

to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed.

(2) Where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

13 Where an order-in-council is made extending Part II to a part of Her Majesty's dominions or other territory to which Part X of the *Supreme Court Civil Procedure Act 1932* extends, Part II shall, in relation to that part of Her Majesty's dominions or other territory, have effect as if—

Modification of Act in relation to certain parts of Her Majesty's dominions.
Cf. 4 & 5 Eliz. 2, c. 46 (Imp.), s. 51.

- (a) the fact that a judgment was given before the coming into operation of the order did not prevent it from being a judgment to which Part II applies, but the time limited for the registration of a judgment were, in the case of a judgment so given, twelve months from the date of the judgment or such longer period as may be allowed by the Supreme Court; and
- (b) any judgment registered in the Supreme Court under Part X of that Act before the coming into operation of the order had been registered in the Court under Part II of this Act and anything done in relation thereto under Part X of that Act or any rules of court or other provisions applicable to Part X of that Act had been done under Part II of this Act or the corresponding rules of court or other provisions applicable to Part II of this Act.

CIVIL AVIATION (CARRIERS' LIABILITY).

No. 6 of 1963.

AN ACT to provide for the application of certain laws of the Commonwealth to and in relation to the carriage of passengers by air within this State.

[2 May 1963.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Civil Aviation (Carriers' Liability) Act 1963*.

Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

Inter-
pretation.

2—(1) In this Act, unless the contrary intention appears—

“ Commonwealth Act ” means the *Civil Aviation (Carriers' Liability) Act 1959* of the Commonwealth and, if that Act is amended, includes that Act as amended from time to time;

“ Commonwealth Regulations ” means the regulations from time to time in force under the Commonwealth Act for the purposes of Part IV of that Act, other than regulations made for the purposes of section forty-one of that Act.

(2) The provisions of sections five and twenty-six of the Commonwealth Act apply, by virtue of this Act, to the interpretation of section four of this Act in like manner as they apply to the interpretation of section twenty-seven of the Commonwealth Act.

Act to bind
the Crown.

3 This Act binds the Crown.

Carriage to
which Act
applies.

4 This Act applies to the carriage of a passenger where the passenger is or is to be carried in an aircraft being operated by the holder of an airline licence in the course of commercial transport operations under a contract for the carriage of the passenger between a place in this State and another place in this State, not being carriage to which Part IV of the Commonwealth Act applies or to which the Warsaw Convention, or the Warsaw Convention as affected by the Hague Protocol, applies.

Application of
provisions of
Common-
wealth Act
and regula-
tions.

5 The provisions of Part IV of the Commonwealth Act (other than sections twenty-seven, forty, and forty-one), and, subject to any regulations made by the Governor pursuant to section seven of this Act, the provisions of the Commonwealth Regulations, apply to and in relation to carriage to which this Act applies, and matters connected with carriage to which this Act applies, as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated—

- (a) general references to Part IV of the Commonwealth Act were references to this Act;
- (b) a reference in one of those provisions to another of those provisions were a reference to that other provision as applying by virtue of this Act;
- (c) the reference in subsection (5) of section twenty-nine of the Commonwealth Act to carriage referred to in subsection (4) of section twenty-seven of that Act were a reference to the carriage of a passenger where—

- (i) the carriage of the passenger between two places was to be performed by two or more carriers in successive stages;
 - (ii) the carriage has been regarded by the parties as a single operation, whether it has been agreed upon by a single contract or by two or more contracts; and
 - (iii) this Act would have applied to that carriage if it had been performed by a single carrier under a single contract; and
- (d) the references in section thirty-one of the Commonwealth Act to the regulations relating to certain matters were references to the provisions of the Commonwealth Regulations relating to those matters as applying by virtue of this Act.

6 The provisions of section forty-two of the Commonwealth Act apply in relation to a person who, within this State, travels in an aircraft without the consent of the carrier as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated, a reference to a Part or to Parts of the Commonwealth Act were a reference to this Act. Stowaways.

7—(1) The Minister shall cause to be laid before each House of Parliament a copy of any regulations made under the Commonwealth Act within the first ten sitting days of the House after the making of the regulations has been notified in the *Commonwealth of Australia Gazette*. Regulations.

(2) The provisions of subsections (4), (5), (6), and (7) of section forty-seven of the *Acts Interpretation Act 1931*, with the necessary adaptations, apply to and in relation to regulations that are laid before each House of Parliament pursuant to subsection (1) of this section as if those regulations were regulations made under an Act of the Parliament of this State.

(3) The Governor may, in relation to carriage to which this Act applies, make regulations prescribing all matters that are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Commonwealth Act.

(4) If the Governor makes any regulations under the authority of subsection (3) of this section, the Commonwealth Regulations, in so far as they are inconsistent with any regulations so made by the Governor, cease to apply to or in relation to carriage to which this Act applies and to matters connected with carriage to which this Act applies.

(5) Where regulations are made by the Governor under the authority of subsection (3) of this section, any reference in the Commonwealth Act to regulations made thereunder shall, in respect of the application of the Commonwealth Act by virtue of this Act, be construed as including a reference to regulations made by the Governor and as excluding a reference to any Commonwealth regulations that are inconsistent therewith.

DAMAGE BY AIRCRAFT.

No. 7 of 1963.

AN ACT to make provision in respect of liability
for damage caused by aircraft and for matters
incidental thereto. [2 May 1963.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and com-
mencement.

1—(1) This Act may be cited as the *Damage by Aircraft Act 1963*.

(2) This Act shall commence on a date to be fixed by proclamation.

Interpre-
tation.

2 In this Act, unless the contrary intention appears—

“Air Navigation Regulations” means the Air Navigation Regulations made and as in force from time to time under the Commonwealth Act, and includes such of the provisions of those Regulations as apply to and in relation to air navigation within this State by virtue of the *Air Navigation Act 1937*;

“article” includes mail and postal articles;

“Commonwealth Act” means the *Air Navigation Act 1920-1961* of the Commonwealth and includes that Act as amended from time to time and any Commonwealth Act passed in substitution for that Act;

“loss or damage”, used in relation to persons, includes loss of life and personal injury.