

EXTRAORDINARY

**GOVERNMENT OF FIJI GAZETTE SUPPLEMENT**

No. 3

TUESDAY, 15th JANUARY

2013

[LEGAL NOTICE NO. 3]

CIVIL AVIATION ACT  
(CAP. 174)

**Air Navigation (Amendment) Regulations 2013**

In exercise of the powers conferred upon me by section 3 of the Civil Aviation Act (Cap. 174), I hereby make the following Regulations—

*Citation and commencement*

1.—(1) These Regulations may be cited as the Air Navigation (Amendment) Regulations 2013.

(2) These Regulations shall come into force on the date of its publication in the *Gazette*.

(3) In these Regulations, “Principal Regulations” mean the Air Navigation Regulations 1981.

*Regulation 2 amended*

2. Regulation 2 of the Principal Regulations is amended by inserting—

(i) the following new definitions—

“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;

“certificate of registration” means a certificate of registration issued by the Authority pursuant to regulation 4;

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

“Protocol” means the Aircraft Protocol to the Cape Town Convention;

“Register” means the aircraft register referred to in regulation 6.”

(ii) the following new paragraph after paragraph (7)—

“(8) In these Regulations, any term defined in the Cape Town Convention and used in these Regulations has the same meaning as in the Cape Town Convention.”

*Regulation 4 amended*

3. Regulation 4 of the Principal Regulations is amended—

(i) by deleting subparagraph (2)(d) and substituting the following—

“(d) a body incorporated elsewhere than in Fiji whether or not it is carrying on business in Fiji,”

(ii) by deleting subparagraph (7) and substituting the following—

“(7) The Authority shall not cancel the certificate of registration of an aircraft which is the subject of an undischarged international interest or mortgage that has priority unless the holder of that international interest or mortgage has consented to the cancellation.”

*Regulation 6 amended*

4. Regulation 6 of the Principal Regulations is amended by inserting the following new subparagraph after subparagraph (e)—

“(f) any mortgage (other than an international interest) to which the aircraft is subject that the Authority has notice of.”

*New regulations inserted*

5. The Principal Regulations is amended by inserting the following new regulations after regulation 7—

*“Irrevocable de-registration and export request authorisations*

7A.—(1) A debtor must submit an irrevocable de-registration and export request authorisation to the Authority for registration if the debtor—

- (a) is the holder of a certificate of registration in relation to an aircraft; and
- (b) issues an irrevocable de-registration and export request authorisation in relation to that aircraft substantially in the form annexed to the Protocol.

(2) If the Authority receives a submission under paragraph (1), the Authority must, in relation to that aircraft, register the irrevocable de-registration and export request authorisation on the Register.

*De-registration requests*

7B.—(1) Notwithstanding anything to the contrary in these Regulations, an authorised party (or the authorised party’s certified designee) may, in accordance with the relevant irrevocable de-registration and export request authorisation registered under regulation 7A(2), submit a de-registration request to the Authority.

(2) In a request submitted under paragraph (1), the authorised party must certify in writing that—

- (a) the aircraft is not subject to any registered interest that ranks in priority to the international interest that the authorised party holds in the aircraft or other mobile equipment; or
- (b) if the aircraft is subject to a registered interest that ranks in priority to the international interest that the authorised party holds in the aircraft, the holder of the higher-ranking registered interest has consented to the de-registration and exportation of the aircraft.

(3) If the Authority receives a de-registration request under paragraph (1) that is accompanied by the statement specified in paragraph (2), the Authority must, as soon as practicable but, in any event, within 5 working days of receiving the request, revoke the relevant certificate of registration.

(4) If the Authority revokes a certificate of registration under paragraph (3), the Authority must remove the registration from the Register, facilitate and not impede the export of the aircraft from Fiji.

*Removal requests*

7C.—(1) An authorised party (or the authorised party's certified designee) may, in accordance with the relevant irrevocable de-registration and export request authorisation recorded under regulation 7A(2), submit a removal request in writing to the Authority.

(2) A debtor may, in accordance with the relevant irrevocable de-registration and export request authorisation recorded under regulation 7A(2), submit a removal request in writing to the Authority if the debtor—

- (a) has obtained the written consent of the authorised party to do so; and
- (b) provides a copy of the written consent to the Director with the removal request.

(3) If the Authority receives a removal request under paragraphs (1) or (2), the Authority must, as soon as practicable but, in any event, within 5 working days of receiving the request, revoke the relevant irrevocable de-registration and export request authorisation.

(4) If the Authority revokes an irrevocable de-registration and export request authorisation under paragraph (3), the Authority must remove the authorisation from the Register.

*Authority and Director may not exercise certain powers*

7D. The Authority and Director may not exercise any power that the Authority or Director may exercise under these Regulation in relation to a certificate of registration if the exercise of that power would interfere with, or be contrary to, any right or obligation arising under this Part."

Made this 15th day of January 2013.

A. SAYED-KHAIYUM  
Attorney-General and Minister for  
Justice and Anti-Corruption, Public Enterprises,  
Communications, Civil Aviation and Tourism, Industry and Trade