

Serial Number 1952/142



**THE AIR SERVICES LICENSING REGULATIONS 1952,
ADMENDMENT NO. 1**

FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 16th day of July 1952

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Air Services Licensing Act 1951, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Air Services Licensing Regulations 1952, Amendment No. 1, and shall be read together with and deemed part of the Air Services Licensing Regulations 1952* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Nothing in these regulations shall apply in any case where the Carriage by Air Act 1940, or any regulation made under that Act, applies.

3. (1) Except as hereinafter provided, no claim shall be made against any person carrying on any air service pursuant to a licence under the Air Services Licensing Act 1951 (hereinafter referred to as the said Act) in respect of a personal injury to, or the death of, any passenger caused by any occurrence in the course of any of the operations of emplaning or deplaning at an aerodrome, except—

(a) By the passenger; or

(b) In the case of the death of the passenger, by or for the benefit of the wife, husband, parent, and child of the passenger under and in accordance with the Deaths by Accidents Compensation Act 1908, or by the personal representative of the passenger.

(2) No claim in respect of the matters aforesaid made by or for the benefit of any of the persons aforesaid shall be made for a larger sum than £5,000.

* Statutory Regulations 1952, Serial number 1952/11, page 29.

(3) Any person carrying on any air service pursuant to a licence under the said Act may by express contract in writing on payment of such additional fare or other consideration as may be determined by the licensee, agree that, notwithstanding the foregoing provisions of this regulation:—

(a) Some person other than a person mentioned in subclause (1) of this regulation shall be entitled to make a claim in respect of the personal injury to or death of a passenger caused by an occurrence such as is referred to in that subclause:

(b) A claim such as is referred to in these regulations may be made for a larger sum than £5,000.

(4) Nothing in these regulations shall be deemed to alter the status or extend in any respect the liability of any person carrying on any air service pursuant to a licence under the said Act as a common carrier of passengers.

(5) For the purposes of this regulation the expression “aerodrome” means any definite and limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft.

4. The New Zealand National Airways Regulations 1947* are hereby revoked.

5. The notice required under section 17 of the said Act to be given by the Licensing Authority of the receipt of an application and of the public sitting to deal therewith shall be in the form A. 52 set out in the Schedule hereto, or to the like effect.

* Statutory Regulations 1947, Serial number 1947/18, page 39.

SCHEDULE

[Form A. 52

NEW ZEALAND

AIR DEPARTMENT

The Air Services Licensing Act 1951

NOTICE OF APPLICATION(S) IN RESPECT OF LICENCE(S) AND SITTING(S) THEREFOR

APPLICATION(S) in respect of (an) Air Service Licence(s) has (have) been received as described in the Schedule hereunder, and a public sitting of the Licensing Authority will be held at [Time], [Date], in the [Place], for the purpose of receiving evidence in favour of or against the granting of the application(s).

Any person or organization wishing to object to or to support the granting of any application(s) is directed to give notice thereof to the Licensing Authority and to any applicant(s) concerned at least three clear days prior to the date of hearing. A notice of objection must state therein in general terms the grounds of objection.

SCHEDULE

- [Describe (a) Nature of application—e.g., whether for a new service or amendment of a licence;
(b) Brief particulars of application—e.g., route or area or nature of amendment sought.]

Secretary for the Air Services Licensing Authority.

Date:.....

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations provide for a limit of liability of £5,000 in respect of claims for personal injury to or the death of any passenger while travelling in an aircraft of a licensee under the Air Services Licensing Act 1951.

The regulations are the same as the New Zealand National Airways Regulations 1947 (revoked by regulation 4) which applied to all aircraft operated in New Zealand by the National Airways Corporation or pursuant to a permit issued under the New Zealand National Airways Amendment Act 1948 which, together, included all aircraft legally operating for hire in New Zealand.

As the system of permits has been replaced by a system of licensing it is necessary to apply these regulations to all licensed aircraft services which now include the National Airways Corporation services.

Regulation 5 provides a form of notice to be used in notifying sittings of the Air Services Licensing Authority and sets out the conditions applying to the lodging of notices of objection with the Licensing Authority and with any applicant affected by the objection.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 July 1952.

These regulations are administered in the Air Department.