

AIR NAVIGATION (CARRIAGE OF MUNITIONS OF WAR, WEAPONS AND DANGEROUS GOODS) ORDER 1973

I, PETER BARRY, Minister for Transport and Power, in exercise of the powers conferred on me by Sections 5 of the Air Navigation and Transport Act, 1946 (No. 23 of 1946) (as amended by section 9 of the Air Navigation and Transport Act, 1950 (No. 4 of 1950)), and the Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order, 1959 (S.I. No. 125 of 1959), hereby order as follows:

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1 Short title and Commencement.

1. (1) This Order may be cited as the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order, 1973.

(2) This Order shall come into operation on the 29th day of August, 1973.

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2 Definitions.

2. In this Order:-

"aircraft" means any machine which can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

"the Minister" means the Minister for Transport and Power;

"pilot-in-command" means the pilot designated by the operator to be responsible for the operation and safety of the aircraft during flight time.

"operator" means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation and, in relation to a particular aircraft, the person who at the relevant time has the management of that aircraft.

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3 Revocation.

3. Articles 14 and 15 of the Air Navigation (Operations) Order, 1964 (S.I. No. 140 of 1964), are hereby revoked.

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4 Application of Order.

4. This Order shall, save where the contrary intention appears, apply to all aircraft when in or over the State and to aircraft registered in the State wherever they may be.

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5 Exemption.

5. The Minister may, by direction, exempt any class of aircraft from any of the provisions of Article 6 or 7 of this Order.

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6 Prohibition on carriage of munitions of war and weapons which are not munitions of war.

6. (1) In this Article "munitions of war" means weapons and ammunition designed for use in warfare and includes parts of or for such weapons and ammunition.

(2) (a) Subject to subparagraph (b) of this paragraph—
(i) it shall be unlawful to carry munitions of war on an aircraft;
(ii) it shall be unlawful for a person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered, for carriage thereon, goods which he knows or has reason to suspect to be munitions of war.

(b) This Article shall not apply to munitions of war taken or carried on board an aircraft which is registered elsewhere than in the State if, under the laws of the state in which the aircraft is registered the munitions of war may be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or the persons on board.

(3) (a) Subject to subparagraph (b) of this paragraph, it shall be unlawful for a person to carry or have in his charge on board an aircraft registered in the State, a weapon which is not munitions of war.

(b) A weapon which is not munitions of war may be carried as the baggage of a passenger if it is kept during the flight in a part of the aircraft which is not accessible to passengers and, if it is a firearm, it is not loaded.

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7 Dangerous Goods.

7. (1) Dangerous goods shall not be carried in an aircraft save when—

(a) carried with the permission of the Minister and in accordance with any conditions to which such permission may be subject,

(b) carried in accordance with conditions prescribed by a direction under this Order permitting the carriage of such goods in aircraft generally or in any class of aircraft specified in the direction,

(c) carried with the consent of the operator for the purpose of ensuring the safety of the aircraft or the persons on board,

(d) permitted to be carried under the laws of the state in which the aircraft is registered, provided that there is in force in relation to that state an agreement between the State and the government of that state permitting the carriage within the State of such goods in aircraft registered in that state.

(2) (a) Dangerous goods permitted, in accordance with the provisions of paragraph (1) of this Article, to be carried in an aircraft shall not be loaded as cargo therein unless—

(i) the consignor of the goods has furnished the operator with particulars in writing of the nature of the goods and of any danger to which they may give rise, and

(ii) the goods (or any container in which they are packed) are (or is) clearly marked so as to indicate any such danger to the person loading them (or it).

(b) The operator shall, before the flight begins, inform the pilot-in-command of the aircraft of—

(i) the presence on the aircraft of dangerous goods,

(ii) any danger to which such goods may give rise, and

(iii) the weight and quantity of such goods.

(3) It shall be unlawful for a person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by this Article.

(4) In this Article "dangerous goods" means any goods which, by

reason of their nature or their proximity to other goods, might endanger the aircraft or persons or things therein.

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8 Prevention of flight.

8. (1) Whenever it appears, either to the Minister or to an authorised person within the meaning of section 64 of the Air Navigation and Transport Act, 1936 (No. 40 of 1936), that an aircraft is intended or likely to be flown from any place within the State in such circumstances that the flight would be in contravention of Article 6 and 7 of this Order or of any direction thereunder, the Minister or the authorised person may give to the operator or the pilot-in-command of the aircraft such instructions, and take such steps (by way of detention of the aircraft or otherwise) as appear to the Minister or authorised person to be necessary, in order to prevent the flight, and the person so instructed shall comply with such instructions.

(2) For the purposes of paragraph (1) of this Article, the Minister or authorised person may enter and inspect the aircraft.

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9 Directions.

9. Directions under this Order may be given in the form of Notices to Airmen (otherwise known as "NOTAMS"), Notices to Aircraft Owners and Aircraft Engineers, or Aeronautical Information Circulars, or by notice sent by registered post to the person affected.

GIVEN under my Official Seal, this 1st day of August, 1973.

PETER BARRY,

Minister for Transport and Power.

EXPLANATORY NOTE.

This Order revokes and re-enacts with modifications the provisions of Articles 14 and 15 of the Air Navigation (Operations) Order, 1964, which dealt with the carriage of munitions of war and dangerous goods.

It supplements the existing Order by a new provision restricting the carriage of weapons which are not munitions of war. Such a weapon may now be carried on aircraft registered in the State, only as part of the baggage of a passenger, kept in a part of the aircraft not accessible to passengers and, if a firearm, is unloaded.

In addition it relaxes the existing prohibition on the carriage of munitions of war by allowing their carriage on an aircraft registered elsewhere than in the State for the purpose of ensuring the safety of the aircraft or persons on board, provided that the laws of the state of registration of the aircraft so allow.

The conditions governing the carriage of dangerous goods are left unchanged.