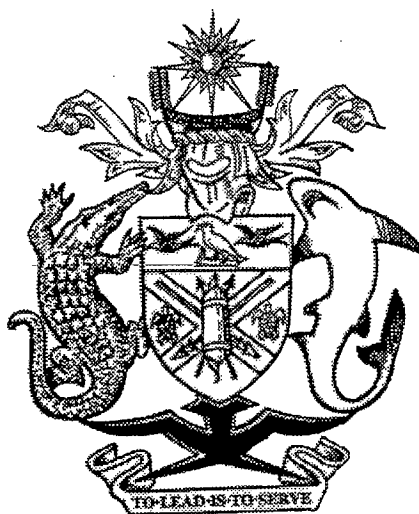




# **CIVIL AVIATION (AMENDMENT)**

**BILL 2009**

**(NO. 4 of 2009)**



**CIVIL AVIATION (AMENDMENT)  
BILL 2009**

**(NO. 4 of 2009)**

**A  
BILL  
Entitled**

**AN ACT** TO AMEND THE CIVIL AVIATION ACT 2008.

**ENACTED** by the National Parliament of Solomon Islands.

## CIVIL AVIATION (AMENDMENT) BILL 2009

Citation and commencement

1. This Act may be cited as the Civil Aviation (Amendment) Act 2009 and commences on the same date of commencement of the Civil Aviation Act 2008 (Act No. 7 of 2008).

New Division added

2. The Civil Aviation Act 2008 is amended by adding the following Division 5 to Part II –

### *“Division 5 - Aviation Special Fund*

“Establishment and source of Fund

Cap.47

28A. The Aviation Special Fund (“Fund”), established under section 24A of the Civil Aviation Act shall continue as such under this section, as a special Fund pursuant to section 100(2) of the Constitution, into which shall be paid –

- (a) any money appropriated by Parliament for such purposes;
- (b) any prescribed air navigation fees paid in respect of aircraft of a prescribed class that operate within the airspace above the territory of Solomon Islands; and
- (c) money from other sources received on behalf of the Fund, whether by way of donation or under any other written law.

“Control and management of the Fund

28B. (1) The Authority shall control and manage the Fund, subject to any directions given under subsection (2) which the Authority shall comply with.

(2) Subject to section 28C, the Minister of Finance may give written directions on the control and management of the Fund to the Authority, including –

- (a) the manner in which payments from the money held in the Fund are to be made; and
- (b) the purposes for which the money held in the Fund may be expended.

"Purposes of the Fund

28C. (1) The Fund is established for the purposes of operating, developing and maintaining aviation infrastructure and facilities in Solomon Islands in accordance with international safety standards, and shall only be expended for such purposes, including one or more of the following purposes –

- (a) development and maintenance of landside or airside infrastructure and facilities of airports;
- (b) development and maintenance of any other aviation infrastructure and facilities not referred to in paragraph (a) that are necessary for the operation of aviation;
- (c) payment of financial obligations under international service agreements and other contracts relating to the operation of aviation;
- (d) payment of membership fees to national, regional and international aviation bodies;
- (e) development and training of human resources in accordance with international safety standards;
- (f) any other purposes authorised, in writing, by the Minister for Finance.

(2) In this section –

‘airside infrastructure and facilities’ means infrastructure and facilities on the part of an airport where members of the public who are not travelling on a plane are not authorised to access;

‘landside infrastructure and facilities’ means infrastructure and facilities on the part of an airport where members of the public who are not travelling on a plane are authorised to access.

"Application of other Acts to Aviation Special Fund"

28D. (1) Sections 5(3), 21(2) and 38(1)(a)(v) and (2)(a) of the Public Finance and Audit Act apply to the Fund, as if it were a Special Fund under those sections.

(2) The Fund is without prejudice to the National Transport Fund established under the National Transport Fund Act 2009."

## CIVIL AVIATION (AMENDMENT) BILL 2009

### OBJECTS AND REASONS

The Bill seeks to amend the Civil Aviation Act 2008 to include the continues of the Special Aviation Fund established under section 24A of the Civil Aviation Act (Cap.47).

MINISTER FOR COMMUNICATION AND AVIATION

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