

The Civil Aviation (Documentary Evidence) Regulations 1972 No. 187

(as amended and as applied to the Isle of Man)
by Civil Aviation (Subordinate Legislation) (Application) Order 1992 (GC418/92)

1. These Regulations may be cited as the Civil Aviation (Documentary Evidence) Regulations 1972 and shall come into operation on 1st April 1972.

2. Omitted.

3.—(1) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) Omitted.

4.—(1) For the purposes of **section 96 of the Civil Aviation Act 1982** each person named in column 1 of the Schedule hereto is hereby designated for the purpose of certifying a document as being, or being a true copy of, or of part of, a document or record of a description appearing opposite their respective names in column 2 of the said Schedule.

(2) In any legal proceedings a document certified by the Civil Aviation Authority as being, or as being a true copy of, an instrument made by the Authority shall be evidence ... of that instrument.

(3) In any legal proceedings it shall be evidence ... of the publication of any notice or other matter by the Authority, to produce a copy, certified by the Authority, of the issue of the Authority's official record in which the notice or other matter appears.

5. The Secretary of State and the Civil Aviation Authority are hereby designated for the purposes of **section 96(2) of the Civil Aviation Act 1982**.

SCHEDULE

Person designated for the purpose of certifying documents

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Documents and Records</i>
The Secretary of State	All documents issued and records kept by the Board of Trade or the Department of Highways, Ports and Properties in pursuance of an Order in Council made under section 8 of the Civil Aviation Act 1949.
The Civil Aviation Authority	All documents issued in pursuance of an Order in Council made under section 8 of the Civil Aviation Act 1949 by the Board of Trade, the Secretary of State ...

EXPLANATORY NOTE

These Regulations revoke and re-enact, with modifications, the Civil Aviation (Documentary Evidence) Regulations 1969.

Section 6(1) of the Tokyo Convention Act 1967 provides that a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Department as being, or being a true copy of, or of part of, a document issued or record kept by a Minister, a government department, officer of a government department or the Air Registration Board or the Air Transport Licensing Board in pursuance of an Order in Council made under section 8 of the Civil Aviation Act 1949, or in pursuance of the Civil Aviation (Licensing) Act 1960, shall be evidence of the matters referred to in that document. These Regulations designate the person who may certify such documents.

The Regulations also designate the Secretary of State and the Civil Aviation Authority for the purposes of section 5(1) of the Civil Aviation (Eurocontrol) Act 1962, which, as amended by section 6(2) of the Tokyo Convention Act 1967, provides for the use as evidence in any legal proceedings of records made by designated authorities and persons which purport to show the position of an aircraft or the terms or content of any message or signal transmitted to or received from an aircraft by such authorities or persons.

Pursuant to section 19(4) of the Civil Aviation Act 1971 these Regulations also provide that in any legal proceedings production of a certified copy of an instrument made by the Authority or of the relevant issue of the Authority's official record shall be evidence of the instrument or of the publication by the Authority of any matter.