

At the Court at *Buckingham Palace*, the 6th day of *February*, 1922.

PRESENT,

The KING's Most Excellent Majesty.

Lord Chamberlain.
Viscount Esher.
Lord Somerleyton.
Mr. Secretary Shortt.
Mr. Munro.
Sir Frederick Ponsonby.
Mr. J. F. Hope.
Sir Ernest Pollock.

WHEREAS by subsection (1) of Section 4 of the Air Navigation Act, 1920, it is provided that His Majesty may, by Order in Council, extend, with any necessary modifications and exceptions, any of the provisions of the said Act to any British possessions other than those mentioned in the Schedule to the said Act and (save as therein provided) to any territory under His Majesty's protection:

And whereas it is expedient to extend certain provisions of the said Act to certain British Colonies and Protectorates:

Now, therefore, His Majesty, by virtue of and in exercise of the powers on this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Air Navigation (Colonies and Protectorates) Order in Council, 1922."

2. In this Order and its schedules

"Colony" means one of the British possessions or protectorates mentioned in the second schedule hereto;

"Governor" means the officer for the time being administering the Government of the Colony;

"The Act" means the Air Navigation Act, 1920.

3. The provisions of Sections 7, 8 (1), 9, 10, 11, 12 and 18 of the Act with the necessary modifications as set forth in the first schedule hereto shall be and hereby are extended to the Colonies mentioned in the second schedule hereto.

4. This Order shall come into operation on the 1st day of April, 1922.

Almeric FitzRoy.

FIRST SCHEDULE.

1. Section 7—(1) In time of war, whether actual or imminent, or of great national emergency the Governor may, by order, regulate or prohibit, either absolutely or subject to such conditions as may be contained in the Order, the navigation of all or any descriptions of aircraft over the Colony or any portion thereof, or the territorial waters adjacent thereto; and, without prejudice to the generality of this provision, any such Order may provide for taking possession of and using for the purposes of His Majesty's naval, military or air forces any aerodrome or landing ground, or any aircraft, machinery, plant, material or things found therein or thereon, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school, or landing ground, or any class or description thereof.

(2) The Order may provide for the imposition of penalties to secure compliance with the Order, not exceeding imprisonment for a term of six months and a fine of two hundred pounds and may authorize such steps to be taken in order to secure such compliance as appear to the Governor to be necessary.

(3) Any person who suffers direct injury or loss, owing to the operation of an Order of the Governor under this section, shall be entitled to receive compensation from the Governor from such public funds as he may lawfully apply for the purpose, the amount thereof to be fixed, in default of agreement, by an arbitrator to be agreed upon or failing agreement to be appointed by the Chief Justice or other Chief Judicial Officer of the Colony.

Provided that no compensation shall be payable by reason of the operation of a general Order under this section prohibiting flying in the Colony or any part thereof.

(4) An Order under this section may be revoked or varied by a subsequent Order made by the Governor.

2. Section 8—(1) The Governor shall have power to establish and maintain aerodromes (including power to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes) and to acquire land for that purpose by agreement or in accordance with the provisions of the law in force in the Colony relating to the acquisition of land for public purposes.

3. Section 9—(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of aircraft over any property at a height above the ground, which, having regard to wind, weather, and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of this Order and any other Order made under the Act and extended to the Colony are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by any article falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered.

Provided that, where any damages recovered from or paid by the owner of an aircraft under this section arose from damage or loss caused solely by the wrongful or negligent action or omission of any person other than the owner or some person in his employment, the owner shall be entitled to recover from that person the amount of such damages, and in any such proceedings against the owner the owner may, on making such application to the court and on giving such undertaking in costs as may be prescribed by rules of court, join any such person as aforesaid as a defendant, but where such person is not so joined he shall not in any subsequent proceedings taken against him by the owner be precluded from disputing the reasonableness of any damages recovered from or paid by the owner.