

STATUTORY INSTRUMENTS

1970 No. 289

CIVIL AVIATION

The Civil Aviation (Crown Aircraft) Order 1970

<i>Made</i>	- - -	<i>25th February 1970</i>
<i>Laid before Parliament</i>		<i>3rd March 1970</i>
<i>Coming into Operation</i>		<i>4th March 1970</i>

At the Court at Buckingham Palace, the 25th day of February 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 61(1) of the Civil Aviation Act 1949(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Civil Aviation (Crown Aircraft) Order 1970 and shall come into operation on 4th March 1970.

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

2. Section 40 of the Civil Aviation Act 1949 shall apply to aircraft belonging to or exclusively employed in the service of Her Majesty, not being military aircraft.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order applies the provisions of section 40 of the Civil Aviation Act 1949 to civil aircraft belonging to or exclusively employed in the service of the Crown (which would include Concorde aircraft falling within those categories and the aircraft of the Board of Trade's Civil Aviation Flying Unit) Subsection (1) of section 40 precludes actions for trespass or nuisance by reason only of the flight of aircraft over property at a height above the ground which is reasonable in the circumstances or the ordinary incidents of such flight, so long as the provisions referred to in the subsection are complied with. Subsection (2) of that section imposes liability without proof of negligence, intention, or other cause of action, on the owner of the aircraft for material loss or damage caused to any person or property on land or water by, or by a person in, or an article or person falling from, an aircraft in flight.

(a) 1949 c. 67.

(b) 1889 c. 63.

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