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**THE AERIAL SPRAYING PROTECTION LAW (9 OF 1974)**

**(1997 Revision)**

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Law 9 of 1974-18th March, 1974.

Revised this 4th day of February, 1997.



**AERIAL SPRAYING PROTECTION LAW**

**(1997 Revision)**

**ARRANGEMENT OF SECTIONS**

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4. Notification in the case of temporary non-compliance
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**AERIAL SPRAYING PROTECTION LAW**

**(1997 Revision)**

1. This Law may be cited as the Aerial Spraying Protection Law (1997 Revision). Short title

2. In this Law- Definitions

“Governor” means the Governor in Council;

“obstruction” means any steeple, mast, antenna, crane jib, dragline, flagpole or other structure the presence of which is capable of being a danger to low flying aircraft;

“profile level” means, in relation to the location at which any obstruction contacts the ground -

- (a) a height of forty feet above ground level; or
- (b) the height above ground level of the tallest tree, natural feature or building within a radius of one hundred yards measured from the relevant location,

whichever is the greater.

3. Every obstruction the total height of which, above the ground on which it is located, exceeds the profile level shall at all times have affixed within one foot of its highest point two electric lamps enclosed in red weather-proofed translucent housings, so positioned that one or other lamp is visible from all sides of and above the horizontal plane, such lamps to have a consumption of seven watts or more each, to be connected in parallel and controlled from the ground from independent fused switches and to be and remain illuminated from half an hour before sunset until half an hour after sunrise except on occasions when repairs require to be effected thereto or electric power is not generally available in the Islands: Obstructions above profile level to be illuminated

Provided that where the top part of the obstruction is not suitable for load bearing, the lights shall be located within one foot of the top of the load bearing part of the structure, but so that the lights so located shall themselves be above the profile level.

4. Whenever by reason of damage, mishap or the necessity to effect repairs it is, at any time, not possible to maintain at least one of the lights required by Notification in the case of temporary non-compliance

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section 3 to be maintained, the person responsible in that behalf shall immediately notify the person for the time being in charge of the Mosquito Research and Control Unit of the circumstances.

Offences and penalties

5. Whoever erects, maintains or having authority in that behalf, permits to remain any obstruction to which section 3 applies otherwise than in compliance with that section or who, being the person responsible for the purpose of section 4, fails to comply with that section is guilty of an offence and liable on summary conviction a fine of one thousand dollars for every day the offence continues and whoever aids, abets, procures or, having authority in that behalf, permits any other person so to do is equally guilty with that offender and punishable accordingly.

Responsibility

6. The question of who is in authority or who is responsible for the purposes of any non-compliance with this Law rests upon the decision of the court before which any case of non-compliance is brought for trial.

Regulations

7. The Governor may make regulations specifying any mechanical and technical details and procedures to be complied with by persons coming within the ambit of this Law.

Publication in revised form authorised by the Governor in Council this 4th day of February, 1997.

Carmena H. Parsons  
Clerk of Executive Council