of the Colony for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the regulations, apply in relation to aircraft as those provisions apply in relation to vessels.

(3) For the purposes of this section, any provisions of any law of the Colony which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

9. *Section 12.*—(1) The Governor may make regulations providing for the investigation in the Colony of any accident arising out of or in the course of air navigation and occurring in or over the Colony or the territorial waters adjacent thereto, or to British aircraft occurring elsewhere and likely in the absence of such provision to remain uninvestigated.

(2) Without prejudice to the generality of the foregoing provision, 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;
- (b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents any of the provisions of any law in force in the Colony relating to the investigation of deaths or accidents;
- (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 in the Colony under the Acts or any order made thereunder, or the withdrawal or suspension of any validation conferred in the Colony of a licence granted by a duly competent authority elsewhere, where it appears on an investigation that the licence or certificate ought to be cancelled, suspended, endorsed, or surrendered, or the validation withdrawn or suspended, as the case may be; and for the production of any such licence or certificate 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 inclusive of the Merchant Shipping Act, 1894, or any enactment (including the Acts) 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 with or without hard labour for a term not exceeding three months.

10. *Section 12A.*—Any Order in Council, order or regulations made under the Acts in relation to aircraft may provide for the detention of aircraft to secure compliance with the Order in Council, order or regulations, as the case may be, or with any provisions of the Acts in connection with which the Order in Council, order or regulations is or are made, and, in the case of an Order in Council made under Part I of the principal Act, provide for the detention of aircraft to prevent aircraft flying when unfit to fly, and may make such further provision as appears to His Majesty in Council or the Governor, as the case may be, to be necessary or expedient for securing such detention.

11. *Section 14.*—(1) Any offence under the Acts or under an Order in Council or regulations made thereunder, and any offence whatsoever 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) The Governor may by regulations make provision as to the courts in which proceedings may be taken for enforcing any claim under the Acts, or any other claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

12. *Section 17.*—(1) Notwithstanding that an Order in Council made by virtue of the Acts or a regulation so made by the Governor has effect only as part of the law of the Colony, no provision contained in the Order or regulations shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to British aircraft registered in the Colony, wherever they may be, or prohibits, requires or regulates—

- (a) the doing of anything by persons in, or any of the personnel of, such British aircraft as aforesaid, wherever they may be, or
- (b) the doing of anything in relation to such British aircraft as aforesaid by other persons being British subjects or British protected persons, wherever they may be.

For the purposes of this subsection the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft, and all other members of the crew of the aircraft.

(1A) His Majesty may by Order in Council direct that any of the provisions of the Acts or of any Order in Council or regulations made by virtue of the Acts being a provision which has extra-territorial operation in relation to British aircraft registered in the Colony shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order made under this subsection, have such operation also in relation to British aircraft registered in the United Kingdom or in any other country or territory, other than the Colony, to which any of the provisions of the Acts can be extended under section four of the principal Act.

(2) An Order in Council under the Acts may be revoked or varied by a subsequent Order in Council.

(3) Any Order in Council made under the Acts shall be laid before each House of Parliament forthwith, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such Order is laid before it praying that the Order or any provision thereof may

be annulled, His Majesty in Council may annul the Order or provision, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any Order in Council under the Acts may authorise the Governor to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order.

13. *Section 18.*—(1) The Acts shall not apply to aircraft belonging to or exclusively employed in the service of His Majesty;

Provided that His Majesty may, by Order in Council, apply to any such aircraft, with or without modification, any of the provisions of the Acts or of any orders or regulations made thereunder.

(2) Nothing in the Acts or in any orders or regulations made thereunder shall prejudice or affect the rights, powers, or privileges of any general or local lighthouse authority.

THE AIR NAVIGATION ACT, 1936.

14. *Section 4.*—(1) The Governor may with the approval of a Secretary of State make regulations:—

(a) requiring any person—

- (i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations, or
- (ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the regulations such information relating to the use of aircraft for the purpose of his said business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom, as may be prescribed by the regulations;

(b) requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such of the provisions of the regulations as relate to him;

(c) prescribing the times at which, and the form and manner in which any information required under the regulations is to be furnished:

provided that a person carrying on such a business as is mentioned in sub-paragraph (i) of paragraph (a) of this subsection shall not be required to furnish information relating to the use of aircraft on journeys wholly outside the Colony, or relating to persons exclusively employed outside the Colony, unless the person carrying on the business is either a British subject or a British protected person resident in the Colony or a body corporate incorporated under the law of the Colony.

(2) Regulations under this section may provide for imposing on any person who contravenes or fails to comply with any provision of the regulations such penalties (not exceeding a fine of twenty pounds and a further fine of five pounds for every day on which the contravention or non-compliance continues after conviction therefor) as may be specified in the regulations.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations under this section shall, without the consent of the person carrying

on that undertaking, be disclosed otherwise than in connection with the execution of such regulations, and if any person discloses any such information in contravention of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

Nothing in this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or of regulations made under this section, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including arbitrations), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

(4) In this section the expression "customs aerodrome" means an aerodrome for the time being appointed as a place of landing and departure of aircraft for the purposes of the enactments relating to customs.

15. Section 5.—(1) The Governor may with the approval of a Secretary of State make regulations:—

- (a) to secure that aircraft shall not be used in the Colony by any person—
 - (i) for plying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations, or
 - (ii) for such flying undertaken for the purpose of any trade or business as may be so specified, except under the authority of, and in accordance with, a licence granted to the said person by the licensing authority specified in the regulations;
- (b) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence;
- (c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence under the regulations;
- (d) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;
- (e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in the regulations;
- (f) prescribing the fees to be paid in respect of the grant of any licence under the regulations;

and such regulations may make different provision as respects different classes of aircraft and different classes of licences.

(2) Regulations under this section may, for the purpose of securing compliance with the regulations, provide for the imposition of penalties not exceeding, in the case of a first

offence against the regulations, a fine of twenty pounds or, in the case of a second or subsequent such offence, a fine of fifty pounds or imprisonment for a term of three months.

(3) Nothing in this section shall be taken to affect the power under section one of the principal Act of giving effect by Order in Council to any provision or amendment of the Convention, being a provision or amendment which authorises the imposition of restrictions on the use of foreign aircraft.

16. *Section 13.*—If any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Order in Council made under Part I of the principal Act he shall be liable, on summary conviction, to a fine not exceeding five pounds:

Provided that no person shall be liable to any penalty under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted, so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

17. *Section 14.*—(1) If the Governor is satisfied, with respect to any building, structure or erection in the vicinity of an aerodrome to which this section applies that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions—

- (a) to execute, instal, maintain, operate, and, as occasion requires, to repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order, and
- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Governor that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Governor shall, before making any such order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Governor thinks proper.

(3) Every such order as aforesaid shall provide—

- (a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and

(b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Governor;

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Chief Justice or other chief Judicial Officer of the Colony; and, for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed, in, on or over any land in pursuance of the order.

If any person contravenes the preceding provisions of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(5) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection, provided that—

(a) notice of the doing of that work is given as soon as may be to the proprietor of the aerodrome, and

(b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

(6) Any order under this section may be revoked or varied by a subsequent order made by the Governor in accordance with the provisions of this section, but the revocation or variation of any such order shall not affect the previous operation thereof.

(7) In this section—

(a) the expression "aerodrome to which this section applies" means any premises which, by virtue of an Order in Council made under Part I of the principal Act, are for the time being licensed as an aerodrome for public use; and

(b) the expression "proprietor of the aerodrome" means in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an aerodrome in those premises, or, in the case of an aerodrome under the control of the Secretary of State for Air or the Governor, the officer in charge of the aerodrome.

18. *Section 30.*—(1) Nothing in the Acts or in this Order shall be taken to affect the validity of any Order in Council, order or regulations made in pursuance of the principal Act before the date of the entry into force of this Order, any regulations, directions or other instrument made or issued before the said date in pursuance of such an Order in Council, or any Order in Council made before the said date applying any such Order in Council or regulations as aforesaid to the Colony; and any such Order in Council, order, regulations, directions or other instrument as aforesaid shall, if and so far as in force immediately before the said date, continue in force until revoked by an Order in Council, order, regulations or other instrument.

(2) An Order in Council made under any of the provisions of the Acts, or any order or regulations made by the Governor thereunder, may contain such incidental and supplementary provisions as appear to His Majesty in Council, or to the Governor, as the case may be, to be necessary or expedient for the purposes of the Order in Council, order or regulations.

19. *Section 34.*—(1) In the Acts the expression "land" includes land covered with water and any right in or over land.

(2) For the avoidance of doubt it is hereby declared that in the Air Navigation Act, 1936, the expression "loss or damage" and in Section 9 of the principal Act the expression "damage or loss" include, in relation to persons, loss of life and personal injury.

(3) Any reference in the Acts to goods or articles shall be construed as including a reference to mails or animals, and any reference in the Acts 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.

SECOND SCHEDULE.

Bahamas.
Barbados.
Bermuda.
British Guiana.
British Honduras.
British Solomon Islands Protectorate.
Ceylon.
Cyprus.
Falkland Islands and Dependencies.
Fiji.
Gambia (Colony and Protectorate).
Gibraltar.
Gilbert and Ellice Islands Colony.
Gold Coast—
 (a) Colony.
 (b) Ashanti.
 (c) Northern Territories.
 (d) Togoland under British Mandate.
Hong Kong.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).
Kenya (Colony and Protectorate).
Leeward Islands—
 Antigua.
 Dominica.
 Montserrat.
 St. Christopher and Nevis.
 Virgin Islands.

Malta.
Mauritius.
Nigeria—
 (a) Colony.
 (b) Protectorate.
 (c) Cameroons under British Mandate.
Northern Rhodesia.
Nyasaland Protectorate.
Palestine (excluding Trans-Jordan).
St. Helena and Ascension.
Seychelles.
Sierra Leone (Colony and Protectorate).
Somaliland Protectorate.
Straits Settlements.
Tanganyika Territory.
Trinidad and Tobago.
Uganda Protectorate.
Windward Islands—
 Grenada.
 St. Lucia.
 St. Vincent
Zanzibar Protectorate.

AT THE COURT AT BUCKINGHAM PALACE,
the 23rd day of November, 1937.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT. MR. SECRETARY HORE-BELISHA.
VISCOUNT LEE OF FAREHAM. SIR JOHN GILMOUR.

Whereas in pursuance of the powers conferred on Him by the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, His Majesty was pleased to make the Colonial Air Navigation (Application of Acts) Order, 1937 (hereinafter referred to as "the principal Order"), extending certain of the provisions of the Air Navigation Act, 1920, amended as aforesaid, and certain of the provisions of the Air Navigation Act, 1936, adapted and modified as therein provided, to the colonies, protectorates and mandated territories therein mentioned:

And whereas it is expedient to extend the said provisions of the said Acts to the Colony and Protectorate of Aden, and to Basutoland, the Bechuanaland Protectorate, and Swaziland:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Colonial Air Navigation (Application of Acts) (Amendment) Order, 1937", and the principal Order and this Order may be cited together as "The Colonial Air Navigation (Application of Acts) Orders, 1937".

2. The Second Schedule to the principal Order shall be amended by the insertion at the commencement thereof of the words "Aden (Colony and Protectorate)", after the word "Barbados" of the words "Basutoland" and "Bechuanaland Protectorate", and after the words "Straits Settlements" of the word "Swaziland".

M. P. A. Hankey.