

# Civil Aviation Act 1976

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# Civil Aviation Act 1976

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## TABLE OF AMENDMENTS

Civil Aviation Act 1976 (No 12 of 1976) commenced on 3 September 1976, as amended by:

<b>Amending Legislation</b>	<b>Date of Commencement</b>
Law Revision (Miscellaneous Amendments) Act 1977 (No 13 of 1977)	1 July 1977
Civil Aviation Reform Act 1999 (No 16 of 1999)	12 April 1999
Civil Aviation (Amendment) Promulgation 2008 (No 7 of 2008)	1 October 2008
Civil Aviation (Amendment) Decree 2013 (No 2 of 2013)	15 January 2013
Revised Edition of the Laws (Consequential Amendments) Act 2016 (No 31 of 2016)	1 December 2016

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# AN ACT TO MAKE BETTER PROVISION FOR THE REGULATION AND CONTROL OF CIVIL AVIATION IN FIJI AND MATTERS INCIDENTAL THERETO

## PART 1 — PRELIMINARY

### [CIA 1] Short title

1 This Act may be cited as the Civil Aviation Act 1976.

### [CIA 2] Interpretation

2 In this Act, unless the context otherwise requires—

**aerodrome** means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft and **airport** has a corresponding meaning;

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**aircraft** means any machine which can derive support in the atmosphere from reactions in the air but does not include projectiles or rockets;

**airport**

[def rep Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**airport operator** means a person that operates an airport;

[def insrt Act 16 of 1999 s 16, opn 12 Apr 1999]

**building** means any structure with walls and a roof associated with air navigation or the operation of aircraft;

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**Director** means the Director of Civil Aviation;

**Government airport**

[def rep Act 16 of 1999 s 16, opn 12 Apr 1999]

**inappropriate use** means the use of safety information for purposes different from the purpose for which it was collected, such as use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, or disclosure of the information to the public;

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**operational control** means the exercise, by an individual or an organisation, of authority over the initiation, continuation, diversion, termination or cancellation of a flight or series of flights in the interest of the safety of the aircraft and the regularity and efficiency of the flight(s);

[def insrt Promulgation 8 of 2007 s 2, opn 1 Oct 2008]

**operational personnel** means personnel associated with the aviation related activity that is the subject of a safety investigation conducted under the provision of the Civil Aviation (Occurrence Reporting and Investigation) Regulations and qualifying for protection under regulation 32 of those Regulations or personnel who are in a position to report safety information to a safety data collection and processing system. Such personnel include, but are not limited to, flight crews, air

traffic controllers, aeronautical station operators, maintenance technicians, cabin crew, flight dispatchers and apron personnel;

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**operator** means a person who exercises operational control over an aircraft;

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**safety data collection and processing system** means a processing and reporting system, database, scheme for the exchange of information or recorded information, and includes—

- (a) record pertaining to accident or incident investigation, as described in Annex 13, Chapter 5;
- (b) mandatory incident reporting system, as described in Annex 13, Chapter 8;
- (c) voluntary incident reporting system, as described in Annex 13, Chapter 8; and
- (d) self-disclosure reporting system, including automatic data capture system, as described in Annex 6 Part 1 Chapter 3, as well as manual data capture system;

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**safety information** means information contained in a safety data collection or processing system established for the sole purpose of improving aviation safety, and qualified for protection under conditions specified in section 4A; and

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

**safety investigation information** means information, including recorded information collected by equipment such as flight data recorders, cockpit voice recorders (whether audio, visual or both), air traffic service recording tapes of voice or data communications or of surveillance or similar displays collected during the conduct of a safety investigation into an occurrence conducted under the provision of the Civil Aviation (Occurrence Reporting and Investigation) Regulations 2009.

[def insrt Promulgation 7 of 2008 s 2, opn 1 Oct 2008]

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**[CIA 3] Power to give effect to Chicago Convention, Cape Town Convention and regulate air navigation**

**3** (1) The Minister may make such regulations as may appear to him or her to be requisite or expedient—

- (a) for carrying out the Convention on International Civil Aviation 1944 (hereinafter referred to as the Chicago Convention) and any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or
- (b) generally for regulating air navigation.
- (c) for carrying out and giving effect to the Convention on International Interests in Mobile Equipment made at Cape Town on 16 November 2001, the Protocol to the Convention on International Interests in Mobile Equipment in Matters Specific to Air Craft Equipment made at Cape Town on 16 November 2001 and the Civil Aviation (Convention on International Interests in Mobile Equipment) Act 2012 hereinafter collectively referred to as the “Cape Town Convention”.

[subs (1) am Decree 2 of 2013 s 2, opn 15 Jan 2013]

(2) The Minister may make provision by regulations—

- (a) as to the registration of aircraft and the recognition and enforcement of international interests therein as provided for by the Cape Town Convention in Fiji;
- (b) for prohibiting aircraft from flying unless certificates of air-worthiness issued or validated under regulations are in force in respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in regulations or otherwise;
- (c) for the regulation of aerodromes and places where aircrafts have landed and for access to buildings for the purpose of inspecting work carried on in them in relation to aircraft, aircraft parts; aircraft equipment or the operation of aircraft;
- (d) for 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) as to the conditions under which, and in particular the airports to or from which, aircraft entering or leaving Fiji may fly, and as to the conditions under which aircraft may fly from one part of Fiji to another;
- (f) as to 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 of such classes as may be specified in the regulations;
- (g) for minimising or preventing interference with the use of or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;

- (h) for minimising or preventing interference from electrical apparatus in the vicinity of aeronautical telecommunications and radio navigational ground installations;
- (i) 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;
- (j) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
- (k) for regulating the making of signals and other communications by or to aircraft and persons carried therein;
- (l) for regulating the use of the civil air ensign established in Fiji;
- (m) for prohibiting aircraft from flying over such areas in Fiji as may be specified by notification;
- (n) for applying, adapting or modifying, or enabling any other Minister to apply, adapt or modify, the enactments relating to customs in relation to airports and to aircraft and to persons or property carried therein and for preventing smuggling by air;
- (o) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by regulations, including the examination and tests to be undergone, and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
- (p) for prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by, or in pursuance of regulations, or in respect of any other matter in respect of which it appears to the Minister to be expedient to charge fees;
- (q) for exempting from any provisions of any regulations any aircraft or persons or classes of aircraft or persons;
- (r) for regulating or prohibiting the flight of aircraft over Fiji at speeds in excess of MACH 1;
- (s) for the certification of aviation service providers.

[subs (2) am Act 16 of 1999 s 17 opn 12 Apr 1999; Promulgation 7 of 2008 s 3, opn 1 Oct 2008; Decree 2 of 2013 s 2 opn 15 Jan 2013]

(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 Fiji but shall so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in Fiji 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 \$10,000 and imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment and in the case of any provision having effect by virtue of subsection (2)(i), may also for the purpose provide for the taking of such steps, including firing on aircraft, as may be specified in the regulations.

[subs (4) am Act 16 of 1999 s 17, opn 12 Apr 1999; Promulgation 7 of 2008 s 3, opn 1 Oct 2008]

[s 3 am Decree 2 of 2013 s 2, opn 15 Jan 2013]



## **[CIA 4] Investigation of accidents or incidents**

**4** (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, and either occurring in or over Fiji or occurring elsewhere to aircraft registered in Fiji or occurring to an aircraft not registered in Fiji but operated by an operator domiciled in Fiji.

[subs (1) am Promulgation 7 of 2008 s 4, opn 1 Oct 2008]

(2) Regulations under this section may contain provisions—

- (a) requiring notice to be given of any such accident or incident as aforesaid in such manner and by such persons as may be specified;
- (b) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred;
- (c) authorising any person, so far as may be necessary for the purpose of an investigation, to have access to, examine, remove, take measures 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 in Fiji under this Act, or the withdrawal or suspension of any validation conferred in Fiji of a licence granted by a duly competent authority elsewhere, where it appears on investigation that such action ought to be taken; and
- (e) protecting accident or incident investigation reports, records or information in accordance with the requirements of Annex 13 to the convention on International Civil Aviation.

[subs (2) am Promulgation 7 of 2008 s 4, opn 1 Oct 2008]

## **[CIA 4A] Protection of information**

**4A** (1) Any safety investigation information or any safety information is protected from inappropriate use to ensure its continued availability so that proper and timely preventative actions can be taken and aviation safety improved.

(2) Any safety investigation information or any safety information shall not be used in disciplinary, civil, administrative or criminal proceedings against operational personnel.

(3) Any safety investigation information or safety information shall not be disclosed to the public unless—

- (a) the Attorney-General considers that circumstances reasonably indicate or there is evidence that the occurrence was caused by an act considered, in accordance with the law, to be conducted with intent to cause damage, or conduct with knowledge that damage would probably result, or is equivalent to reckless conduct, gross negligence or wilful misconduct; or
- (b) a review by the Attorney-General determines that the release of the safety information or safety investigation information is necessary for the proper administration of justice, and that its release outweighs the adverse domestic and international impact such release may have on the future availability of such information.

(4) Criteria to be considered by the Attorney-General for the disclosure of any safety information or any safety investigation information include but are not limited to—

- (a) any disclosure of the information is necessary to correct conditions that compromise safety and or necessary to change policies, regulations or standards;
- (b) any disclosure of the information does not inhibit its future availability in order to improve safety;
- (c) any disclosure of relevant personal information included in the information complies with applicable privacy laws; and

- (d) any disclosure of the information is made in a de-identified, summarised or aggregate form.

[s 4A insrt Promulgation 7 of 2008 s 4, opn 1 Oct 2008]

## **[CIA 5] Dangerous flying**

5 (1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or person in charge of the aircraft and also the owner or operator thereof unless he or she proves to the satisfaction of the court that the aircraft was so flown without his or her actual fault or knowledge, shall be liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

[subs (1) am Promulgation 7 of 2008 s 5, opn 1 Oct 2008]

(2) In this section, the expression “owner” in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(3) The provisions of this section shall be in addition to and not in derogation of the powers conferred on the Minister by other sections of this Act.

## **[CIA 6] Licensing of air transport and commercial flying**

6 (1) The Minister may make regulations—

(a) to secure that aircraft shall not be used in Fiji 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 the said person by the licensing authority specified in the regulations;

(b) as to the circumstances in which a licence under the regulations may or shall be granted;

(c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of a licence;

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

(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 or her in respect of the business activities in which he or she is engaged and may be expected to be engaged.

(2) Where the Director has reason to believe that an aircraft is intended to be used in contravention of any regulations made under subsection (1) he or she may give to the person appearing to be in command of the aircraft a direction that he or she shall not permit the aircraft to take off until the Director has informed him or her the direction is cancelled.

(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 against the regulations a fine not exceeding \$10,000 or imprisonment for a term not exceeding 3 months or to both such fine and imprisonment;

- (b) in the case of a second or subsequent offence a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

## **[CIA 7] Provision of information as to air transport and the use of airports**

7 (1) The Minister may make regulations requiring any person—

- (a) who carries on the business of carrying passengers or goods in aircraft for hire or reward; or
- (b) who is the holder of a licence in respect of an airport; or
- (c) who is the owner, or the pilot or other person in charge of any aircraft,

to furnish to him or her 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 thereunder shall not be required by any court or arbitrator to disclose that information without the consent in writing of the person providing the information.

(4) Regulations under this section may provide for imposing on any person who contravenes or fails to comply with any provisions of the regulations such penalties, not exceeding a fine of \$100 and a further fine of \$20 for every day on which the contravention or non-compliance continues after conviction therefor, as may be specified in the regulations.

## **[CIA 7A] Air Traffic Service**

7A (1) The Minister may make regulations to provide for air traffic services, and in particular to regulate the following—

- (a) air traffic control services;
- (b) flight information services;
- (c) alerting services;
- (d) air traffic service requirements for communications and information;
- (e) air traffic services standards notified by the Authority;
- (f) International Civil Aviation Organization Annexes, Documents, standards and guidelines.

(2) Regulations made under this section may prescribe penalties for a fine not exceeding \$10,000 or to imprisonment not exceeding 5 years or both such fine and imprisonment.

## **[CIA 7B] Rescue fire fighting service**

**7B** (1) The Minister may make regulations to provide for rescue fire fighting services and in particular to provide for the following—

- (a) aerodrome emergency plan;
- (b) protection that is provided and available;
- (c) equipment available for personnel;
- (d) communication systems available;
- (e) rescue fire fighting service standards notified by the Authority;
- (f) International Civil Aviation Organization Annexes.

(2) Regulations made under this section may prescribe penalties for a fine not exceeding \$10,000 or to imprisonment not exceeding 5 years or both such fine and imprisonment.

[s 7B insrt Promulgation 7 of 2008 s 6, opn 1 Oct 2008]

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## PART 2A — RECOGNITION OF THE INTERNATIONAL REGISTRY

[Pt 2A insrt Decree 2 of 2013 s 3, opn 15 Jan 2013]

### [CIA 7C] Definition

**7C** (1) In this Part, unless the context otherwise requires—

**Act** means the Civil Aviation (Convention on International Interests in Mobile Equipment) Act 2012;

**Cape Town Convention** means the Convention on International Interests in Mobile Equipment 2001 and its Protocol and any amendment of that Convention and its Protocol made in accordance with that Convention and the Civil Aviation (Convention on International Interests in Mobile Equipment) Act 2012 debtor as defined in Article 1 of the Cape Town Convention International Registry means the International Registry as defined in Article 1 of the Cape Town Convention;

**mobile equipment** means an aircraft object of a category to which Article 2 of the Cape Town Convention applies; and

**Protocol** means the Aircraft Protocol to the Cape Town Convention.

### [CIA 7D] Recognition of international interests

**7D** (1) The Authority shall recognise and give full effect in Fiji to international interests duly registered with the International Registry, and if requested to record an international interest shall record the particulars of the same in the Register in respect of any aircraft registered in Fiji.

(2) Further to subsection (1), the Authority may assist with any necessary steps and provide such information as is required by the Cape Town Convention to enable and facilitate registration on the International Register. For the avoidance of doubt, nothing in the Act, this Act or any regulation made hereunder shall be construed as requiring or designating the Authority as the sole or mandatory entry point through which information required for registration may be transmitted to the International Registry.

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### **[CIA 8] Provision and control of airports and buildings**

**8** (1) [subs (1) rep Act 16 of 1999 s 18, opn 12 Apr 1999]

(2) The Minister may make regulations for the management, control and supervision of airports in Fiji and such regulations may provide for all or any of the following matters—

- (a) the regulation and restriction of the admission of persons to airports;
- (b) the regulation and restriction of the use of vehicles, ships and aircraft of any class or description on 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) [Repealed]
- (e) [Repealed]

[subs (2) am Act 16 of 1999 s 18, opn 12 Apr 1999]

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

### **[CIA 9] Power to remove dangerous obstructions**

**9** (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.

(2) The Minister may, by order, authorise such persons as he or she 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) 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.

(4) The compensation shall be paid by the airport operator.

[subs (4) subst Act 16 of 1999 s 19, opn 12 Apr 1999]

(5) 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 section 10.

### **[CIA 10] Power to restrict use of land**

**10** (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—

- (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 regulation made under subsection (1) shall be eligible for compensation if he or she submits a claim to the Minister, within a period of 6 months after the publication of such regulations in the Gazette, 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.

[subs (2) am Act 16 of 1999 s 20, opn 12 Apr 1999]

(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.

(4) The compensation shall be paid by the airport operator.

[subs (4) insrt Act 16 of 1999 s 20, opn 12 Apr 1999]

## **[CIA 11] Display of lights**

**11** The Minister may make regulations—

- (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 300 feet in height above ground level; and
- (d) generally for the purpose of ensuring the safety of aircraft.

## **[CIA 12] Provision of aids for the safe navigation and control of aircraft**

**12** [s 12 rep Act 16 of 1999 s 21, opn 12 Apr 1999]

## **[CIA 13] Acquisition of land**

**13** (1) For any purpose connected with the establishment or operation of an airport, the Minister may authorise the acquisition of land by agreement or, where agreement is not possible, he or she may authorise an application to be made under the provisions of the State Acquisition of Lands Act 1940 to acquire any land compulsorily.

[subs (1) am Act 16 of 1999 s 22, opn 12 Apr 1999]

(2) The power of the Minister to grant an authorisation under subsection (1) extends to granting an authorisation in favour of an airport operator.

[subs (2) insrt Act 16 of 1999 s 22, opn 12 Apr 1999]

(3) If the Minister grants an authorisation under subsection (1), the provisions of the State Acquisition of Lands Act 1940 apply as if the land concerned were to be acquired for a public purpose within the meaning of that Act.

[subs (3) insrt Act 16 of 1999 s 22, opn 12 Apr 1999]

## **[CIA 14] Penalty**

**14** Any person who contravenes or fails to comply with the provisions of any



regulations or order made under this Part shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a period not exceeding 6 months, or to both such fine and imprisonment.

**[The next page is 81,001]**

**[CIA 15] Liability of trespass and nuisance by aircraft**

15 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 the circumstances of the case, is reasonable, and so long as the provisions of any regulations made in pursuance of Part 2 are duly complied with.

**[CIA 16] Liability for loss or damage caused by aircraft**

16 (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, provided that where material loss or damage is caused as aforesaid in circumstances in which—

- (a) damages are recoverable in respect of the said loss or damage by virtue only of the foregoing provisions of this subsection; and
- (b) a legal liability is 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 claims in respect of the said loss or damage.

(2) 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.

**[CIA 17] Responsibility when aircraft hired**

17 Where an aircraft has been *bona fide* demised or hired out for any period exceeding 14 days to any other person by the owner thereof, and no pilot, commander, navigator or other flight crew member is in the employment of the owner, this Part shall have effect as if for reference therein to the owner there were substituted reference to the person to whom the aircraft has been so demised or hired out.

**[CIA 18] Nuisance caused by aircraft at airports**

18 (1) The Minister may regulate the conditions under which noise and vibration may be caused at 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.

[subs (2) am Act 16 of 1999 s 23, opn 12 Apr 1999]

**[The next page is 81,201]**

**[CIA 19] Exemption of aircraft and parts thereof from seizure on patent claims**

**19** (1) Any lawful entry into Fiji or any lawful transit across Fiji, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in Fiji, on the grounds that the construction, mechanism, parts, accessories or operation of the aircraft is or are in infringement of any patent, design or model.

(2) The importation into, and storage in, Fiji of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Fiji on the grounds that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model, provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in or are exported from Fiji for sale or distribution.

(3) This section applies to all aircraft, other than aircraft prescribed by the Minister.

**[CIA 20] Application of law of wreck and salvage to aircraft**

**20** Any law of Fiji for the time being in force which relates to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress, shall subject to such exceptions, adaptations and modifications as the Minister may notify, apply in relation to aircraft as these provisions apply in relation to vessels.

**[CIA 21] Prohibition of aerial advertising and propaganda**

**21** (1) Save in such circumstances as the Minister may prescribe, no aircraft while in the air over any part of Fiji or the territorial waters thereof shall be used, whether wholly or partly, for emitting or displaying any advertisement or other communication in such a way that the advertisement or communication is audible or visible from the ground; nor shall any aircraft be used for the dropping of leaflets or other similar forms of communication.

(2) Any person who uses an aircraft or knowingly causes or permits an aircraft to be used in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to—

- (a) a fine not exceeding \$200 on first conviction; or
- (b) in any other case to a fine not exceeding \$400 or to imprisonment for a term not exceeding 3 months, or to both such fine and imprisonment.

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**[CIA 22] Detention of aircraft**

**22** Any regulations made under any of the provisions of this Act may provide for the detention of aircraft to secure compliance with the said regulations.

**[CIA 23] Offences — jurisdiction**

**23** Any offence under this Act or any regulations made thereunder or any offence whatever committed on a Fiji registered aircraft shall for the purpose of conferring jurisdiction be deemed to have been committed in any place where the offender may for the time being be.

**[CIA 24] Projectiles and rockets**

**24** (1) No person shall in Fiji launch any projectile or rocket of more than 2 kilograms weight except with the permission of the Minister in writing and in accordance with such conditions as he or she may impose.

(2) Any person who contravenes the provisions of subsection (1) or who fails to comply with any of the conditions the Minister may impose shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Save as provided in section 3(4), any person who launches any projectile or rocket whatsoever so as to endanger an aircraft in flight shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment not exceeding 10 years or to both such fine and imprisonment.

**[CIA 25] Conferring of powers**

**25** Any power conferred by this Act shall be in addition to and not in derogation of any other power so conferred.

**[CIA 26] Regulations to be laid before Parliament**

**26** All regulations made under this Act shall be laid before Parliament as soon as may be after they are made.

**[CIA 27] Savings**

**27** No Part of this Act shall apply to aircraft belonging to or exclusively employed in the service of the State.

[s 27 am Act 31 of 2016 s 27, opn 1 Dec 2016]