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BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Air Navigation and Transport Act, 1936.

2.—(1) In this Act—

the expression "the Minister" means the Minister for Industry and Commerce;

the expression "the Paris Convention" means the International Convention relating to the regulation of aerial navigation done at Paris on the 13th day of October, 1919, and includes any amendment to the said Convention which may be made under Article 34 thereof;

the expression "the Warsaw Convention" means the International Convention for the unification of certain rules relating to international carriage by air which was signed at Warsaw on the 12th day of October, 1929, and came into force in respect of Saorstát Eireann on the 19th day of December, 1935;

the expression "the Rome Convention" means the International Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface which was signed at Rome on the 29th day of May, 1933, and includes any amendment to the said Convention to which Saorstát Eireann is a party;

the word "aircraft" includes all balloons, whether fixed or free, kites, gliders, airships and flying machines;

the word "airship" means an aircraft using gas lighter than air as a means of support, and having means of propulsion;

the word "balloon" means an aircraft using gas lighter than air as a means of support and having no means of propulsion;

the word "seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the waters;

the expression "State aircraft" means military aircraft and
Application of Act to State aircraft.

Every aircraft exclusively employed in State services, including postal, customs, and police services;

the expression "Saorstát Éireann aircraft" means aircraft registered in Saorstát Éireann;

the expression "foreign aircraft" means aircraft which is registered in a country other than Saorstát Éireann;

the word "goods" includes mails and animals;

the word "aerodrome" means any definite and limited area (including water) intended to be used, either wholly or in part, for or in connection with the landing or departure of aircraft;

the word "land" includes land covered with water, any harbour, any part of the territorial waters of Saorstát Éireann, foreshore, any easement, water-right, fishing right or other of whatsoever kind right in over or in respect of land or water, but does not include land which belongs to Saorstát Éireann by virtue of Article 11 of the Constitution;

the expression "policy of insurance" includes a covering note;

the expression "the Company" means the Company to be formed and registered under Part VIII of this Act;

the expression "subsidiary company" means an air transport company in which more than one half of the issued share capital thereof is held by the Company;

the expression "local authority" means a body which is—

(a) the council of a county or other borough, or
(b) the council of a county, or
(c) the council of an urban district;

the expressions "conservancy authority" and "harbour authority" have the same meanings respectively as in section 742 of the Merchant Shipping Act, 1894;

the word "prescribed" where it occurs in Part II of this Act means prescribed by order made by the Executive Council under the said Part II;

the word "prescribed" (except in Part II of this Act) means prescribed by regulations made by the Minister under this Act.

(2) References in this Act to any country or territory (including Saorstát Éireann) shall, unless the context otherwise requires be construed as including reference to the territorial waters (if any) adjacent to such country or territory.

3.—(1) Subject to the provisions of this section, this Act (except Part III thereof) shall not apply to any State aircraft.

(2) The Executive Council may by order direct that such provisions of this Act (except Part III thereof) or any order or regulations made thereunder as may be specified in such order shall, with or without modifications, apply to State aircraft, and whenever any such order is made and is in force, such of the said provisions as may be specified in such order, shall, subject to such modifications (if any) as may be specified therein, have the force of law in Saorstát Éireann.

4.—Nothing in this Act or any order or regulation made thereunder shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority.

5.—(1) An order made by the Executive Council under this Act may be made applicable to any aircraft in or over Saorstát Éireann or to Saorstát Éireann aircraft wherever they may be.

(2) An order made by the Executive Council under this Act may authorise the Minister to make regulations for carrying out
the purposes of such order in respect of such matters and things as may be specified in such order.

(3) An order made by the Executive Council under this Act may contain such incidental, supplementary and consequential provisions as appear to the Executive Council to be necessary or expedient for the purposes of such order.

(4) An order made by the Executive Council under this Act may provide that any breach or contravention of such order shall be an offence triable summarily and prescribe the punishments which may be inflicted by courts of summary jurisdiction on persons convicted by such courts of any such offence, but so that no such punishment shall exceed imprisonment for a term of six months or a fine of two hundred pounds or both such imprisonment and fine.

(5) The Executive Council may by order under this sub-section revoke or amend any order made by the Executive Council under this Act including an order made under this sub-section.

(6) Every order made by the Executive Council under this Act shall be laid before Dáil Éireann as soon as may be after it is made, and if a resolution annulling such order is passed by Dáil Éireann within the next subsequent twenty-one days on which Dáil Éireann has sat after such order is so laid before Dáil Éireann, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.

6.—The Minister may by order make regulations in relation to—

(a) any matter or thing referred to in this Act (except Part II thereof) as prescribed;

(b) any matter or thing in respect of which the Minister is authorised, by an order made by the Executive Council under this Act, to make regulations for carrying out the purposes of such order;

(c) any matter or thing which the Minister is by this Act authorised to prescribe by regulations made under this Act.

7. The following provisions shall have effect in relation to all fees payable under this Act, that is to say:—

(a) such fees shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance; and

(b) the Public Offices (Fees) Act, 1879, shall not apply in respect of such fees.

8.—The Air Navigation Act, 1920, is hereby repealed.

9.—All expenses incurred by the Minister for Finance in the execution of this Act and all expenses so incurred by the Minister for Justice, the Minister for Local Government and Public Health, the Minister for Posts and Telegraphs, and the Minister, to such extent as may be sanctioned by the Minister for Finance, shall, if not otherwise provided for under this Act, be paid out of moneys provided by the Oireachtas.

PART II.

55. PROVISIONS IN RELATION TO THE PARIS CONVENTION.

10.—The Executive Council may from time to time make such orders as appear to them necessary or expedient for carrying out the Paris Convention and for giving effect thereto or to any of the provisions thereof, and every such order shall have the force of law in Saorstát Éireann.
Power to apply Paris Convention to internal flying

11.—The Executive Council may from time to time by order direct that the provisions of the Paris 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 Saorstát Éireann and whenever any such order is made such of the said provisions as are specified in such order shall apply to or in relation to any aircraft in or over Saorstát Éireann.

Special provisions which may be made by Order of the Executive Council.

12.—Without prejudice to the generality of the powers conferred by the two immediately preceding sections, the Executive Council may by order made under either of the said sections make provision—

(a) prescribing the authority by which any of the powers exercisable under the Paris Convention by a contracting State or by any authority therein are to be exercised in Saorstát Éireann;

(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 Paris 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 Saorstát Éireann;

(e) as to the conditions under which aircraft may be used for carrying passengers and goods;

(f) as to the conditions under which aircraft may pass, or passengers or goods may be conveyed by aircraft, into or from Saorstát Éireann or from one part of Saorstát Éireann to another;

(g) exempting from the provisions of the order or of the Paris Convention, or any of them, aircraft flown for experimental purposes, or any other aircraft or persons where it appears that the same should not apply;

(h) prescribing the scales of charges at licensed aerodromes;

(i) appointing any area to be a prohibited area for the purposes of the order;

(j) 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 Paris Convention;

(k) supplementing the Paris Convention, in such manner as appears necessary or convenient 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;

(l) for the control and regulation of aerial lighthouses, lights at or in the neighbourhood of aerodromes and aerial lighthouses and lights which are liable to endanger aircraft;
regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of any ensign established for purposes connected with air navigation;

prescribing any matter or thing referred to in this Part of this Act as prescribed.

If any aircraft flies or attempts to fly over any area appointed as a prohibited area under or by virtue of an order made under this Part of this Act or enters or attempts to enter Saorstát Eireann in contravention of any such order, the following provisions shall have effect, that is to say:

(a) it shall be lawful for any officer designated for the purpose by such order to cause such signal as may be prescribed by such order to be given, and

(b) if, after such signal has been given, the aircraft fails to respond to such signal by complying with the provisions of such order prescribing the action to be taken on such signal being given, it shall be lawful for such officer to fire at or into such aircraft and to use any and every other means at his disposal to compel compliance;

(c) no action or other legal proceedings whatsoever, whether civil or criminal, shall be instituted in any court in Saorstát Eireann in respect of the doing of anything authorised to be done by any such officer under this section, whether such thing is done personally or by a person acting in aid of or under the direction of such officer.

Expenses of the organisation and operations of the International Commission for Air Navigation set up under the Paris Convention, or occasioned by the sending of delegations, shall be paid by the Minister out of moneys provided by the Oireachtas.

Every order and regulation made under Part I of the Air Navigation Act, 1920, and in force at the passing of this Act shall be deemed for the purposes of this Act to be made under this Part of this Act and may accordingly be amended or revoked by an order of the Executive Council, and, until so revoked and subject to any such amendment, shall continue in force.

Every certificate and licence granted under the Air Navigation Act, 1920 or under any order or regulations made thereunder and in force at the date of the passing of this Act shall continue in force and shall be deemed, for all purposes, to have been granted under this Act or such order or regulation.

PART III.

CHAPTER I.

International Carriage by Air.

The provisions of the Warsaw Convention as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons, and subject to the provisions of this section and Warsaw Convention to have the force of law in Saorstát Eireann.
Liability of carrier in the event of the death of a passenger.

— Any liability imposed by Article 17 of the First Schedule to this Act on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any statute or at common law, and the following provisions shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced, that is to say:—

(a) the liability shall be enforceable for the benefit of such members of the passenger's family as sustained damages by reason of his death;

(b) for the purposes of paragraph (a) of this section—

(i) the expression "member of a family" means wife or husband, parent, step-parent, grandparent, brother, sister, half-brother, half-sister, child, step-child, grandchild,

(ii) in deducing any relationship any illegitimate person shall be treated as being, or as having been the legitimate child of his mother and reputed father;

(c) an action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under paragraph (a) of this section, enforceable, but only one action shall be brought in Saorstát Eireann in respect of the death of any one passenger and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as either are resident in Saorstát Eireann or, not being resident there, express a desire to take the benefit of the action;

(d) the amount which may be recovered in any such action shall not exceed the actual and the prospective loss resulting from such death to the members of the passenger's family;

(e) subject to the provisions of paragraph (f) of this section, the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions

...the next following section, have the force of law in Saorstát Eireann in relation to any carriage by air to which the Warsaw Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2) The Executive Council may by order from time to time certify who are the High Contracting Parties to the Warsaw Convention, in respect of what territories they are respectively parties, and to what extent they have availed themselves of the Additional Protocol to the Warsaw Convention, and any such order shall, except in so far as it has been superseded by a subsequent order under this sub-section, be conclusive evidence of the matters so certified.

(3) Any reference in the First Schedule to this Act to the territory of any High Contracting Party to the Warsaw Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.

(4) Any sum in francs mentioned in Article 22 of the First Schedule to this Act shall, for the purposes of an action against the carrier, be converted into the currency of Saorstát Eireann at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

(5) For the purposes of this section references to agents in the First Schedule to this Act shall be construed as including references to servants.

18.—Any liability imposed by Article 17 of the First Schedule to this Act on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any statute or at common law, and the following provisions shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced, that is to say:—
as the judge before or by whom such action is tried shall determine and direct;

(f) the court before whom any such action is brought may at any stage of the proceedings make such order as appears to the court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside Saorstát Eireann in respect of the death of the passenger in question.

19.—(1) Every High Contracting Party to the Warsaw Convention who has not availed himself of the provisions of the Additional Protocol thereto shall, for the purposes of any action brought in a Court of Saorstát Eireann in accordance with the provisions of Article 28 of the First Schedule to this Act to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that Court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on.

(2) Nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

CHAPTER II.

Carriage by air which is not international.

20.—The Executive Council may by order apply the provisions of the First Schedule to this Act and any provision (other than the immediately preceding section) of Chapter I of this Part of this Act to such carriage by air, not being international carriage by air, as defined in the said First Schedule, as may be specified in such order, subject however to such exceptions, adaptations and modifications as may be specified in such order, and wherever any such order is made the provisions of the said First Schedule and any provision of the said Chapter I specified in such order shall, subject however to such exceptions, adaptations and modifications (if any) as may be specified in such order, have the force of law in Saorstát Eireann in relation to any carriage by air, not being international carriage by air as so defined, specified in such order.

PART IV.

Liability in respect of damage caused by aircraft to persons and property on land or water, survival of causes of action arising out of such liability, limitation of such liability, and compulsory insurance by owners of aircraft against such liability.

CHAPTER I.

Liability in respect of damage caused by aircraft to persons or property on land or water.

21.—(1) Where material damage or loss is caused to any persons or property on land or water by, or by any person in, or any article or person falling from, an aircraft while in flight, taking off or landing, the following provisions shall have effect, that is to say:—

(a) damages shall be recoverable from the owner of such 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;

(b) where such damage or loss is caused in circumstances in which—

(i) damages are recoverable from such owner in respect of such damage or loss by virtue only of the preceding provisions of this sub-section, and

(ii) a legal liability is created in some person, other than such owner, to pay damages in respect of such damage or loss,

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

(2) Where—

(a) 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

(b) no pilot, commander, navigator, or operative member of the crew of such aircraft is in the employment of such owner,

sub-section (1) of this section shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

(3) Nothing in this section shall affect the operation of Part III of this Act or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

CHAPTER II

Survival of Causes of Action arising out of Liability in Respect of Damage Caused by Aircraft to Persons and Property on Land or Water, Limitation of such Liability and Compulsory Insurance by Owners of Aircraft against such Liability.

22.—This Chapter of this Part of this Act shall come into operation on such day as may be fixed therefor by order of the Minister.

23.—(1) This section applies to every cause of action in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is caused to persons or property on land or water, by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off, or landing.

(2) Subject to the provisions of this section, on the death of any person after the commencement of this Chapter of this Part of this Act, every cause of action to which this section applies subsisting against, or vested in him, shall survive (as the case may be) against, or for the benefit of his estate.

(3) Where—

(a) a cause of action to which this section applies survives, by virtue of the immediately preceding sub-section, for the benefit of the estate of a deceased person, and

(b) the death of such person has been caused by the circumstances which gave rise to such cause of action, the damage recoverable for the benefit of his estate shall be calculated without reference to any loss or gain to his estate con-
sequent on his death, except that a sum in respect of funeral expenses may be included.

(4) No proceedings shall be maintainable in respect of a cause of action which, by virtue of this section, has survived against the estate of a deceased person unless either—

(a) proceedings against him in respect of such cause of action were pending at the date of his death, or

(b) such cause of action arises not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out administration.

(5) Where damage has been suffered by reason of any circumstances by reason of which a cause of action to which this section applies would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this section, to have been subsisting against him before his death such cause of action by reason of those circumstances as would have subsisted if he had died after the damage was suffered.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which such proceedings are maintainable, shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by contract or promise.

24.—(1) Subject to the provisions of this section, a person or, as the case may be, his estate shall not, in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is without any gross negligence or wilful misconduct on his part and without any gross negligence or wilful misconduct (to which he was privy) on the part of his servants or agents, caused on any one occasion to persons or property on land or water by, or by a person in, an article or person falling from, any one aircraft while in flight, taking off, or landing, be liable to pay by way of damages an amount exceeding in the aggregate—

(a) in case such aircraft is an airship, twenty-five thousand pounds, or

(b) in case such aircraft is a balloon (whether fixed or free), five thousand pounds, or

(c) in case such aircraft is a glider, one thousand pounds, or

(d) in any other case—

(i) a number of pounds of the currency of Saorstat Éireann equal to the number of pounds avaridupois constituting the weight of such aircraft fully loaded, or

(ii) if the sum ascertained under sub-paragraph (i) of this paragraph is less than five thousand pounds or more than twenty-five thousand pounds, five thousand pounds or twenty-five thousand pounds, as the case may be.

(2) Without prejudice to the operation of the next following sub-section, a person or, as the case may be, his estate shall not be entitled to the benefit of sub-section (1) of this section in relation to any loss or damage, if, at the time of the happening of the event which was the cause of the loss or damage, he was not the owner of the aircraft concerned and was in, or in possession or control of, the aircraft without the authority or permission of the owner thereof.
(3) A person or, as the case may be, his estate shall not be entitled to the benefit of sub-section (1) of this section in relation to any claim made in respect of such loss or damage as is mentioned in the said sub-section (1) unless it is proved—

(a) that a policy of insurance, issued by an approved aircraft insurer, which subject to any restrictions or conditions specified therein, insures the owner of the aircraft concerned against all liability which he may incur in respect of such loss or damage, was in force in relation to such aircraft at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, or

(b) if the claim is made against the person who at that time was the owner of the aircraft or against his estate, that the aircraft was then in the possession or control of some other person without the authority or permission of the owner, or

(c) that the owner of the aircraft was at the said time an exempted person within the meaning of this Chapter of this Part of this Act.

(4) Where any person or the estate of any person is alleged to be under any liability in respect of such loss or damage as is mentioned in sub-section (1) of this section, and several claims are made or apprehended in respect of that liability, the said person or his personal representative, as the case may be, may make application to the High Court, and thereupon the court—

(a) may determine the amount of the liability and, subject to the provisions of the next following sub-section, distribute that amount rateably among the several claimants;

(b) may stay any proceedings pending in any other court in relation to the same matter; and

(c) may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the person by whom the application to the court was made.

(5) If, by virtue of this section, the amount of the liability is less than the total amount of the damages which the several claimants would, but for this section, be entitled to recover, the first-mentioned amount shall, as to one-half thereof, be appropriated in the first instance to meeting any claims in respect of loss of life or personal injury, and any part of that amount not so appropriated shall be distributed among the several claimants in proportion to their claims, including any claims in respect of loss of life or personal injury if and so far as they exceed the said appropriation.

(6) Nothing in this section shall be construed as affecting the amount of any compensation payable under the Workmen's Compensation Act, 1934 (No. 9 of 1934).

(7) Nothing in this section shall affect the operation of Part III of this Act or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

(8) The Minister may make regulations prescribing the manner in which the weight of an aircraft fully loaded is to be ascertained for the purposes of this section, and directing that, in the case of an aircraft of any particular class, such document (being a document which purports to show the weight of the aircraft fully loaded) as may be specified in the regulations shall be evidence of that weight.
25.—(1) After the commencement of this Chapter of this Part of this Act, it shall not be lawful for any person to fly, or cause or permit any other person to fly, an aircraft unless—

(a) there is in force in relation to the flying of such aircraft by such person or such other person, a policy of insurance (in this Chapter of this Part of this Act referred to as an approved policy of insurance) issued by an approved aircraft insurer, which subject to any restrictions or conditions specified therein, insures the owner of such aircraft against all liability which he may incur in respect of loss or damage caused to persons or property on land or water in Saorstát Eireann by, or by any person in, or any article or person falling from, the aircraft while in flight, taking off, or landing; or

(b) the owner of such aircraft is an exempted person within the meaning of this Chapter of this Part of this Act.

(2) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the court, imprisonment for any term not exceeding six months or to both such fine and imprisonment.

26.—Where—

(a) 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

(b) no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of such owner,

the two immediately preceding sections shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

27.—(1) The Minister may from time to time by order declare that a specified person is an approved aircraft insurer for the purposes of this Part of this Act, and whenever any such order is made and in force the person declared thereby to be an approved aircraft insurer for the purposes of this Part of this Act shall be an approved aircraft insurer for that purpose.

(2) The Minister may by order revoke an order made under this section.

28.—A policy of insurance shall be of no effect for the purposes of the preceding provisions of this Chapter of this Part of this Act unless and until there has been issued by the insurer to the insured a certificate (in this Part of this Act referred to as a certificate of insurance) in relation to such policy in such form and containing such particulars as the Minister may require.

29.—(1) In this Chapter of this Part of this Act, the expression "exempted person" means a person—

(a) who has made and maintained, in respect of any aircraft of which he is the owner, the deposit of the appropriate amount with the Accountant of the Courts of Justice authorised by the next following section to be made by persons who desire to become exempted persons; and

(b) the owner of such aircraft is an exempted person within the meaning of this Chapter of this Part of this Act.

Obligation of owners of aircraft to be insured against certain third party risks.

Hirers of aircraft to be treated as owners in certain circumstances.

Approved aircraft insurer.

Certificate of insurance.

"Exempted persons."
(b) to whom a certificate (which is for the time being in force) has been granted by the Minister under the next following sub-section in respect of such aircraft.

(2) Where any person who is the owner of any aircraft satisfies the Minister that he has made in respect of such aircraft with the Accountant of the Courts of Justice a deposit of the appropriate amount, the Minister shall issue to such person a certificate (in this Chapter of this Part of this Act referred to as a certificate of security) in such form, and containing such particulars as the Minister thinks proper.

(3) Where—

(a) a certificate of security has been issued to any person by the Minister under this section, and

(b) either—

(i) the amount, stated in a notice of deficiency given to such person by the Accountant of the Courts of Justice in pursuance of the provisions of this Chapter of this Part of this Act relating to payment of judgment debts out of deposit, has not, within fourteen days after such person has received such notice, been deposited with the Accountant of the Courts of Justice, or

(ii) the deposit made by such person at the time such certificate was granted has ceased to be maintained,

the Minister shall revoke such certificate.

(4) In this section the expression "the appropriate amount" means in relation to any deposit made with the Accountant of the Courts of Justice—

(a) in case the person making such deposit is the owner of not more than two aircraft, the sum mentioned in sub-section (1) of the next following section in respect of such aircraft, and

(b) in case such person is the owner of three or more aircraft, the sum mentioned in sub-section (2) of the next following section in respect of such aircraft.

30.—(1) Any person who is the owner of not more than two aircraft and who desires to become an exempted person may deposit and keep deposited with the Accountant of the Courts of Justice a sum equal to the maximum sum determined in relation to such aircraft by sub-section (1) of section 24 (which relates to limitation of liability for damage caused by aircraft to persons and property on land or water) of this Act.

(2) Any person who is the owner of three or more aircraft and who desires to become an exempted person may deposit and keep deposited with the Accountant of the Courts of Justice a sum equal to the aggregate of the two greatest of the several maximum sums determined under sub-section (1) of section 24 of this Act in relation to those aircraft respectively.

(3) The Accountant of the Courts of Justice shall invest every sum deposited with him under this section in such of the securities authorised by law for the investment of funds in the High Court as the person making or maintaining such deposit shall direct, and the income accruing on such securities shall be paid to the said person.

(4) The Accountant of the Courts of Justice shall not accept a deposit under this section save on a warrant of the Minister.

(5) The Minister may by order make rules with respect to applications for warrants for the purposes of this section, the
payment of deposits and the investment thereof or dealing there­
with, the deposit of stocks, shares, or other securities in lieu of 
money, the payment of the income from time to time accruing 
due on any securities in which deposits are for the time being 
invested, and the withdrawal and transfer of deposits.

31.—(1) In this section—

the word "deposit" means a deposit of money or securities in lieu of 
money made with the Accountant of the Courts of Justice under 
this Chapter of this Part of this Act by way of qualification for 
being an exempted person;

the word "depositor" means a person who has made a deposit.

(2) Where a person (in this section referred to as a judgment 
creditor) has recovered judgment in any court against a depositor 
for a sum to which this section applies the High Court may, on 
the application in a summary manner of the judgment creditor and 
if satisfied that the depositor has no goods which can be taken 
in execution to satisfy such judgment, order the amount of such 
judgment together with the costs of such order, the application 
therefor and the proceedings thereunder to be paid to the judgment 
creditor out of the deposit maintained by such depositor.

(3) Whenever the High Court makes an order under the 
immediately preceding sub-section in respect of a deposit the 
Accountant of the Courts of Justice shall pay the money stated in 
such order to the judgment creditor specified in such order out 
of such deposit and shall for that purpose sell so much of the 
investments representing such deposit as is necessary (after defray­
ing the costs of such sale) to enable such money to be paid.

(4) Whenever the Accountant of the Courts of Justice, in pur­
suance of an order made by a court under this section, pays any 
money out of or sells any of the investments representing a deposit 
maintained with him by a depositor in pursuance of this Part of 
this Act, he shall forthwith calculate and ascertain the market 
value of so much of the investments representing such deposit as 
remains unsold and, if such market value together with any unin­
vested money included in such deposit falls short of the full proper 
amount of such deposit, he shall give to the Minister and such 
depositor notice in writing of such deficiency and of the amount 
thereof.

(5) If, when a notice of deficiency of deposit is given to a 
depositor by the Accountant of the Courts of Justice in pursuance 
of the immediately preceding sub-section such depositor, not more 
than fourteen days after receiving such notice, deposits with the 
Accountant of the Courts of Justice a sum equal to the amount 
of the deficiency stated in such notice, the sum so deposited shall 
be added to and treated as part of the said deposit and such 
depositor shall be deemed to have maintained such deposit at its 
full proper amount.

(6) Whenever a depositor, if an individual, becomes bankrupt 
or insolvent or dies or, if a corporate body, is wound up or, if a 
partnership or other unincorporated association, is dissolved, the 
deposit made by such depositor shall be applicable in the first 
instance to payment only of the liabilities of the depositor for sums 
to which this section applies and when all such liabilities of such 
depositor have been discharged in full shall be applicable as general 
assets of the depositor.

(7) This section applies to any sum awarded against a depositor 
as damages in respect of damage or loss caused to persons or 
property on land or water by, or by a person in, or an article or 
person falling from, an aircraft, owned by such depositor, while 
in flight, taking off or landing.
32.—Whenever the High Court is satisfied, on the application made in a summary manner by a depositor or by a person claiming through or under a depositor and after notice to the Minister and after such publication of advertisements as the High Court shall direct, that it is just and expedient that the deposit or part of the deposit made by such depositor should be paid out to the person making such application, the High Court shall order such deposit or such part thereof as may be specified in such order to be paid out to such person either unconditionally or subject to such conditions as the High Court shall think proper to specify in such order, and shall direct the Accountant of the Courts of Justice to do all such things (including the sale of the investments representing such deposit or part of such investments) as appear to the High Court to be necessary or expedient for giving effect to such order.

33.—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say—:
   
   (a) applications for certificates of security;
   
   (b) the issue of copies or of new certificates in lieu of any such certificates which are lost or destroyed;
   
   (c) the carrying of documents in aircraft and the production of such documents on demand to such persons as may be specified in such regulations.

   (2) If any person acts in contravention (whether by commission or by omission) of any regulations made under this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

CHAPTER III.

34.—This Chapter of this Part of this Act shall come into operation on such day as may be fixed therefor by order of the Minister.

35.—(1) The Executive Council may, if it appears to them to be necessary or expedient for them so to do for the purposes of giving effect to the Rome Convention, make an order—:

   (a) directing either—:

      (i) that the provisions set out in such order shall, in relation to aircraft registered in any such country (other than Saorstát Eireann) as may be specified in the order, have effect in lieu of the provisions of Chapters I and II of this Part of this Act, or

      (ii) that all or any of the provisions of the said Chapters I and II shall, in relation to such aircraft, have effect subject to such modifications, adaptations and exceptions as may be specified in the order; and

   (b) making such provisions as appear to the Executive Council to be required for securing that a Saorstát Eireann aircraft shall not leave Saorstát Eireann on a flight to or over any such country, unless there is on board the aircraft a certificate of insurance or a certificate of security in respect of the aircraft, being a certificate in such form and issued by such person and containing such particulars as may be appointed by the order.
(2) Where an order is made under the immediately preceding sub-section before the commencement of Chapter II of this Part of this Act, the said Chapter II shall, for the purposes of the said sub-section but not further or otherwise, be deemed to be in force.

(3) Every order made under this section shall have the force of law in Saorstát Eireann.

PART V.

ESTABLISHMENT AND MAINTENANCE OF AERODROMES BY THE MINISTER FOR INDUSTRY AND COMMERCE AND LOCAL AUTHORITIES, AND ACQUISITION OF LAND, ETC., FOR THOSE PURPOSES.

36.—The purposes of this Part of this Act for which land may be acquired by agreement or compulsorily shall include—

(a) the purpose of securing that the land adjacent to an aerodrome which the Minister or a local authority 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; and

(b) the purposes of securing that trees and buildings on the land adjacent to an aerodrome, which the Minister or a local authority has established or is about to establish, are, with the object of ensuring the safety of aircraft approaching or leaving the aerodrome, demolished.

37.—The Minister may and any local authority may, with the consent of the Minister given after consultation with the Minister for Local Government and Public Health and subject to such conditions as he may impose, establish, and maintain aerodromes and provide and maintain in connection therewith roads, bridges, approaches, apparatus, equipment, and buildings and other accommodation.

38.—(1) If the Minister is satisfied, with respect to any aerodrome maintained by a local authority under the immediately preceding section, that it is necessary or expedient that such local authority should be empowered to carry on in connection with such aerodrome any particular business, being a business which appears to him to be ancillary to the carrying on of an aerodrome, but which such local authority would not otherwise have power to carry on, he may by order authorise such local authority, subject to such conditions (if any) as may be specified in such order, to carry on that business in connection with such aerodrome.

(2) The Minister may by order under this sub-section revoke or amend an order made under this section, including this sub-section.

(3) The Minister shall before making an order under this section consult the Minister for Local Government and Public Health in regard thereto.

39.—(1) Any person (in this section referred to as an authorised officer) authorised in that behalf by the Minister or a local authority may do either or both of the following things, that is to say:—

Right of entry on
data on behalf of the
Minister and local
authorities.
(a) enter on any land for the purpose of making thereon any inquiry, investigation, or examination preliminary or incidental to the acquisition of such land for the purposes of this Part of this Act;

(b) enter, for the purposes of making thereon surveys, on any land which adjoins or is in the neighbourhood of land acquired or the acquisition of which is contemplated for the purposes of the said Part.

(2) If any person impedes or obstructs an authorised officer in the exercise of the powers conferred on such authorised officer by this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

40.—The Minister may for the purposes of this Part of this Act acquire by agreement any land.

41.—(1) If and whenever the Minister thinks proper to acquire compulsorily any land or to acquire or use compulsorily any right of impounding, diverting, or abstracting water for the purposes of this Part of this Act, the Minister may, with the consent of the Minister for Finance, by order declare his intention so to acquire such land or so to acquire or use such right, and every such order shall operate to confer on the Minister full power to acquire compulsorily the land or to acquire or use compulsorily the right mentioned therein under and in accordance with this section.

(2) The Minister shall not make an order under this section in relation to any land covered by water, or which is foreshore, or in relation to any right of impounding, diverting, or abstracting water without previous consultation with the Minister for Agriculture.

(3) Before making an order under this section, the Minister—

(a) shall deposit and keep open for inspection at some suitable place (public notice of which shall be given) such plans, specifications, and other documents as will show fully and clearly the land or right intended to be acquired or used by virtue of the order;

(b) shall give notice, in such manner as he may consider best adapted for informing persons likely to be affected by the order, of his intention to consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and

(c) shall, if he considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order.

(4) An order made under this section may incorporate—

(a) the Acquisition of Land (Assessment of Compensation) Act, 1919, and

(b) the Land Clauses Acts so far as the same are not inconsistent with the said Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) Nothing in this section shall authorise the Minister to acquire, use, or otherwise interfere with compulsorily under this section any land which at the date of the first publication of notice of the intention of the Minister to consider the making of a special order in that behalf belongs to any railway, electricity, gas, or water undertaker and is used or authorised to be used by such undertaker for the purpose of his undertaking.

(6) The following provisions shall have effect in relation to any public inquiry held under this section:—

(a) the Minister shall appoint a fit and proper person to hold such inquiry;
(b) such person is hereby authorised to administer oaths to persons appearing as witnesses at such inquiry;

(c) any person interested in the subject matter of such inquiry shall be entitled to appear personally or by counsel or solicitor and to adduce evidence.

42.—(1) The Minister may at any time dispose in such manner as he thinks proper of any land acquired by him under this Act which appears to him to be no longer required by him for the performance of his duties or the exercise of his functions under this Part of this Act.

(2) Any moneys received by the Minister in respect of the disposal of land under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

43.—(1) A local authority may, with the consent of the Minister for Local Government and Public Health given after consultation with the Minister, acquire land (either inside or outside the functional area of such local authority) for the purpose of this Part of this Act either by agreement or compulsorily under this Act and the Acts incorporated therewith.

(2) For the purpose of the acquisition of land by a local authority under this section, sections 203, 210, 212, 213, 214 and 215 of the Public Health (Ireland) Act, 1878, as amended by section 8 of the Public Health (Ireland) Act, 1896, and section 68 of the Local Government Act, 1925 (No. 5 of 1925), shall apply as if those sections as so amended were herein re-enacted and made applicable to such local authority with and subject to the modifications made by this Act in the procedure under the said sections.

(3) A local authority may at any time, with the consent of the Minister for Local Government and Public Health given after consultation with the Minister, sell or let by public auction or private treaty in suitable lots any land acquired by such authority under this section.

44.—Where a local authority proposes to acquire (otherwise than by agreement) land for the purposes of this Part of this Act, whether in exercise of a power conferred by a statute other than this Act or of a power expressly conferred by this Act, the advertisements mentioned in sub-section (2) of section 203 of the Public Health (Ireland) Act, 1878, may be published in any month and, in such case, the notices mentioned in the said sub-section shall be served in the month next succeeding the month in which the said advertisements are published.

45.—(1) Whenever the Minister or a local authority establishes and maintains or is about to establish an aerodrome under this Part of this Act, and such aerodrome is or will be situated by the sea or any navigable inlet thereof, the Minister, after consultation with the Minister for Agriculture may, if it is in his opinion in the public interest so to do, make an order under this section limiting or prohibiting the exercise of any right of navigation and any public or private right of fishing or landing fish or any other public or private right in respect of any part of the sea or any inlet thereof or foreshore in or adjacent to such aerodrome.

(2) Whenever an order made under the next preceding subsection of this section limits or prohibits the exercise of any private right of fishing or landing fish or any other private right in respect of any part of the sea or any inlet thereof or foreshore, the Minister shall pay compensation to the owner of or other person entitled to exercise such right and such compensation shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Whenever any order made under this section is for the time being in force any right to which such order relates shall be limited or prohibited in accordance with such order.
46.—The Minister may and any local authority may, with the consent of the Minister, compulsorily divert, close, remove or otherwise interfere with any public road or bridge.

47.—If and whenever the execution of any works under this Part of this Act involves the diversion, removal, or other interference with any public road or bridge, the following provisions shall have effect, that is to say:—

(a) where the execution of the works involves the closing of the road or bridge to traffic the Minister or the local authority (as the case may be) shall construct and shall maintain while such road or bridge is so closed to traffic a temporary road or bridge in the same or some other convenient situation sufficient to carry traffic of such quantity and character as normally uses such road or bridge;

(b) the Minister or the local authority (as the case may be) shall at or before the completion of the works either restore the road or bridge to its former condition or construct, after consultation with the Minister for Local Government and Public Health, a new permanent road or bridge in the same or some other convenient situation sufficient to carry the like amount (in quantity and character) of traffic as the original road or bridge was able to carry and not substantially less convenient in gradient and curve than such original road or bridge;

(c) where a permanent new bridge is constructed by the Minister or by a local authority outside its own functional area, and such bridge confers substantially greater advantages on the public of the county or other borough, county, or urban district in which it is constructed, than the original bridge, by affording an improved means of communication or otherwise, the Minister shall certify the cost of such new bridge and the Minister for Local Government and Public Health shall certify what part of such cost in his opinion ought reasonably to be borne by the council of such county or other borough, county, or urban district, and thereupon a sum equal to the part so certified of such cost shall be raised by such council as part of the expenses of the maintenance of the road of which such new bridge is part and shall be paid by such council to the Minister or such local authority (as the case may be);

(d) if any doubt, dispute or question shall arise as to whether the Minister or a local authority in the construction, maintenance or restoration of any temporary or permanent road or bridge pursuant to this section has complied with the provisions of this section, or as to whether a permanent new bridge constructed by the Minister or by a local authority outside its own functional area confers substantially greater advantages on the public of the county or other borough, county, or urban district in which it is constructed than the original bridge, such doubt, dispute or question shall be decided by the Minister for Local Government and Public Health whose decision shall be conclusive and final.

48.—(1) Where a local authority (in this section referred to as an undertaking authority) has established and maintains or proposes to establish and maintain an aerodrome under this Part of this Act, any authority (in this section referred to as a non-undertaking authority) which is another local authority, a conservancy authority, or a harbour authority, may agree with such undertaking authority to make to such undertaking authority, on such conditions as may be agreed upon between the two authorities and subject to the provisions of this section, a contribution towards the expenses incurred by such undertaking authority in or in relation to the establishment and maintenance of such aerodrome.
(2) An agreement under this section in relation to an aerodrome may be made by two or more non-undertaking authorities with an undertaking authority.

(3) An agreement under this section made between one or more non-undertaking authorities and an undertaking authority may incorporate a scheme for the management of the aerodrome to which the agreement relates through and by a committee of such undertaking authority, and in that case such scheme shall, where there is only one non-undertaking authority to such agreement, provide that a specified number of the members of such committee shall be nominated by that non-undertaking authority or, where there are two or more non-undertaking authorities to such agreement, provide that a number of such members specified in respect of each non-undertaking authority shall be nominated by such non-undertaking authority, and such scheme may empower such committee to do any act (including the institution of legal proceedings) in relation to the management of such aerodrome which such undertaking authority itself could lawfully do, and may provide for the application of the provisions of section 58 of the Local Government Act, 1925 (No. 5 of 1925) to such committee as if such committee were a county authority within the meaning of that section, and for the furnishing by such undertaking authority to such committee of the moneys necessary to meet their expenses.

(4) The contribution payable by a non-undertaking authority in pursuance of an agreement made under this section shall be either a fixed annual sum or a fixed proportion of the expenses of maintaining the aerodrome to which the agreement relates or partly one and partly the other and shall be payable in such instalments and at such times as shall be set out in the agreement.

(5) No agreement made under this section shall come into force unless and until it has been sanctioned by the Minister for Local Government and Public Health.

(6) When an agreement made under this section between one or more non-undertaking authorities and an undertaking authority comes into force it shall be binding and enforceable against each party to such agreement, and each such party and the committee of management (if any) shall have power to do all acts and to make all payments which are provided for in such agreement or in any scheme incorporated therewith.

49.—(1) The council of a county may borrow under Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, for the purpose of defraying any expenses incurred by such council under this Part of this Act in like manner as if such purpose were mentioned in that Article and money borrowed for any such purpose shall not be reckoned as part of the debt of such council for the purposes of any limitation on borrowing imposed by the said Article.

(2) Any local authority (other than the council of a county) may borrow under the Public Health Acts, 1878 to 1931, for the purpose of defraying any expenses incurred by such local authority under this Part of this Act as if such purpose were a purpose for which such local authority is authorised to borrow under those Acts, but money borrowed for any such purpose shall not be reckoned as part of the debt of such local authority for the purposes of any limitation on borrowing imposed by those Acts.

(3) Loans may, for the purposes of this section, be made out of the Local Loans Fund to a local authority.

50.—All expenses incurred by a local authority under this Part of this Act shall be defrayed—

(4) in the case of the council of a county, by means of the poor rate raised equally over the whole of their county (exclusive of any borough or urban district included therein the council of which has made or is making contributions under the said Part in respect of an aerodrome
Expenses of conservancy and harbour authorities.

Appointment of officers by local authorities.

Provisions in relation to land belonging to the State.

Saving of rights, etc., of Minister for Posts and Telegraphs.

Restrictions on actions for damages in respect of trespass or nuisance by aircraft.

Penalty for dangerous flying.

51.—All expenses incurred by a conservancy authority or a harbour authority under this Part of this Act shall be defrayed by such authority in the like manner in which other expenses of such authority are defrayed.

52.—Any local authority may, subject to the provisions of any enactment relating to the appointment of officers by such local authority, appoint such and so many officers as it shall think requisite for the execution of the powers conferred on it by this Part of this Act, and every officer so appointed shall be paid such remuneration as such local authority shall, with the consent of the Minister for Local Government and Public Health, determine.

53.—(1) Nothing in this Act shall be construed as prohibiting the granting, under any Act passed (whether before or after the passing of this Act) by the Oireachtas, of a lease or licence, in respect of any land which is State land and to which such Act applies, to the Minister or a local authority or the acceptance of such lease or licence by the Minister or a local authority.

(2) The Minister may for the purposes of this Part of this Act by order enclose any State land in respect of which he is authorised by law to grant leases and licences and any such State land may be used by the Minister for any purpose for which land acquired by him under this Part of this Act may be used.

(3) In this section the expression "State land" means land which for the time being belongs to Saorstat Eireann either by virtue of Article 11 of the Constitution or by any other means (present or future) whatsoever.

54.—Nothing in this Act shall deprive the Minister for Posts and Telegraphs of any rights and remedies under the Telegraph Acts, 1863 to 1928, or any statutory adaptation thereof or substitution therefor made by or under the authority of the Oireachtas.

PART VI.

TRESPASS AND NUISANCE BY AIRCRAFT, AND DANGEROUS FLYING.

55.—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 the flight, so long as the provisions of Part II of this Act and any order made under the said Part II and any regulations made by virtue of any such order are duly complied with.

56.—(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 such aircraft and also (if such pilot or person in charge is not the owner of such aircraft) such owner shall each be severally guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the Court, either to imprisonment for any term not exceeding six months or to both such fine and imprisonment.
(2) In this section the word "owner" in relation to an aircraft includes any person to whom the aircraft is hired at the time of the offence.

(3) Where a person charged with an offence under this section is the owner and is not the pilot or in charge of the aircraft in respect of which such offence is alleged to have been committed, it shall be a good defence for such person to prove that on the occasion on which such offence is alleged to have been committed such aircraft was being flown without his actual fault or privity.

(4) The provisions of this section shall be in addition to and not in derogation of any order made under Part II of this Act or any regulations made by virtue of any such order.

PART VII.

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS.

57.—(1) Any services rendered in assisting, or in saving life or wreck and 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 of Saorstát Éireann.

(2) The Executive Council may by order direct that any provisions of any Act for the time being in force which relate to wreck, to salvage of life of 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 order, apply in relation to aircraft as those provisions apply in relation to vessels and any such order shall have the force of law in Saorstát Éireann.

(3) For the purposes of this section, any provisions of an Act which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck, and the expression "Act" shall be deemed to include any local or special Act and any provisions of the Harbours, Docks, and Piers Clauses Act, 1847, as incorporated with any local or special Act, whenever passed.

(4) Any order, made by virtue of section 11 of the Air Navigation Act, 1920, and in force in Saorstát Éireann immediately before the date of the passing of this Act shall be deemed to be made under this section and may accordingly be amended or revoked by an order made under this section and until so revoked and subject to any such amendment shall continue in force.

58.—(1) The power conferred by sub-section (1) of section 418 of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

(a) between seaplanes on the surface of the water, and

(b) between vessels and seaplanes on the surface of the water;

and accordingly the said section 418, and sections 419, 421 and 424 of the said Act, as amended by any subsequent enactment, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, subject however to the following modifications, that is to say:

(i) for the purpose of sub-section (2) of the said
section 418, and for the purposes of the said section 424, sections 418, 419, 421, and 424 of the said Act shall be deemed to be the only provisions of Part V of the said Act relating to collision regulations or otherwise relating to collisions, and

(ii) any references in the said section 419 to the master or to the person in charge of the deck shall be construed as references to the pilot or other person on duty in charge of the seaplane.

(2) The power conferred by sub-section (1) of section 25 of the Merchant Shipping (Safety and Load Lines Conventions) Act, 1933 (No. 42 of 1933), to prescribe what signals shall be signals of distress and urgency shall include power to prescribe what signals shall be signals of distress and urgency in the case of seaplanes on the surface of the water; and accordingly the said section 25 shall apply in relation to seaplanes on the surface of the water as it applies in relation to ships or vessels, subject however to the modification that the reference in sub-section (3) of the said section 25 to the master shall be construed as a reference to the pilot or other person on duty in charge of the seaplane.

(3) In this section the word "vessels" has the same meaning as in the Merchant Shipping Act, 1894.

(4) For the purposes of this and the next following section seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while in contact therewith.

59.—(1) Any enactment which confers or imposes on a conservancy authority or a harbour authority any power or duty to make bye-laws for the regulation of ships or vessels shall be construed and have effect as if the power or duty so conferred or imposed included a power or duty to make bye-laws for the regulation of seaplanes when on the surface of the water, and also a power to include in the bye-laws provisions authorising the harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised by such enactment to exercise as respects ships or vessels, subject however to this restriction, namely, that such bye-laws shall not in any circumstances require, or authorise a harbour master or other officer to require, the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(2) Where any enactment, whether by virtue of the immediately preceding sub-section or otherwise, confers or imposes on a conservancy authority or a harbour authority a power or duty to make bye-laws for the regulation of seaplanes when on the surface of the water, or to include in the bye-laws any such provisions as are mentioned in the said sub-section, the following provisions shall have effect, that is to say:

(a) in case such enactment does not provide that the bye-laws shall not come into force unless they have been confirmed or approved by some Minister and does not provide that the bye-laws shall be allowed or approved by a court or judge, any such bye-laws made after the date of the passing of this Act in relation to seaplanes shall not come into force unless and until they have been confirmed by the Minister;

(b) in case such enactment provides that the bye-laws shall not come into force unless they have been allowed or approved by a court or judge, the conservancy authority or harbour authority shall, before making application to that court or judge for the allowance of the bye-laws, forward a copy thereof to the Minister, and the court or judge shall, before allowing or approving the bye-laws, take into consideration any representations made with respect thereto by or on behalf of the Minister.
(3) In this section—

the expression "enactment" includes any provisional order for
the time being in force (whether or not it has been confirmed by
an Act);

the word "bye-laws" includes rules and regulations.

60.—(1) The Minister may by order make regulations provid­
ing for the investigation of any accident arising out of or in the
course of air navigation and occurring in or over Saorstát
Eireann or to Saorstát Eireann aircraft elsewhere.

(2) Without prejudice to the generality of the provisions of
the immediately preceding sub-section, regulations under this
section may contain provisions—

(a) requiring notice to be given of any such accident as
aforesaid in such manner and by such persons as may
be specified in the regulations;

(b) applying, with or without modification, for the purpose
of investigations held with respect to any such acci­
dents any of the provisions of section 3 of the Notice
of Accidents Act, 1894;

(c) prohibiting, pending investigation, access to or interfe­
rence with aircraft to which an accident has occurred,
and authorising any person, so far as may be neces­
sary for the purposes of an investigation, to have
access to, examine, remove, take measures for the
preservation of, or otherwise deal with any such air­
craft;

(d) authorising or requiring the cancellation, suspension,
endorsement, or surrender of any licence or certificate
granted under this Act or any order made thereunder,
where it appears on an investigation that the licence
ought to be cancelled, suspended, endorsed, or sur­
rrendered, and for the production of any such licence
for the purpose of being so dealt with.

(3) Nothing in this section shall limit the powers of any
authority under sections 530 to 537, inclusive, of the Merchant
Shipping Act, 1894, or any enactment (including this Act) amend­
ing those sections.

(4) If any person acts in contravention (whether by omission
or commission) of any regulations under this section, he shall be
guilty of an offence under this section and shall be liable on sum­
mary conviction thereof to a fine not exceeding fifty pounds or,
at the discretion of the court, imprisonment for a term not
exceeding three months.

(5) Any regulations made by the Minister under section 12 of
the Air Navigation Act, 1920, and in force immediately before the
date of the passing of this Act, shall be deemed to be made under
this section and may be amended or revoked by regulations made
under this section, and until so revoked and subject to any such
amendment shall continue in force.

61.—(1) Where it is alleged by any person interested that a
foreign aircraft making a passage through or over Saorstát
Eireann infringes in itself or in any part of it any invention,
design or model which is entitled to protection in Saorstát
Eireann, it shall be lawful, subject to and in accordance with
Rules of Court, to detain such aircraft until the owner thereof
deposits or secures in respect of the alleged infringement a sum
(in this section called the deposited sum), and thereupon the
aircraft shall not, during the continuance or in the course of the
passage, be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, in respect or on account of the alleged infringement.

(2) The deposited sum shall be such a sum as may be agreed between the parties interested, or in default of agreement shall be fixed by the Minister or some person duly authorised on his behalf, and payment thereof shall be made or secured to him in such manner as he shall approve, and the deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be appointed by Rules of Court, and such rules may provide generally for carrying this section into effect.

(3) In this section—

the word "owner" shall include the actual owner of an aircraft, and any person claiming through or under him;

the word "passage" shall include all reasonable landings and stoppages in the course of a passage.

62.—(1) Any offence under this Act or under an order or regulations made thereunder, and any offence whatever committed on a Saorstat Eireann 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 Minister for Justice may by order make provision as to the courts in which proceedings may be taken for enforcing any claim under this Act, 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.

(3) The Minister for Justice may by order under this sub-section revoke or amend any order made by him under this section including an order under this sub-section.

(4) The Minister for Justice shall before making any order under this section consult with the Chief Justice in regard thereto.

(5) Any order made under sub-section (2) of section 14 of the Air Navigation Act, 1920, and in force in Saorstat Eireann immediately before the date of the passing of this Act shall be deemed to be made under this section and may accordingly be revoked or amended by an order under this section, and until so revoked and subject to any such amendment shall continue in force.

63.—The Executive Council may by order provide for the detention of aircraft to secure compliance with any of the provisions of this Act or any order or regulation made under or by virtue of this Act, or to prevent aircraft from flying when unfit to fly and every such order shall have the force of law in Saorstat Eireann.

64.—(1) Where under this Act an aircraft is to be or may be detained, any authorised person may detain such aircraft.

(2) If an aircraft, after detention or after service on the pilot of any notice or order for detention, takes off or attempts to take off before it is released by competent authority, the following provisions shall have effect, that is to say:

(a) the pilot and also the owner and any person who causes the aircraft to take off, or to attempt to take off, shall each severally be guilty of an offence under this section;

(b) if such aircraft when so taking off has on board in the
execution of his duty an authorised officer, the owner and pilot of such aircraft shall each severally be guilty of an offence under this section, and shall, if guilty of such offence, also be liable to pay to the Minister all expenses of and incidental to such officer being so taken on such aircraft.

(3) Where a person charged with an offence under this section is not the pilot of the aircraft in respect of which such offence is alleged to have been committed, it shall be a good defence for such person to prove that on the occasion on which such offence is alleged to have been committed he was not a party nor privy to the taking off or attempted taking off of such aircraft.

(4) Any expenses payable to the Minister under sub-section (2) may be recovered by the Minister as a simple contract debt in a court of competent jurisdiction.

(5) Every person guilty of an offence under this section shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

(6) Each of the following shall be an authorised officer for the purposes of this section, that is to say:—

(a) a commissioned officer of the Defence Forces of Saorstát Eireann;
(b) an officer of the Minister;
(c) an officer of customs and excise;
(d) any person authorised by the Minister in that behalf.

65.—Where under this Act or any order or regulation made thereunder an aircraft is to be detained, an officer of customs and excise shall, and where under this Act an aircraft may be detained, an officer of customs and excise may refuse to clear that aircraft outwards or to grant a transire to such aircraft.

(2) Where any provision of this Act or any order or regulation made thereunder provides that an aircraft may be detained until any document is produced to the proper officer of customs and excise, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transire to such aircraft.

66.—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say:—

(a) subject to the provisions of sub-section (1) of this section, for 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 such regulations, or
(ii) who is the holder of a licence in respect of a customs aerodrome,

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(b) for 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 provisions of such regulations as relate to him;

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

(2) A person carrying on any such business as is mentioned in clause (1) of paragraph (a) of this immediately preceding subsection shall not be required by regulations made under this section to furnish information relating to the use of aircraft on journeys wholly outside Saorstát Eireann or relating to persons exclusively employed outside Saorstát Eireann unless the person carrying on the business is—

(i) a citizen of Saorstát Eireann resident in Saorstát Eireann, or

(ii) a person who is exempted from the application of the Aliens Act, 1935 (No. 14 of 1935), by virtue of an order made under section 10 of the said Act, and is resident in Saorstát Eireann, or

(iii) a body corporate incorporated under the law of Saorstát Eireann.

(3) If any person contravenes (whether by omission or commission) any regulation made under this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and in the case of a continuing offence a further fine not exceeding five pounds for each day during which the offence is continued.

(4) In this section the expression "customs aerodrome" means an aerodrome for the time being approved, in pursuance of an order made under Part II of this Act and for the time being in force, as a place of landing and departure of aircraft for the purposes of the enactments relating to customs.

67.—Section 2 of the Conveyance of Mails Act, 1893, shall apply to every service by air for the public carriage of passengers and goods carried on by any person, subject to the following modifications, that is to say:

(a) references to a tramway company shall be construed as references to any such person,

(b) references to a tramway shall be construed as references to any such service,

(c) references to carriage shall be construed as references to aircraft,

(d) the references in the said section 2 to the Railway and Canal Commission shall be construed as references to the Railway Tribunal.

PART VIII.

THE COMPANY, SUBSIDIARY COMPANIES AND AER LINGUS, TEOARANTA.

68.—As soon as may be after the passing of this Act the Minister for Finance shall, after consultation with the Minister, take all such steps as appear to him to be necessary or desirable to procure that a limited company (in this Act referred to as the Company) conforming to the conditions laid down in the Second Schedule to this Act shall be formed and registered in Saorstát Eireann under the Companies Acts, 1908 to 1924.

69.—(1) The Minister for Finance may out of moneys provided by the Oireachtas lend to the Company upon such terms and conditions as to time and manner of repayment, rate of interest,
security and other matters whatsoever as he shall think proper, a sum not exceeding five thousand pounds.

(2) Any moneys lent to the Company under this section shall be applied by the Company in or towards paying the expenses of the promotion, formation and registration of the Company and the other preliminary expenses of the Company, and for no other purposes.

(3) All sums paid to the Minister for Finance by the Company in or towards repayment of any moneys lent to the Company under this section or in payment of the interest on such moneys shall be paid into the Exchequer.

10 —No issue of the share capital of the Company (other than share capital issued to subscribers of the Memorandum of Association of the Company) shall be made at any time, unless the Minister for Finance, after consultation with the Minister, has authorised such issue.

15 —The Minister for Finance may from time to time take up by subscription any class or classes of shares of the Company, but the total amount of shares so taken up shall not exceed (in nominal value) the sum of one million pounds.

20 —The Minister for Finance may, subject to such conditions as he may think fit, agree with the Company that, if any shares in the Company about to be offered at any time for subscription are not within a specified time taken up by the public, he will take up and pay for such shares or some specified proportion thereof.

25 —The Minister for Finance may, so long as he holds any of the shares of the Company, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares, and where such rights or powers are exercisable by attorney the said Minister may, if he so thinks proper, exercise such rights or powers by his attorney.

30 —(1) The Minister for Finance may hold for as long as he thinks fit any shares of the Company acquired by him under this Act and may as and when he thinks fit sell all or any of such shares.

35 —The net proceeds of every sale by the Minister for Finance of shares of the Company held by him shall be paid into or disposed of for the benefit of the Exchequer in such manner as he may direct.

40 —Whenever the Company proposes to issue any debentures the Minister for Finance may, if he thinks fit, guarantee, in such form and manner as he may think proper, the due payment by the Company in accordance with the terms of such debentures of the principal moneys and interest secured by such debentures.

45 —(1) All moneys from time to time required by the Minister for Finance—

(a) to meet payments required to be made by him to the Company in respect of any shares subscribed for or taken up by him under this Act, or

(b) to meet sums which became payable under any guarantee given by him under this Act in respect of moneys secured by debentures issued by the Company, shall be advanced out of the Central Fund or the growing produce thereof.
(2) For the purpose of providing money for the sums advanced out of the Central Fund under this section, the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing the said Minister may create and issue securities bearing such rate of interest, and subject to such conditions as to repayment, redemption or otherwise as he shall think fit.

(3) The principal and interest of any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof.

(4) Any money raised by securities issued under this section shall be placed to the credit of the account of the Exchequer and shall form part of the Central Fund and be available in any manner in which such Fund is available.

(5) Any moneys advanced out of the Central Fund or the growing produce thereof for the purposes mentioned in paragraph (b) of sub-section (1) of this section shall be repaid to the Central Fund (with interest thereon at such rates as the Minister for Finance shall appoint) by the Company in such amounts and at such times as the said Minister shall appoint, and if and so far as any such moneys are not repaid by the Company to the Central Fund, such sums shall be repaid to the Central Fund out of moneys provided by the Oireachtas.

Payments of dividends, etc., into the Exchequer.

Alteration of Memorandum and Articles of Association of the Company.

Subsidies.

77.—All dividends, bonus and other moneys received by the Minister for Finance in respect of shares of the company held by him shall be paid into the Exchequer.

78.—Notwithstanding anything contained in the Companies Acts, 1908 to 1924, no alteration in the Memorandum of Association or Articles of Association of the Company shall, so long as the Minister for Finance holds any shares of the Company, be valid or effectual unless made with the previous approval of the Minister for Finance given after consultation with the Minister.

79.—(1) The Minister for Finance may, subject to the provisions of this section, from time to time by order authorise the payment of subsidies to the company on such terms and conditions as may be specified in such order.

(2) Every order made under this section shall be laid before Dáil Éireann as soon as may be after it is made, but shall not come into force unless—

(a) such order is confirmed by resolution of Dáil Éireann, or

(b) a period of twenty-one days on which Dáil Éireann has sat after such order was so laid before it has elapsed and a resolution amnulling such order has not been passed by Dáil Éireann within the said period.

(3) The aggregate amount which may be authorised to be paid to the Company by any orders made under this section shall not exceed five hundred thousand pounds, and no such order may be made after the expiration of five years from the date of the passing of this Act.

(4) Where an order made under this section has come into force any moneys required for payment of the subsidy specified in such order shall be paid out of moneys provided by the Oireachtas.
80.—(1) As soon as may be after the registration of the Company, the Company may, with the consent of the Minister for Finance, lend to Aer Lingus, Teoranta, such sum as the Minister for Finance shall certify to be sufficient to discharge any liabilities which Aer Lingus, Teoranta, may have incurred and are then unsatisfied.

(2) The following provisions shall have effect in relation to the repayment of any sum lent by the Company to Aer Lingus, Teoranta, under this section, that is to say—

(a) such sum shall be so repaid in such one of the following ways as the Minister for Finance may direct, that is to say—

(i) by the issue of debentures of an amount equal to such sum,

(ii) by the issue of shares of a nominal amount equal to such sum,

(iii) as to part of such sum, by the issue of debentures of an amount equal to such part and, as to the remainder of such sum, by the issue of shares of a nominal amount equal to such remainder;

(b) where any debentures are so issuable such debentures shall carry such rate of interest as the said Minister shall direct, and

(c) where any shares are so issuable such shares or any part thereof may as the said Minister directs be shares having priority over ordinary shares and in such case shall carry such rate of dividend as the said Minister shall direct.

81.—(1) Each company to which this section applies shall furnish to the Minister for Finance a balance sheet for such accounting year duly audited by the auditor of such company, and also a profit and loss account for the same accounting year similarly audited.

(2) The balance sheet and profit and loss account to be furnished by each company to which this section applies shall be drawn up in such manner as shall be prescribed by regulations made under this section, and such balance sheet shall contain (in addition to any matter required by such regulations) a summary of the capital, assets and liabilities of such company, together with such particulars as will disclose the nature of such assets and liabilities and the manner in which the value of the assets was arrived at.

(3) Each company to which this section applies shall on demand furnish to the Minister for Finance such explanations as the said Minister shall think proper to require in respect of any balance sheet or profit and loss account furnished pursuant to this section.

(4) A copy of every balance sheet and profit and loss account furnished to the Minister for Finance pursuant to this section shall be laid by him before Dail Eireann within one month after such balance sheet and profit and loss account are so furnished to him.

(5) Each company to which this section applies shall whenever and so often as the Minister for Finance may require furnish to the said Minister such particulars as he may require in respect of the activities of such company.

(6) The Company shall whenever and so often as the Minister for Finance may require, furnish to the said Minister such particulars (being particulars within the power, possession or procurement of the Company) as he may require in relation to any undertaking (other than Aer Lingus, Teoranta, or a subsidiary company) in which it may hold an interest.
(7) If the Company, or Aer Lingus, Teoranta, or any subsidiary company makes default in complying with the obligations imposed on it by this section, the Company, or Aer Lingus, Teoranta, or such subsidiary company (as the case may be), and every director, manager or other officer thereof who knowingly and wilfully authorised or permitted such default, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for every day during which the default continues.

(8) The Minister for Finance may by order make regulations prescribing any matter referred to in this section as prescribed by regulations made under this section.

(9) This section applies to—
(a) the company,
(b) Aer Lingus, Teoranta;
(c) every subsidiary company.

(10) An offence under this or the next following section may be prosecuted by or at the suit of the Minister for Finance as prosecutor.

82.—(1) An inspector shall be entitled to enter the premises of any company to which this section applies and inspect any books or documents in such premises.

(2) If any person—
(a) impedes or obstructs an inspector in the exercise of any of the powers conferred on an inspector by this section; or
(b) fails to produce any such books or documents as aforesaid such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(3) In this section the word "inspector" means a person authorised in writing by the Minister for Finance to exercise the powers conferred on an inspector by this section.

(4) This section applies to—
(a) the Company;
(b) Aer Lingus, Teoranta;
(c) every subsidiary company.

83.—The Control of Manufactures Acts, 1932 and 1934, shall not apply in respect of any act or thing done by the Company, Aer Lingus, Teoranta, or any subsidiary company.

PART IX.

RESTRICTION ON SERVICES FOR INTERNAL CARRIAGE BY AIR OF PASSENGERS AND GOODS.

84.—(1) It shall not be lawful for any person to carry on an internal air service unless—
(a) such person is the Company, or Aer Lingus, Teoranta, or a subsidiary company, or
(b) such person is granted by the Minister under this section permission to carry on such service, and such service is carried on under and in accordance with such permission.

(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and in the case of a continuing offence a further
fine not exceeding ten pounds for each day during which the
offence is continued.

(3) The Minister may, if he thinks fit, grant to a person who is
for the time being authorised to establish an international service
permission in writing to carry on an internal air service, subject
to a condition that such internal service shall be carried on only
by means of aircraft operating such international service and such
other conditions as the Minister thinks proper.

(4) In this section the expression “internal air service” means
a service by air for the public carriage of passengers, and goods
or any of them originating at and destined for places within Saor-
stát Eireann.

PART X.

CONTROL AND REGULATION OF CERTAIN CLASSES OF AVIATION
BUSINESS.

85.—(1) In this Part of this Act—
the expression “aviation (private hire) business” means the
business of hiring out for reward aircraft, for the purpose of the
carriage of passengers or goods, under a contract whereby the air-
craft is chartered as a whole for a particular journey or journeys,
as specified in the journey log book of such aircraft, irrespective
of the number of passengers or the quantity of goods to be car-
rried;
the expression “aviation (pleasure flights) business” means the
business of giving for reward pleasure flights in aircraft begin-
ning and ending, without landing in the course of the flight, at
the same aerodrome;
the expression “aviation (instruction) business” means the busi-
ness of giving for reward instruction in aviation.

(2) For the purposes of this Act an aviation (private hire)
business, an aviation (pleasure flights) business, and an aviation
(instruction) business shall each constitute a separate class of
aviation business.

86.—(1) The Minister may by order appoint a day to be the
appointed day for the purposes of this Part of this Act.

(2) In this Part of this Act the expression “the appointed
day” means the day appointed by the Minister under this sec-
tion to be the appointed day for the purposes of this Part of this
Act.

87.—(1) On and after the appointed day it shall not be law-
ful for any person, in the course of an aviation (private hire)
business carried on by him, to carry by any aircraft in Saorstát
Eireann any passenger or goods, unless—
(a) such person is the holder of a licence (in this Part of this
Act referred to as an aviation business licence) granted
under this part of this Act, authorising him to carry
on such business, or
(b) such aircraft—
(i) started its journey from a place outside Saorstát
Eireann, and
(ii) was privately chartered as a whole, and
(iii) does not, while in Saorstát Eireann, carry for
reward any passengers, other than some or all of
the passengers it carried on its first landing in
Saorstát Eireann.

(2) On and after the appointed day it shall not be lawful for
any person, in the course of an aviation (pleasure flights) busi-
ness carried on by him, to carry by air in Saorstát Eireann any
passenger unless such person is the holder of a licence (in this

Definitions for purposes of Part X.
The appointed day for the purposes of Part X.
Prohibition of carrying on aviation business of a class to which Part X applies by unlicensed persons.
Part of this Act also referred to as an aviation business licence) granted under this Part of this Act authorising him to carry on such business.

(3) On and after the appointed day it shall not be lawful for any person, in the course of an aviation (instruction) business carried on by him, to carry by air in Saorstát Eireann any other person, unless such first-mentioned person is the holder of a licence (in this Part of this Act also referred to as an aviation business licence) granted under this Part of this Act authorising him to carry on such business.

(4) Every person who acts in contravention of this section shall be guilty of an offence under this section, and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds, and in the case of a continuing offence, a further fine not exceeding ten pounds for every day during which the offence is continued.

(5) A certificate purporting to be signed by an officer of the Minister and to certify that on a specified day or days or during the whole of a specified period a specified person was not the holder of an aviation business licence in respect of a specified class of aviation business shall, without proof of the signature of the person purporting to sign such certificate or that he was an officer of the Minister, be evidence until the contrary is proved of such of the matters aforesaid as are purported to be certified in and by such certificate.

88.—(1) Any person may apply to the Minister for an aviation business licence authorising him to carry on a specified class of aviation business.

(2) Every application for an aviation business licence shall be in the prescribed form and contain the prescribed particulars.

89.—Whenever any person applies to the Minister under and in accordance with the immediately preceding section for an aviation business licence in respect of a particular class of aviation business the following provisions shall have effect, that is to say:—

(a) in case such person satisfies the Minister that he was on the 1st day of January, 1936, carrying on in Saorstát Eireann a business of a class similar to that in respect of which such application relates, the Minister shall grant such licence to such person, and

(b) in every other case, the Minister may, in his absolute discretion either grant or refuse to grant such licence.

90.—Every aviation business licence in respect of a particular class of aviation business shall be expressed and operate to authorise the person who is for the time being the licensee under such licence to carry on the aviation business of that class, but subject to the provisions of this Act and any orders or regulations made thereunder, and to the conditions (if any) attached to such licence.

91.—(1) Whenever the Minister grants an aviation business licence, he may attach to such licence any conditions that he may think proper, and in particular, and without prejudice to the generality of the foregoing power, conditions as to all or any of the following matters, that is to say:—

(a) the limitation of the area in relation to which the class of business to which such licence relates is to be carried on,
(b) wages and conditions of employment of the employees of such business, and
(c) the employment of citizens of Saorstát Eireann and the use of Saorstát Eireann manufactures in connection with such business.

(2) Whenever the Minister attaches any conditions to an aviation business licence he shall specify such conditions in such licence.

92.—(1) The Minister may, if he so thinks fit, on the application of the holder of an aviation business licence, amend (whether by addition, omission or variation) the conditions attached to such licence.

(2) The Minister may on his own motion amend (whether by addition, omission or variation) in such manner as he thinks fit the conditions attached to an aviation business licence.

Whenever the Minister proposes to amend, in exercise of the power conferred on him by the immediately preceding sub-section, the conditions attached to an aviation business licence, he shall cause a notice to be served by post on the licensee under such licence specifying the amended conditions which are to attach to such licence and upon service of such notice the said amended conditions shall attach to such licence.

93.—If any person who is the licensee under an aviation business licence fails, neglects, or refuses to observe or comply with any of the conditions attached to such licence, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and in the case of a continuing offence a further fine not exceeding five pounds for every day during which the offence is continued.

94.—(1) Every aviation business licence shall specify the date on which it commences and every such licence shall commence on the date so specified.

(2) Every aviation business licence shall (unless it previously lapses or is revoked under this Part of this Act) continue in force for a period of twelve months from the date on which it commenced and shall then expire unless it is renewed under this Part of this Act.

95.—(1) Every person who is the licensee under an aviation business licence which is in force (whether by virtue of the original grant or of a renewal of such licence) may, within the prescribed time and while such licence continues so in force, apply to the Minister for a renewal of such licence.

(2) Every application for the renewal of an aviation business licence shall be made in the prescribed form and shall contain the prescribed particulars.

96.—(1) The Minister may refuse an application for a renewal of an aviation business licence on one or more of the following grounds, but on no other ground, that is to say:—

(a) on the ground that in his opinion there was, during the currency of the licence or of the last renewal thereof, a breach of or a failure to observe or comply with one or more of the conditions attached to such licence;

(b) on the ground that in his opinion there was, during such currency, a breach of or a failure to observe or comply
Duration of renewal of aviation business licence.

Revocation of aviation business licence.

Transfer of aviation business licence.

Death of licensee under aviation business licence.

with the provisions of this Act or of any orders or regulations made thereunder;

(c) on the ground that the licensee under such licence has, during such currency, been convicted of an offence (whether under this or any other Act) in relation to the aviation business to which such licence relates or to the aircraft used therein.

(2) Whenever the Minister grants a renewal of an aviation business licence, the Minister may amend (whether by addition, omission or variation) in such manner as he thinks proper the conditions attached to such licence.

97.—Every renewal of an aviation business licence shall commence immediately upon the expiration of the licence or of the renewal of the licence (as the case may be) of which it is a renewal and shall (unless it previously lapses or is revoked under this Act) continue in force for a period of twelve months from the date on which it commenced.

98.—(1) The Minister may at any time revoke an aviation business licence upon the application of the licensee thereunder.

(2) The Minister may at any time on his own motion and at his absolute discretion revoke or suspend for such time as he shall think proper an aviation business licence on any ground on which he is authorised by this Part of this Act to refuse an application for the renewal of such licence.

(3) The Minister may at any time on his own motion and at his absolute discretion revoke an aviation business licence if he is satisfied that such licence was obtained by fraud or misrepresentation.

99.—(1) An aviation business licence shall not be transferable by the licensee thereunder or by operation of law to any other person.

(2) Whenever the ownership of an aviation business has been transferred, whether by act of the parties or operation of law, from the licensee under the aviation business licence relating to such business to another person, the Minister, if he so thinks proper, may, on the application of such person, transfer such licence to such person.

(3) Every application for the transfer of an aviation business licence under this section shall be made in the prescribed form and contain the prescribed particulars.

(4) Where an aviation business licence is transferred under this section such licence shall be deemed to have been transferred as on the date on which the business to which such licence relates was transferred.

100.—Whenever the licensee under an aviation business licence dies, the following provisions shall have effect, that is to say:

(a) the aviation business to which such licence relates may be carried on under such licence until the happening of whichever of the following events first happens, that is to say, the grant of probate of the will or letters of administration of the personal estate of the licensee, or the expiration of such licence, or the expiration of three months from the death of such licensee;

(b) the said aviation business may, while such licence is in force, be carried on by the personal representative of the...
such licensee until the expiration of six months from the death of such licensee or the expiration of such licence, whichever first happens;

(c) the personal representative of such licensee may apply to the Minister for a renewal or a transfer (as the circumstances may require) of such licence to himself and upon such application being made the following provisions shall have effect, that is to say:—

(i) if such application is for a renewal, the Minister may refuse such application but only on a ground upon which he would be authorised by this Act to refuse the application if such licensee had survived and had himself made the application;

(ii) if such application is for a transfer, the Minister shall grant such application.

101.—(1) Every person who applies under this Part of this Act for a grant, renewal or transfer of an aviation business licence shall, when required by the Minister so to do, furnish to the Minister all such information as the Minister may require for the consideration of such application.

(2) The Minister may require any statement of fact made in an application for the grant, renewal or transfer of an aviation business licence or made to the Minister in response to a request for information under the next preceding sub-section to be verified by the statutory declaration of some person having personal knowledge of the fact so stated.

(3) If any person fails to furnish any information or any verification which he is required by the Minister under this section to furnish, the Minister may, on the ground of such failure and without prejudice to any other power of refusal conferred on him by this Part of this Act, refuse the application in relation to which such information or verification is so required.

102.—(1) There shall be paid to the Minister on every application under this Part of this Act for the grant, renewal, or transfer of an aviation business licence a fee of such amount as may be from time to time fixed by the Minister, with the consent of the Minister for Finance, and the payment of such fee (which shall be retained whether the application is or is not granted) shall be a condition precedent to the consideration of such application.

(2) Different fees may be fixed in respect of grants, renewals and transfers respectively of aviation business licences and in respect of aviation business licences authorising the carrying on of different classes of aviation businesses.

103.—(1) The Minister may, by regulation made by him under this Act, prescribe the accounts to be kept by every person carrying on an aviation business under an aviation business licence and also the statements of accounts, returns of traffic, and other returns to be furnished periodically by every such person to the Minister and the times and occasions at which such returns are to be so furnished.

(2) The Minister may, by the conditions attached to an aviation business licence, require the licensee under such licence to keep accounts or make returns differing (whether by addition, omission, or variation) from the accounts or returns prescribed by regulations made under this Part of this Act, and where any such condition is attached to an aviation business licence, the said regula-
tions shall have effect in respect of the licensee under such licence subject to such condition.

(3) The Minister may publish, as and when he thinks proper, all or any returns made to him under this section and also statistics compiled by him from such returns.

(4) Every person who shall fail to keep the accounts or make the returns which he is required by regulations made under this Act or by a condition attached to an aviation business licence to keep or make shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and, in the case of a continuing offence, a further fine not exceeding one pound for every day during which the offence continues.

FIRST SCHEDULE.

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR.

CHAPTER 1.—Scope—Definitions.

ARTICLE 1.

(1) The present Convention shall apply to all international carriage of persons, luggage or goods performed by aircraft for reward. It shall apply equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) The expression "international carriage" within the meaning of the present Convention shall be any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transhipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party shall not be deemed to be international for the purposes of the present Convention.

(3) A carriage to be performed by several successive air carriers shall be deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

ARTICLE 2.

(1) This Convention shall apply to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) The present Convention shall not apply to carriage performed under the terms of any international postal Convention.
CHAPTER II.—Documents of Carriage.

Section 1.—Passenger Ticket.

ARTICLE 3.

(1) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars:—

(a) the place and date of issue;
(b) the place of departure and of destination;
(c) the agreed stopping places, provided that the carrier may, in case of necessity, alter the said stopping places without thereby depriving the carriage of its international character;
(d) the name and address of the carrier or carriers;
(e) a statement that the carriage is subject to the rules relating to liability established by the present Convention.

(2) The absence, irregularity or loss of the passenger ticket shall not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of the present Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

Section 2.—Luggage Ticket.

ARTICLE 4.

(1) For the carriage of luggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a luggage ticket.

(2) The luggage ticket shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The luggage ticket shall contain the following particulars:—

(a) the place and date of issue;
(b) the place of departure and of destination;
(c) the name and address of the carrier or carriers;
(d) the number of the passenger ticket;
(e) a statement that delivery of the luggage will be made to the bearer of the luggage ticket;
(f) the number and weight of the packages;
(g) the amount of the value declared in accordance with Article 22, paragraph (2);
(h) a statement that the carriage is subject to the rules relating to liability established by the present Convention.

(4) The absence, irregularity or loss of the luggage ticket shall not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of the present Convention. Nevertheless, if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (d), (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.
Section 3.—Air Consignment Note.

**Article 5.**

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air consignment note"; every consignor has the right to require the carrier to accept this document.

(2) Nevertheless, the absence, irregularity or loss of this document shall not affect the existence or the validity of the contract of carriage which shall none the less be governed by the rules of the present Convention subject to the provisions of Article 9.

**Article 6.**

(1) The air consignment note shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier," and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(3) The signature of the carrier shall be affixed on his acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

**Article 7.**

The carrier of goods is entitled to require the consignor to make out separate consignment notes when there is more than one package.

**Article 8.**

The air consignment note shall contain the following particulars:—

(a) the place and date of its execution;
(b) the place of departure and of destination;
(c) the agreed stopping places, provided that the carrier may, in case of necessity, alter the said stopping places without thereby depriving the carriage of its international character;
(d) the name and address of the consignor;
(e) the name and address of the first carrier;
(f) the name and address of the consignee, if the case so requires;
(g) the nature of the goods;
(h) the number of the packages, the method of packing and the particular marks or numbers upon them;
(i) the weight, the quantity and the volume or dimensions of the goods;
(j) the apparent condition of the goods and of the packing;
(k) the freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;

(l) if the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred;

(m) the amount of the value declared in accordance with Article 22, paragraph (2);

(n) the number of parts of the air consignment note;

(o) the documents delivered to the carrier to accompany the air consignment note;

(p) the time fixed for the completion of the carriage and a brief indication of the route to be followed (via), if these matters have been arranged;

(q) a statement that the carriage is subject to the rules relating to liability established by the present Convention.

**Article 9.**

If the carrier accepts goods without an air consignment note having been made out, or if such note does not contain all the particulars set out in Article 8. (a) to (i) inclusive and (q), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

**Article 10.**

(1) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(2) He shall be liable for all damage caused to the carrier or to any other person by the irregularity, inexactitude or insufficiency of the said particulars and statements.

**Article 11.**

(1) In the absence of proof to the contrary the air consignment note shall be evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of carriage.

(2) In the absence of proof to the contrary the statements in the air consignment note relating to the weight, dimensions and packing of the goods, as well as those relating to the number of packages, shall be evidence thereof; those relating to the quantity, volume and condition of the goods shall only constitute evidence against the carrier in so far as they have been, and are stated in the air consignment note to have been, checked by him in the presence of the consignor, or where the statements relate to the apparent condition of the goods.

**Article 12.**

(1) On condition that he carries out all his obligations under the contract of carriage, the consignor has the right to deal with the goods either by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey at a landing place, or by requiring them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by demanding their return to the aerodrome of departure, provided that the exercise of this right shall not prejudice either the carrier or other consignors and that any expenses which result therefrom will be refunded.
(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air consignment note delivered to the latter, he will be liable without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of the air consignment note.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

**Article 13.**

(1) Except in the circumstances set out in the preceding article, the consignee is entitled, on the arrival of the goods at the place of destination, to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(2) Unless it is otherwise agreed, the carrier shall notify the consignee on the arrival of the goods.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived on the expiration of a period of seven days after the date on which they ought to have arrived, the consignee shall be entitled to enforce against the carrier the rights which result from the contract of carriage.

**Article 14.**

The consignor and the consignee can enforce all the rights conferred on them respectively by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

**Article 15.**

(1) Articles 12, 13, and 14 shall not prejudice either the relations of the consignor or the consignee with each other or the relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) Any condition which departs from the provisions of Articles 12, 13 and 14 should be embodied in the air consignment note.

**Article 16.**

(1) The consignor shall be obliged to furnish such information and attach to the air consignment note such documents as are necessary for the completion of the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the carrier for any damage which may result from the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier shall not be obliged to inquire into the correctness or sufficiency of such information or documents.
Chapter III.—Liability of the Carrier.

Article 17.

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18.

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not include any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or trans-shipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which occurred during the carriage by air.

Article 19.

The carrier is liable for damage resulting from any delay in the carriage by air of passengers, luggage or goods.

Article 20.

(1) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

Article 21.

Where the carrier proves that the negligence of the person suffering damage has caused or contributed to the damage the Court may, in accordance with the provisions of its own law, exonerate the carrier or mitigate his liability.

Article 22.

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with the law of the Court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed the aforesaid maximum. Nevertheless, by special agreement with the carrier, the passenger may arrange a higher limit of liability.

(2) In the carriage of registered luggage and of goods, the
liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor makes, when handing over the package to the carrier, a special declaration of the value at delivery and pays a supplementary sum if so required. In that case the carrier will be liable up to the amount of the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of 65¼ milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

**Article 23.**

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in the present Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of the present Convention.

**Article 24.**

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in the present Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right of action and what are their respective rights.

**Article 25.**

(1) The carrier shall not have the right to avail himself of the provisions of the present Convention which exclude or limit his liability, if the damage is due to malice or to such default on his part as, in accordance with the law of the Court seised of the case, is considered to involve malice.

(2) This right will be equally denied to him if the damage has been caused in similar conditions by one of his agents in the scope of his employment.

**Article 26.**

(1) Acceptance of the luggage or goods without complaint by the consignee shall, in the absence of proof to the contrary, constitute evidence that the consignment has been delivered in good condition and in accordance with the document of carriage.

(2) In case of damage, the consignee must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing dispatched within the period prescribed for such complaint.

(4) Failing complaint within the prescribed periods, no action shall lie against the carrier, save in the case of fraud on his part.
ARTICLE 27.

In the case of the death of the persons liable, an action for damages lies in accordance with the terms of the present Convention against his personal representatives.

ARTICLE 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is domiciled, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court seised of the case.

ARTICLE 29.

(1) The right to damages shall be barred if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft should have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the aforesaid period shall be determined by the law of the Court seised of the case.

ARTICLE 30.

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier accepting passengers' luggage or goods is subject to the rules set out in this Convention and is deemed to be one of the contracting parties to the contract of carriage in so far as that contract deals with such part of the carriage as is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) In the case of luggage or goods, the consignor will have a right of action against the first carrier, and the consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly liable to the consignor or consignee.


ARTICLE 31.

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of the present Convention apply only to the carriage by air, if such carriage falls within the terms of Article 1.

(2) Nothing in the present Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of the present Convention are observed as regards the carriage by air.
CHAPTER V.—General and Final Provisions.

ARTICLE 32.

Any clause contained in the contract and all special agreements entered into before the damage by which the parties purport to depart from the rules laid down by the present Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of goods arbitration clauses are allowed, subject to the present Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

ARTICLE 33.

Nothing contained in the present Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of the present Convention.

ARTICLE 34.

The present Convention shall not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor shall it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

ARTICLE 35.

The expression "days" when used in the present Convention means current days not working days.

ARTICLE 36.

The present Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

ARTICLE 37.

(1) The present Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which will notify the deposit to the Government of each of the High Contracting Parties.

(2) As soon as the present Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Party who deposits his instruments of ratification on the ninetieth day after such deposit.

(3) It shall be the duty of the Government of the Republic of Poland to notify to the Government of each of the High Contracting Parties the date on which the present Convention comes into force as well as the date of the deposit of each ratification.
ARTICLE 38.

(1) The present Convention shall, after it has come into force, remain open for accession by any State.

(2) The accession shall be effected by a notification addressed to the Government of the Republic of Poland, which will inform the Government of each of the High Contracting Parties thereof.

(3) The accession shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

ARTICLE 39.

(1) Any one of the High Contracting Parties may denounced the present Convention by a notification addressed to the Government of the Republic of Poland, which will at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and in respect only of the party who shall have proceeded to denunciation.

ARTICLE 40.

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of accession declare that the acceptance which he gives to the present Convention does not apply to all or any of his colonies, protectorates, territories under mandate, or any other territory subject to his sovereignty or his authority, or any territory under his suzerainty.

(2) Accordingly any High Contracting Party may subsequently accede separately in the name of all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority or any territory under his suzerainty which have been thus excluded by his original declaration.

(3) Any High Contracting Party may denounced the present Convention, in accordance with its provisions, separately or for all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority, or any other territory under his suzerainty.

ARTICLE 41.

Any High Contracting Party shall be entitled not earlier than two years after the coming into force of the present Convention to call for the assembling of a new international Conference in order to consider any improvements which might be made in the present Convention. To this end he will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

The present Convention, done at Warsaw on the 12th October, 1929, shall remain open for signature until the 31st January, 1930. (Here follow the signatures on behalf of the following countries:—

Germany, Austria, Belgium, Brazil, Denmark, Spain, France, Great Britain, and Northern Ireland, the Commonwealth of Australia, the Union of South Africa, Greece, Italy, Japan, Latvia, Luxembourg, Norway, the Netherlands, Poland, Roumania, Switzerland, Czechoslovakia, the Union of Soviet Socialist Republics, and Yugoslavia.)
ADDITIONAL PROTOCOL.

(With reference to Article 2.)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that paragraph (1) of Article 2 of the present Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

[Same signatures as those to the Convention shown above.]

SECOND SCHEDULE.

CONDITIONS TO WHICH THE COMPANY IS TO CONFORM.

1. The Memorandum and Articles of Association of the Company shall be subject to the approval of the Minister for Finance after consultation by him with the Minister for Industry and Commerce.

2. The amount of the share capital of the company shall be such sum not exceeding one million pounds as the Minister for Finance shall approve.

3. The Memorandum of Association of the Company shall provide—

(a) that the registered office of the Company shall be situate in Dublin;

(b) that the principal objects of the Company shall include—

(i) the establishment, maintenance and working of lines of aerial conveyances between places in Saorstat Eireann and between Saorstat Eireann and other countries either directly or by means of Aer Lingus Teoranta and other air transport undertakings in which the Company has a controlling interest;

(ii) the acquisition and holding of shares in Aer Lingus Teoranta;

(iii) the promotion of and the holding of shares in such other air transport undertakings;

(iv) the holding of shares in and making of working arrangements with air transport undertakings, other than those mentioned in the immediately preceding clause;

(v) the giving, with the consent of the Minister for Finance, of financial or other assistance to such air transport undertakings;

(c) that the liability of the members of the Company shall be limited;

(d) that the share capital of the Company shall be divided into shares of one pound each, and that the Company shall, with the consent of the Minister for Finance, have power to divide the shares in the capital of the Company into several classes and to attach thereto respectively any preferential, deferred, qualified or special rights, privileges or conditions.

4. The Articles of Association of the Company shall provide—

(a) that the number of directors of the Company shall be five;
(b) that so long as the Minister for Finance holds not less than one-tenth (in nominal value) of the issued shares of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding, three of the Directors of the Company shall be nominated by the said Minister after consultation with the Minister for Industry and Commerce;

(c) that the Company shall for the purposes of the Company have power to raise money by means of debentures, subject however as follows:—

(i) the amount so raised shall not exceed at any time the paid up share capital of the company,

(ii) the said power shall not, so long as the Minister for Finance holds not less than one-tenth of the share capital of the Company or so long as any debentures of the Company guaranteed by the said Minister under this Act are outstanding, be exercised without the consent of the said Minister;

(d) that so long as the Minister for Finance holds any shares of the Company, no person shall be capable of being appointed auditor of the Company unless the approval of the said Minister to the nomination of such person to the office of auditor has been given.
AIR NAVIGATION AND TRANSPORT BILL, 1936.

B A I L E

dá n g a i r m t e o r

Acht chun socruithe bhreise agus fheabhsa do dhéanamh, maidir le haer-loingseoireacht agus aer-iompar do rialáil, agus chun socruithe do dhéanamh i dtaoibh nithe eile bhaineas leis sin.

Ríthte ag Dáil Éireann, 12adh Lúnasa, 1936.

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