

3. In paragraph (1) of Article 21 of the principal Order the following two sub-paragraphs shall be substituted for sub-paragraphs (a), (b), and (c):—

“(a) which, being in the neighbourhood of an aerodrome, is liable by reason of its glare to endanger aircraft arriving at or departing from the aerodrome; or

(b) which, by reason of its liability to be mistaken for a light proceeding from an aerial lighthouse or for a light or part of a system of lights prescribed for display at or near an aerodrome or for marking an obstruction to air navigation, is liable to endanger aircraft;”

4. In the third sub-paragraph of paragraph (2) of Article 31 of the principal Order after the word “reward” there shall be inserted the words “do not include references to any person when being carried within the Colony in an aircraft owned by a member of any of His Majesty’s Forces or Civil Service where no payment is made to the owner in respect of such carriage otherwise than by way of an allowance payable under Regulations applicable to him as such member; but”.

5.—(1) This Order may be cited as the Air Navigation (Colonies, Protectorates and Mandated Territories) (Amendment) (No. 2) Order, 1937.

(2) This Order shall come into operation on the 1st day of January, 1938.

*M. P. A. Hankey.*

At the Court at *Buckingham Palace*, the 21st day of *December*, 1937.

PRESENT,

The KING’s Most Excellent Majesty.

Lord President.

Lord Rushcliffe.

Mr. Ernest Brown.

Sir Felix Cassel.

WHEREAS by the Geneva Convention Act, 1911, provision was made for the carrying into effect within His Majesty’s dominions of certain provisions of the Second Geneva Convention:

And whereas by the Geneva Convention Act, 1937, provision has been made to enable effect to be given to Article 28 of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith:

And whereas it is expedient that provision should be made to enable effect to be given within certain territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty to the said provisions of the Second Geneva Convention and to Article 28 of the said International Convention of the twenty-seventh day of July, 1929, and for purposes connected therewith:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, 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 Geneva Conventions, 1906 and 1929 (Mandated Territories), Order in Council, 1937”.

2.—(1) This Order shall apply to the Mandated Territories specified in the Schedule hereto.

(2) In this Order—

“Mandated Territory” means any one of the Mandated Territories specified in the Schedule;

“Governor” means the person for the time being administering the Government of the Mandated Territory;

“Attorney-General” means the Principal Law Officer of the Mandated Territory;

“Gazette” means the official Government Gazette of the Mandated Territory.

3.—(1) It shall not be lawful for any person, without the authority of the Governor, to use for the purposes of his trade or business, or for any other purpose whatsoever, in the Mandated Territory—

(a) the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland, or the words “Red Cross” or “Geneva Cross”; or

(b) any design being a colourable imitation of the said emblem or any words so nearly resembling the words “Red Cross” or “Geneva Cross” as to be capable of being understood as referring to the said emblem; or

(c) any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation; or

(d) any design being a colourable imitation of the design mentioned in the last foregoing paragraph.

(2) If any person contravenes the provisions of sub-section (1) of this section, he shall, subject as hereafter provided, be guilty of an offence under this Order and liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the emblem design or words was or were used.

(3) Nothing in this section shall apply to a trade mark registered before the twenty-third day of December, nineteen hundred and thirty-one, and consisting of or containing any such design as is mentioned in paragraph (c) or paragraph (d) of sub-section (1) of this section; and where a person is charged with using such a design for any purpose and it is proved that he used it otherwise than as or as part of a trade mark registered as aforesaid, it shall be a defence for him to prove—

(a) that he lawfully used that design for that purpose before the said twenty-third day of December; or

(b) In a case where he is charged with using the design upon goods, that the design had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade, and that that other person lawfully used the design upon similar goods before the said twenty-third day of December.