

- (f) While there may be some doubt about the legal force of some Directions, there can be no doubt that Notices to Airmen and other publications, which have likewise been used not only for the promulgation of Regulations, but ostensibly to amend Regulations issued under the Act, have no legal force.
- (g) The Air Navigation Directions which have been issued in some cases bear no evidence of having been issued by the Minister in accordance with Regulation 33 of the Air Navigation Regulations, 1933, and in some cases, it appears, have not been so issued.
- (h) Air Navigation Directions do not appear to be submitted to legal scrutiny by the Crown Law Office. In consequence, many anachronisms and inconsistencies appear.
- (i) Control of the import of aircraft for technical reasons has been effected by the use of the Import Licence Regulations, which were introduced for a different purpose—namely, economic control. It appears open to doubt whether this use of powers is a proper one, apart from the desirability or otherwise of controlling the import of aircraft as a means of regulating aviation.
- (j) The Air Navigation Regulations issued in pursuance of the Act confer on the Minister a number of functions and powers. These functions and powers are exercised by a number of different officers, although there has been no formal delegation of power. Such delegation, and equally the limitation of delegated powers, of necessity should be defined, since some must by their nature be exercised by a number of officers (*e.g.*, the issue of licences), while others equally must be retained in the hands of the Minister himself (*e.g.*, the issue of Directions).
- (k) In general, there appears a tendency to over-regulation. This has been criticised as a device whereby officials seek to protect themselves against all contingencies. The Director of Civil Aviation is not the sole authority responsible for the safety of aviation. Everyone engaged in aviation is responsible for air safety, and the regulatory system should be such as to ensure that each carries his share of responsibility.

113. In Appendix F are cited cases from current documents to illustrate the trends referred to above. These are illustrative only, and in no way represent an exhaustive examination of the sundry regulations and pronouncements. We have seen draft revisions of some of these documents in which these trends are very much further developed. We feel there is too much haste in the issue of regulations, and insufficient scrutiny of their over-all effect by Government. The rules and orders