

Serial Number **1954/137**

**THE AIR SERVICES LICENSING REGULATIONS 1952,
AMENDMENT NO. 3**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 8th day of September
1954

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. These regulations may be cited as the Air Services Licensing Regulations 1952, Amendment No. 3, and shall be read together with and deemed part of the Air Services Licensing Regulations 1952*.

2. (1) Regulation 3 of the Air Services Licensing Regulations 1952, Amendment No. 1, is hereby amended as follows:

(a) By revoking subclauses (1) and (2), and substituting the following subclauses:

“(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 the bodily injury to, or the death of, any passenger if the accident which caused the injury or death took place while the passenger was on board the aircraft or in the course of any of the operations of embarking on or leaving from the aircraft, except—

“(a) By the passenger; or

“(b) In the case of the death of the passenger, by or for the benefit of the wife or husband and the parents and children of the passenger under and in accordance with the Deaths by Accidents Compensation Act 1952, or by the personal representative of the passenger.

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

Amendment No. 1: Statutory Regulations 1952, Serial number 1952/142, page 593.

Amendment No. 2: Statutory Regulations 1952, Serial number 1952/156, page 814.

- “(2) No claim in respect of the matters aforesaid shall be made for a larger sum than £5,000 and not more than one action shall lie for the same subject matter of complaint.”
- (b) By revoking subclause (5), and substituting the following subclause:
- “(5) For the purposes of this regulation the term ‘passenger’ includes any person carried or intended to be carried on an aircraft other than a person assigned by the operator for duty as a member of the crew of an aircraft.”
- (2) The Air Services Licensing Regulations 1952, Amendment No. 2, are hereby revoked.

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.]

The purpose of these regulations is to clarify the provisions limiting the liability of operators of domestic air services in respect of claims for damages by passengers. The changes made by the regulations are intended to ensure that all accidents occurring from the time when a passenger commences to embark on the aircraft until the time he completes the operation of leaving the aircraft will be subject to the limitation. A further amendment defines the term “passenger”.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 9 September 1954.
These regulations are administered in the Air Department.