

No. 114.

## COLONIAL SECRETARY'S DEPARTMENT.

The following is published for general information.

W. T. SOUTHORN,  
*Colonial Secretary.*

31st January, 1936.

AT THE COURT AT BUCKINGHAM PALACE,

THE 25TH DAY OF OCTOBER, 1935.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD COLEBROOKE.

SECRETARY SIR SAMUEL HOARE.

MR. CHANCELLOR OF THE DUCHY OF  
LANCASTER.

SIR WILFRID GREENE.

WHEREAS in pursuance of the powers conferred on Him by the Air Navigation Act, 1920, His Majesty in Council was pleased by the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927, and the Air Navigation (Colonies, Protectorates and Mandated Territories) (Amendment) Order, 1929, the Air Navigation (Colonies, Protectorates and Mandated Territories) (Amendment) Order, 1931, and the Air Navigation (Colonies, Protectorates and Mandated Territories) (Amendment) Order, 1932, amending the first mentioned Order (which, as so amended, is hereinafter referred to as "the principal Order"), to make certain of the provisions of the Air Navigation (Consolidation) Order, 1931, the Air Navigation (Amendment) Order, 1925, the Air Navigation (Amendment) Order, 1927, the Air Navigation (Amendment) Order, 1928, the Air Navigation (Amendment) (No. 3) Order, 1928, the Air Navigation (Amendment) (No. 4) Order, 1928, the Air Navigation (Amendment) (No. 2) Order, 1929, the Air Navigation (Amendment) (No. 3) Order, 1929, the Air Navigation (Amendment) (No. 2) Order, 1930, the Air Navigation (Amendment) Order, 1931, and the Air Navigation (Amendment) Order, 1932, applicable to certain British Possessions and certain territories under His Majesty's protection and to registered aircraft being the property of British subjects resident or companies incorporated therein:

AND WHEREAS in pursuance of the powers conferred on Him by the said Act His Majesty has been pleased to make further Orders in Council, namely, the Air Navigation (Amendment) Order, 1933, the Air Navigation (Amendment)

Order, 1934, the Air Navigation (Amendment) (No. 2) Order, 1934, the Air Navigation (Amendment) (No. 3) Order, 1934, and the Air Navigation (Amendment) Order, 1935, amending the said Air Navigation (Consolidation) Order, 1923, as previously amended:

AND WHEREAS it is expedient that the principal Order should be further amended so as to make certain of the provisions of the said Air Navigation (Amendment) Order, 1933, the said Air Navigation (Amendment) Order, 1934, the said Air Navigation (Amendment) (No. 2) Order, 1934, the said Air Navigation (Amendment) (No. 3) Order, 1934, and the said Air Navigation (Amendment) Order, 1935, applicable to the British possessions and territories mentioned in Schedules VIII and IX of the said principal Order and to registered aircraft being the property of British subjects resident or companies incorporated therein, and otherwise in the manner hereinafter appearing:

NOW, THEREFORE, His Majesty, by virtue and in exercise of all the powers enabling Him in this behalf, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:—

1. The following sub-paragraph shall be substituted for sub-paragraph (i) of paragraph (1) of Article 4 of the principal Order:—

“(i) The aircraft shall be registered and bear the prescribed nationality and registration marks and the names and residence of the owner painted on or affixed to the aircraft in the prescribed manner.”

2.—(1) The following proviso shall be substituted for the proviso to paragraph (1) of Article 10 of the principal Order:—

“Provided that this prohibition shall not apply to an aircraft which is departing from, or about to land at, a licensed aerodrome, a Royal Air Force aerodrome, or an aerodrome under the control of the Secretary of State for Air or the Governor, whilst the aircraft is within a distance of one mile from the nearest point of the boundary of such aerodrome.”

(2) The following paragraph shall be inserted after paragraph (1) of Article 10 of the principal Order:—

“(1A) Except with the special permission in writing of the Governor, and subject to any conditions that may be attached to such permission, a flying machine registered in the Colony and carrying passengers for hire or reward on a regular line or service of public air transport shall not, unless it is designed to manoeuvre on the water, be flown over the sea or any inland waters in such circumstances that, in the event of the stoppage of its engine or one of its engines, it would be unable to reach land.”

(3) The following paragraph shall be substituted for paragraph (3) of Article 10 of the principal Order:—

“(3) Whenever an aircraft registered in the Colony is carrying passengers for hire or reward—

(a) the owner of the aircraft shall cause to be exhibited and kept exhibited in a conspicuous place in the aircraft a legible notice stating whether and to what extent smoking is permitted in the aircraft; and

(b) no person shall smoke in the aircraft unless, or except in so far as, smoking is stated by the notice to be permitted.

No notice exhibited in an aircraft for the purpose of the foregoing provisions of this paragraph shall state that smoking is permitted therein unless, or except in so far as, smoking therein is authorised by the aircraft's certificate of airworthiness or by the permission in writing of the Governor.

No person shall smoke in an aircraft registered in the Colony when it is not carrying passengers for hire or reward unless, or except in so far as, smoking therein is authorised by the aircraft's certificate of airworthiness or by the permission in writing of the Governor."

(4) The following paragraph shall be inserted at the end of Article 10 of the principal Order:—

"(5) Subject to the provisions of this paragraph, when an aircraft is flying within the Colony, no person shall at any time be carried on the wings or undercarriage of the aircraft, or on or in any other part thereof which is not designed for the accommodation of the personnel or passengers, or on or in anything attached to the aircraft:

Provided that—

(a) nothing in this paragraph shall prevent a person having temporary access—

(i) to any part of the aircraft for the purpose of executing repairs to the aircraft or adjusting the machinery or equipment thereof or for the purpose of doing anything which may be necessary for the safety of the aircraft or persons or goods carried therein; or

(ii) to any part of the aircraft in which goods or stores are being carried and to which proper means of access is provided; and

(b) a person may be carried on or in any part of the aircraft, or anything attached thereto, with the permission in writing of the Governor and subject to any conditions which may be attached to that permission."

3. The following Articles shall be inserted after Article 10 of the principal Order:—

"10A.—(1) No person shall fly in an aircraft of any type, being an aircraft registered in the Colony, for the purpose of instructing another person carried therein in flying the aircraft unless—

(a) the first-mentioned person (hereafter referred to as "the instructor") holds a pilot's licence to fly aircraft of that type, being a licence granted or rendered valid under this Order; and

(b) in a case where payment is made for the instruction (except a case where the aircraft belongs to an aeroplane club of which both the instructor and the said other person are members), the licence so held by the instructor is a licence to fly public transport or aerial work aircraft; and

(c) in a case where payment is made for the instruction the instructor is authorised by the Governor, by endorsement on the licence, to give instruction in flying.

(2) For the purpose of this Article, applications to the Governor for authority to give instruction in flying shall be made in such form and manner, and may be granted for such period and on compliance with such conditions, as the Governor may direct.

(3) Nothing in this Article shall be taken to prevent the pilot of a public transport or aerial work flying machine exercising supervision over a member of the operating crew thereof who is manoeuvring the machine as permitted by this Order, or by directions issued thereunder, notwithstanding that such pilot has not been authorised as aforesaid.

“ 10B. Notwithstanding any other provision of this Order, it shall not be lawful—

(a) for a person under the age of seventeen years to have sole control of an aircraft in motion; or

(b) for any person to cause or permit a person apparently under the age of seventeen years to have sole control of an aircraft in motion :

Provided that, in any prosecution for a contravention of paragraph (b) of this Article, it shall be a defence to prove that the person apparently under the age of seventeen years was at the time of the alleged contravention actually of or over that age.”

4. The following Article shall be inserted after Article 11 of the principal Order :—

11A. A person shall not take or cause or permit to be taken from an aircraft flying within the Colony any photograph of a prohibited area, or of any part thereof, or of any object therein, except with the special permission in writing of the Governor, and subject to any conditions that may be attached to such permission.” “Photo-  
graphy from  
aircraft.”

5. The following Article shall be substituted for Article 13 of the principal Order :—

13. A person shall not, except in a case of emergency, descend by means of a parachute from an aircraft flying within the Colony, and no article, whether attached to a parachute or not, shall be dropped from any such aircraft, unless the descent is made or the article is dropped in accordance with and subject to any conditions or limitations contained in directions or any special permission in writing given by the Governor : “Parachute  
descents and  
dropping of  
articles.”

Provided that nothing in this Article shall be taken to prevent the dropping of ballast which is not prohibited by paragraph 35 of Schedule IV to this Order.”

6. Paragraph (1) of Article 21 of the principal Order shall be amended by inserting after sub-paragraph (b) thereof the following sub-paragraph :—

“ or

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

7. In paragraph (2) of Article 22 of the principal Order after the word “ aircraft ” there shall be inserted the words “ or on an aerodrome ”.

8. The following paragraph shall be substituted for paragraph (3) of Article 28 of the principal Order :—

“(3) Every person—

(a) who is deemed to have contravened or failed to comply with this Order—

(i) by reason only of a non-compliance with condition (iv) specified in paragraph (1) of Article 4, or condition (iv) specified in paragraph (1) of Article 5, of this Order, or so much of condition (v) specified in paragraph (1) of the last mentioned Article as requires certificates of airworthiness to be carried in aircraft, or

(ii) by reason only of a contravention of, or non-compliance with, any of the following provisions of this Order, that is to say, paragraphs (2) and (3) of Article 8, Articles 16, 17 and 18, or

(iii) by reason only of a failure to carry in an aircraft such a certificate as is required in relation to that aircraft by the proviso to paragraph (2) of Article 27 of this Order, or

(iv) by virtue of paragraph (5) of Article 29 of this Order, or

(b) who, being the registered owner of an aircraft, fails to comply with paragraph 7 or paragraph 8 of Schedule I to this Order,

shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent conviction for the like offence, to a fine not exceeding ten pounds; but, save as aforesaid, every person who contravenes or fails to comply with any provision of this Order, or who is deemed to have contravened or failed to comply with this Order, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine."

9. The following amendments shall be made in Article 31 of the principal Order:—

(1) In paragraph (1), after the definition of " Passenger aircraft " and " goods aircraft " the following definitions shall be inserted—

" ' Public transport aircraft ' means aircraft carrying passengers or goods for hire or reward or, in a case where the carriage is effected by an air transport undertaking, whether for hire or reward or not, and the expression ' public transport flying machine ' shall be construed accordingly;

' Aerial work aircraft ' means aircraft, not being public transport aircraft, which are being used for any commercial or industrial purpose or any lucrative purpose, and the expression ' aerial work flying machine ' shall be construed accordingly; "

(2)—(a) in paragraph (2), for the words " in respect of ", where those words secondly occur, there shall be substituted the word " for "; and

(b) after paragraph (2) there shall be inserted the following paragraph:—

" (2A) In relation to the carrying of a person in an aircraft for the purpose of instruction, payment shall be deemed, for the purposes of this Order, to be made for the instruction if any sum is paid or payable in respect of the particular flight by any person either to the instructor himself or to any person by whom the instructor is employed, or to whom he gives his services as an instructor, or if the instructor is employed for reward to instruct persons in flying aircraft."

10. The following amendments shall be made in Schedule I to the principal Order :—

(1) For paragraph 15, the following paragraph shall be substituted :—

“ 15. Subject as provided in paragraph 16A of this Schedule, the nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence, in the following manner :—

(a) Flying Machines.—The marks shall be painted or affixed once on the lower surface of the main plane structure and once on the upper surface of the main plane structure, the top of the letters constituting the marks to be towards the leading edge. The marks shall also be painted or affixed along each side of the fuselage or body between the main planes and the tail planes.

(b) Airships and Balloons.—In the case of airships, the marks shall be painted or affixed in three places at or near the maximum cross-section so as to appear once on each side of the airship and once on the upper surface. The letters constituting the marks on the upper surface shall be equidistant from the letters constituting the marks on the sides. In the case of spherical balloons, the marks shall be painted or affixed so as to appear in two places at or near the maximum horizontal circumference of the balloon and shall be placed as far as possible from one another, and, in the case of non-spherical balloons, shall be painted or affixed at or near the maximum cross-section on each side of the balloon immediately above the rigging band or the points of attachment of the basket suspension cables. In the case of all airships and balloons, the side marks shall be so placed as to be visible both from the sides and from the ground.

The marks shall be of such a colour in relation to the colour of the background on which they are painted or affixed as will render them clearly legible at a distance of not less than 250 yards in a clear atmosphere.”

(2) For paragraph 16, the following paragraph shall be substituted :—

“ 16. The height of the letters constituting the marks need not exceed eight feet unless otherwise required by the Governor. Subject as aforesaid and as provided in paragraph 16A of this Schedule, the height of the letters shall be as follows :—

(a) Flying Machines.—The height of the letters on the main planes shall be equal to four-fifths of the chord. On the fuselage or on the body the height of the letters shall be equal to four-fifths of the depth of the narrowest part of that portion of the fuselage or body on which the marks are painted or affixed.

(b) Airships and Non-spherical Balloons.—The height of the letters shall be equal to at least one-twelfth of the perimeter of the airship or balloon at its maximum cross-section.

(c) Spherical Balloons.—The height of the letters shall be equal to at least one-fifteenth of the maximum horizontal circumference of the balloon.”

(3) The following paragraph shall be inserted after paragraph 16 :—

“ 16A. In cases where the constructional features of the aircraft do not admit of compliance with any of the provisions of paragraphs 15 and 16 of this Schedule, the nationality and registration marks shall be painted on or affixed to the aircraft in such manner, and the letters constituting the marks shall be of such height, as may be approved by the Governor.”

(4) The following paragraph shall be inserted after paragraph 19 :—

“ 20. Every aircraft shall carry, affixed in a prominent position to the fuselage or to the car or basket (as the case may be), a metal plate inscribed with the names and residence of the owner and the nationality and registration marks of the aircraft.”

11. The amendments specified in the Schedule to this Order shall be made in Schedule IV to the principal Order.

12.—(1) This Order may be cited as the Air Navigation (Colonies, Protectorates and Mandated Territories) (Amendment) Order, 1935.

(2) This Order shall come into operation on the first day of January, 1936.

M. P. A. HANKEY.

### SCHEDULE.

#### AMENDMENT OF SCHEDULE IV TO THE PRINCIPAL ORDER.

1. The following sub-paragraph shall be substituted for sub-paragraph (1) of paragraph 10 of Schedule IV to the principal Order :—

“ 10.—(1) In the case of a captive balloon or kite, lights shall be displayed in accordance with the following provisions of this sub-paragraph :—

(a) the balloon or kite shall display a group of two lights consisting of a white light placed 12 feet vertically above a red light, both these lights being visible so far as practicable in all directions at a distance of at least  $2\frac{1}{2}$  miles, and the white light being placed not less than 15 or more than 30 feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite:

(b) in addition, from the mooring cable of the balloon or kite there shall be displayed, at intervals of 1,000 feet measured from the said group of two lights, similar groups of two lights, white and red, and, if the lowest group of lights is obscured by clouds, an additional group shall be displayed below the cloud base:

(c) in addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a similar group of two lights, white and red.”

2. At the end of paragraph 14 the following paragraph shall be inserted :—

“ (c) Where a flying machine or glider has alighted at night on a water aerodrome having a ‘ control ’, permission to proceed to the normal arrival point will be given by the same two-letter sign made with a white light and followed by intermittent signals of the same colour.”

3. The following paragraphs shall be substituted for paragraphs 17A, 17B, 17C and 17D of Schedule IV to the principal Order:—

“ 17A.—(a) Where an aircraft has a message to send stating that it is in difficulties and about to land compulsorily but does not require immediate assistance, it shall preface the call with several repetitions of the urgency signal PAN.

(b) Where the signal PAN is received from an aircraft without any message following, it shall signify that the aircraft has been compelled to land and is unable to transmit its intended message owing to the rapidity of the landing, but does not require immediate assistance.

(c) Where the signal PAN is sent by radio-telegraphy the three letters shall be well separated so that the signals AN are not transformed into one signal P.

(d) Where the signal PAN is sent by radio-telephony it should be pronounced like the French word ‘ panne ’.

“ 17B. Where an aircraft has a very urgent message to send concerning the safety of the aircraft, or of any person on board, or of any ship or aircraft or person within range of assistance, the urgency of the message shall be indicated by an urgency signal as follows:—

(a) In visual signalling, by prefacing the call with a succession of green pyrotechnical lights or a succession of green flashes made with daylight signalling apparatus.

(b) In radio-telegraphy, by prefacing the call with several repetitions of the group XXX, the letters of each group and the successive groups being clearly separated from each other.

“ 17C. None of the urgency signals referred to in the two last preceding paragraphs may be transmitted except with the authority of the Commander or person responsible for the aircraft.

“ 17D. Where an aircraft has a message to send concerning the safety of navigation or containing important information relative to **meteorological warning messages**, it shall first transmit the safety signal as follows:—

(a) In radio-telegraphy, the safety signal consists of three repetitions of the group TTT, with the letters of each group and the successive groups well separated. This signal shall be followed by the word DE and by the call sign of the aircraft three times repeated.

(b) In radio-telephony, the safety signal consists of the French word ‘ SECURITE ’ (corresponding to the English pronunciation of the syllables SAY-CURE-E-TAY), repeated three times. This signal **shall be followed by the call sign of the aircraft three times repeated.**”

4. The following paragraph shall be inserted after paragraph 33:—

“ 34. To facilitate compliance with the foregoing rules of this section, the pilot of a flying machine shall, save in exceptional circumstances, be placed either in the plane of symmetry of the flying machine or on the left hand side of the plane of symmetry.”

5. The following paragraph shall be substituted for paragraph 36:—

“ 36. If a flying machine or glider starting from, or about to land at, an aerodrome makes a circuit or partial circuit, the turning—

(a) in the case of a land aerodrome, must be made clear of the landing area and must be left-handed (anti-clockwise) so that during the circuit the landing area shall always be on its left; and,

(b) in the case of a water aerodrome, must be left-handed (anti-clockwise).”

6. In paragraphs 37 and 38, after the words “ 6,000 feet ” there shall be inserted the words “ in the case of a land aerodrome, or 2,000 feet in the case of a water aerodrome.”

7. The following paragraph shall be substituted for paragraph 40:—

“ 40.—(1) By day at every aerodrome the direction of the wind at the landing area shall be clearly indicated by a landing T, wind sleeve, smoke producing wind indicator or other recognised method.

(2) Where a landing T is used, it shall be placed so that the shaft of the T lies along the direction of the wind and the cross arm lies across the windward end of the shaft.



(3) If there is no wind, the landing T, if used, shall be fixed in the direction in which landings are to be made.

(4) The fact that there is no wind and that the landing T is fixed as aforesaid may be indicated by a red square panel having in its centre a yellow square panel the sides of which are parallel to those of the red panel, each side measuring at least three feet.

(5) If the bad state of the landing area at any land aerodrome requires precautions to be observed in landing, that fact may be indicated by a red square panel partly covered by yellow triangular panels so as to show a red isosceles triangle no side of which measures less than ten feet.

(6) If an aerodrome is temporarily closed to aircraft owing to special circumstances, that fact may be indicated by a red square panel with the diagonals thereof covered by yellow rectangular panels arranged in the form of an X.

(7) Where a red panel is used for the purpose of this paragraph—

(a) it shall be placed horizontally and as near as practicable to the landing T or wind sleeve; and

(b) each side of the panel shall measure at least ten feet.”

8. In paragraph 45 before the word “ aerodromes ” wherever that word occurs there shall be inserted the word “ land ”.

9. After paragraph 45 the following paragraph shall be inserted:—

“ 45A. At every water aerodrome the following requirements shall be complied with:—

(1) A flying machine or glider which has landed shall give way to a flying machine or glider landing or about to take off:

(2) Every flying machine and glider when landing or taking off shall do so in conformity with the provisions of paragraph 41 of this Schedule, leaving clear on its left any flying machine or glider which has already landed and leaving as much space as possible on its right for another flying machine or glider to land or take off:

(3) A flying machine or glider which has landed shall, before proceeding towards the normal arrival point, slow down to a speed at which it can easily be manoeuvred on the water:

Provided that if the aerodrome has a ‘ control ’, a flying machine or glider which has landed at night shall come to rest and await the signal referred to in paragraph 14 (c) of this Schedule before proceeding towards the normal arrival point:

(4) In proceeding towards the normal arrival point, a flying machine or glider shall turn to the left and approach that point without crossing the landing area.”

10. After paragraph 46 the following paragraph shall be inserted:—

“ 46A. At every water aerodrome while night landings thereat are expected the following requirements shall be complied with:—

(1) The aerodrome shall be defined and lighted in the manner most appropriate to local conditions:

(2) If possible the direction of the wind at the landing area shall be clearly indicated by one of the recognised methods.”

11. The following paragraph shall be substituted for paragraph 48:—

“ 48. Suitable signals by day and lights by night shall be placed on all obstacles on an aerodrome which are dangerous to flying by reason of their not being readily visible, and, so far as possible, on all such obstacles within 1,000 yards of an aerodrome.”

12. In paragraph 50 the words “ this Schedule ” shall be substituted for the words “ the above rules ”.

13. In paragraph 51 the words “ this Schedule ” shall be substituted for the words “ the above provisions ”.