



Tuvalu

**CIVIL AVIATION (RECOGNITION)
AMENDMENT ACT 2021**



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Arrangement of Sections

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CIVIL AVIATION (RECOGNITION) AMENDMENT ACT 2021

**AN ACT TO PROVIDE FOR THE RECOGNITION OF FOREIGN ISSUE
AVIATION DOCUMENTS TO ENABLE AIR SERVICES IN TUVALU TO
FOSTER AIR CONNECTIVITY.**

Commencement [23rd December, 2021]

PART 1 – PRELIMINARY

1 Short Title and Commencement

- (1) This Act may be cited as the Civil Aviation (Recognition) Amendment Act.
- (2) This Act shall come into force on the date of publication after enactment.

2 Interpretation

In this Act, unless the context otherwise requires:

“**Act**” means the Civil Aviation Act;

“**Definition**” means those terms defined in section 2 of the Act.

PART 2 – AMENDMENT

3 Amendment

Section 2 is amended by inserting a new definition as follows:

“**Aviation document**” means any license, permit, certificate, rating or other document or form of regulatory approval or acceptance issued, validated or recognised under this Act, or Rules made under this Act;

“**Competent ICAO contracting state**” means a State that is a signatory to the Convention; and includes an organisation established by a group of States that are signatories to the Convention to issue an aviation related document or authorisation on behalf of those States; that has the necessary level of proficiency to assess the conformance or compliance of an applicant for the grant or issue an aviation document or other regulatory approval;

“**Foreign document holder**” means a person holding an aviation document issued by a National Aviation Authority of another competent ICAO contracting State;

“**Foreign-issued aviation document**” means an aviation document issued by a National Aviation Authority of another competent ICAO contracting State;

“**Instrument of recognition**” means a letter of recognition or other such confirmation of recognition of a foreign-issued aviation document under this Act.

4 Insertion of New Section

The Act is amended by inserting the additional sections 14A and 14B after section 14 as follows:

S14A – Recognition of Foreign-Issued Aviation Document

- (1) Subject to any Rules made under this Act, the Director may, instead of granting or validating a certificate or approval under this Act, recognise foreign-issued aviation documents.
- (2) Where any foreign-issued aviation document is recognised under this section, the Director shall issue an instrument of recognition to the foreign document holder in accordance with any Rules made under this Act.

S14B – Safety Action in Respect of Recognised Foreign-Issued Aviation Document

- (1) The Director may:
 - (a) issue a written stop notice that requires a foreign document holder that has been issued with an instrument of recognition to immediately cease conducting all or any air operators in Tuvalu for the period specified in the notice (which shall not exceed 14 days); or
 - (b) take any other action in respect of an instrument of recognition that may be provided for in Rules made under this Act;
- (2) The Director may only issue a stop notice in accordance with subsection (1)(a) if the Director is satisfied that there is a serious and immediate risk to civil aviation safety in Tuvalu.
- (3) The Director may, if satisfied that there is a serious on-going risk to aviation safety withdraw an instrument of recognition, so long as that action is taken before the period specified in any stop notice issued under subsection (1)(a) expires, and the holder of the instrument of recognition has been provided an

opportunity to respond to the information relied upon by the Director to take action under this section.

- (4) If the Director exercises his or her power under subsection (3) the foreign document holder must immediately surrender the instrument of recognition issued under section 14A.
- (5) Any holder of an instrument of recognition against whom action is taken under this section shall have the rights of appeal under section 27 of the Act, as if the action was taken under that section.