

## 1972 No. 674

## HOVERCRAFT

## The Hovercraft (General) Order 1972

<i>Made - - - -</i>	<i>28th April 1972</i>
<i>Laid before Parliament</i>	<i>8th May 1972</i>
<i>Coming into Operation</i>	
<i>(a) Article 35</i>	<i>31st May 1972</i>
<i>(b) Remainder</i>	<i>26th June 1972</i>

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## SCHEDULE

Schedule: Penalties

At the Court at Windsor Castle, the 28th day of April 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 1(1)(a), (b), (c), (e), (l), (n), (o) and (p) and by section 1(3) of the Hovercraft Act 1968(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

*Citation and Commencement*

1.—(1) This Order may be cited as the Hovercraft (General) Order 1972.

(2)(a) Article 35 of this Order shall come into operation on 31st May 1972;

(b) The remainder of the Order shall come into operation on 26th June 1972.

*Application*

2. This Order applies to hovercraft which are used—
- (i) wholly or partly on or over the sea or navigable waters; or
  - (ii) on or over land to which the public have access or non-navigable waters to which the public have access; or
  - (iii) elsewhere for the carriage of passengers for reward:

Provided that this Order shall not:

- (a) apply to hovertrains; nor
- (b) prejudice the operation of section 19 of the Road Traffic Act 1962(a).

*Interpretation*

- 3.—(1) In this Order, unless the context otherwise requires—

“Authorised person” for the purposes of any provision of this Order means—

- (a) any constable; and
- (b) any person authorised in writing by the Secretary of State either generally or in relation to a particular case or class of cases;

“Beneficial interest” includes interests arising under contract and other equitable interests;

“The CAA” means the Civil Aviation Authority;

“Captain” means the person who is designated by the operator to be in charge of a hovercraft during any journey, or, failing such designation, the person who is for the time being lawfully in charge of the hovercraft;

“Hovertrains” means hovercraft which are at all times guided by tracks, rails or guides fixed to the ground;

“Military hovercraft” means the naval, military or air force hovercraft of any country and includes—

- (a) any hovercraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any hovercraft in respect of which there is in force a certificate issued by the Secretary of State that the hovercraft is to be treated for the purposes of this Order as a military hovercraft;

“Navigable water” means any water which is in fact navigable by ships or vessels, whether or not the tide ebbs and flows there, and whether or not there is a public right of navigation in that water;

“Operator” in relation to a hovercraft means the person for the time being having the management of the hovercraft;

“Passenger” means any person carried in a hovercraft, except a person employed or engaged in any capacity on board the hovercraft on the business of the hovercraft;

“Unladen weight” in relation to a hovercraft means the weight of a hovercraft ready for use, excluding the weight of usable fuel, occupants, baggage, cargo, stores, buoyant life-saving equipment, portable fire-fighting equipment, portable emergency equipment and non-permanent ballast;

“United Kingdom” includes the territorial waters adjacent to the United Kingdom;

“Unqualified person” means a person not qualified in accordance with Article 5(3) to be the holder of a legal or beneficial interest by way of ownership in the hovercraft.

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

## PART I

### REGISTRATION

#### *Hovercraft to be registered*

4. Subject to Article 7, a hovercraft shall, if used in the United Kingdom, be registered in the United Kingdom unless—

- (a) it is registered in some other country; or
- (b) an unqualified person holds a legal or beneficial interest in the hovercraft by way of ownership or share therein, and the Secretary of State consents to its use unregistered in the United Kingdom, subject to such conditions as he thinks fit:

Provided that a hovercraft may also be used unregistered in the United Kingdom if:

- (i) (a) it has been issued with an Experimental Certificate in accordance with Article 9, and
- (b) it is marked in a manner approved by the Secretary of State; or
- (ii) it has an unladen weight of less than 1,000 kg. and is not used for reward.

#### *Registration of hovercraft in the United Kingdom*

5.—(1) The Secretary of State shall be the authority for registration of hovercraft in the United Kingdom.

(2) Subject to the provisions of this Article a hovercraft shall not be registered or continue to be registered in the United Kingdom if it appears to the Secretary of State that—

- (a) the hovercraft is registered outside the United Kingdom and that such registration does not cease by operation of law upon the hovercraft being registered in the United Kingdom; or
- (b) an unqualified person holds any legal or beneficial interest in the hovercraft by way of ownership or any share therein.

(3) Subject to paragraph (4) of this Article the following persons and no others shall be qualified to be the holder of a legal or beneficial interest by way of ownership in a hovercraft registered in the United Kingdom or a share therein—

- (a) the Crown in right of Her Majesty's Government in the United Kingdom;
- (b) persons ordinarily resident in the United Kingdom;
- (c) bodies incorporated in the United Kingdom and having their principal place of business in the United Kingdom;

(d) firms carrying on business in Scotland;

In this sub-paragraph "firm" has the same meaning as in the Partnership Act 1890(a).

(4) If an unqualified person holds a legal or beneficial interest by way of ownership in a hovercraft or a share therein, or is charterer by demise thereof, the Secretary of State may register the hovercraft in the United Kingdom subject to such conditions as he thinks fit. The Secretary of State may at any time cancel the registration of a hovercraft registered under this paragraph.

(5) Application for the registration of a hovercraft in the United Kingdom shall be made in writing to the Secretary of State and shall include or be accompanied by such particulars and evidence relating to the hovercraft and the ownership and chartering thereof as he may require to enable him to determine whether the hovercraft may properly be registered in the United Kingdom and to issue the certificate referred to in paragraph (7) of this Article.

(6) Upon receiving an application for the registration of a hovercraft in the United Kingdom and being satisfied that the hovercraft may properly be so registered, the Secretary of State shall (or, in the case of an application under paragraph (4) of this Article, may) register the hovercraft, wherever it may be, and shall include in the register the following particulars—

(a) the number of the certificate;

(b) the registration mark assigned to the hovercraft by the Secretary of State;

(c) the name of the constructor of the hovercraft, its type and constructor's number;

(d) (i) the name and address of every person who holds a legal interest in the hovercraft by way of ownership or a share therein, or, in the case of a hovercraft which is the subject of a hire-purchase agreement, the name and address of the hirer; and

(ii) in the case of a hovercraft registered in pursuance of paragraph (4) of this Article, an indication that it is so registered, and an indication as to whether the person in whose name it is registered is the owner or charterer by demise.

(7) The Secretary of State shall furnish to the person in whose name the hovercraft is registered (hereinafter in this Article referred to as "the registered owner") a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued.

(8) Subject to paragraph (4) of this Article, if at any time after a hovercraft has been registered in the United Kingdom an unqualified person becomes the holder of a legal or beneficial interest in the hovercraft by way of ownership or a share therein, the registration of the hovercraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Secretary of State for cancellation.

(9) Any person who is registered as the owner of a hovercraft registered in the United Kingdom shall forthwith inform the Secretary of State in writing of—

(a) any change in the particulars which were furnished to the Secretary of State upon application being made for the registration of the hovercraft;

- (b) the destruction of the hovercraft, or its permanent withdrawal from use;
- (c) in the case of a demise chartered hovercraft registered in pursuance of paragraph (4) of this Article, the termination of the demise charter.

(10) Any person who becomes the owner of a hovercraft registered in the United Kingdom shall forthwith inform the Secretary of State in writing to that effect.

(11) The Secretary of State may, whenever it appears to him necessary or appropriate to do so for giving effect to this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, may cancel the registration of the hovercraft, and shall cancel that registration if he is satisfied that there has been a change in the ownership of the hovercraft.

(12) In this Article references to an interest in a hovercraft do not include references to an interest in a hovercraft to which a person is entitled only by virtue of his membership of a hovercraft club and the reference in paragraph (9) of this Article to the registered owner of a hovercraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

#### *Nationality and registration marks*

6.—(1) A hovercraft registered in the United Kingdom shall not be used unless—

- (i) it bears prominently and clearly painted or affixed to the craft its nationality and registration marks; and
- (ii) the nationality and registration marks together with the name and address of the registered owner are engraved on a fire proof metal plate affixed in a prominent position inside the hovercraft near an entrance.

(2) The nationality mark of a hovercraft registered in the United Kingdom shall be the capital letters “GH” in Roman characters and the registration mark shall be a group of four digits assigned by the Secretary of State on the registration of the hovercraft. The letters and digits shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(3) The nationality and registration marks of a hovercraft shall be used as the sole means of identification of the craft by radio.

#### *Hovercraft registered outside the United Kingdom*

7.—(1) A hovercraft registered in a country other than the United Kingdom shall not be used for reward or in connection with a trade or business in or over the United Kingdom, except with the permission of the Secretary of State granted under this Article to the operator or charterer of the hovercraft and in accordance with any conditions to which such permission may be subject.

(2) Nothing in this Article shall apply to the use of a hovercraft for passage through the territorial waters of the United Kingdom.

## PART II

## CERTIFICATION AND MAINTENANCE

*Safety Certificate to be in force*

8. A hovercraft registered in the United Kingdom shall not be used unless there is in force in respect thereof a current Safety Certificate issued in accordance with this Order and any conditions subject to which the Certificate was issued are complied with:

Provided that the foregoing prohibition shall not apply to—

- (a) a hovercraft used in accordance with the conditions of an Experimental Certificate issued by the CAA in respect of that hovercraft; or
- (b) subject to the prior consent of the CAA and to any conditions subject to which that consent was given, a hovercraft in respect of which a Safety Certificate has previously been in force, which is used solely for the purpose of enabling it to—
  - (i) qualify for a renewal of a Safety Certificate or a variation of a certificate after an application has been made for such renewal or variation;
  - (ii) proceed to or from a place at which any inspection or test of the hovercraft is to take place for the purpose referred to in subparagraph (i) above; or
  - (iii) proceed to a place at which repairs can be effected.

*Issue and renewal of Experimental Certificates*

9.—(1) The CAA may, if satisfied by such investigations relating to the safe use of the hovercraft as it may require, issue in respect of any hovercraft an Experimental Certificate, which shall be subject to the condition that the hovercraft is not to carry any persons other than those engaged on the business of the hovercraft, unless the CAA specifically permits such other persons to be carried in a particular case. The Experimental Certificate shall be issued subject to such further conditions relating to safety as the CAA thinks fit.

(2) The CAA may, if satisfied by such investigations relating to the safe use of the hovercraft as it may require, vary an Experimental Certificate at the request of an applicant. Such variation may be subject to such further conditions relating to safety as the CAA thinks fit.

(3) An Experimental Certificate shall, unless cancelled or suspended, remain in force for such period not exceeding one year as may be specified therein, and may be renewed from time to time by the CAA for such further period not exceeding one year as it thinks fit.

*Issue of Type Certificates*

10.—(1) The CAA may, if satisfied by such investigations of one or more hovercraft as it may require, or by a study of relevant specifications, or by a combination of investigations and a study of relevant specifications, that individual examples of a particular type of hovercraft would if suitably constructed be capable of safe use, issue a Type Certificate in respect of the type of hovercraft specified in the Certificate.

(2) The CAA may, if satisfied by such investigations as it may require or by a study of relevant specifications, or by a combination of investigations and a study of relevant specifications, that individual examples of an engine, component, instrument, or equipment intended for use in a hovercraft would if suitably constructed safely fulfil the function for which they are intended, issue a Type Certificate in respect of that type of engine, component, instrument, or equipment.

(3) The CAA may, if satisfied by such investigations as it may require, vary a Type Certificate issued under paragraph (1) and (2) of this Article, at the request of an applicant.

(4) A Type Certificate shall remain in force until cancelled or suspended.

#### *Issue of Safety Certificates*

**11.**—(1) The CAA may issue a Safety Certificate in respect of a hovercraft registered in the United Kingdom upon being satisfied that it is fit to be used, having regard, in particular, to—

- (a) the conformity of the hovercraft, its engines, components, instruments, and equipment to a relevant Type Certificate, and compliance with any conditions subject to which that certificate may have been issued;
- (b) the results of such investigations of the hovercraft as the CAA may require; and
- (c) the quality of the hovercraft's construction.

(2) (a) Every Safety Certificate may specify such categories as have been applied for and are, in the opinion of the CAA, appropriate to the hovercraft, and the Safety Certificate shall be issued subject to the condition that the hovercraft shall be used only for the purposes indicated in sub-paragraph (c) of this paragraph in relation to such categories;

(b) The categories referred to in sub-paragraph (a) of this paragraph are—

Passenger  
Cargo  
Special

(c) The purposes for which hovercraft may be used are as follows—

- Passenger Category: Carriage of passengers and their baggage, and any other purpose specified in the Certificate.
- Cargo Category: The carriage of cargo generally, or of such cargo as may be specified in the Certificate.
- Special Category: Any purpose specified in the Certificate, but not including the carriage of passengers except as expressly permitted.

(3) The CAA may issue the Safety Certificate subject to such other conditions relating to the safety of the hovercraft as it thinks fit.

(4) The CAA may, having regard to such investigations as it may require, vary a Safety Certificate at the request of an applicant. Such variation may be subject to such other conditions relating to the safety of hovercraft as it thinks fit.



*Period of validity of Certificates*

**12.** Subject to the provisions of Articles 11 and 15, a Safety Certificate shall remain in force for such period not exceeding one year as may be specified therein, and may be renewed from time to time by the CAA for such further period not exceeding one year as it thinks fit. A Safety Certificate shall cease to be valid in the event of a hovercraft ceasing to be registered in the United Kingdom.

*Maintenance*

**13.** A hovercraft in respect of which a Safety Certificate is in force under this Order shall not be used unless it is maintained in a condition satisfactory to the CAA, and in accordance with arrangements approved by the CAA.

*Approvals*

**14.** For the purposes of this Part of this Order the CAA may accept reports furnished to it by a person whom it may for the time being approve either absolutely or subject to such conditions as it thinks fit as qualified to furnish such reports.

*Revocation etc., of Certificates etc., and power to prevent hovercraft being used*

**15.—(1)** The CAA may, if it thinks fit, provisionally suspend or vary any Certificate, approval or other document issued, granted or having effect under this part of this Order, pending inquiry into or consideration of the case. Without prejudice to Article 10(3) or 11(4), the CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such Certificate, approval or other document.

(2) The holder or any person having the possession or custody of any Certificate, approval or other document which has been revoked, suspended or varied under this Part of this Order shall surrender it to the CAA within a reasonable time after being required to do so by it.

(3) The breach of any condition subject to which any Certificate, approval or other document, has been granted or issued, or which has effect under this Order shall render the document invalid during the continuance of the breach.

(4) If it appears likely to the CAA that a hovercraft is intended or likely to be used—

- (a) in such circumstances that any conditions on which the Safety Certificate has been granted are breached;
- (b) whilst the approved maintenance arrangements are not adhered to;
- (c) whilst materially damaged; or
- (d) in such circumstances that the CAA has reason to believe that the hovercraft is or may be unsafe;

the CAA may direct the operator or the captain of the hovercraft that he is not to permit the hovercraft to make the particular journey or any other journey of such description as may be specified in the direction, until the direction has been revoked by the CAA, and the CAA may take such steps as are necessary to detain the hovercraft for a period not exceeding seven days.

(5) In the event of the CAA provisionally suspending any Certificate, approval or other document under paragraph (1), or detaining a hovercraft under paragraph (4) above, the CAA shall, within 48 hours, send to the holder of such Certificate, approval or other document a statement in writing of its reasons.

(6) Notwithstanding paragraph (1) of this Article any document incorporated by reference in any Certificate may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

#### *Inspection of hovercraft*

**16.** The CAA may at any reasonable time inspect a hovercraft or part or equipment thereof in respect of which an Experimental or Safety Certificate—

- (a) has been applied for, or
- (b) has been issued and is still in force, or
- (c) has been issued and has ceased within the preceding period of 3 months to be in force,

and may for that purpose enter any premises where persons are employed in the design, construction, maintenance or storage of the hovercraft, or any hoverport.

#### *International Certificates*

**17.—(1)** The Secretary of State may issue in respect of a hovercraft registered in the United Kingdom such certificates as he deems appropriate, as a result of inspection and survey of the hovercraft by the CAA, under the International Convention for the Safety of Life at Sea(a) and the International Convention on Load Lines 1966(b) for the purpose of complying with the law of a country other than the United Kingdom.

(2) The Secretary of State may cancel or suspend any certificate issued under this Article where he has reason to believe—

- (a) that the certificate has been issued on the basis of inaccurate information; or
- (b) that since the issue of the certificate the hovercraft has sustained any material damage or that the condition of the hovercraft or of its equipment does not correspond substantially with the particulars of that certificate.

(3) The Secretary of State may require any certificate, issued under this Article which has expired or been suspended or cancelled to be delivered up as he directs.

### PART III

#### DUTIES OF OPERATOR AND CAPTAIN

##### *Operating Permits*

**18.—(1)** Hovercraft registered in the United Kingdom shall not be used for reward or in connection with a trade or business, otherwise than under and in accordance with a Permit (hereinafter called an “Operating Permit”) granted to the operator of the hovercraft under paragraph (2) of this Article. Operating

(a) Cmnd. 2812.

(b) Cmnd. 3070.

Permits shall be granted with a view to securing the safe operation of the hovercraft. However this Article shall not apply to a hovercraft operating in accordance with an Experimental Certificate issued pursuant to Article 9.

(2) The Secretary of State may grant or renew to any person applying therefor an Operating Permit for the operation of hovercraft of the types and in relation to the areas of operation specified in the Operating Permit for the purposes so specified. The Operating Permit may be granted subject to such conditions as the Secretary of State thinks fit to impose with a view to securing the safe operation of hovercraft and shall remain in force for such time as may be specified in the Operating Permit or until suspended or revoked by the Secretary of State and may be renewed from time to time by the Secretary of State for such further period as he thinks fit. The Secretary of State may vary an Operating Permit on application by the holder.

(3) The conditions to which the Operating Permit may be subject may include, without prejudice to the generality of the foregoing paragraph, conditions in respect of the following matters—

- (a) crew complement and qualifications;
- (b) type of hovercraft;
- (c) area of operation;
- (d) restrictions with regard to working hours and rest periods of crew;
- (e) safety arrangements at hoverports or terminal areas;
- (f) the weather conditions in which the hovercraft may operate;
- (g) day or night operation;
- (h) life-saving equipment and procedures;
- (i) other equipment and procedures necessary for safety of operation;
- (j) radio and radar;
- (k) the keeping of records.

#### *Duties of operator*

**19.—**(1) The operator of a hovercraft registered in the United Kingdom or operating unregistered in the United Kingdom in accordance with proviso(i) in Article 4 of this Order shall not permit the hovercraft to be used without first—

- (a) designating a member of the crew to be captain on that journey;
- (b) ensuring that a minimum number of the crew corresponding to the complement necessary for the journey are adequately trained for their duties for that journey;
- (c) ensuring that the safety equipment required to be carried is in working order.

(2) Without prejudice to his other duties under this Order an operator shall at all times take all reasonable precautions at hoverports and terminal areas so as to ensure the safety of persons and property in the hovercraft and on the ground.

(3) An operator shall not permit any hovercraft to be used if he has reason to believe or suspect it is in an unsafe condition.

*Duties of captain*

- 20.** The captain, before the departure of the hovercraft—
- (a) shall take reasonable steps to ensure
    - (i) that the craft is properly loaded and any cargo adequately secured in the craft;
    - (ii) that there is adequate supply of fuel; and
    - (iii) that the craft is in a fit state and that the safety equipment required to be carried is in a fit condition and ready to be used; and
  - (b) shall satisfy himself that the journey can safely be made, taking into account the latest information available to him as to the route and weather.

*Operational records*

- 21.—(1)** The captain of every hovercraft registered in the United Kingdom shall ensure that records are kept of the following matters relating to any journey of the hovercraft—
- (a) Names of terminal and any intermediate points, and the times of departure from and arrival at such points;
  - (b) Weather conditions, such as wind, sea condition and visibility experienced;
  - (c) Any accidents or unusual occurrences on the journey;
  - (d) Any births or deaths which occur on the journey;
  - (e) A summary of all communications relating to distress, urgency and safety traffic.
- (2) The operator of every hovercraft registered in the United Kingdom shall keep records of—
- (a) crew emergency and distress drills (including names of persons present);
  - (b) the names of all crew aboard a hovercraft on any journey.
- (3) The captain or operator, as the case may be, shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person the records referred to in paragraphs (1) and (2) above respectively.
- (4) (a) The records mentioned above shall be preserved by the operator for at least 12 months after any journey or drill to which they refer;
- (b) The records referred to in paragraph (1) of this Article shall be delivered to the operator of the hovercraft to which the records relate by the captain at the time he ceases to be the captain, or when the operator requires their delivery;
  - (c) A person required to preserve any record by reason of his being the operator of a hovercraft shall, if he ceases to be the operator of the hovercraft continue to preserve the record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

*Medical equipment*

- 22.** A hovercraft registered in the United Kingdom or used unregistered in accordance with proviso (i) in Article 4, shall carry when in use first-aid equipment of good quality, sufficient in quantity having regard to the number of persons

on board and the circumstances of the use of the hovercraft, and including the following—

Roller bandages, triangular bandages, absorbent gauze, adhesive plaster, white absorbent lint, cotton wool (or wound dressings in place of the lint and cotton wool), burn dressings, safety pins; haemostatic bandages or tourniquets, scissors; antiseptic, analgesic and stimulant drugs; a handbook on First Aid.

*Documents to be carried*

**23.**—(1) A hovercraft registered in the United Kingdom, or operating unregistered in the United Kingdom in accordance with proviso (i) in Article 4 shall, when in operation, carry the following documents or true copies thereof—

- (a) its Safety Certificate, or Experimental Certificate if any;
- (b) its certificate of registration if any;
- (c) any certificate issued to the hovercraft under Article 17.

(2) The Safety Certificate and any certificate issued to the hovercraft under Article 17 or true copies thereof shall be posted in some conspicuous place in the hovercraft.

*Notification of casualties*

**24.**—(1) When a hovercraft casualty has occurred, the captain or if the captain is incapacitated, the operator of the hovercraft shall—

- (a) by the quickest available means, inform the Secretary of State of the happening of the casualty, stating the registration number or identity of the hovercraft and the place where the casualty occurred or is believed to have occurred and, in the case of a hovercraft which is missing, the route it was on; and
- (b) within 48 hours, or as soon thereafter as possible, transmit to the Secretary of State a report, signed by the captain or operator, of the casualty and of the probable occasion thereof, stating the registration number or identity of the hovercraft and the place where the casualty occurred or is believed to have occurred:

Provided that this Article shall not apply to hovercraft which are less than 1,000 kg. unladen weight and are not used for reward.

(2) For the purpose of this Article a hovercraft casualty shall be deemed to occur when a hovercraft—

- (a) has sustained, caused or been involved in any accident occasioning loss of life or any serious injury to any person;
- (b) becomes lost, abandoned, missing or stranded;
- (c) suffers such damage as the result of any accident that its safety is impaired; or
- (d) becomes involved in a collision with another hovercraft or ship;

but only when the occurrence takes place—

- (i) on or over the sea or other navigable water; or
- (ii) between the time when any person goes on board the hovercraft for the purpose of making a journey which would involve crossing the sea or other navigable water and the time when it comes to rest at the end of such a journey; or

(iii) during the testing or maintenance of a hovercraft which normally makes journeys on or over the sea or other navigable water and also only if at the time the occurrence takes place, the hovercraft was registered in the United Kingdom or was operating unregistered in accordance with proviso(i) in Article 4 of this Order or was within the United Kingdom.

#### PART IV

##### SUPPLEMENTARY PROVISIONS

###### *Right of access to hoverports*

25. The Secretary of State and any authorised person shall have the right of access at all reasonable times to any hoverport and any place where a hovercraft is for the purpose of inspecting any hovercraft or any document which they have power to demand under this Order, and for the purpose of detaining any hovercraft under the provisions of this Order.

###### *Safety of persons and property*

- 26.—(1) A person shall not wilfully or negligently—
- (a) act in a manner likely to endanger a hovercraft, or any person therein; or
  - (b) go or attempt to go on a journey on a hovercraft without the consent of the captain or other person authorised to give it.
- (2) A person shall not—
- (a) enter a hovercraft when drunk, or be drunk in a hovercraft; or
  - (b) smoke in a place in a hovercraft or at a hoverport where and when smoking is prohibited by notice.

###### *Duty to obey captain*

27. Every person in a hovercraft shall obey all lawful commands which the captain may give for the purpose of securing the safety of the hovercraft and of persons or property carried therein, or the safety, efficiency or regularity of navigation.

###### *Power to prevent hovercraft operating*

- 28.—(1) If it appears to the Secretary of State or an authorised person that any hovercraft is intended or likely to be operated—
- (a) in such circumstances that any provision of Articles 4, 6, 7, 8, 13 or 18 of this Order would be contravened in relation to the journey; or
  - (b) in such circumstances that the journey would be in contravention of any other provision of this Order and be a cause of danger to any person or property whether or not in the hovercraft; or
  - (c) while in a condition unfit for operation whether or not the journey would otherwise be in contravention of any provision of this Order,

the Secretary of State or that authorised person may direct the operator or the captain of the hovercraft that he is not to permit the hovercraft to make the particular journey or any other journey of such description as may be specified

in the direction, until the direction has been revoked by the Secretary of State or by an authorised person, and the Secretary of State, or that person may take such steps as are necessary to detain the hovercraft.

(2) For the purposes of paragraph (1) of this Article the Secretary of State or any authorised person may enter upon and inspect any hovercraft.

*Revocation etc. of Certificates etc.*

**29.**—(1) The Secretary of State may, if he thinks fit, provisionally suspend any certificate, licence, approval, permission, exemption or other document issued, granted or having effect under this Order other than under Part II, pending inquiry into or investigation of the case. Without prejudice to Article 18(2) of this Order the Secretary of State may on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption or other document.

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Article shall surrender it to the Secretary of State within a reasonable time after being required to do so by him.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document has been granted or issued, or which has effect under this Order, shall render the document invalid during the continuance of the breach.

*Obstruction of persons*

**30.** A person shall not wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

*Enforcement of directions*

**31.** Any person who fails to comply with any direction given to him by the Secretary of State or by any authorised person under any provision of this Order shall be deemed for the purpose of this Order to have contravened that provision.

*Exemption from Order*

**32.** The Secretary of State may exempt from any of the provisions of this Order or any regulations made thereunder any hovercraft or persons or classes of hovercraft or persons, either absolutely or subject to such conditions as he thinks fit.

*Penalties*

**33.**—(1) If any provision of this Order is contravened in relation to a hovercraft, the operator of that hovercraft and the captain thereof, shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of sub-paragraphs (3) to (5) of this Article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) If any person contravenes any provision of this Order, not being a provision referred to in paragraph (4) or paragraph (5) of this Article, he shall be liable on summary conviction to a fine not exceeding ten pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding twenty pounds.

(4) If any person contravenes any provision specified in Part A of the Schedule to this Order he shall be liable on summary conviction to a fine not exceeding fifty pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding one hundred pounds, or on indictment both to such fine and to imprisonment for a term not exceeding three months.

(5) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on summary conviction to a fine not exceeding two hundred pounds or, on indictment both to such fine and to imprisonment for a term not exceeding six months.

#### *Crown application*

34.—(1) Subject to the following provisions of this Article, the provisions of this Order shall apply to or in relation to hovercraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other hovercraft and for the purposes of such application the Government Department or other authority for the time being responsible on behalf of Her Majesty for the operational management of the hovercraft shall be deemed to be the operator of the hovercraft and in the case of a hovercraft belonging to Her Majesty to be the owner of the interest of Her Majesty in the hovercraft:

Provided that nothing in this Article shall render liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of the hovercraft.

(2) Save as provided in paragraph (3) of this Article nothing in this Order shall apply to or in relation to any military hovercraft.

(3) Where a military hovercraft is operated by a civilian and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval or military or air forces or as a member of a visiting force or international headquarters, Article 20 shall apply on the occasion of that journey.

#### *Fees*

35. The Secretary of State may, by regulations made by statutory instrument, require the payment of fees in respect of any matter relating to hovercraft which is specified in this Order, and may prescribe with the approval of the Treasury the amount of any such fee or the manner in which that amount is to be determined, and sections 1, 2 and 3 of the Statutory Instruments Act 1946(a) shall apply to the regulations.



*Extra-territorial effect of the Order*

36.—(1) Except where the context otherwise requires, the provisions of this Order—

- (a) in so far as they apply (whether by express reference or otherwise) to hovercraft registered in the United Kingdom, shall apply to such hovercraft wherever they may be;
- (b) in so far as they apply as aforesaid to other hovercraft shall apply to such hovercraft when they are within the United Kingdom;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any hovercraft registered in the United Kingdom, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any hovercraft registered in the United Kingdom by other persons shall, where such persons are British subjects, apply to them wherever they may be.

(2) Nothing in this Article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948(a) (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

*W. G. Agnew.*

## SCHEDULE

Article 33

## PENALTIES

PART A: Provisions referred to in Article 33(4); Articles 4, 6, 21, 23, 24 and 30

PART B: Provisions referred to in Article 33(5); Articles 7, 8, 13, 15, 18, 19, 20, 22, 26, 27 and 28

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes provision for the registration, safety certification, maintenance and operational safety of hovercraft. It also includes provision as to ancillary matters affecting the safety of hovercraft and persons and property thereon.

Under the Order the Secretary of State will be the authority for the registration of hovercraft and for issuing Operating Permits, while the Civil Aviation Authority will be the authority for certifying the safe construction of hovercraft.

The Order empowers the Secretary of State to make regulations by Statutory Instrument prescribing fees, with the approval of the Treasury, in respect of matters relating to hovercraft.

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