



**THE CIVIL AVIATION
(AMENDMENT)
BILL 2005**



**THE CIVIL AVIATION
(AMENDMENT) BILL 2005**

**A
BILL
Entitled**

AN ACT TO AMEND THE CIVIL AVIATION ACT (CAP. 47).

ENACTED by the National Parliament of Solomon Islands.

THE CIVIL AVIATION (AMENDMENT) BILL 2005

ARRANGEMENT OF CLAUSES

CLAUSES

1. SHORT TITLE AND COMMENCEMENT
2. NEW SECTIONS
 - 24A. AVIATION SPECIAL FUND
 - 24B. MONEY OF AVIATION SPECIAL FUND
 - 24C. PURPOSES FOR WHICH MONEY HELD
IN AVIATION SPECIAL FUND MAY BE
EXPENDED
 - 24D. APPLICATION OF PUBLIC FINANCE
AND AUDIT ACT TO AVIATION SPECIAL
FUND

1. ✓ (1) This Act may be cited as the Civil Aviation (Amendment) Act 2005.

Short title and commencement

(2) ✓ This Act shall come into operation on the date fixed by the Minister by notice in the Gazette.

2. ✓ The Civil Aviation Act is amended by inserting after section 24 the following:

New sections
(Cap 47)

“24A. (1) There is a Special Fund for operating, developing and maintaining aviation infrastructure and facilities in Solomon Islands in accordance with international safety standards.

“Aviation Special Fund

“(2) The Special Fund -

(a) is a Special Fund within the meaning of section 100(2) and (3) of the Constitution; and

(b) shall be known as the Aviation Special Fund.

“(3) The Aviation Special Fund shall be controlled and managed by the Permanent Secretary of the Department administering this Act.

“(4) Subject to sections 24B and 24C, the Minister responsible for administering the Public Finance and Audit Act shall give directions to the Permanent Secretary of the Department administering this Act for the control and management of the Aviation Special Fund.

(Cap 120)

“(5) Without limiting the Minister’s power to give directions under subsection (4), directions given under that subsection may -

(a) specify the manner in which payments from the money held in the Aviation Special Fund are to be made; and

(b) specify the purposes for which the money held in the Aviation Special Fund may be expended.

“(6) The Permanent Secretary to the Department administering this Act shall comply with the Minister’s directions given under subsection (4).

“Money of
Aviation Special
Fund

“**24B.** (1) All air navigation fees paid under regulation 4 of the Air Navigation (Fees) Regulations in respect of aircraft that operate within the airspace above the territory of Solomon Islands classified under that regulation as Class A shall be appropriated from the Consolidated Fund into the Aviation Special Fund.

(Cap 120)

“(2) The Aviation Special Fund may receive money from other sources in accordance with section 21(1) of the Public Finance and Audit Act.

“Purposes for
which money held
in Aviation Special
Fund may be
expended

“**24C.** (1) The money held in the Aviation Special Fund may be expended only for purposes directly relating to operating, developing and maintaining aviation infrastructure and facilities in Solomon Islands in accordance with international safety standards.

“(2) The purposes for which the money held in the Aviation Special Fund may be expended under subsection (1) include the following:

- (a) development and maintenance of airside infrastructure and facilities of international and provincial airports in Solomon Islands;
- (b) development and maintenance of landside infrastructure and facilities of international and provincial airports in Solomon Islands;
- (c) other aviation infrastructure and facilities not referred to in paragraphs (a) and (b) that are necessary for the operation of aviation in Solomon Islands;
- (d) payment of financial obligations under international service agreements and other contracts relating to the operation of aviation in Solomon Islands;
- (e) payment of membership fees to international, regional and national aviation bodies, including the International Civil Aviation Organisation and United Kingdom Civil Aviation Authority;

- (f) development and training of human resources in accordance with international safety standards; *and*
- (g) the purposes (if any) specified, in writing, by the Minister responsible for administering the Public Finance and Audit Act.

(Cap 120)

“(3) In subsection (2) -

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

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

“24D. (1) Sections 5(3) and 21(1) and (3) of the Public Finance and Audit Act apply, and have effect, to and in relation to the Aviation Special Fund as if the references in those provisions to Special Funds include a reference to the Aviation Special Fund.

“Application of
Public Finance and
Audit Act to
Aviation Special
Fund”

“(2) Section 38(1)(a)(v) and (2)(a) of the Public Finance and Audit Act applies, and has effect, to require that signed statements of account be prepared and transmitted to the Auditor-General in respect of the Aviation Special Fund as if the references in those provisions to Special Funds include a reference to the Aviation Special Fund.”

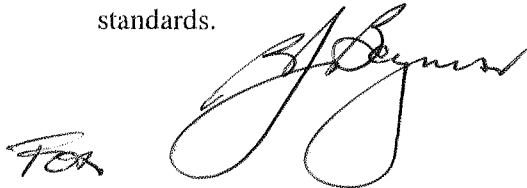
(Cap 120)

CIVIL AVIATION (AMENDMENT) BILL 2005**Object and Reasons**

The Civil Aviation (Amendment) Bill 2005 establishes a Special Fund (called the Aviation Special Fund) and the statutory appropriation of all air navigation fees paid in respect of aircraft that operate within the airspace above the Territory of the Solomon Islands classified under that regulation as class A into the Special Fund. The amount of the appropriation is estimated to be about \$6,000,000 per year.

In addition, the Bill provides for the following:

- (a) that the Aviation Special Fund may receive other money either by an appropriation or from other sources under section 21(1) of the Public Finance and Audit Act (Cap 120);
- (b) that the Aviation Special Fund shall be controlled and managed by the Permanent Secretary of the Department that administers the Civil Aviation Act (Cap 47);
- (c) the manner in which the Aviation Special Fund will operate;
- (d) the manner in which money will be paid from the Aviation Special Fund;
- (e) the purposes for which money held in the Aviation Special Fund shall be expended shall be directly related to operating, developing and maintaining aviation infrastructure and facilities in Solomon Islands in accordance with international safety standards.



Minister for Communication, Aviation and Meteorology

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