



AIR NAVIGATION AND TRANSPORT BILL, 1949.

EXPLANATORY MEMORANDUM.

1. The main objects of the Air Navigation and Transport Bill, 1949, are :— Objects of the Bill.

- (i) to amend the definition of State aircraft contained in the Air Navigation and Transport Act, 1936;
- (ii) to clarify certain of the powers conferred on the Minister for Industry and Commerce by the Act of 1936 relating to the acquisition and disposal of land and the maintenance of water supply, sewage and other works ancillary to aerodromes;
- (iii) to clarify the title of the Minister to certain lands forming part of State aerodromes;
- (iv) to authorise the Minister to affix lights or other apparatus to buildings and other obstructions to air navigation in the vicinity of aerodromes;
- (v) to enable the Minister to prescribe by order zones at aerodromes within which the height of buildings and other obstructions to air navigation may be limited;
- (vi) to empower the Minister to make bye-laws in relation to State aerodromes and to make provision for their enforcement;
- (vii) to specify that a State aerodrome is a public place and that roads in a State aerodrome are roads for the purposes of enactments in which these terms are used;
- (viii) to remove any doubt as to the powers of the Minister to entrust the management of Dublin Airport to Aer Rianta;
- (ix) to empower the Minister to supply water at State aerodromes;
- (x) to enable the Minister to continue to pay subsidies to Aer Rianta.

2. It is proposed in section 5 of the Bill to bring the definition of State aircraft into conformity with that contained in the Chicago Convention. The definition of State aircraft in the 1936 Act follows the definition in the Paris Convention of 1919. The 1919 Convention has been replaced by the Chicago Convention of 1944. Definition of State aircraft.

3. Section 6 of the Bill specifies that among the purposes for which the Minister may acquire land is any purpose related to the development of civil aviation. Acquisition and entry on land. Maintenance of services at aerodromes.

Section 7 extends the 1936 Act by adding the words "water supply works and water mains, sewers and sewage disposal works, electric lines, lights and signs". Section 8 empowers the Minister to enter on land compulsorily acquired before conveyance or ascertainment of compensation. Section 36 of the 1936 Act deals with the acquisition of land by the Minister or local authorities and authorises the maintenance of certain services in aerodromes. Sections 6, 7 and 8 of the Bill are intended to clarify the scope of the 1936 Act.

4. The airports at Dublin and Shannon comprise parcels of land acquired by different procedures. Sections 10 and 11 of the Bill are intended to remove any doubt as to the title of the Minister to these lands. Vesting of land in Minister.

- Disposal of land. 5. Section 42 of the 1936 Act empowers the Minister to dispose of land no longer required by him for the performance of his duties or the exercise of his functions under that Act. Section 12 of the Bill is intended to ensure that he has the power to let or lease lands, sites, buildings and rooms.
- Marking of obstructions. 6. The presence of unlighted obstructions such as high buildings near aerodromes constitutes a hazard to aircraft. It is essential that such obstructions should be marked especially where there are operations at night. It is necessary for the Minister to have powers to affix lights or signs to such obstructions and that his officers should have access to them for maintenance purposes. Section 13 of the Bill gives the Minister such powers and it also provides for the payment of compensation.
- Limitation of height of obstructions. 7. Recommendations have been made by the International Civil Aviation Organisation about the height of obstructions in the vicinity of aerodromes, particularly in the areas extending directly from the ends of runways. Up to the present the Minister has not had any power to restrict the erection in the vicinity of aerodromes of buildings or other structures which by reason of their height would constitute a hazard to aircraft. It is now proposed in section 14 of the Bill that the Minister should be empowered to prescribe by order areas in which the height of obstructions may be limited. Provision is made for compensation.
- Bye-laws for State aerodromes. 8. Power is taken in sections 16, 17, 18, 19, 20 and 21 of the Bill to enable the Minister to make bye-laws for State aerodromes in the interests of maintaining safety and good order and for the enforcement of these bye-laws.
- State aerodrome to be a public place. Definition of roads. 9. The provisions of the Road Traffic Act, 1933, and of the Licensing Act, 1872, refer to public places. Section 22 of the Bill is intended to make it clear that the provisions of these Acts apply to State aerodromes. A similar position applies to the use of the word "road" in the Road Traffic Act, 1933.
- Management of Dublin Airport. 10. Section 23 of the Bill is intended to make it clear that the Minister has power to continue the arrangement by which Dublin Airport is managed by Aer Rianta on his behalf.
- Supply of water at a State aerodrome. 11. It may be necessary to impose a charge for the supply of water to airlines and others at State aerodromes. The Waterworks Clauses Acts, 1847 and 1863, prohibit the sale of water supplied to anybody by a sanitary authority. Section 24 of the Bill proposes that, with the consent of the sanitary authority, the Minister should be allowed to charge for water supplied to others at State aerodromes.
- Subsidies for air services. 12. The Air Navigation and Transport Act, 1936, enabled the Minister for Finance to authorise the payment of subsidies to Aer Rianta to an aggregate amount of £500,000 within a period of five years from the 14th August, 1936. The Air Navigation and Transport (Amendment) Act, 1946, extended the period to the 30th July, 1951, and increased the aggregate sum payable to £750,000. The payments of subsidy have reached this sum and a further extension is necessary. Section 25 of the Bill extends the period to five years from the date of its enactment. The subsidies are determined on the results of the companies' operations each year and provision is included in the annual estimates. It is not proposed to fix a statutory limit to the amount of subsidy payable.

Department of Industry and Commerce.

January, 1950.