

CHAPTER 47

CIVIL AVIATION

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CHAPTER 47

CIVIL AVIATION

AN ACT TO PROVIDE FOR THE REGULATION AND CONTROL OF CIVIL AVIATION IN SOLOMON ISLANDS; TO REPEAL THE CIVIL AVIATION ACT 1949 (OVERSEAS TERRITORIES) ORDER 1969, AND THE AERODROMES AND AIR NAVIGATION AIDS ACT 1965 AND TO DEAL WITH OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

7 of 1986
LN 86/1989
1 of 1990

[11th August 1986]

1. This Act may be cited as the Civil Aviation Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"aircraft" means any machine which can derive support in the atmosphere from reactions of the air, but does not include rockets or projectiles, nor vehicles designed for operations solely on an air cushion;

"air navigation" means the operation of an aircraft from one place to another; and includes the operation of fixing the position of an aircraft when required;

LN 86/1989

"airport" means any area of land or water designed, equipped or set apart or used for the landing or take-off of aircraft;

"air traffic" includes the movement of aircraft on an airport;

"Controller" means the Controller of Civil Aviation appointed pursuant to section 3; and

"Division" means the Civil Aviation Division in the Ministry of Posts and Communications or any other Ministry charged with responsibility for the administration of civil aviation.

3.-(1) The Division shall consist of-

Appointment of Controller
and other officers

(a) a Controller of Civil Aviation; and

(b) such other officers from the public service as may be necessary for the due administration of this Act.

(2) The Controller so appointed, shall subject to the provisions of this Act and such instructions he may from time to time receive from the Minister administer this Act and perform all the functions assigned to him by or under this Act.

4. The general purposes and functions of the Division shall be to-

General purposes and
functions of the Division

- (a) ensure the safety of air navigation;
- (b) promote and encourage the orderly and economic development of civil aviation;
- (c) ensure the observation of all regulations made under this Act;
- (d) initiate and carry out surveys into any aspect of civil aviation;
- (e) advise the Minister on all matters affecting civil aviation; and
- (f) perform such other functions relating to the regulation, control and development of civil aviation as the Minister may from time to time direct.

5. It shall be the duty of the Division to-

Duties of the Division

- (a) supervise all matters connected with civil aviation;
- (b) undertake or co-operate with persons undertaking projects, technical research, study or such other investigation as in its opinion will promote the development of civil aviation in Solomon Islands;
- (c) control and manage aircraft and equipment necessary for the conduct of government aviation services;
- (d) operate or provide such other services and facilities as the Minister may approve;
- (e) prescribe aerial routes;
- (f) take such action as may be necessary to secure, by international agreement or otherwise, the rights of the government in respect of international air traffic;
- (g) co-operate with the aviation authorities or staff of other governments or countries for any purposes pertaining to civil aviation;

(h) investigate, examine and report on the operation and development of commercial aviation in Solomon Islands;

(i) consider and advise the Minister on regulations as may be necessary for the control or operation of civil aviation in Solomon Islands and for the control or operation of aircraft registered in Solomon Islands; and

(j) carry on after consultation with the Minister, such activities as appear to be necessary or desirable for or in connection with the exercise and performance of its functions.

6.-(1) The Minister may by Order designate any person or persons to be a ground-handling agent or agents for all scheduled international flight services.

Ground-handling agents
1 of 1990, s. 2

(2) In this section, "ground-handling" means-

(a) marshalling aircraft on arrival;

(b) loading and unloading of luggage and cargo;

(c) providing passenger and luggage check-in service;

(d) cleaning aircraft internally on arrival; and

(e) notifying Customs, Immigration, Quarantine and Health Authorities of aircraft movements.

7.-(1) The Minister may make regulations as may appear to him to be requisite or expedient-

Power to give effect to
conventions and
regulation of civil aviation
LN 86/1989

(a) for carrying out the Convention on International Civil Aviation 1944 (hereinafter referred to as the Convention) and any Annex thereto relating to International standards and, recommended practices (being an Annex adopted in accordance with the Convention or any such Annex made in accordance with the Convention;

(b) for carrying out any other convention relating to International Civil Aviation or unlawful acts of force or violence or offences against the safety of civil aviation to which Solomon Islands is a signatory; or

(c) generally for regulating air navigation.

(2) Without prejudice to the generality of the foregoing the Minister may make regulations-

(a) providing for the registration of aircraft in Solomon Islands;

(b) prohibiting aircraft from flying unless certificates of airworthiness issued or validated under regulations are in force and except upon compliance with such conditions as to maintenance or repair as may be specified in regulations or otherwise;

(c) providing for the licensing, inspection and regulation of airports, for access to airports and places where aircraft have landed, for access to factories and hangers for the purpose of inspecting work therein carried out in relation to aircraft or parts thereof, or equipment carried thereon and for prohibiting or regulating the use of unlicensed airports;

(d) prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be specified in regulations except in accordance with provisions in that behalf, and for the licensing of those employed at airports licensed under regulations in the inspection or supervision of aircraft;

(e) providing for the conditions under which, and in particular the airports to or from which, aircraft entering or leaving Solomon Islands may fly, and as to the conditions under which aircraft may fly from one part of Solomon Islands to another;

(f) providing for the conditions under which passengers and goods may be carried by air, and under which, aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods as may be specified;

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(g) prohibiting or regulating the use of such apparatus, and display of signs and lights liable to endanger aircraft;

(h) minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation;

(i) minimising or preventing interference from electrical apparatus in the vicinity of aeronautical telecommunications and radio navigational ground installations;

(j) generally for securing the safety, efficiency and regularity of air navigation

and the safety of aircraft and of persons and property carried thereon, for preventing aircraft endangering other persons and property and in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

(k) requiring persons engaged in, or employed in or in connection with air navigation to supply meteorological information for the purposes of air navigation;

(l) regulating the making and transmission of signals and other means of communications to or from aircraft and persons carried therein;

(m) regulating the use of the civil air ensign established in Solomon Islands;

(n) prohibiting aircraft from flying over specified areas in Solomon Islands;

(o) providing for the manner and conditions for the issue, validation, renewal, extension or variation of any certificate, rating, licence or other document required for purposes of the Act, including the examination and tests to be undergone, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such certificate, licence or other document;

(p) regulating the charges that may be made for the use of Government airports or licenced airports, and for services provided at such airports;

(q) requiring the payment of charges to the Government of such amounts and in such currencies as may be prescribed, in respect of air navigation, communications and air traffic control services;

LN 86/1989

(r) prescribing the fees to be paid in respect of matters specified in paragraph (o) or for any other matter or service in respect of which it appears to the Minister to be expedient to charge fees;

(s) providing for penalties for dangerous operation of aircraft;

(t) providing for the issue and use of identification cards by persons connected with civil aviation; and

(u) exempting from any provisions of any regulations any aircraft, persons or classes of aircraft or persons.

(3) Any regulations made under this section may make different provisions with respect to different classes of aircraft, airports, persons or property and with respect to different parts of Solomon Islands but shall so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in Solomon Islands

operated by one air transport undertaking and aircraft operated by another such undertaking.

(4) Any regulations made under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine of one thousand dollars or imprisonment for a term not exceeding two years, or to both such fine or imprisonment.

8.-(1) The Minister may make regulations providing for the investigation of any accident or incident arising out of or in the course of air navigation arising in or over Solomon Islands or occurring elsewhere to aircraft registered in Solomon Islands.

Investigation of accidents
or Incidents
LN 86/1989

(2) Regulations made under subsection (1) may contain provisions-

(a) requiring notice to be given of any such accidents as aforesaid in such manner and by such persons as may be specified;

(b) prohibiting, pending investigation, access to or interference with any aircraft involved in any accident or incident;

(c) authorising any person, for the purpose of an investigation, to have access, examine, remove or take such measures as may be necessary for the preservation of, or otherwise deal with any such aircraft;

(d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted under this Act, or the withdrawal or suspension of any validation conferred in Solomon Islands of a licence granted by a duly competent authority elsewhere, where it appears on investigation that such action ought to be taken; and

(e) requiring the person who conducts the investigation to submit reports during the course of his inquiry.

(3) The Minister may publish a report into any accident when such action is considered to be in the public interest and, or, in the interests of aviation safety.

9.-(1) The Minister may make regulations-

Licensing of air transport
and commercial flying

(a) to ensure that aircraft shall not be used in Solomon Islands by any person-

(i) for flying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same

point or different points) as may be specified in the regulations; or

(ii) for such flying undertaken for the purpose of any trade or business as may be so specified,

except under the authority of, and in accordance with any licence or permit granted to such person by the licensing authority specified in the regulations;

(b) as to the circumstances in which a licence may be granted, refused, revoked or suspended;

(c) for the determining of objections to any grant, by persons either interested or affected and for appeals from persons affected by the refusal, revocation or suspension of a licence;

(d) as to the conditions which may be attached to such a licence, including routes to be flown and fares and cargo rates to be charged by the holder; and

(e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be prescribed, including details of the resources of the applicant and the financial arrangements made by him in respect of the business activities in which he is engaged and may be expected to be engaged.

(2) Where the Controller has reason to believe that an aircraft is intended to be used in contravention of any regulations made under subsection (1), he may give the person appearing to be in command of the aircraft a direction that the aircraft shall not take off until the direction is cancelled by the Minister. The Minister in making such direction shall act in consultation with the Controller.

(3) Regulations made under this section may, for the purposes of securing compliance with the regulations, provide for the imposition of the following penalties, namely-

(a) in the case of a first offence a fine not exceeding one thousand dollars or imprisonment for a term not exceeding three months or to both such fine and imprisonment;

(b) in the case of a second or subsequent offence a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

10.-(1) The Minister may make regulations requiring any person who-

Information as to air
transport and the use of
airports

(a) carries on the business of carrying passengers or goods in aircraft for hire or reward; or

(b) is the holder of a licence in respect of an airport; or

(c) is the owner, or the pilot or other person in charge of any aircraft;

to furnish to him in such form and at such times as may be specified therein, or by notice, information of such description as may be so specified concerning the operation, business management and financial accounts in respect of such aircraft or airport.

(2) No financial information which has been furnished to the Minister in pursuance of any regulations shall be disclosed to any other person unless the person providing the information has consented in writing to such disclosure:

Provided that nothing shall prohibit the disclosure of any such information to an officer of any Government department or a Minister.

(3) Nothing in this section shall preclude the disclosure of any information for the purpose of any legal proceedings which may be taken by virtue of this section or of regulations made under this section, or for the purpose of any report of any such proceedings, save that a person who is in possession of any such information obtained by virtue of this section or of regulations made hereunder shall not be required by any court or arbitrator to disclose that information without the consent in writing of the person providing the information.

11.-(1) In time of war, whether actual or imminent, or any state of emergency the Minister may by order-

Control of aviation in
times of war or
emergency

(a) prohibit or regulate the navigation of aircraft over Solomon Islands or any part of Solomon Islands;

(b) take possession of any aerodrome or aircraft, or any machinery, plant or material found in or on any such aerodrome or aircraft for use in the war or emergency.

(2) Any person who suffers direct injury or loss due to the application of this section shall be entitled to receive compensation from public funds, the amount thereof to be fixed, in default of agreement, by an arbitrator appointed by the Chief Justice.

(3) Where the person is dissatisfied with the award of the arbitrator made under

subsection (2), he may within three months from the date of the award, appeal to the High Court which may confirm the arbitrator's award, or award such compensation as to it may seem just.

12.-(1) The Minister may make regulations for the management, control and supervision of airports in Solomon Islands and such regulations may provide for all or any of the following matters-

Regulations in connection with airports and buildings

- (a) prohibiting or restricting the admission of persons to airports;
- (b) regulating or restricting the use of vehicles, ships and aircrafts of any class or description in any part of any airport;
- (c) the destruction of livestock (including horses, cattle, mules, donkeys, sheep, goats, pigs and dogs) trespassing on any airport;
- (d) prohibiting any act which may endanger any property or person;
- (e) the charges to be paid for the use of airports and for the services provided thereat;
- (f) regulating vehicular traffic anywhere within any airport and in particular may impose speed limits and prescribe parking places; and
- (g) providing for security arrangements and maintenance of order within the airport so as to prevent damage to person or property.

(2) For the purpose of subsection (1)(f) and any regulations made thereunder, the Division shall be deemed to be appointed a highway authority within the meaning assigned to that expression under the Traffic Act, and the provisions of Part VIII of that Act, relating to regulation of traffic, shall *mutatis mutandis* apply.

Cap. 131

(3) Any regulations made under this section may be general or may be restricted to any particular airport.

13.-(1) The Minister may, by order, require the removal of any building, structure, erection, tree or other thing whatsoever on any land or water which may constitute a danger to aircraft flying in accordance with normal aviation practice.

Power to remove dangerous obstructions

(2) The Minister may, by order, authorise such persons as he may deem appropriate

to remove or to alter to such extent as may be specified in the order, such building, structure, erection, tree or thing which is in contravention of an order made under subsection (1).

(3) A copy of every order made under subsection (1) shall be served upon the owners or occupiers of all land affected by such order.

(4) Any person suffering loss or damage in consequence of an order made under subsection (1) shall be paid compensation therefor and, in default of agreement, the amount of such compensation shall be fixed by the High Court.

(5) Where an order is issued in relation to a government airport the compensation shall be paid by the government, and where the order is issued in relation to any other airport the compensation shall be paid by the owner of that airport.

(6) Notwithstanding the other provisions of this section, no compensation shall be payable for any loss or damage suffered in consequence of an order made under this section where the building, structure, erection, tree or thing has been erected or planted in contravention of any regulations made under this Act.

14.-(1) For the purpose of ensuring the safety of aircraft flying in accordance with normal aviation practice the Minister may make regulations restricting the use of land in the vicinity of airports. Such regulations may provide for the prohibition and restriction of-

Restriction in the use of land

(a) the erection of buildings, structures or other things in any area specified;

(b) the planting of, or the limitation of the height of, any trees in any area specified;

(c) the sowing or growing of any plant or crop in any area specified;

(d) the bringing of vessels or vehicles into any area specified, or the anchoring or mooring of any vessel or vehicle therein.

(2) Any owner or occupier of land who suffers loss or damage in consequence of any regulations made under subsection (1) shall be eligible for compensation if he submits a claim to the Minister in respect of a government airport, or to the owner in the case of any other airport, within a period of six months after the publication of such regulations:

Provided that-

(a) such loss or damage shall be assessed having regard only to circumstances in existence at the time of the publication of such regulations; and

(b) the maximum amount of compensation payable under this subsection shall not exceed the amount by which the market value of such land is reduced as a result of making such regulations.

(3) In the event of disagreement as to the amount of compensation which shall be paid in respect of a claim under the provisions of subsection (2), the amount shall be fixed by the High Court.

15. For the purposes of this Act, the Minister may authorise the acquisition of land by agreement or, where agreement is not possible, he may in consultation with the Minister responsible for Lands, make a declaration to that effect and that purpose shall be deemed to be a public purpose to which the provisions of Division 2 of Part V of the Land and Titles Act (relating to compulsory acquisition of land) shall apply.

Acquisition of land
Cap. 133

16. The Minister may make regulations-

Display of lights

(a) restricting the display of lights within the area customarily used by aircraft within the vicinity of airports;

(b) requiring the display of lights of an approved type, on buildings or structures within the area customarily used by aircraft within the vicinity of airports;

(c) requiring the display of lights, of an approved type, on any building or structure more than three hundred feet in height above ground level; and

(d) generally for the purpose of ensuring the safety of aircraft.

17. The Minister may establish and maintain such apparatus, equipment and buildings as may be necessary for the providing of visual, radio or other assistance in the interests of safe air navigation.

Provision of aids for safe
navigation and control of
aircraft

18. No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all other circumstances of the case, is reasonable, and so long as the provisions of any regulations made in pursuance of this Act are duly complied with.

Trespass by aircraft

Liability for loss or damage caused by aircraft

19.-(1) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or person falling from an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft.

(2) Where material loss or damage is caused as aforesaid in circumstances in which-

(a) damages are recoverable in respect of the said damage by virtue only of the foregoing provisions of this subsection; and

(b) a legal liability as created in some person other than the owner to pay damages in respect of the said loss or damage,

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

(3) For the avoidance of doubt it is hereby declared that in this Act the expression "loss or damage" includes, in relation to persons, loss of life and personal injury.

Nuisance caused by aircraft at airport

20.-(1) The Minister may by regulations provide for the conditions under which noise and vibration may be caused by aircraft on airports and subsection (2) shall apply in such cases.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an airport licensed or established by the Minister in accordance with any regulations made under this Act.

Offences

21.-(1) Any person who-

(a) contravenes or fails to comply with the provisions of any regulation made under this Act;

(b) performs any duty or exercises any functions without an appropriate licence or rating;

(c) makes a false or deceptive statement in connection with any application for

a licence, rating or certificate issued under any regulation made under this Act;

(d) makes, procures or assists in the making or procuring of any false or deceptive entry in any document, book or record made or kept under any regulation made under this Act;

(e) destroys, mutilates or alters any document, book or record made or kept under any regulation made under this Act;

(f) obstructs or hinders an investigation carried on under any regulation made under the provisions of section 8; LN 86/1989

(g) obstructs or impedes any authorised person acting in the performance or exercise of any duties, powers or functions conferred on him by any regulation made under this Act; or

(h) does or fails to do anything which is likely to imperil the safety of an aircraft, its passengers or crew,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) The owner, operator, hirer or pilot-in-command of an aircraft which flies in contravention of any regulation made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding one year or to both such fine and imprisonment.

22. Where a person has violated any provision of this Act or any regulation made thereunder with respect to the operation over the high seas or any territory not within Solomon Islands of an aircraft registered in Solomon Islands, the offence shall be within the competence of and may be charged, tried and punished by the court having jurisdiction in Solomon Islands in respect of similar offences. Jurisdiction

23. A prosecution for any offence under this Act or any regulation made thereunder may be commenced at any time within twelve months from the time the offence is alleged to have been committed. Prosecution within twelve months

24. If in any proceedings under this Act or any regulation made thereunder, any certificate purporting to be signed by the Minister stating that a valid or subsisting licence, permit, certificate or other document of authorisation under this Act or any regulation made thereunder has or has not been issued to a person named in the said Certificates

certificate shall be evidence of the facts therein stated, without further proof thereof.

25.-(1) The Civil Aviation Act 1949 (Overseas Territories) Order 1969 and the Aerodromes and Air Navigation Aids Act are hereby repealed.

Repeals and savings
Cap. 97, 1969 Revised
Edition

(2) Notwithstanding the repeal of the aforesaid Order and Act-

(a) any subsidiary legislation made thereunder; and

(b) every other order and subsidiary legislation in relation to air navigation made applicable to Solomon Islands by an Order in Council or otherwise,

and in force on the date of commencement of this Act and not inconsistent with the provisions of this Act, shall be deemed to be subsidiary legislation made under this Act and shall continue in force until such time as the Minister may by order, revoke, amend or rescind such subsidiary legislation or any part thereof, or otherwise replace the same.

CHAPTER 47

CIVIL AVIATION

Subsidiary Legislation.

ORDER DESIGNATING GROUND-HANDLING AGENT

LN 96/1990

(Section 6)

Solomon Airlines Limited is hereby designated as the sole ground-handling agent for all scheduled international flight services in and for Solomon Islands.

THE AIR NAVIGATION (FEES) REGULATIONS

LN 92/1987
LN 107/1990
LN 60/1992
LN 96/1995

(Section 7(2))

[28th August 1987]

1. These Regulations may be cited as the Air Navigation (Fees) Regulations

Citation

2. In these Regulations, unless the context requires otherwise:-

Interpretation

"Act" means the Civil Aviation Act;

"Minister" means the Minister responsible for Civil Aviation;

"Official aircraft" means any civil aircraft operated by any Ministry, department or other civil administrative organisation of Solomon Islands or any Commonwealth Government other than aircraft being used for the purposes of public transport;

"Order" means the Air Navigation (Overseas Territories) Order 1977;

"State aircraft" means military aircraft and aircraft used in Customs or Police service.

3. Save as hereinafter provided, a landing fee shall be payable at the rate specified in the Schedule in respect of the first landing of an aircraft in Solomon Islands at a Government airport in Solomon Islands on each journey from a place outside Solomon Islands.

Landing fee Schedule

4. Save as hereinafter provided, an air navigation fee shall be payable to the Government by the owner or operator of an aircraft which transits, without landing, the Honiara Flight Information Region at the rate specified in the Schedule.

Air navigation
LN 107/1990

5. Save as hereinafter provided, a lighting fee shall be payable at the rate specified in the Schedule in respect of every aircraft for which lighting is provided in respect of aircraft movements taking place during the hours of darkness or when the estimated time of arrival of an aircraft is less than 30 minutes before the end of civil twilight and the pilot in command of the aircraft requests that lighting be provided.

Lighting fee Schedule
LN 107/1990

6. Other fees, as provided in the Schedule, shall be payable in respect of the registration of aircraft, or the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or the provision of aeronautical information services or investigation, or the grant of any permission or approval

Other fees
LN 107/1990

required by, or for the purpose of, the Order or any regulations made under the Act.

7. The weight of an aircraft for the purposes of the Schedule shall be the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world in the most favourable circumstances in accordance with the certificate of airworthiness in respect of the aircraft:

Weight of aircraft

Provided that when a restriction on the maximum total weight of an aircraft has been notified in respect of a Government airport then such maximum restricted weight shall be taken for the purpose of calculating the landing fee at that airport.

8. An airport service charge shall be payable at the rate provided in the Schedule in respect of all embarking passengers departing from Solomon Islands on an international flight with the exception of those specified in the Schedule.

Airport Service charge

9. No abatement of the scale of fees shall be allowed in the event of any airport service, assistance or other facility being unavailable at a Government airport and, except as authorised by the Minister, either generally or specifically, no abatement or remission of fees shall be granted.

Abatement of fees

10. Exemptions from any fees as provided in these Regulations shall be limited to those prescribed in the Schedule or those as the Minister may, in writing, exempt from time to time.

Exemptions

11.-(1) Except as otherwise authorised by the Minister of Finance all fees payable under these Regulations shall be paid to the Controller of Civil Aviation, or to an officer authorised by him to collect such fees, or to an agent authorised for that purpose in writing by the Controller of Civil Aviation to collect such fees, from the pilot in command of the aircraft or his agent before the aircraft leaves Solomon Islands.

Liability for fees

(2) Such fees as are payable under these Regulations and those fees not paid in accordance with paragraph (1) of this regulation shall be recoverable by the Government from the owner or the pilot in command of the aircraft in respect of which the fee is payable as a civil debt.

(3) No fee shall be payable in respect of the issue or renewal of any licence, rating or certificate under these Regulations in any case where an applicant is an employee

of the Solomon Islands Government and that licence, rating or certificate is required by the applicant in the course of his duties, except when he is engaged in aerial work or public passenger transport.

12.-(1) The fees cited in these Regulations are quoted in Solomon Islands dollars.

Payment of fees

(2) Until the appropriate fee has been paid by an applicant, the Controller may refuse to do any act, or permit any act to be done, or to receive any document in respect of which the fee is payable.

Schedule

1.-(1) A landing fee shall be payable in respect of the first landing of an aircraft at a specified airport on each journey from a place outside Solomon Islands at the following rate:-

Landing fees
LN 107/1990
LN 96/1995

(a) at a weight of up to 5700 kg; \$50.00 per scheduled flight and \$50.00 per non-scheduled flight;

(b) from 5701 kg to 15,000 kg: \$10.00 per 1000 kg or part thereof;

(c) from 15,001 kg to 40,000 kg: \$15.00 per 1000 kg or part thereof;

(d) from 40,001 kg to 50,000 kg: \$20.00 per 1000 kg or part thereof,

(e) above 50,000 kg: \$30.00 per 1000 kg or part thereof.

(2) The payment of a landing fee shall entitle the pilot-in-command of an aircraft to-

(a) the use of the airport for landing and departure;

(b) the use of any radio facilities at or associated with an airport;

(c) the use of any visual approach or landing aid;

(d) the supply of available information on route and weather conditions; and

(e) the assistance of airport personnel, if any are available in guiding and parking the aircraft;

(3) The payment of a landing fee will not include any aircraft parking fees or operational charges that may be levied from time to time for radio services or message transmitted through the fixed aeronautical telecommunications system.

(4) Landing charges shall be levied at the following places:-

(a) Honiara/Henderson;

(b) Gizo/Nusatupe;

(c) Munda;

(d) Graciosa Bay/Luova;

(e) Ballalae; and

(f) such airports as the Minister may designate by writing in the Gazette from time to time.

(5) The following aircraft shall be exempt from landing fees:-

LN 96/1995

(a) aircraft being used for a Government ceremonial purpose;

(b) aircraft being used to calibrate navigational aids in Solomon Islands;

(c) aircraft engaged in search and rescue flights;

(d) aircraft for which a written application for such exemption has been made to and granted by the Minister.

2.-(1) The air navigation fee for the purposes of regulation 4 shall be \$1.00 for every 1000 kg or part thereof of the total weight of the transiting aircraft with a minimum fee of \$20.00.

Air Navigation fees
LN 107/1990

(2) State aircraft, Official aircraft and such other aircraft as may be specified in writing by the Minister are exempted from the requirements of sub-paragraph (1).

3.-(1) The fees to be paid for lighting shall include approach, runway, taxiway, obstacle and apron lighting at the following rates:-

Lighting fees
LN 107/1990

(a) up to 5700 kg \$3.00 per 500 kg or part thereof;

(b) for aircraft above 5700 kg the rate shall be-

(i) \$120.00 for each take-off and \$120.00 for each landing;

- (ii) \$240.00 per hour when continuous display is required.

(2) The following aircraft shall be exempt from lighting fees:-

- (a) State aircraft;
- (b) Official aircraft;
- (c) aircraft operated by a flying school or club approved by the Minister in writing for such purpose;
- (d) such aircraft as the Minister may approve in writing from time to time.

4. The following fees shall be paid:-

Certificate of Registration
LN 107/1990

- (a) up to 2730kg: \$75.00
- (b) from 2731kg to 5700kg : \$150.00;
- (c) from 5701kg to 13,600kg : \$210.00;
- (d) from 13,601kg to 45,500kg : \$1800.00
- (e) above 45,501kg : \$3750.00.

5.-(1) Fee for the first issue of a certificate of airworthiness: \$100.00 per 500kg or part thereof.

Certificate of
Airworthiness
LN 107/1990

(2) For the second and subsequent issue of a certificate of airworthiness : \$95.00 per 500kg or part thereof.

(3) For validation of a certificate of airworthiness, the fee shall be at the rate for a second and subsequent issue of a certificate of airworthiness.

(4) Where a physical survey is required, an additional fee representing the actual cost of the survey including transportation and subsistence costs of the Aircraft Surveyor shall be paid by the aircraft owner or operator.

(5) Where a certificate of airworthiness or a validation thereof is renewed or issued for a period of less than 12 months, the fee shall be one-twelfth (1/12th) of the annual fee for each month or part thereof or which the extension is granted

6.-(1) A fee of \$30.00 shall be payable for a permit to fly.

Permit to fly
LN 107/1990

(2) Where any investigation is required by the Controller, an additional fee shall be payable by the aircraft owners or operators representing the cost of the survey including any transportation and subsistence costs of the Aircraft Surveyor.

7. Where an inspection of any aircraft equipment including radio equipment is required prior to the granting of an approval by the Controller a fee shall be payable by the aircraft owner or operator representing the actual cost of the survey, including transportation and subsistence costs of the Aircraft Surveyor

Approval of equipment
LN 107/1990

8.-(1) The following fees shall be payable for the issue, renewal or variation of flight crew licences and for the validation in Solomon Islands of foreign flight crew licences:-

Flight crew licences

	Issue	Renewal
Glider pilot, balloon pilot	\$50.00	\$50.00
Private pilot	60.00	60.00
Commercial pilot	70.00	60.00
Airline transport pilot	80.00	60.00
Flight navigator	60.00	60.00
Flight engineer	60.00	60.00
Instrument rating	60.00	60.00
Flight radio-telephone rating	60.00	60.00
Flight instructor rating	60.00	60.00
Glider tow rating	60.00	60.00
Agricultural rating	60.00	60.00
Chemical rating	60.00	60.00
Aural examination of morse code	30.00	
Aircraft type rating	100.00	100.00
Validation of foreign licence	60.00	60.00

(2) Where a rating is added to a foreign flight crew licence validated in Solomon Islands, the fee payable shall be in accordance with the scales in paragraph (1).

(3) The fee payable for each technical paper shall be \$60.00 while the fee for a practical flight test

shall be equivalent to the cost of carrying out the test including transportation and subsistence costs of the Examiner. Where oral questions form part of a written examination, there shall be no additional cost.

9.-(1) The following fees shall be payable for aircraft maintenance engineer licences:-

Aircraft maintenance
engineer licence

	Issue	Renewal
Aircraft maintenance engineer	\$60.00	\$60.00
Each rating or category	60.00	60.00
Maintenance approval	60.00	60.00

(2) The fee for the validation of a foreign licence shall be \$60.00.

(3) The fee for each technical paper shall be \$60.00 and where a practical test is required then the fee shall be the equivalent to the cost of carrying out but not including transportation and subsistence costs of the Examiner. Where an oral test forms part of a written paper then no additional fee will be charged.

10.-(1) The scale of fees payable for the issue of an airport or aerodrome licence to a private airport or aerodrome shall be:

Airport and aerodrome
licences
LN 107/1990

(a) where the maximum weight of aircraft using the airport or aerodrome is up to 2950 kg: \$60.00;

(b) from 2951 kg to 5700kg: \$75.00

(c) over 5701kg: \$120.00.

(2) The fee payable to vary the category of airport or aerodrome in paragraph (1) shall be \$60.00.

(3) The fee for any category of licence for up to three days shall be \$30.00.

(4) The fee payable for an airport or aerodrome inspection for the grant, renewal or variation of a licence shall be an amount equivalent to the cost of the inspection including transportation and subsistence costs for the Inspector.

11.-(1) Each passenger departing Solomon Islands by air shall pay an airport service charge of \$40.00 prior to departure.

Airport Service charge
LN 96/1995
LN 107/1990

(2) Exemptions from the airport service charge shall include:-

(a) crews of aircraft travelling on duty;

- (b) children under two years of age;
- (c) Heads of State including the Governor-General;
- (d) Prime Minister;
- (e) Cabinet Ministers;
- (f) Leader of Opposition;
- (g) Members of Parliament;
- (h) Members of the Diplomatic and Consular Corps;
- (i) passengers travelling on a visiting state or military aircraft;
- (j) passengers who have already paid an airport service charge, but whose aircraft returns to Solomon Islands for technical or other reasons and who subsequently re-embark to recommence their flight;
- (k) transferring passengers with a change of aircraft or flight number with less than twenty-four hours between the scheduled times of arrival and departure;
- (l) transit passengers, including any who have to leave the Customs area for a technical reason;
- (m) such passengers as the Minister may in writing at any time exempt from the airport service charge.

12.-(1) A fee of \$30.00 shall be payable for the initial issue of the Solomon Islands Aeronautical Information Publication and an annual fee of \$20.00 shall be payable for the amendment service thereto. The payment for the initial issue shall include the amendment service for that calendar year.

Aeronautical information
services fee
LN 107/1990

(2) A fee of \$20.00 shall be payable each calendar year for the issue of any Notices to Airmen, Class 2 and Aeronautical Information Circulars.

(3) The international aviation authorities and organisations with which Solomon Islands exchanges aeronautical information and other Government Departments are exempt from the payment of aeronautical services fees.

13.-(1) A fee of \$60.00 shall be payable for the issue of any licence, rating, certificate or examination not otherwise specified in this Schedule and a fee of \$60.00 for any renewals thereof.

Miscellaneous fee
LN 107/1990

(2) A fee of \$40.00 shall be payable for the issue of any duplicate licence, rating or certificate of any kind when the original is lost, defaced or destroyed.

(3) A fee of \$500.00 shall be payable for the issue of an Aircraft Operator Certificate and a fee of \$250

for the transfer of any such certificate.

(4) Where a company or organisation requires an inspection by the Controller or a person authorised by him in that behalf before obtaining any approval required under the Order or any regulations made under the Act, then a fee shall be payable, representing the actual cost of the inspection including any transportation and subsistence costs of the inspector.

(5) Parking fees for vehicles in prescribed parking areas may be levied by the Controller at any airport after a schedule of the fees has been published in the Gazette.

(6) Parking fees for aircraft at any airport may be levied by the Controller at any airport after a schedule of the fees has been published in the Gazette.

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

LN 112/1991

(Section 8)

[6th September 1991]

1. These Regulations may be cited as the Air Transport (Licensing of Air Services) Regulations. Citation

PART I INTERPRETATION

2. In these Regulations unless the context otherwise requires- Interpretation

"air service" means any service performed by any aircraft for hire or reward; provided that a member of a club carried in an aircraft belonging to the club for the purpose of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;

"licence" means a licence granted under regulation 6 of these Regulations;

"Minister" means the Minister responsible for Civil Aviation;

"provisional licence" means a licence granted under regulations 14 or 15 of these Regulations;

"permit" means a permit granted under regulation 24 of these Regulations;

"the Licensing Authority" means the Air Transport Licensing Authority constituted by regulation 5 of these Regulations;

"the Registrar of Aircraft" means the Controller of Civil Aviation; and

"scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them.

PART II

LICENCES FOR SCHEDULED JOURNEYS

3. This Part of these Regulations shall not apply to the carriage of passengers, mail or freight by air for hire or reward upon journeys other than scheduled journeys.

Application of Part II

4. Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the carriage of passengers, mail or freight for hire or reward upon any scheduled journey between two places in Solomon Islands, except under, and in accordance with the provisions of, a licence or a provisional licence granted by the Licensing Authority.

Unlawful use of any aircraft

5.-(1) The Licensing Authority for the purposes of this Part of these Regulations shall consist of such number of members, not being less than three, as the Minister may from time to time determine, and shall be known as the "Air Transport Licensing Authority".

Constitution of Licensing Authority

(2) Every member of the Licensing Authority shall be appointed by the Minister and, unless he shall earlier resign his office by writing under his hand addressed to the Minister shall hold office for such term as the Minister shall at the time of making the appointment determine but shall be eligible for re-appointment from time to time on the expiration of his term of office. The Minister shall nominate one of the members to be Chairman.

(3) The Minister may from time to time appoint deputy members to act in the place of members who are ill or absent. Such deputy members may be appointed either for a specified term or to act in the place of a specified member during his illness or absence.

(4) The Minister may revoke any appointment made under this regulation if he sees fit.

(5) When the Minister proposes to appoint a person to be a member or deputy member of the Licensing Authority, he shall before making the appointment require that person to declare whether he has any, and if so what, financial interest in any undertaking which provides transport for passengers or goods or which owns or operates aerodromes, manufactures aircraft, aircraft engines or accessories, or supplies aircraft fuel or lubricants. If any member or deputy member of the Licensing Authority acquires any such financial interest he shall, within four weeks after so doing, give notice thereof in writing to the Minister specifying the interest so acquired, and the Minister after taking the matter into consideration may, if he thinks fit, declare that the member or deputy has vacated his office and the seat of such member or deputy member shall thereupon become vacant.

(6) (a) The Minister may appoint a person to be secretary to the Licensing Authority.

(b) The Licensing Authority may appoint such other officers and servants as may in the opinion of the Minister, be necessary to enable them to discharge their duties.

(c) The number of members which shall form a quorum of the Licensing Authority for the dispatch of business and the way in which the Licensing Authority shall determine questions for their decision shall be three.

6.-(1) The Licensing Authority may grant to any person applying for a licence to carry passengers, mail or freight by air for hire or reward on such scheduled journeys, and subject to such conditions as may be specified in the licence.

Granting of application
for licence

(2) The Licensing Authority may attach such conditions to any licence as it may think fit having regard to the nature and circumstances of the application.

(3) It shall be a condition of every licence that-

(a) the holder of the licence and any person having a financial interest in the business of the licence shall refrain from stipulating that any other person shall-

(i) refuse booking facilities to any other holder of a licence;

(ii) grant such facilities to such other holder only on onerous terms; and

(b) the holder of the licence shall perform all such reasonable services as the Comptroller of Posts and Telecommunications may from time to time require in regard to the conveyance of mails (and or any persons who may be in charge thereof) upon journeys made under the licence. The remuneration for any such services shall be such as may be from time to time determined by agreement between the Comptroller of Posts and Telecommunications and the holder of the licence. Any dispute, difference or question which may arise as to remuneration to be paid to the holder of the licence in respect of such services or as to the rights, duties or liabilities of such holder or the Comptroller of Posts and Telecommunications hereunder or otherwise in relation to any of the matters aforesaid shall in default of agreement be referred to a single arbitrator to be appointed jointly by the holder of the licence and the Comptroller of Posts and Telecommunications or, if they are unable to agree, by the Chief Justice of the High Court. The arbitration shall take place at Honiara or at such place within Solomon Islands as the single arbitrator shall decide and shall be governed by the Arbitration Act.

(4) The holder of the licence may at any stage that the licence is in force, make application to the Licensing Authority to vary any tariff listed as a condition of that licence.

(5) The Licensing Authority may grant or refuse such application on such terms and conditions as it deems fit, subject to the approval of the Minister.

(6) The holder of a licence may at any stage that the licence is in force, make application to the Licensing Authority to vary any schedule listed as a condition of that licence.

(7) The Licensing Authority may grant or refuse such application on such terms and conditions as it deems fit.

(8) The holder of a licence of which a scheduled journey is listed as a condition shall operate according to that schedule unless prevented from so doing by aircraft unserviceability, whether inclement weather or other operational reason.

7.-Applications for licences shall be made in the form and manner and shall contain the particulars prescribed in the First Schedule hereto. Every applicant shall furnish to the Licensing Authority such further information as the Licensing Authority may reasonably require for the discharge of its duties in relation to the application.

Application for licence
First Schedule

8. The Licensing Authority shall cause to be published, in the manner prescribed in the Second Schedule hereto, such particulars of any applications for licences received by them as are prescribed in the said Schedule.

Notice of application
Second Schedule

9. Any person providing transport for passengers or goods, any owner of an aerodrome and any public department may, in the form and manner, and within the time prescribed in the Third Schedule hereto, make representations or objections with regard to any application for a licence.

Representations of or
objections to application
for a licence
Third Schedule

10. The Licensing Authority may, as it thinks fit for the purpose of determining applications for licences, hold inquiries in public or in private and shall hold an inquiry in public if the applicant, or any person who has duly made an objection, requires the Licensing Authority, by such notice, in such form, as is prescribed in the Fourth Schedule hereto. Before holding any such inquiry the Licensing Authority shall give to the applicant and to any person who has duly made representations or objections with regard to the application, such notice, in such form, as is prescribed in the said Fourth Schedule and shall give the applicant and any such person an opportunity of being heard at the inquiry.

Inquiry
Fourth Schedule

11. Where an application is made to the Licensing Authority for a licence to remain in force for a period not exceeding thirty days and the members are satisfied that it is in the public interest that the application should be determined with expedition, they may determine the application and grant a licence accordingly; and the provisions of this Part of these Regulations as to the publication of particulars of applications, making of objections and representations, and the holding of inquiries at the instance of the applicant or an objector shall not in that case apply.

Procedure in regard to
licences not exceeding
30 days

12. In exercising its discretion to grant, or to refuse a licence and its discretion to attach conditions to any licence the Licensing Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring uneconomical overlapping and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport as well as those of persons providing such facilities in particular the Licensing Authority shall have regard to the following matters-

Matters to be considered
by Licensing Authority
when granting licence

(a) the existence of other air services in the area through which the proposed services are to be operated;

(b) the demand for air transport in that area;

(c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;

(d) the period for which such services have been operated by the applicant or

by other operators;

(e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect to safety, continuity, regularity of operation, frequency, punctuality reasonableness of charges, and general efficiency;

(f) the financial resources of the applicant;

(g) the type and number of aircraft proposed to be used;

(h) the remuneration and general conditions of employment of crew and other personnel employed by the applicant;

(i) the ground facilities available for the proposed service; and

(j) any objections or representations duly made in accordance with the provisions of these Regulations.

13. The Licensing Authority may grant licences to remain in force for such period, not exceeding seven years, as they may in each case determine, commencing on the date on which the licence is expressed to take effect:

Duration of licence

Provided that if, on the date of the expiration of a licence, an application to the Licensing Authority is pending for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

14. The Licensing Authority may, if it thinks fit, pending the determination of an application for a licence grant to the applicant a provisional licence which shall remain in force until the application is determined.

Provisional licence

15. Where a person has, within one month of the date when the provisions of these Regulations as to applications for licences come into operation, duly applied for a licence authorising him to perform such journeys as may be necessary to enable him to continue to operate any air service and satisfies the Licensing Authority that he was immediately before that date operating that service the Licensing Authority shall grant to the applicant a provisional licence authorising him to continue to operate that service, and the provisional licence shall remain in force-

Where applicant
operating air service

(a) if the application is granted until the date from which the licence is

expressed to take effect; or

(b) if the application is refused, for a period of three months from the date of the decision of the Licensing Authority.

16. The Licensing Authority shall cause to be published in the manner prescribed in the Fifth Schedule hereto such particulars of its decisions on applications for licences and of its decisions to revoke or suspend a licence as are prescribed in the said Fifth Schedule.

Publication of decisions
Fifth Schedule

17.-(1) Subject to the provisions of paragraph (2) of this regulation, the Licensing Authority may with the approval of the Minister revoke or suspend a licence if-

Power to revoke or
suspend licence

(a) the holder of the licence has, since the licence was granted, been convicted of an offence against regulations 4 or 23 of these Regulations; or

(b) where the holder of the licence is a body corporate, any officer of that body corporate has, since the licence was granted, been convicted, in his capacity as such officer of an offence against regulations 4 or 23 of these Regulations; or

(c) the holder of the licence has failed to comply with any condition specified in the licence.

(2) Before revoking or suspending any licence under sub-paragraph (c) of paragraph (1) of this regulation, the Licensing Authority shall give to the holder such notice as is prescribed in the Sixth Schedule hereto specifying the grounds upon which it is proposed to revoke or suspend the licence unless the members are satisfied, after holding a public inquiry if the holder of the licence (by such notice, in such form, as is prescribed in the Sixth Schedule hereto) requires them so to do, that, owing to the frequency of the failure on the part of the holder to comply with conditions or to the failure having been wilful, the licence should be revoked or suspended.

(3) The expression "officer" in sub-paragraph (b) of paragraph (1) of this regulation means a director, general manager, secretary or other similar officer and includes any person, who with the authority of the body corporate, acts as such officer.

18. A licence may at any time be surrendered by the holder to the Licensing Authority for cancellation. If, during the currency of a licence, the holder applies to the Licensing Authority for a new licence in substitution for the current licence, he shall if a new licence is granted surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

Surrender of licence

19.-(1) There shall be paid to the Registrar of Aircraft in respect of every licence a fee of five hundred dollars in respect of each year or part of a year of the term for which the licence is expressed to remain in force.

Fees

(2) There shall be paid to the Registrar of Aircraft in respect of any provisional licence granted under regulation 15 of these Regulations a fee of one hundred dollars.

(3) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, save upon the grant of a new licence authorising a service over the same route in which case there shall be refunded the sum of five hundred dollars for each full year of the unexpired period of the licence but the holder shall in addition to the normal fee for the new licence pay the special additional fee of one hundred dollars.

(4) Every application for a licence shall be accompanied by a fee of fifty dollars, which shall not be refundable in the event of the refusal of the application or deductible from any other fee payable under these Regulations.

20.-(1) Every holder of a licence shall make a monthly return in writing to the Licensing Authority giving in respect of the month to which the return relates, the particulars set out in the Seventh Schedule hereto with regard to all air services authorised by the licence.

Returns by licence holder.
Seventh Schedule

(2) Such return shall be sent to the Licensing Authority not later than fourteen days after the expiration of the month to which the return relates.

21. The Licensing Authority shall make an annual report to the Minister as to the exercise of its functions during the year.

Annual report

PART III

PERMITS FOR JOURNEYS OTHER THAN SCHEDULED JOURNEYS

22. This Part of these Regulations shall not apply to the carriage of passengers, mail or freight by air for hire or reward on scheduled journeys.

Application of Part III

23.-(1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the provision of any air service except under and in accordance with the conditions of a permit granted by the Licensing Authority.

Licence required to use aircraft to provide air service

(2) The provisions of these Regulations shall not apply in respect of any journey performed on the authority of Article 5 of the Convention on International Civil Aviation if the aircraft performing the journey flies across Solomon Islands without landing or lands in Solomon Islands for non-traffic purposes only, but shall apply in respect of any such journey if the aircraft performing the journey takes on or discharges passengers, freight or mail in Solomon Islands.

24.-(1) The Licensing Authority may grant to any person applying for a permit to use aircraft for the provision of such air services (other than such a service as is referred to in regulation 4 of these Regulations) for such period and on such conditions as may be specified in the permit.

Power to grant permits

(2) The Licensing Authority may attach such conditions to any permit as it may think fit having regard to the nature and circumstances of the application therefor.

(3) In exercising its powers under this regulation the Licensing Authority shall have regard to the several matters specified in regulation 12 of these Regulations in so far as they are relevant to unscheduled air services.

(4) The holder of a permit granted under this regulation may at any stage that the permit is in force, make application to the Licensing Authority to vary any tariff listed as a condition of that permit.

(5) The Licensing Authority may grant or refuse such application on such terms and conditions as it deems fit.

25. Applications for permit shall be made in such form and shall contain such information as the Licensing Authority may require.

Applications

26.-(1) The Licensing Authority may revoke or suspend any permit if-

Power to revoke or suspend permit

(a) the holder of the permit has, since the permit was granted, been convicted of an offence against regulations 4 or 24 of these Regulations; or

(b) where the holder of the permit is a body corporate, any officer of the body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against regulations 4 or 24 of these Regulations; or

(c) the holder of the permit has failed to comply with any condition subject to which the permit was granted.

(2) The expression "officer" in paragraph (1) of this regulation means a director, general manager, secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

27. The Licensing Authority may in writing delegate to the Registrar of Aircraft any of its powers or functions under this Part.

Delegation of powers

PART IV

GENERAL PROVISIONS

28. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit.

General conditions

29. There shall be paid to the members of the Licensing Authority remuneration by way of fees, salary or allowances and expenses in accordance with scales laid down by the Ministry of Finance from time to time.

Allowances and expenses

30.-(1) Save as provided by paragraph (2) of this regulation no licence or permit shall be capable of being transferred or assigned:

Transferring or assignment of licence or permit

Provided that in the event of the death, incapability, bankruptcy, sequestration, or liquidation of the holder of the licence or permit, or of the appointment of a receiver, manager or trustee of the business of the said holder, the person carrying on the business shall, for a period of one month from the date of such death, incapability, bankruptcy, sequestration, liquidation or appointment, as the case may be, be deemed to be the holder of the licence or permit; and if within the aforesaid period of one month application for a new licence or permit is made by the person carrying on the business, he shall continue to be deemed to be the holder of the licence or permit until his application has been determined.

(2) Where in any case it considers there are special circumstances the Licensing Authority, with the approval of the Minister, may in writing endorsed, upon a licence authorise its assignment to such persons and for such periods as it shall specify in the written endorsement:

Provided that the Licensing Authority shall not authorise any such assignment, or having already authorised such an assignment, shall revoke such authorisation, if at

any time, after considering the several matters specified in regulation 12 of these Regulations, it is of the opinion that it would not be in the interest of the development of air transport or in the public interest to authorise or permit the continuance of any such assignment.

(3) Where the holder of any licence informs the Licensing Authority that he wishes to terminate the assignment of any licence authorised under the preceding paragraph, the Licensing Authority shall forthwith by notice in writing served upon the assignee revoke the authorisation of the assignment. The assignee shall thereupon cease to be authorised to operate such air service under the licence.

31. Nothing in these Regulations shall require the disclosure by any applicant for a licence or permit to any person other than the Licensing Authority or the Registrar of Aircraft, as the case may be, of information as to the financial resources of the applicant and any such information received by the Licensing Authority or Registrar of Aircraft from any such applicant shall be treated as confidential.

Information as to financial resources

32. Any reference to a licence in paragraphs (2) and (3) of regulation 6, regulations 20, 28, 30 and 33 shall be construed as including reference to a provisional licence.

Particular definition of licence

33. Nothing in these Regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these Regulations or from any conditions attached to any such licence or permit.

Rights not conferred by licence

34.-(1) Proceedings for an offence against these Regulations shall not be instituted except with the consent of the Attorney-General.

Legal proceedings

(2) Where an offence against these Regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

FIRST SCHEDULE

AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

APPLICATION FOR A LICENCE

(Regulation 7)

An application for a licence under regulation 7 of the above Regulations shall be in the form hereunder set out and shall be addressed to the Licensing Authority by registered post.

I..... hereby make application for a licence to operate an air service, and declare that the particulars concerning my application are hereunder truly set out-

PARTICULARS

A

1. Name and address of applicant.
2. Places between which passengers or goods are to be carried.
3. Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
4. Frequency or the service (including proposed timetables).
5. Number and Type of aircraft proposed to be used on the service.
6. Whether the service is to carry passengers or goods or both.
7. Maximum fares to be charged to passengers in respect of any journey or portion of a journey for which separate fares are charged.
8. Charges to be made in respect of goods and excess baggage.
9. Date on which service is to commence.
10. Period for which the licence is desired.

B

(To be furnished where the service for which a licence is sought is already in operation by the applicant).

11. The period for which the service has been operated.
12. Number of passengers and weight of goods carried on each stage of the service in the past twelve months.
13. Number and types of aircraft employed on the service during the past twelve months.

14. Percentage of scheduled journeys commenced but not completed during the past twelve months
(1) on account of weather (2) for other causes.

(To be furnished where other services are operated by the applicant at the time of the application or immediately prior to that time.)

15. Particulars of working arrangement with other companies.
16. Particulars of any financial interest which any other person providing passenger transport facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant.
17. Particulars of any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
18. The nature of the person making the application whether an individual, partnership, firm or corporate body, public or private, with or without limited liability.
19. If a company, public or private-
- The nominal and issued capital.
- The names of the directors.
- The names of any other companies of the applicant.

SECOND SCHEDULE

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

(Regulation 8)

NOTICE

1. Notice is hereby given that an application for a licence to operate an air service has been received by the Licensing Authority in accordance with the provisions of regulation 7 of the above Regulations, particulars concerning which are hereunder set out-

PARTICULARS OF APPLICATION

- (a) Name and Address of Applicant.
- (b) Places between which passengers or goods are to be carried.

(c) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.

(d) Times and frequency of the service.

(e) Date on which the service is to commence.

(f) Period for which the licence is applied for.

2 Any representation or objection with regard to the above application should be made in the form and manner prescribed and shall be sent to the Licensing Authority within 42 days from the date of publication of this notice.

NOTE:-This Notice shall be published at the Public Office of the Minister and in such other manner as the Licensing Authority may deem appropriate to bring it to the attention of persons likely to be concerned.

THIRD SCHEDULE

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

REPRESENTATIONS AND OBJECTIONS WITH REGARDS TO APPLICATIONS FOR A LICENCE

(Regulation 9)

1. Every representation or objection with regard to an application for a licence shall be in writing and shall state the specific ground on which it is based and shall specify any conditions which it may be desired should be attached to the licence if granted.

2. The representation and objection shall be made to the Licensing Authority not more than 42 days after publication of the Notice specified in the Second Schedule to these Regulations.

3. Where the representation or objection is made by any body corporate or partnership firm it shall be signed by a person duly authorised in that behalf by the body corporate or a partner of the partnership firm, as the case may be.

4. A copy of every representation or objection made shall be sent by the person making the same to the applicant for the licence at the same time as it is sent to the Licensing Authority.

FOURTH SCHEDULE

Form I

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

NOTICE OF APPLICATION REQUIRING THE LICENSING AUTHORITY TO HOLD AN INQUIRY IN PUBLIC

(Regulation 10)

1. (A,B) having on the (date) made an application for a licence, a representation/objection with regard to the application for a licence made by (C,D)* hereby, in accordance with regulation 10 of the above Regulations, require the Licensing Authority to hold a public inquiry for the purpose of determining the aforesaid application.

*(Strike out words which do not apply.)

Signature

Form II

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

NOTICE BY THE LICENSING AUTHORITY THAT AN INQUIRY WILL BE HELD IN PUBLIC

(Regulation 10)

To Applicant for licence/persons making representations or objection. You are hereby notified that an application has been made on the (date) by (A,B) requiring the Licensing Authority to hold a public inquiry for the purpose of determining the application for a licence made by (C,D) on the (date) and that the Licensing Authority has fixed the day of

.....a
t (hour) as the time and hour at which such public inquiry shall be held.

FIFTH SCHEDULE

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

NOTIFICATION BY THE LICENSING AUTHORITY OF ITS DECISION ON APPLICATION FOR LICENCES AND OF ITS DECISIONS TO REVOKE OR SUSPEND A LICENCE

(Regulation 16)

1. The notice shall contain the particulars of the decision given and shall be published at the Public Office of the Minister and in such other manner as the Licensing Authority may deem to be best calculated to bring the subject matter of the notice to attention of persons concerned or likely to be concerned.

2. In the case of a decision to refuse an application, the following particulars shall be inserted in the notice, in addition to those specified in the preceding paragraph-

(a) name and address of applicant.

(b) date on which the application was made.

3. In the case of a decision to grant an application, the following particulars shall be inserted in the notice, in addition to those specified in the preceding paragraph-

(c) places at which landings are to be made for the purpose of loading or landing passengers or goods;

(d) such other information as will enable the licensee to be identified.

4. In the case of a decision to revoke or suspend a licence, the grounds, on which the licence is suspended or revoked shall be inserted in the notice, in addition to the particulars specified in the two preceding paragraphs.

SIXTH SCHEDULE

Form I

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

NOTICE ISSUED BY THE LICENSING AUTHORITY WITH REGARD TO REVOCATION OR SUSPENSION OF A LICENCE

(Regulation 17)

To (A.B) take notice that the Licensing Authority proposes to revoke/suspend the licence issued to you under the provisions of the above Regulations on the following grounds-

2. Any representation which you may wish to make in this connection to the Licensing Authority should reach this office not later than the

for Licensing Authority

Form II

NOTICE BY THE HOLDER OF A LICENCE REQUIRING
THE LICENSING AUTHORITY TO HOLD A PUBLIC INQUIRY BEFORE REVOKING OR
SUSPENDING THE LICENCE

(Regulation 17)

To the Licensing Authority:

With reference to the notice which has been served upon me on the information that the Licensing Authority proposes to revoke/suspend the licence issued to me under the provisions of the Air Transport (Licensing of Air Services) Regulations, I do hereby require you, the Licensing Authority, to hold a public inquiry before a final decision is taken in the matter.

Signature

SEVENTH SCHEDULE

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS

PARTICULARS TO BE GIVEN BY LICENCE HOLDERS IN MONTHLY RETURNS

(Regulation 20)

1. The names of the places between which the services authorised by the licence are operated.
2. The names of regular stage stopping places en route and of places where are made on request.
3. In respect of each stage (distinguishing wherever applicable under each head between journeys on licensed services and other journeys)-
 - (a) Length of stage in miles.
 - (b) Number of paying passengers carried.
 - (c) Weight of freight carried.
 - (d) Weight of mails carried.
 - (e) Total paying load, weight.
 - (f) Paying load capacity (weight on flights commenced).

- (g) Period of month during which services were scheduled during the month.
 - (h) Frequency of scheduled services, e.g. once daily each way week days.
 - (i) Number of flights scheduled.
 - (j) Number of flights commenced.
 - (k) Number of flights completed without interruption.
 - (l) Number of flights completed after interruption en route.
 - (m) Number of flights interrupted en route and not completed.
 - (n) Number of flights not commenced-
 - (i) for fuel.
 - (ii) on account of weather conditions;
 - (iii) on account of mechanical failure of aircraft or engines;
 - (iv) on account of radio equipment failure;
 - (v) for other causes.
 - (o) Particulars of the type and characteristics used, e.g. landplanes or seaplanes-number, powers and makes of engines; maximum total weight authorised are weight and seating capacity.
4. Number of paying passengers, weight of goods and weight of mails carried during the month-
- (a) on licensed services; and
 - (b) on other journeys over the same routes.
5. Number of pilots and number of other personnel employed on flying duties during the month.

(Section 12)

[1st March 1991]

1. These Regulations may be cited as the Civil Aviation (Security) Regulations.

Citation

2. In these Regulations, unless the context otherwise requires-

Interpretation

"aviation" means any area as defined in the Civil Aviation Act or associated regulations or orders;

"Airport Manager" means the person employed by the Civil Aviation Division, or whatsoever body is formed to administer civil aviation in Solomon Islands, who is responsible for the day to day administration of the airport;

"authorised person" means a person so designated in these Regulations;

"Aviation Security Officer" means any person employed in the Aviation Security Service and includes an authorised person;

"Aviation Security Service" means the security service established for the maintenance of security in the airport;

"Controller" means the Controller of Civil Aviation or other person acting for the time being in that position;

"Minister" means the Minister for the time being charged with responsibility for Civil Aviation;

"person in custody" means a person who is being kept in custody under or by virtue of, any law in order to be transferred from one place to another in Solomon Islands or in order to be extradited or removed from Solomon Islands to another country or from another country to Solomon Islands;

"security areas" means an area defined in these Regulations where entry is restricted by the Controller for reasons of safety and security of those engaged in or travelling in or employed in Civil Aviation;

"vehicle" means a motor vehicle as defined in section 2 of the Traffic Act and includes a trailer and any other conveyance used or intended for use in a road; and

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"Vehicle Security Pass" means a security identification document issued in respect of a vehicle pursuant to these Regulations.

3.-(1) The Aviation Security Service shall, in co-operation with the Royal Solomon Islands Police Force be responsible for the protection of persons and property on the airport.

(2) The Aviation Security Service shall be a part of the Civil Aviation Division or whatsoever body that is formed to administer civil aviation in Solomon Islands.

(3) The Controller of Civil Aviation, or such officer who is deemed to be in charge of civil aviation, shall be responsible for the administration of the Aviation Security Service.

(4) Without limiting the powers, functions, duties or responsibilities of the Royal Solomon Islands Police Force under this or any other law and without limiting the generality of paragraph (2) of this regulation, the Aviation Security Service shall-

(a) where necessary, carry out passenger and baggage screening and search of passengers, baggage, cargo, aircraft, any building or any area on a designated airport or an associated installation;

(b) carry out airport security patrols and patrols of associated installations;

(c) review, inquire into and keep itself informed on security techniques, systems, devices, practices and procedures related to the protection of civil aviation and persons employed in or using it;

(d) undertake or encourage or supervise such experimental or research work as the Controller may think desirable;

(e) for the purposes of better carrying out its functions co-operate with the Royal Solomon Islands Police Force, government departments, airlines and other operators and authorities administering the airport security services of other countries and with any appropriate international organisations;

(f) exercise and perform such functions and duties as may be conferred on it by the Controller, and

(g) control pedestrian and vehicular traffic at any airport or associated installation.

4.-(1) The areas set out in the Schedule shall be security areas for the purposes of these Regulations.

(2) The following persons are designated as authorised persons within the meaning of these Regulations-

Controller of Civil Aviation;

Principal Civil Aviation Officer;

Airport Manager; or

persons acting for the time being in these positions.

(3) Except as permitted under paragraph (9) of this regulation, no person other than a member of the Police on official duty or an Aviation Security Officer shall enter a security area unless authorised by the Controller.

(4) Every person in a security area shall, on request by an Aviation Security Officer, state his name and address, and the purpose of his presence in that area, and produce satisfactory evidence of its correctness.

(5) An Aviation Security Officer may order any person-

(a) who fails or refuses to give satisfactory evidence of his name and address when so requested to do; or

(b) who fails to satisfy the Aviation Security Officer that he is authorised to be in a security area,

to leave such security area.

(6) An Aviation Security Officer or any person assisting a security officer, may use such force as may be necessary to remove from any security area any person who fails or refuses to leave forthwith such area after having been ordered to do so by an Aviation Security Officer.

(7) Every person commits an offence against these Regulations who, on being found in a security area-

(a) fails or refuses to state his name and address and his authority to enter the security area after having been requested to do so by an Aviation Security Officer; or

(b) fails or refuses to leave forthwith the security area after having been ordered to do so by an Aviation Security Officer.

(8) Every person who commits an offence under paragraph (7) of this regulation and, after having been warned that he commits that offence, persists in its commission, may be detained by an Aviation Security Officer and shall, as soon as practicable, be delivered to a member of the Royal Solomon Islands Police Force.

(9) A passenger embarking or disembarking directly through gateways or thoroughfares provided for the purpose, or being in the Customs Hall or Transit or Departure Lounge for the purposes of embarking and disembarking, shall be deemed to be authorised by the Controller to be in any security area forming part of those gateways, thoroughfares, Customs Hall or Transit or Departure Lounge.

5.-(1) An Aviation Security Officer on duty may at any time enter any designated airport or associated installation or any aircraft, building, vehicle or place in any part of a designated airport or associated installation for the purpose of carrying out his powers, provided that unless the Aviation Security Officer is accompanied by a Police Officer, the power of entry conferred by this regulation shall be limited to peaceful and non-forcible entry.

Powers of Aviation
Security Officer

(2) Where the Police takes command of any situation at any designated airport or associated installation for the purpose of carrying out their powers, the rights of Aviation Security Officers to enter any part thereof of any building, aircraft, or place shall be subject to such limitation as the senior Police Officer present specifies.

(3) An Aviation Security Officer may detain any person on or in the vicinity of any designated airport or associated installation if he has reasonable grounds to believe that an offence has been or is being, or is about to be committed by that person against any law dealing with crimes against aviation or the unlawful carriage of firearms, ammunition or explosives.

(4) Any person called upon to do so by any Aviation Security Officer is justified in assisting him in good faith to detain any person.

(5) An Aviation Security Officer shall as soon as practicable deliver any person he detains to a member of the Royal Solomon Islands Police Force.

(6) A member of the Royal Solomon Islands Police Force shall accept delivery of any person whom an Aviation Security Officer or an authorised person seeks to deliver to him under these Regulations, if he has cause to suspect that person of having done anything that is an offence under regulation 4(8) or paragraph (3) of this regulation.

(7) A member of the Royal Solomon Islands Police Force who accepts a delivery of

a person under paragraph (6) of this regulation shall forthwith arrest that person.

(8) Every member of the Royal Solomon Islands Police Force shall have and may exercise all or any of the powers conferred on an Aviation Security Officer under these Regulations.

(9) Every person commits an offence under these Regulations who-

(a) not being an Aviation Security Officer, by, conduct or demeanour, pretends that he is an Aviation Security Officer or puts on, or assumes the dress, name and designation or description of an Aviation Security Officer; or

(b) wilfully obstructs, or incites or encourages any person to obstruct an Aviation Security Officer in the execution of his duty or unlawfully assaults any Aviation Security Officer who is engaged in the execution of his duty or any person aiding such an officer.

(10) The Controller shall ensure that Aviation Security Officers are clearly identifiable and carry the appropriate identification documents.

6.-(1) The Controller may issue, or issue in co-operation with the Royal Solomon Islands Police Force identification cards bearing the photograph of the holder and such cards shall state the areas of any airport or installation to which the holder is to have access.

Identification cards

(2) The photograph may be omitted from identification cards of a temporary nature issued for a single access to a security area.

(3) The holders of identification cards shall wear such identification cards at all times while in a security area. An Aviation Security Officer may stop any person inside a security area and examine his identification card. Where a person cannot produce a card, or offer sufficient reason for not having the card upon his person, the Aviation Security Officer may require that person to leave the area forthwith.

(4) Where a person who is not the holder of an identification card is required to enter a security area in the course of his official duties, he may do so provided-

(a) he is accompanied by an Aviation Security Officer who shall be responsible for his actions at all times he is within the area; and

(b) prior permission has been obtained from the Controller or an officer authorised in that regard.

(5) It shall be an offence to-

(a) obtain an identification card without authorisation; or

(b) wear or display another person's card; or

(c) reproduce or forge an identification card issued under these Regulations.

(6) Identification cards issued under these Regulations shall provide access to security areas for the bearer only in the course of his official duties, or when the prior permission of the Controller has been obtained to be in that security area.

(7) The Controller shall cause to be kept a register of all identification cards issued under these Regulations and shall review at regular intervals the eligibility of those on the register to continue to hold cards.

(8) The Controller may at his discretion approve any identification cards issued by an organisation for its staff, for use as an identification card within the meaning of these Regulations and may direct any changes as to form and content of such cards shall be entered on the register maintained in accordance with paragraph (7) of this regulation and shall be subject to the same provisions as cards issued under these Regulations.

(9) Before authorising the issue of an identification card, or accepting a card issued under the terms of paragraph (8) of this regulation, the Controller shall satisfy himself that the holder is entitled to the issue of a card and is required to have access to any or all of such areas designated as security areas in order to perform his duties.

(10) The Controller may determine whether identification cards be issued to persons as individuals or as representing groups under paragraphs (1) or (8) of this regulation. Notwithstanding the requirements of paragraph (4) of this regulation, the Controller shall also have discretion to determine whether identification cards shall be required by members of any organisation, groups or individual required to enter a security area from time to time. Where the Controller determines that any organisation, group or individual does not require identification cards every such person shall be required to carry proof of his identity or membership of that group of organisation, as the Controller may require and shall produce it on demand to an Aviation Security Officer, or Police Officer and shall comply with any directions given.

(11) Crews of aircraft in transit through Solomon Islands shall be exempt from the requirement to be issued with an identification card issued under these Regulations but they shall be required to carry and produce evidence of their identity on demand to an Aviation Security Officer or a police officer when they are in a security area. Entry into such areas by crews of aircraft in transit shall be for the purposes of operating aircraft only and every person admitted under this paragraph shall comply with any

direction given by an Aviation Security Officer, an authorised person or a Police Officer.

(12) The Controller shall reserve the right to refuse any person admission to an airport or associated installation if he has cause to suspect that the person may cause a breach or be party to a breach of these Regulations or any other law of Solomon Islands or that the person has breached or has been party to a breach of these Regulations or any other law of Solomon Islands.

(13) Identification cards issued under these Regulations remain the property of the Solomon Islands Government and may be recalled or cancelled by the Controller at any time if he has cause to suspect that the person holding the card no longer qualifies for entry into a security area or that the person has caused a breach or been a party to a breach of these Regulations or any other law of Solomon Islands.

(14) When a person who has been issued with an identification card or has been given exemption in accordance with paragraph (10) of this regulation no longer qualifies for such card or such exemption, he shall forthwith return the card to the Controller or advise the Controller forthwith in the case of an exemption, and no longer exercise any right of access to such security areas so granted.

(15) The fees payable in respect of identification cards issued under these Regulations shall be in the case of-

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(a) a permanent identification card, \$20.00; and

(b) a temporary identification card, \$5.00.

7.-(1) Any person arranging for the carriage of a person in custody shall notify the operator of the aircraft that the person for whose carriage he is arranging is a person in custody and the operator shall notify the pilot-in-command.

Carriage of persons in
custody

(2) Except as provided in paragraph (3) of this regulation, each person in custody carried in an aircraft shall be accompanied by an escort qualified for the task to the satisfaction of the operator of the aircraft and the pilot-in-command.

(3) The following persons in custody may be carried without an escort subject to the operator being provided with a written statement from the responsible Government Authority that an escort is unnecessary:-

(a) children under 12 years of age, who are in custody on a protective rather than an arrest basis;

(b) deportees under the control or, but not being physically restrained by, the Ministry responsible for immigration; or

(c) service personnel absent without leave who have voluntarily surrendered themselves and are being returned to their unit.

(4) The maximum number of persons in custody accompanied by escorts that may be carried in an aircraft shall be two.

(5) An operator or pilot-in-command is under no obligation to carry persons in custody and may impose such additional restrictions as he sees fit.

8.-(1) Aircraft engaged in public transport operation and carrying a crew of more than one shall be equipped with at least one truncheon and two pairs of handcuffs.

Passenger restraining equipment

(2) Restraining equipment shall be carried in an aircraft in a position readily accessible to crew members but concealed from other persons.

9.-(1) No person shall cause any vehicle to enter a designated area unless-

Vehicle Security Passes

(a) a Vehicle Security Pass has been issued under paragraph (3) of this regulation in relation to the vehicle; or

(b) the vehicle has been exempted under regulation 12. from the requirement for Vehicle Security Pass.

(2) A vehicle that has been granted exemption under regulation 12 of from the requirement to display a Vehicle Security Pass shall not enter a designated security area, unless authorised by the Controller or the Airport Manager, or other person having control thereof.

(3) The Controller may issue a Vehicle Security Pass bearing the registration number, the owner, period of validity and the areas to which the vehicle has been granted access.

(4) Vehicle Security Passes shall be either of a permanent or temporary nature and be subject to the following conditions:-

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(a) a permanent Vehicle Security Pass shall be valid for one year from the

date of issue and shall, unless the vehicle is exempt from the payment of fees under regulation 12(2), attract a fee of twenty dollars (\$20.00) which is payable at the time of issue; and

(b) a temporary Vehicle Security Pass shall be valid only on the day of issue and shall, unless the vehicle is exempt from the payment of fees under regulation 12(2), attract a fee of five dollars (\$ 5,00) which is payable at the time of issue.

(5) A Vehicle Security Pass shall be displayed on the vehicle in a conspicuous position and in a legible form at all times that the vehicle is within a designated security area.

(6) Where a permanent Vehicle Security Pass is lost or if, in the opinion of the Controller, it has been mutilated, defaced or rendered illegible, the Controller may issue a duplicate pass on payment of a fee of five dollars (\$5.00). A Vehicle Security Pass that has been lost and is subsequently found shall be returned to the Controller for cancellation. No refund of the fee paid for the original pass or the replacement shall be payable. A temporary Vehicle Security Pass that has been lost, mutilated, defaced or rendered illegible may be reissued as if it were a temporary Vehicle Security Pass issued under paragraph (4)(b) of this regulation.

(7) A Vehicle Security Pass shall not be transferable from one vehicle to the other.

(8) The display of a Vehicle Security Pass shall not absolve the occupants of the vehicle from compliance with any other requirement of these Regulations.

(9) The Controller shall cause to be kept a register of Vehicle Security Passes issued under these Regulations and shall review at regular intervals the eligibility of those vehicles on the register to continue to hold a Vehicle Security Pass.

(10) The Controller may refuse to grant a Vehicle Security Pass or refuse a vehicle admission to an airport or associated installation if he has reason to believe that the vehicle is not roadworthy, or that the operation of the vehicle on that airport or associated installation may constitute a danger to aircraft, persons or property or that the vehicle may be used for an illicit purpose.

(11) The Controller may refuse to grant a Vehicle Security Pass where he is satisfied that the vehicle is unnecessary for the performance of the official duties of the occupants within the designated security area.

(12) When there is no longer any requirement for a vehicle that has been issued with a Vehicle Security Pass, through change of ownership, reallocation of duties or any other cause, to enter a designated security area, the Vehicle Security Pass shall be returned to the Controller for cancellation within seven days of the change

circumstances becoming effective.

10.-(1) All vehicles within a security area shall be operated in such a manner as to cause no restriction or hazard to aircraft or to any ground installations providing navigational or any other assistance to aircraft.

Vehicle not to cause interference in a security area

(2) An Aviation Security Officer may, if he is aware of any vehicle causing such restriction, hazard or interference, referred to in paragraph (1) of this regulation or of any vehicle operating within a security area without the authority of the Controller-

(a) stop the vehicle;

(b) enter the vehicle;

(c) order the driver of the vehicle to move the vehicle to a place where it will no longer cause such restriction, hazard or interference or to remove the vehicle from the security area; or

(d) move or cause the vehicle to be moved to a place where it will no longer cause such restriction, hazard or interference or to a place outside the security area.

(3) The Government shall not be liable for compensation for any damage to a vehicle that may be moved or be caused to be moved by an Aviation Security Officer exercising his powers under this regulation.

11. Upon reasonable suspicion of the commission of an offence under these Regulations or against any law dealing with crimes against aviation or the unlawful carriage of firearms, ammunition or explosives, an Aviation Security Officer may require the owner or driver of a vehicle to bring the vehicle to him for the purpose of carrying out any screening or inspection with a view to ascertaining whether the provisions of these Regulations are complied with or whether a vehicle is being used in contravention of these Regulations.

Powers of Aviation Security Officer to inspect vehicle

12.-(1) The following classes of vehicles are exempted from the requirement to carry a Vehicle Security Pass-

Exempt vehicles

(a) the Governor-General's official vehicle or any vehicle carrying the Governor-General in the performance of his viceregal duties;

(b) vehicles bearing Diplomatic Corps number plates; and

(c) such other vehicles as the Controller may exempt from the requirement to carry a Vehicle Security Pass.

(2) The following classes of vehicles are exempt from the payment of fees associated with the issue of a Vehicle Security Pass-

(a) vehicles under the control of Civil Aviation;

(b) vehicles of the Police, Fire and Hospital Services;

(c) vehicles used in the day to day maintenance of the aerodrome and its facilities; and

(d) vehicles not required by this regulation to carry a Vehicle Security Pass.

13. The Controller may by writing under his own hand, delegate any of his powers or functions under these Regulations, (except this power of delegation) to any officer employed in the Civil Aviation Division as appears to him fit and proper.

Delegation

14.-(1) There shall be established an Airport Security Committee which shall consist of the Airport Manager, the Head of Aviation Security and not more than 7 other members appointed by the Controller.

Airport Security
Committee

(2) The members of the Security Committee appointed under paragraph (1) shall include a nominee of the Commissioner of Police, a nominee of the Comptroller of Customs and Excise and a nominee of the Chief Immigration Officer.

(3) The members of the Airport Security Committee shall be appointed for a period of 12 months.

(4) At all meetings of the Committee, the Airport Manager or in his absence such member as the other members present may select, shall preside and act as the Chairman of the Committee.

(5) The Committee shall cause proper records of its proceedings to be kept.

(6) Every document issued by the Committee shall be signed by the Chairman or the Secretary.

(7) The Controller may give the Committee directions as to the policy to be adopted

in the exercise of the powers conferred and duties imposed on the Committee under these Regulations and the Committee shall comply with such directions.

(8) Subject to these Regulations, the Airport Security Committee may regulate its own procedures.

15.-(1) The Airport Security Committee shall cause to be established an Airport Security Programme in compliance with standard 3.1.7 of Annex 17 to the Chicago Convention.

Airport Security
Programme

(2) The objective of the Airport Security Programme is to protect the security, regularity and efficiency of the Airport by developing and implementing procedures for the necessary safeguards against acts of unlawful interference aimed at passengers, personnel, aircraft, airport terminals, air navigational installations and equipment.

(3) The Airport Manager shall be responsible for the implementation and co-ordination of the Airport Security Programme.

16. (1) The operator of an international air service to or from Solomon Islands (being a scheduled public transport service) shall not cause or permit an aircraft used in that service to-

Operator's Security
Programme

(a) fly over Solomon Islands; or

(b) land at or take off from an aerodrome designated as an international airport in Solomon Islands,

unless an Aviation Security Programme prepared and submitted by the operator has been approved by the Controller under regulation 18(1) and regulation 19 and the approval is in force.

(2) Where the approval of an Aviation Security Programme given under regulation 19 is in force the operator who prepared the programme shall comply with the programme in relation to-

(a) an aircraft used in the international air service conducted by the operator;
or

(b) any passenger or any baggage, mail or other cargo on board such an aircraft.

17. An operator of an international air service (being other than a scheduled public transport service) shall not cause or permit an aircraft used in that service to-

Operator other than
airline licence holders

(a) fly over Solomon Islands; or

(b) land at or take off from an aerodrome designated as an international airport in Solomon Islands,

unless the operator complies, in relation to that aircraft and any passenger, baggage, mail and other cargo on board that aircraft, with security procedures that are adequate for the purposes specified in regulation 18(2).

18.-(1) The operator of an international air service to or from Solomon Islands (being a scheduled public transport service) shall prepare, and submit to the Controller for his approval, a proposed Aviation Security Programme

Preparation and
submission of proposed
programme

(2) A proposed Aviation Security Programme referred to in paragraph (1) shall specify the equipment to be used, and the procedures to be followed, by the operator for the purpose of-

(a) preventing the unlawful carriage on any aircraft used in the international air service conducted by the operator (whether on a passenger or in baggage, mail or other cargo) of any firearm, ammunition, weapon, incendiary device or explosive or other substance or thing that, by reason of its nature or condition, may endanger the safety of the aircraft or the persons or property on board the aircraft;

(b) preventing any person from having unlawful access to such an aircraft;

(c) ensuring that all baggage, mail and other cargo to be taken on board such an aircraft is accepted for that purpose only by an employee, or other duly authorised agent or representative of the operator;

(d) preventing baggage, mail and other cargo from being taken on board such an aircraft except in accordance with specified security procedures; and

(e) protecting such aircraft and of persons and property on board such an aircraft in the event of a threat or warning having been received or otherwise there is reason to believe that there exists a danger to the safety of those persons or property.

(3) Without limiting the generality of paragraph (2), the equipment and procedures to be specified in a proposed aviation security programme referred to in paragraph (1), include equipment to be used and procedures to be used and procedures to be followed by the operator-

(a) at any aerodrome designated as an international airport in Solomon Islands at which aircraft used in the international air service conducted by the operator; and

(b) on board such an aircraft while it is on the ground at such an aerodrome or while it is in flight to or from Solomon Islands; and

(c) in the case of such an aircraft on a flight to Solomon Islands from a place outside Solomon Islands, at the place outside Solomon Islands, at which the aircraft last lands, or last takes on board passengers or baggage, mail or other cargo, before that flight.

19. Subject to regulation 23 the Controller shall-

Approval or rejection of
proposed Programme

(a) if he is satisfied that a proposed Aviation Security Programme submitted to him under regulation 18(1) would be adequate for the purpose specified in regulation 18(2), by notice in writing to the operator who prepared the programme, approve the programme, or

(b) if he is not satisfied, by notice in writing to the operator, refuse to approve the programme.

20. An approval of an Aviation Security Programme given under regulation 19 shall remain in force until that approval is cancelled by the Controller under regulation 22 or regulation 23(3).

Duration of approval of
Programme

21. The Controller shall, at intervals of not more than 12 months, review an Aviation Security Programme approved by him under regulation 19 in order to determine whether the programme continues to be adequate for the purposes specified in regulation 18(2).

Review of Programme by
Controller

22. Subject to regulation 23, where, at any time, the Controller is satisfied that an Aviation Security Programme approved by him under regulation 19 is no longer adequate for the purposes specified in regulation 18(2), he shall, by notice in writing to the operator who prepared the programme cancel that programme.

Cancellation of approval
of programme

23.-(1) Subject to paragraph (2), where the Controller is of the opinion that-

Direction to vary

(a) a proposed Aviation Security Programme submitted to him under regulation 18(1) would not be adequate; or

(b) an Aviation Security Programme approved by him under regulation 19 is no longer adequate, for the purposes specified in regulation 18(2),

he may, by notice in writing to the operator who prepared the programme, direct the operator to vary the programme-

(i) by reference to the equipment to be used, the procedures to be followed, or both; or

(ii) in such other manner as the Controller specifies in the notice.

(2) The Controller shall not give a direction under paragraph (1) unless he is satisfied that the variation will, if implemented, make the programme adequate for the purpose specified in regulation 18(2).

(3) Where the operator fails to comply with a direction given under paragraph (1), the Controller shall by notice in writing to the operator-

(a) refuse to approve the Aviation Security Programme; or

(b) cancel the approval of the Aviation Security Programme given under regulation 19, as the case requires.

24.-(1) Where an Aviation Security Programme has been approved under regulation 19, the operator who prepared the programme shall from time to time as necessary while that approval remains in force, review the programme.

Review of Programme by operator

(2) In reviewing an Aviation Security Programme in pursuance of paragraph (1), the operator shall have regard, particularly to-

(a) developments whether in Solomon Islands or overseas, in relation to the kind of equipment used, and procedures followed, in relation to aviation security; and

(b) experience gained, whether in Solomon Islands or overseas, by other operators of international air service in relation to aviation security.

(3) Where the operator is of the opinion that-

(a) his Aviation Security Programme is no longer adequate for the purposes specified in regulation 18(2); or

(b) the efficiency of his aviation security programme in relation to those purposes could be substantially improved,

the operator may prepare, and submit to the Controller for his approval, proposals for such variation of the programme as the operator considers necessary.

(4) The Controller shall-

(a) if he is satisfied that proposals submitted to him under paragraph (3) for the variation of an Aviation Security Programme will, if implemented-

(i) make the programme adequate for the purpose specified in regulation 18(2); or

(ii) be a substantial improvement in the efficacy of the programme for those purposes,

by notice in writing to the operator, approve the proposals; or

(b) if he is not satisfied, by notice in writing to the operator, refuse to approve the proposals.

25. The Civil Aviation Security Programme established in compliance with standard 3.1.1 of Annex 17 to the Chicago Convention shall be developed, maintained and implemented by the Aviation Security Service.

Civil Aviation Security Programme

26.-(1) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him-

Offences in relation to certain dangerous articles

(a) in any aircraft registered in Solomon Islands, whether at a time when the aircraft is in Solomon Islands or not; or

(b) in any other aircraft at a time when it is in, or in flight over Solomon Islands;

or

(c) in any part of an aerodrome in Solomon Islands; or

(d) in any air navigational installation in Solomon Islands which does not form part of an aerodrome,

any article to which this regulation applies.

(2) This section applies to the following articles that is to say-

(a) any explosive, any article manufactured or adapted whether in the form of a bomb, grenade or otherwise, so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains explosive such as-

(i) dynamite, TNT and other explosive normally found in form of sticks, slabs, or blocks;

(ii) plastic explosives, normally having the consistency of modelling clay;

(iii) black powder;

(iv) pyrotechnics, such as flares, smoke bombs and fire crackers;

(v) ammunition, including all types of cartridges and shells, loose or in clips;

(vi) hand grenades and pipe bombs;

(vii) electrical blasting caps with wires and mechanical blasting caps without wires (detonators);

(viii) crimping pliers, safety fuse and blasting wire; or

(ix) any home made sabotage devices;

(b) any weapons that are primarily designed to kill, immobilize or incapacitate. In the case of a firearm whether capable of being discharged or not such as-

(i) handguns, rifles and shortguns; flares guns and pellet guns;

- (iii) spear guns, blow guns and darts;
- (iv) electric dart guns;
- (v) mace, tear gas, and other incapacitating sprays, liquids, powders normally found on canisters or disguised as pens;
- (vi) martial arts weapons, bladed or spiked finger rings and wrist bands;
- (vii) sword canes and umbrella swords;
- (viii) knives with blades over 10cm long; or
- (ix) knife belts;

(c) any dangerous articles which may be used to threaten the safety of passengers, or aircraft, such as-

- (i) starter pistols;
- (ii) toy guns when carried by adults;
- (iii) toy grenades;
- (iv) sharp pointed scissors, letter openers, chisels, ice picks, large screwdrivers, knitting needles;
- (v) pocket knives with blades over 4cm; and
- (vi) spears and other dangerous wooden articles.

(3) For the purposes of this regulation a person who is for the time being in an aircraft, or in any part of an aerodrome, shall be treated as having with him in the aircraft or in that part of the aerodrome, as the case may be, an explosive or a weapon or a dangerous article to which this regulation applies if-

(a) where he is in an aircraft, the explosive or weapon or dangerous article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, any other property to be carried on such a flight; or

(b) where he is in any part of an aerodrome (otherwise than in an aircraft), the explosive or weapon or dangerous article or an article in which it is contained, is in that or any other part of the aerodrome and has been caused (where by him or by any other person) to be brought into the aerodrome as being or as forming part of, any other property to be carried on such a flight on which he is also to be carried, notwithstanding that the circumstances may be such that (apart from this paragraph) he would not be regarded as having the explosive, or weapon or article within him in the aircraft or in a part of the aerodrome, as the case may be.

Authorised carriage of
weapons and dangerous
articles

27.-(1) Weapons and dangerous articles may be carried in an aircraft by persons provided such persons first obtain the consent of the operator, to carry such weapons or dangerous articles on board the aircraft.

(2) Where authority under paragraph (1) is given, the weapon mentioned in regulation 26(2)(b) and dangerous articles mentioned in regulation 26(2)(c) may be carried as passenger baggage provided-

(a) it is stowed so as to be inaccessible to passengers during flight; and

(b) in the case of a firearm it is unloaded.

(3) Law enforcement officers, required to carry any of the weapons mentioned in regulation 26(2)(b) for the purpose of their official duties may take them aboard an aircraft on or about their person, provided the permission of the Controller is obtained in writing under his own hand before the commencement of flight. The Controller may consult the Commissioner of Police prior to granting of such permission. Where any such armed officer is aboard an aircraft, the pilot in command shall be informed and notified of the seat location and the reasons for which the Controller has given his permission.

SCHEDULE

(Regulation 4(1))

(1) Those parts of Henderson Airport, including the runway, taxiway, apron and all that land enclosed within the perimeter fence, the Customs hall, Transit and Departure Lounge, areas associated with Air Traffic Services including the Control Tower and buildings occupied by the Solomon Islands Meteorological Service and that area contained within the fence surrounding the approach lights at the eastern end of the airfield, are hereby declared to be Security Areas within the meaning of these Regulations.

(2) Henderson Airport is hereby declared to be a designate Airport within the meaning of these Regulations.

(3) The Doppler Very High Frequency Omnidirectional Range (DVOR) site and Navigation Aids Transmitting Site are hereby declared to be associated installations within the meaning of these Regulations