(2) This Order and the Colonial Civil Aviation (Application of Act) Orders, 1952 to 1958, may be cited together as the Colonial Civil Aviation (Application of Act) Orders, 1952 to 1959.

(3) This Order shall come into operation on the first day of July, 1959.

*Amendment of the Colonial Civil Aviation (Application of Act) Order, 1952*

**2.** The Colonial Civil Aviation (Application of Act) Order, 1952, is amended as follows:—

(*a*) In paragraph (1) of Article 2 immediately before the definition of "Colony" there is inserted the following definition—

'"Central and Southern Line Islands" means the islands of Malden, Starbuck, Vostock, Caroline and Flint;'

(*b*) In Schedule II after the words "British Solomon Islands Protectorate." there are inserted the words "Central and Southern Line Islands.".

*W. G. Agnew.*

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EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The Colonial Civil Aviation (Application of Act) Order, 1952, extends certain provisions of the Civil Aviation Act, 1949, to the territories specified in the Second Schedule to the Order. This Order adds the Central and Southern Line Islands to that Schedule.

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## CARRIAGE BY AIR

## 1959 No. 1770

## The Carriage by Air (Non-international Carriage) (United Kingdom) (Amendment) Order, 1959

| | |
|---|---|
| *Made* - - - - | 19*th October*, 1959 |
| *Laid before Parliament* | 23*rd October*, 1959 |
| *Coming into Operation* | 24*th October*, 1959 |

At the Court at Buckingham Palace, the 19th day of October, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 4 and 5 of the Carriage by Air Act, 1932(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Citation and Operation*

**1.** This Order may be cited as the Carriage by Air (Non-international Carriage) (United Kingdom) (Amendment) Order, 1959, and shall come into operation on the twenty-fourth day of October, 1959.

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(a) 22 & 23 Geo. 5. c. 36.

*Interpretation*

**2.** The Interpretation Act, 1889(**a**), applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

*Amendment of Carriage by Air (Non-international Carriage) (United Kingdom) Order, 1952*

**3.** The Carriage by Air (Non-international Carriage) (United Kingdom) Order, 1952(**b**), shall be amended as follows:—

(1) References in that Order to the Carriage by Air Act, 1932, shall be construed as references to that Act as amended by the Fatal Accidents Act, 1959(**c**).

(2) For paragraph 1 of the Fourth Schedule to that Order there shall be substituted the following paragraph:—

"1.—(1) The liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

(2) For the purposes of this paragraph the following shall be taken to be the members of the passenger's family, that is to say the passenger's wife or husband, parents, grandparents, children and grandchildren and any person who is, or is the issue of, a brother, sister, uncle or aunt of the passenger.

(3) Subsection (2) of section one of the Fatal Accidents Act, 1959, shall apply in deducing any relationship for the purposes of this paragraph as it applies in deducing any relationship for the purposes of the Fatal Accidents Acts, 1846 to 1959, but as if it extended to the whole of the United Kingdom; and the definition of "adopted" in subsection (3) of that section shall apply accordingly."

*Application*

**4.** This Order shall apply only to actions brought in respect of deaths occurring after it has come into force.

*W. G. Agnew.*

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Carriage by Air (Non-international Carriage) (United Kingdom) Order, 1952, in conformity with the amendment of the Carriage by Air Act, 1932, by the Fatal Accidents Act, 1959, and extends the class of persons for whose benefit an action may be brought in respect of the death of a passenger in the course of carriage by air which is not international carriage as defined in the Warsaw Convention of 1929.

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(**a**) 52 & 53 Vict. c. 63. (**b**) S.I. 1952/158 (1952 I, p. 548).
(**c**) 7 & 8 Eliz. 2. c. 65.