



# Hovercraft Act 1968

## 1968 CHAPTER 59

### **1 Power to make Orders in Council with respect to hovercraft.**

- (1) Her Majesty may by Order in Council make such provision as She considers expedient—
- (a) with respect to the registration of hovercraft;
  - (b) for securing the safety of hovercraft and persons and property in hovercraft and at hoverports, and for preventing hovercraft from endangering other persons and property;
  - (c) for prohibiting or restricting the use of hovercraft unless the prescribed certificates as to fitness are in force and the prescribed conditions as to maintenance and repair are satisfied with respect to them;
  - (d) for prohibiting persons from taking charge or otherwise acting as members of the crew of a hovercraft or from engaging in or being employed in connection with the maintenance or repair of hovercraft, in such capacities as may be prescribed, unless the prescribed conditions as to qualifications and other matters are satisfied with respect to those persons;
  - (e) with respect to the investigation of accidents involving hovercraft;
  - (f) for regulating the noise and vibration which may be caused by hovercraft;
  - (g) for providing that no action shall lie, and no proceedings in pursuance of the Noise Abatement Act 1960 shall be brought, in respect of nuisance by reason only of noise and vibration caused by hovercraft in respect of which the requirements imposed in pursuance of paragraph (f) above are complied with;
  - (h) for applying in relation to hovercraft or to persons, things or places connected with hovercraft—
    - (i) any enactment or instrument relating to ships, aircraft, motor vehicles or other means of transport or to persons, things or places connected therewith (other than an enactment or an instrument made under an enactment mentioned in paragraph (z) below or section 2(1) of this Act),
    - (ii) any rules of law relating to ships or to persons, things or places connected with ships (other than rules relating to maritime hens),

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*Status: This is the original version (as it was originally enacted).*

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and, without prejudice to the generality of the foregoing provisions of this paragraph, for providing that any enactment (other than an enactment mentioned as aforesaid) shall have effect as if references in it, in whatever terms, to ships, aircraft or motor vehicles or activities connected therewith included references to hovercraft or activities connected with hovercraft;

- (i) for applying the following enactments, and any instrument made under them, in relation to the following matters respectively, that is to say—
    - (i) in relation to the carriage of persons and their baggage by hovercraft, the Carriage by Air Act 1961 and the Carriage by Air (Supplementary Provisions) Act 1962,
    - (ii) in relation to the carriage of property by hovercraft (except baggage in relation to which provisions of the Acts aforesaid are applied), the Carriage of Goods by Sea Act 1924 and Part VIII of the Merchant Shipping Act 1894 so far as that Part relates to property on board a ship,
    - (iii) in relation to loss of life or personal injury connected with a hovercraft which is caused to persons not carried by the hovercraft, in relation to loss or damage connected with a hovercraft which is caused to property not carried by the hovercraft and in relation to infringements of rights through acts or omissions connected with a hovercraft, the said Part VIII;
  - (j) for substituting references to hovercraft for references in any enactment or instrument to vehicles designed to be supported on a cushion of air;
  - (k) for repealing the provisions of any enactment or instrument (including provisions of the Schedule to this Act) in so far as it appears to Her Majesty that those provisions are not required having regard to any provision made or proposed to be made by virtue of this section;
  - (l) with respect to the application of the Order to the Crown and the extra-territorial operation of any provision made by or under the Order;
  - (m) for the extension of any provisions of the Order, with or without modifications, to Northern Ireland, any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction;
  - (n) for imposing penalties in respect of any contravention of a provision made by or under the Order, not exceeding, in respect of any one contravention, a fine of £400 on summary conviction and imprisonment for twelve months and a fine on conviction on indictment;
  - (o) for detaining any hovercraft in order to secure compliance with any provision made by or under the Order or any hovercraft in respect of which such a contravention as aforesaid is suspected to have occurred; and
  - (p) for requiring the payment of fees in respect of any matter relating to hovercraft which is specified in the Order and for determining with the approval of the Treasury the amount of any such fee or the manner in which that amount is to be determined.
- (2) Nothing in any of the paragraphs of the foregoing subsection shall be construed as prejudicing the generality of any other of those paragraphs, and in particular paragraph (n) shall not prejudice paragraph (h)
- (3) An Order under this section may—

- (a) make different provision for different circumstances or for hovercraft of different descriptions;
  - (b) provide for exemptions from any of the provisions of the Order;
  - (c) provide for the delegation of functions exercisable by virtue of the Order;
  - (d) include such incidental, supplemental and consequential provisions as appear to Her Majesty to be expedient for the purposes of the Order;
  - (e) authorise the making of regulations and other instruments for any of the purposes of this section (except the purposes of paragraphs (g) to (k) of subsection (1)) and apply the Statutory Instruments Act 1946 to instruments made under the Order;
  - (f) provide that any enactment, instrument or rule of law applied by the Order shall have effect as so applied subject to such modifications as may be specified in the Order; and
  - (g) be revoked or varied by a subsequent Order under this section.
- (4) No recommendation shall be made to Her Majesty in Council to make an Order under this section containing provisions authorised by paragraphs (f) to (k) of subsection (1) unless a draft of the Order has been approved by a resolution of each House of Parliament; and any other Order in Council under this section, except an Order extending only to territory (other than Northern Ireland) which is mentioned in paragraph (m) of subsection (1), shall be subject to annulment in pursuance of a resolution of either House of Parliament.