

1972 No. 187

CIVIL AVIATION

The Civil Aviation (Documentary Evidence) Regulations 1972

Made - - - - - 14th February 1972

Laid before Parliament 17th February 1972

Coming into Operation 1st April 1972

The Secretary of State, in exercise of the powers conferred upon him by section 6 of the Tokyo Convention Act 1967(a), section 19(4) of the Civil Aviation Act 1971(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Civil Aviation (Documentary Evidence) Regulations 1972 and shall come into operation on 1st April 1972.

2. Subject to the provisions of Regulation 3(2) of these Regulations, the Civil Aviation (Documentary Evidence) Regulations 1969(c) are hereby revoked.

3.—(1) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) Section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply to these Regulations as if these Regulations were an Act of Parliament and as if the Regulations revoked by Regulation 2 of these Regulations were an Act of Parliament thereby repealed.

4.—(1) For the purposes of section 6 of the Tokyo Convention Act 1967 each person named in column 1 of the Schedule hereto is hereby designated for the purpose of certifying a document as being, or being a true copy of, or of part of, a document or record of a description appearing opposite their respective names in column 2 of the said Schedule.

(2) In any legal proceedings a document certified by the Civil Aviation Authority as being, or as being a true copy of, an instrument made by the Authority shall be evidence, and in Scotland sufficient evidence, of that instrument.

(a) 1967 c. 52.

(c) S.I. 1969/1746 (1969 III, p. 5475).

(b) 1971 c. 75.

(d) 1889 c. 63.

(3) In any legal proceedings it shall be evidence, and in Scotland sufficient evidence, of the publication of any notice or other matter by the Authority, to produce a copy, certified by the Authority, of the issue of the Authority's official record in which the notice or other matter appears.

5. The Secretary of State and the Civil Aviation Authority are hereby designated for the purposes of section 5(1) of the Civil Aviation (Eurocontrol) Act 1962(a).

14th February 1972.

Michael Noble,
Minister for Trade,
Department of Trade and Industry.

SCHEDULE

Person designated for the purpose of certifying documents.

Column 1	Column 2
Person	Documents and Records
The Secretary of State 	All documents issued and records kept by the Board of Trade or the Secretary of State in pursuance of an Order in Council made under section 8 of the Civil Aviation Act 1949(b).
The Civil Aviation Authority ...	All documents issued in pursuance of an Order in Council made under section 8 of the Civil Aviation Act 1949 by the Board of Trade, the Secretary of State, the Air Registration Board or by a person for the time being holding the office of Director of Aviation Safety or of Deputy to the said Director, or issued by the Air Transport Licensing Board in pursuance of the Civil Aviation (Licensing) Act 1960(c).

(a) 1962 c. 8.
(c) 1960 c. 38.

(b) 1949 c. 67.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact, with modifications, the Civil Aviation (Documentary Evidence) Regulations 1969.

Section 6(1) of the Tokyo Convention Act 1967 provides that a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Secretary of State as being, or being a true copy of, or of part of, a document issued or record kept by a Minister, a government department, officer of a government department or the Air Registration Board or the Air Transport Licensing Board in pursuance of an Order in Council made under section 8 of the Civil Aviation Act 1949, or in pursuance of the Civil Aviation (Licensing) Act 1960, shall be evidence of the matters referred to in that document. These Regulations designate the person who may certify such documents.

The Regulations also designate the Secretary of State and the Civil Aviation Authority for the purposes of section 5(1) of the Civil Aviation (Eurocontrol) Act 1962, which, as amended by section 6(2) of the Tokyo Convention Act 1967, provides for the use as evidence in any legal proceedings of records made by designated authorities and persons which purport to show the position of an aircraft or the terms or content of any message or signal transmitted to or received from an aircraft by such authorities or persons.

Pursuant to section 19(4) of the Civil Aviation Act 1971 these Regulations also provide that in any legal proceedings production of a certified copy of an instrument made by the Authority or of the relevant issue of the Authority's official record shall be evidence of the instrument or of the publication by the Authority of any matter.

SI 1972/187
ISBN 0-11-020187-6

