

# HOVERCRAFT ACT 1968

Text of the Act as applied to the Isle of Man by the Hovercraft Act 1968 (Application) Order 1986 (GC 263/86). Modifications are indicated by *bold italics*

PRICE : £0.60

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# HOVERCRAFT ACT 1968

## 1968 CHAPTER 59

An Act to make further provision with respect to hovercraft

[26<sup>th</sup> July 1968]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

### Power to make Orders in Council with respect to hovercraft

1. (1) *The Department may by Order* make such provision as *it* considers expedient -
- (a) with respect to the registration of hovercraft;
  - (b) for securing the safety of hovercraft and persons and property in hovercraft and at hoverports, and for preventing hovercraft from endangering other persons and property;
  - (c) for prohibiting or restricting the use of hovercraft unless the prescribed certificates as to fitness are in force and the prescribed conditions as to maintenance and repair are satisfied with respect to them;
  - (d) for prohibiting persons from taking charge or otherwise acting as members of the crew of a hovercraft or from engaging in or being employed in connection with the maintenance or repair of hovercraft, in such capacities as may be prescribed, unless the prescribed conditions as to qualifications and other matters are satisfied with respect to those persons;
  - (e) with respect to the investigation of accidents involving hovercraft;
  - (f) for regulating the noise and vibration which may be caused by hovercraft;
  - (g) *(omitted by GC 263/86)*.
  - (h) for applying in relation to hovercraft or to persons, things or places connected with hovercraft-
    - (i) any enactment or instrument relating to ships, aircraft, motor vehicles or other means of transport or to persons, things or places connected therewith (other than an enactment or an instrument made under an enactment mentioned in paragraph (i) below or section 2(1) of this Act),

- (ii) any rules of law relating to ships or to persons, things or places connected with ships (other than rules relating to maritime liens),

and, without prejudice to the generality of the foregoing provisions of this paragraph, for providing that any enactment (other than an enactment mentioned as aforesaid) shall have effect as if references in it, in whatever terms, to ships, aircraft or motor vehicles or activities connected therewith included references to hovercraft or activities connected with hovercraft;

- (i) for applying the following enactments, and any instrument made under them, in relation to the following matters respectively, that is to say-

- (i) in relation to the carriage of persons and their baggage by hovercraft, the Carriage by Air Act 1961<sup>(a)</sup> and the Carriage by Air (Supplementary Provisions) Act 1962,<sup>(b)</sup>
- (ii) in relation to the carriage of property by hovercraft (except baggage in relation to which provisions of the Acts aforesaid are applied), the *Carriage of Goods by Sea Act 1974 (an Act of Tynwald)*<sup>(c)</sup> and Part VIII of the Merchant Shipping Act 1894<sup>(d)</sup> so far as that Part relates to property on board a ship,
- (iii) in relation to loss of life or personal injury connected with a hovercraft which is caused to persons not carried by the hovercraft, in relation to loss or damage connected with a hovercraft which is caused to property not carried by the hovercraft and in relation to infringements of rights through acts or omissions connected with a hovercraft, the said Part VIII;
- (j) for substituting references to hovercraft for references in any enactment or instrument to vehicles designed to be supported on a cushion of air;
- (k) for repealing the provisions of any enactment or instrument (including provisions of the Schedule to this Act) in so far as it appears to *the Department* that those provisions are not required having regard to any provision made or proposed to be made by virtue of this section;
- (l) with respect to the application of the Order to the Crown and the extra-territorial operation of any provision made by or under the Order;

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(a) 1961 c.27      (b) 1962 c.43      (c) 1974 c. 26      (d) 1894 c.60

- (m) *(omitted by GC 263/86)* ;
- (n) for imposing penalties in respect of any contravention of a provision made by or under the Order, not exceeding, in respect of any one contravention, a fine of £400 on summary conviction and imprisonment for twelve months and a fine on conviction on *information*;
- (o) for detaining any hovercraft in order to secure compliance with any provision made by or under the Order or any hovercraft in respect of which such a contravention as aforesaid is suspected to have occurred; and
- (p) for requiring the payment of fees in respect of any matter relating to hovercraft which is specified in the Order and for determining with the approval of the Treasury the amount of any such fee or the manner in which that amount is to be determined.

(2) Nothing in any of the paragraphs of the foregoing subsection shall be construed as prejudicing the generality of any other of those paragraphs, and in particular paragraph (n) shall not prejudice paragraph (h).

- (3) An Order under this section may -
- (a) make different provision for different circumstances or for hovercraft of different descriptions;
  - (b) provide for exemptions from any of the provisions of the Order;
  - (c) provide for the delegation of functions exercisable by virtue of the Order;
  - (d) include such incidental, supplemental and consequential provisions as appear to *the Department* to be expedient for the purposes of the Order;
  - (e) authorise the making of regulations and other instruments for any of the purposes of this section (except the purposes of paragraphs (g) to (k) of subsection (1)) [...];
  - (f) provide that any enactment, instrument or rule of law applied by the Order shall have effect as so applied subject to such modifications as may be specified in the Order; and
  - (g) be revoked or varied by a subsequent Order under this section.

(4) *An Order under this section shall be laid before Tynwald.*

### **Admiralty Jurisdiction etc.**

2. *(Omitted by GC 263/86).*

### **Application of certain enactments to hovercraft.**

3. *(Omitted by GC 263/86).*

### **Interpretation etc.**

- 4.- (1) In this Act -

"contravention" includes failure to comply;

*"the Department" means the Department of Trade and Industry.*

*"enactment" means a statutory provision within the meaning of the Interpretation Act 1976 (an Act of Tynwald).*

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"hoverport" means any area, whether on land or elsewhere, which is designed, equipped, set apart or commonly used for affording facilities for the arrival and departure of hovercraft;

"modifications" includes additions, omissions and amendments; and

"prescribed" means prescribed by an Order [...] under section 1 of this Act or by an instrument made under such an Order.

- (2) Subject to section 2(5) of this Act, any reference in this Act to any enactment or instrument is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment.

- (3) *(Omitted by GC 263/86).*

### **Northern Ireland.**

5. *(Omitted by GC 263/86).*

**Financial Provisions.**

6. *(Omitted by GC 263/86).*

**Short Title and commencement**

7. (1) This Act may be cited as the Hovercraft Act 1968.

(2) *(Omitted by GC 263/86).*

Section 3

**SCHEDULE**

**MODIFICATIONS OF ENACTMENTS**

*(Omitted by GC 263/86).*