

No. 2160

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
SWITZERLAND**

**Exchange of notes constituting an agreement for air services  
between and beyond their respective territories. Berne,  
13 May 1952**

*D. indefinite*

*Official texts: English and French.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 29 April  
1953.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
SUISSE**

**Échange de notes constituant un accord relatif aux services  
aériens entre leurs territoires respectifs et au-delà. Berne,  
13 mai 1952**

*Textes officiels anglais et français.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 29 avril  
1953.*

No. 2160. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS GOVERNMENT FOR AIR SERVICES BETWEEN AND BEYOND THEIR RESPECTIVE TERRITORIES. BERNE, 13 MAY 1952

N<sup>o</sup> 2160. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>1</sup> ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DE LA SUISSE RELATIF AUX SERVICES AÉRIENS ENTRE LEURS TERRITOIRES RESPECTIFS ET AU-DELÀ. BERNE, 13 MAI 1952

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I

*Le Chef du Département politique fédéral de la Suisse au Ministre de Sa Majesté britannique à Berne*

Berne, le 13 mai 1952

Monsieur le Ministre,

J'ai l'honneur de communiquer à votre Excellence qu'au cours de négociations entre nos deux Gouvernements, il a été reconnu qu'il était dans l'intérêt de la Suisse et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, pour faciliter les communications aériennes entre leurs territoires, de prendre des arrangements concernant les vols commerciaux non couverts par l'accord du 5 avril 1950<sup>2</sup> entre la Suisse et le Royaume-Uni relatif aux services aériens.

En conséquence, je m'empresse de porter à votre connaissance que le Conseil Fédéral Suisse est prêt à accorder les privilèges suivants aux aéronefs britanniques définis dans cette note, aux conditions spécifiées plus bas, étant entendu que la réciprocité est accordée par le Gouvernement du Royaume-Uni aux aéronefs

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<sup>1</sup> Came into force provisionally on 13 May 1952 and definitively on 10 February 1953, the date on which the Swiss Federal Council notified its ratification to the Government of the United Kingdom, in accordance with the terms of the said notes. The provisions of the Agreement were extended to Jersey, Guernsey and the Isle of Man by notification of 17 November 1952.

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<sup>1</sup> Entré en vigueur à titre provisoire le 13 mai 1952, et à titre définitif le 10 février 1953, date à laquelle le Conseil fédéral suisse a notifié sa ratification au Gouvernement du Royaume-Uni, conformément aux termes des dites notes. Les dispositions du présent Accord ont été étendues à Jersey, à Guernesey et à l'île de Man par une notification en date du 17 novembre 1952.

<sup>2</sup> Nations Unies, *Recueil des Traités*, vol. 99, p. 107.

suisses soient considérées comme constituant un accord entre nos deux Gouvernements, qui restera en vigueur jusqu'à l'expiration d'une période de deux mois après notification adressée par l'un des deux Gouvernements à l'autre Gouvernement de son intention de mettre fin audit accord. Cet accord sera appliqué provisoirement dès la date de votre réponse à la présente note. Il entrera définitivement en vigueur aussitôt que le Conseil Fédéral Suisse aura notifié sa ratification au Gouvernement du Royaume-Uni, par voie diplomatique. Si la ratification n'est pas notifiée dans les 12 mois à partir de la date de la présente note, chaque Gouvernement pourra mettre fin à l'application provisoire de l'accord, en notifiant par écrit à l'autre Gouvernement sa dénonciation, qui prendra effet deux mois après la date de la notification.

Veuillez agréer, etc.

MAX PETITPIERRE

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

*The Head of the Swiss Political Department to Her Majesty's Minister at Berne*

Berne, 13th May, 1952

Sir,

I have the honour to inform your Excellency that in the course of negotiations, between our two Governments it was recognised that it was to the interest of Switzerland and the United Kingdom of Great Britain and Northern Ireland, with a view to facilitating air communications between their territories, to make arrangements for commercial flights not covered by the Agreement of 5th April, 1950<sup>3</sup>, relating to air services between Switzerland and the United Kingdom.

I, therefore, have the honour to inform your Excellency that the Swiss Federal Council is prepared to grant the following privileges to British aircraft as defined in this Note on the conditions specified below, in consideration of the grant to Swiss aircraft of reciprocal treatment by the Government of the United Kingdom. These privileges shall be additional to the rights, enjoyed by the aircraft of each country, of making transit flights and stops for non-traffic purposes in the territories of the other country without the necessity of obtaining prior permission, as provided for in Article 5 of the Convention on International Civil Aviation, concluded at Chicago on 7th December, 1944<sup>4</sup> (hereinafter referred to as "the Convention").

[See note II for paragraph I]

<sup>1</sup> Translation by the Government of the United Kingdom.

<sup>2</sup> Traduction du Gouvernement du Royaume-Uni.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 99, p. 107.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 15, p. 295 ; Vol. 26, p. 420 ; Vol. 32, p. 402 ; Vol. 33, p. 352 ; Vol. 44, p. 346 ; Vol. 51, p. 336, and Vol. 139, p. 469.

2. Nothing in this Note shall be deemed to confer upon British aircraft the right to carry for valuable consideration passengers or goods both originating from and destined for points in Switzerland.

[See note II for paragraphs 3 and 4]

5. The Swiss Federal Council reserves the right to prohibit the exercise of traffic rights under this Note in Switzerland by any British aircraft—

[See note II for paragraph 5 (a) and (b)]

6. For the purposes of this Note, the expression "British aircraft" means civil aircraft registered in the United Kingdom; and shall include civil aircraft registered in any territory for whose international relations the Government of the United Kingdom are responsible, as soon as Swiss aircraft enjoy in that territory rights similar to those accorded by the present Note.

Aircraft used in military, customs or police services shall be deemed not to be civil aircraft.

I shall be grateful if your Excellency will inform me whether the Government of the United Kingdom concur in the terms and conditions set forth in the present Note and are prepared to grant reciprocal privileges to Swiss aircraft on equivalent terms and conditions.

In that event, I have the honour to suggest that the present Note and your reply in that sense, specifying the terms and conditions on which the Government of the United Kingdom are prepared to grant corresponding privileges to Swiss aircraft, shall be regarded as constituting an agreement between our two Governments which shall remain in force until the expiry of a period of two months after notification by one of the two Governments to the other Government of its intention to terminate the said agreement. This agreement shall have provisional effect from the date of your reply to the present Note. It shall come into force definitively as soon as the Swiss Federal Council has notified its ratification to the Government of the United Kingdom through the diplomatic channel. If notice of ratification is not given within twelve months from the date of this Note either Government may terminate the provisional application of the agreement by giving to the other Government written notice of denunciation, which shall take effect two months after the date of notification.

I avail, &

MAX PETITPIERRE

## II

*Her Majesty's Minister at Berne to the Head of the Swiss Political Department*

BRITISH LEGATION

Berne, 13th May, 1952

Your Excellency,

I have the honour to acknowledge receipt of your Excellency's Note of this day's date proposing certain arrangements for commercial flights which are not covered by the Agreement of 5th April, 1950, between the United Kingdom of Great Britain and Northern Ireland and Switzerland for air services between and beyond their respective territories.

In reply I have the honour to inform you that the Government of the United Kingdom concur in the terms and conditions set forth in your Note and are prepared to grant on a reciprocal basis the following privileges to Swiss aircraft as defined in this Note on the conditions specified. These privileges shall be additional to the rights enjoyed by the aircraft of each country of making transit flights and stops for non-traffic purposes in the territory of the other country without the necessity of obtaining prior permission as provided in Article 5 of the Convention on International Civil Aviation opened for signature at Chicago on 7th December, 1944 (hereinafter referred to as "the Convention") :—

1. Subject to the provisions of this Note Swiss aircraft operating for valuable consideration flights not covered by the Agreement of 5th April, 1950, may take on board and set down passengers and goods in the United Kingdom without prior permission.

Prior permission shall, nevertheless, always be required for such flights carried out by Swiss aircraft for valuable consideration over any route specified in Schedules I and II attached to the Annex to the Agreement of 5th April, 1950, and effectively operated by a designated airline in accordance with the provisions of the said Agreement when the aircraft is to carry more than four passengers and the operator of the aircraft has within the preceding ten days made at least one other flight carrying more than four passengers over the route in question.

Before such permission is given in respect of a series of flights carried out on behalf of a society or association, the aeronautical authorities of the United Kingdom may require that the operator of the aircraft shall provide information as to the purposes for which the society or association is constituted and shall give an undertaking that only persons who are members of the society or association will be carried on the flights. Permission in respect of such series of flights shall not, however, be refused without good reason.

2. Nothing in this Note shall be deemed to confer upon Swiss aircraft the right to carry for valuable consideration passengers or goods both originating from and destined for points in the United Kingdom or territories for whose international relations the Government of the United Kingdom are responsible.

3. If the aeronautical authorities of the United Kingdom consider that flights carried out by Swiss operators in accordance with the provisions of this Note are of a similar nature to the services agreed upon in the Agreement of 5th April, 1950, they will so inform the Swiss aeronautical authorities. The latter shall inform the aeronautical authorities of the United Kingdom within ten days of the receipt of this notification whether they propose that these flights shall thenceforth be carried out under the conditions of the said Agreement. Unless the aeronautical authorities of the two countries agree that such flights shall be made under the conditions laid down in the said Agreement the aeronautical authorities of the United Kingdom may, notwithstanding any of the other provisions of this Note, refuse permission for continuance of the series or impose upon further flights such conditions as they may deem necessary. In all cases the legislation in force in each of the two countries shall be taken into consideration.

4. All relevant provisions of the Convention shall apply to commercial flights made under the provisions of this Note.

Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into or taken on board aircraft in the United Kingdom by or on behalf of Swiss aircraft and intended solely for use by or in these aircraft shall be accorded, in respect of customs duty, inspection fees and other similar national duties and charges, treatment not less favourable than that accorded to similar supplies introduced into or taken on board aircraft in the United Kingdom and intended for use by or in British aircraft or aircraft of the most favoured nation engaged in commercial flights similar to those operated in accordance with the provisions of this Note. This treatment shall be in addition to and without prejudice to that which the Government of the United Kingdom are under obligation to grant under Article 24 of the Convention.

5. The Government of the United Kingdom reserve the right to prohibit the exercise of traffic rights under this Note in the United Kingdom or territories for whose international relations the Government of the United Kingdom are responsible by any Swiss aircraft—

- (a) the owner or operator of which is not a Swiss national or is an undertaking in respect of which the Government of the United Kingdom are not satisfied that substantial ownership and effective control are vested in Swiss nationals, or
- (b) when the owner or operator, in spite of a warning addressed by the aeronautical authorities of the United Kingdom to the Swiss aeronautical authorities, persists in failing to comply with conditions set out in this Note.

6. The privileges accorded in the United Kingdom to Swiss aircraft by virtue of this Note may be extended to one or more of the territories for whose international relations the Government of the United Kingdom are responsible by notification addressed by the United Kingdom Government to the Swiss Federal Council.

In the case of any such territory to which these privileges have been so extended they may subsequently be withdrawn at any time by a further notification in writing addressed by the Government of the United Kingdom to the Swiss Federal Council.

7. For the purposes of this Note the expression "Swiss aircraft" means civil aircraft registered in Switzerland.

Aircraft used in military, customs or police services shall be deemed not to be civil aircraft.

The Government of the United Kingdom accept your suggestion that your Excellency's Note and the present reply should be regarded as constituting an agreement between our two Governments which shall remain in force until the expiry of a period of two months after notification by one of the two Governments to the other Government of its intention to terminate the said agreement. This agreement shall have provisional effect from to-day's date and shall enter into force definitively as soon as the Swiss Federal Council has notified its ratification to the Government of the United Kingdom through the diplomatic channel. If notice of ratification is not given within twelve months of the date of this Note either Government may terminate the provisional application of the agreement by giving to the other Government written notice of denunciation, which shall take effect two months after the date of notification.

I avail, &c.

Patrick SCRIVENER

[TRADUCTION — TRANSLATION]

*Le Ministre de Sa Majesté britannique à Berne au Chef du Département politique  
fédéral de la Suisse*

LÉGATION DE GRANDE-BRETAGNE

Berne, le 13 mai 1952

Monsieur le Conseiller fédéral,

J'ai l'honneur d'accuser réception de la note en date de ce jour, dans laquelle Votre Excellence propose certains arrangements concernant les vols commerciaux non couverts par l'accord du 5 avril 1950 entre le Royaume-Uni et la Suisse relatif aux services aériens entre leurs territoires respectifs et au-delà.

J'ai l'honneur, en réponse, de faire savoir à Votre Excellence que le Gouvernement du Royaume-Uni est d'accord sur les termes et conditions de la note de Votre Excellence, et qu'il est prêt à accorder aux aéronefs suisses, sur la base de la réciprocité, les privilèges définis dans la présente note, aux conditions qui y sont spécifiées. Ces privilèges s'ajouteront aux droits, dont bénéficient les aéronefs de chacun des deux pays, d'effectuer des vols en transit et des atterrissages sans