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1435

[LEGAL NOTICE No. 82]

CIVIL AVIATION ACT
(CAP. 174)

AIR NAVIGATION (AMENDMENT) REGULATIONS 2009

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CIVIL AVIATION ACT
(CAP. 174)

Air Navigation (Amendment) Regulations 2009

IN exercise of the powers conferred upon me by section 3 of the Civil Aviation Act 1976, I make these Regulations—

Citation, commencement, etc

1.—(1) These Regulations may be cited as the Air Navigation (Amendment) Regulations 2009.

(2) Except for Regulations 145D which shall come into force on a date to be appointed by the Minister by notice in the Gazette, these Regulations come into force 3 months from the date of publication in the *Gazette*.

(3) In these Regulations, “principal Regulations” means the Air Navigation Regulations 1981.

Regulation 2 amended

2. Regulation 2 of the principal Regulations is amended—

(a) by revoking sub regulation (1) and substituting the following sub regulation—

“(1) In these Regulations, unless the context otherwise requires—

“accident” means an occurrence that is associated with the operation of an aircraft and takes place between the time any person boards the aircraft with the intention of flight and such time as the engine or any propellers or rotors have come to rest and all such persons have disembarked, being an occurrence in which—

(a) a person is fatally or seriously injured as a result of—

(i) being in the aircraft; or

(ii) direct contact with any part of the aircraft, including any part that has become detached from the aircraft; or

(iii) direct exposure to jet blast—

except when the injuries are self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or

(b) the aircraft sustains damage or structural failure which—

(i) adversely affects the structural strength, performance, or flight characteristics of the aircraft; and

(ii) would normally require major repair or replacement of the affected component,

except engine failure or damage, when the damage is limited to the engine, its cowlings, or accessories; or for damage limited to propellers, wing tips, rotors, antennas, tires, brakes, fairings, small dents, or puncture holes in the aircraft skin; or

(c) the aircraft is missing or is completely inaccessible.

“aerial work” means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement or flying training by aviation training institutions;

“aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“aerial work undertaking” means an undertaking whose business is the performance of aerial work;

“aerobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

“aerodrome” means a defined area on land or water (including any building, installation or 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;

“aerodrome certificate” means a certificate to operate an aerodrome issued by the Authority under any law relating to the certification of aerodromes subsequent to the acceptance and approval of the aerodrome manual;

“aerodrome operating minima” means the limits of usability of an aerodrome for—

- (a) take-off, expressed in terms of Runway Visual Range (RVR) or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility or RVR and decision altitude or height (DA/H) as appropriate to the category of the operation;
- (c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility or RVR and decision altitude or height (DA/H); and
- (d) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude or height (MDA/H) and, if necessary, cloud conditions;

“aerodrome operator” means a person that holds an aerodrome certificate or an aerodrome registration approval authorising the person to operate an aerodrome;

- “aerodrome registration approval” means a form of approval given to an aerodrome either, for a land aerodrome for aeroplanes, by the Authority, for a water aerodrome by its inclusion in an aircraft operator’s operations manual or for a heliport by its inclusion in the helicopter operator’s operations manual;
- “aerodrome reference point” means the designated geographical location of the aerodrome;
- “aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in, or entering or leaving an aerodrome traffic circuit;
- “aerodrome traffic zone” means the airspace around an aerodrome for the protection of aerodrome traffic and, unless otherwise specified, includes the airspace within a horizontal radius of 8 kilometres from the aerodrome reference point and extending from the surface to 3,000 feet above the elevation of the aerodrome;
- “Aeronautical Information Publication (AIP)” means a publication issued by Airports Fiji and containing aeronautical information of a lasting character essential to air navigation;
- “aeronautical information service” means a service established within a defined area of coverage responsible for the provision of aeronautical information and data necessary for the safety, regularity and efficiency of air navigation;
- “aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;
- “aeronautical mobile service” means, unless the context otherwise requires, a mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate; emergency position-indicating radio-beacon stations may also participate in this service on designated distress and emergency frequencies or a mobile service reserved for communications relating to safety and regularity of flight, primarily along national or international civil air routes;
- “aeronautical station” means a land station in the aeronautical mobile service established for the purpose of assisting aircraft, or a radio station placed on board a ship or on an earth satellite;
- “aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- “aircraft” means any machine that can derive support in the atmosphere from reactions in the air other than the reactions of the air against the earth’s surface but, in Part 3 of these regulations, aircraft includes an aircraft set out in column 4 of the following table—

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Aircraft	Lighter than air aircraft	Power Driven	Airship
		Non Power Driven	Free Balloon Captive Balloon Kite
	Heavier than air aircraft	Non Power Driven	Glider (Fixed lifting surfaces) Glider (Non-fixed lifting surfaces)
		Power Driven	Aeroplane (Landplane) Aeroplane (Amphibian) Aeroplane (Seaplane) Aeroplane (Self Launching Motor)
		Power Driven (flying machines)	Powered Lift (Tilt Rotor) Rotorcraft (Helicopter)
			Rotorcraft (Gyroplane)

“air navigation services” includes air traffic services, aeronautical telecommunication service, meteorological service for air navigation, search and rescue and aeronautical information service;

“Airports Fiji” means Airports Fiji Limited, as that company exists from time to time (even if the name is later changed);

“airship” means a power driven lighter-than-air aircraft;

“air traffic” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

“air traffic control clearance (clearance)” means authorization by an air traffic control unit for an aircraft to proceed under conditions specified by that unit, and “clearance” prefixed by the words “taxi”, “take off”, “en-route”, “approach” or “landing” shall be construed accordingly;

“air traffic control service” means a service provided for the purpose of—

- (a) preventing collisions—
 - (i) between aircraft; or
 - (ii) on the manoeuvring area between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic;

“air traffic control unit (ATC unit)” means an area control centre, approach control unit or aerodrome control tower;

“air traffic services” is a generic term meaning flight information services, alerting services, air traffic advisory services, air traffic control services (area control services, approach control services or aerodrome control services);

“air traffic service route (ATS route)” means a route for channelling the flow of traffic as necessary for the provision of air traffic services;

“air traffic services reporting office” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

“air traffic services unit (ATS Unit)” is a generic term meaning air traffic control unit, flight information centre or air traffic services reporting office;

“air transport undertaking” means an undertaking involving the transport by air of passengers, cargo or mail for remuneration or hire;

“airway” means a control area or portion thereof established in the form of a corridor;

“alerting service” means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid and assist such organizations as required;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or land at the aerodrome of intended landing, and includes the following corresponding definitions—

- (a) “take-off alternate” means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;
- (b) “en-route alternate” means an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route;
- (c) “destination alternate” means an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;
- (d) “ETOPS en-route alternate” means a suitable and appropriate alternate aerodrome, including arrival and departure aerodromes, at which an aeroplane would be able to land after experiencing an engine shut down or other abnormal or emergency condition while en-route in an ETOPS operation;

- “altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;
- “amphibian” means an aircraft that is capable of taking-off and landing on land and on water;
- “approach control unit” means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;
- “approach control service” means air traffic control service for arriving or departing controlled flights;
- “apron” means a defined area on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;
- “approved” in relation to endorsement by the Authority, means acceptable to the Authority;
- “area control centre (ACC)” means a unit which provides air traffic control service to controlled flights in control areas under its jurisdiction;
- “area control service” means air traffic control service for controlled flights in control areas;
- “authorised person” means any suitably qualified person authorized in writing by the Authority to exercise any of the functions of an authorised person under the Act and its regulations;
- “Authority” means the Civil Aviation Authority of the Fiji Islands established under the Civil Aviation Authority of Fiji Act Cap. 174A;
- “aviation document” means any licence, certificate, permit, approval, ratings and privileges issued or granted by the Authority under these Regulations;
- “balloon” means a non-power driven lighter-than-air aircraft;
- “cargo” means any property carried in an aircraft other than mail, stores and accompanied or mishandled baggage;
- “ceiling” in relation to weather, means the height above the ground or water of the base of the lowest layer of cloud below 6000 metres (20,000 feet) covering more than half the sky;
- “certified aerodrome” means an aerodrome appropriately issued with an aerodrome certificate authorising the aerodrome operator to use the aerodrome for the purposes specified in the aerodrome certificate;
- “change-over point” means the point at which an aircraft navigating on an ATS route segment defined by reference to very high frequency omni directional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft, being the point which provides the optimum balance in respect of signal strength and quality between facilities at all levels to be used and to ensure a common source of azimuth guidance for all aircraft operating along the same portion of a route segment;

- “charter flight” means a flight, operated on an ‘as and when required’ basis, where the entire aircraft capacity is hired or purchased privately by one or more entities, which may re-sell to the public, for carriage from one place to another or returning to the place of departure;
- “Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on 7 December 1944, as amended;
- “clearance” see definition of “Air traffic control clearance”;
- “clearance limit” means the point to which an aircraft is granted an air traffic control clearance;
- “commercial air transportation” see definition of “commercial air transport operation”;
- “commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- “congested area” in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;
- “Contracting State” means any State (including Fiji) which is a party to the Convention on International Civil Aviation concluded at Chicago on 7 December 1944;
- “control area” means a controlled airspace extending upwards from a specified limit above the earth;
- “controlled aerodrome” means an aerodrome at which air traffic control service is provided to aerodrome traffic;
- “controlled airspace” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the air space classification;
- “controlled flight” means any flight which is subject to an air traffic control clearance;
- “controlled VFR flight” means a controlled flight conducted in accordance with the Visual Flight Rules;
- “control zone” means the controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- “co-pilot” means a licensed pilot serving in any other capacity (other than as pilot-in-command) but does not include a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;
- “crew member” means a person assigned by the aircraft operator for duty on an aircraft during a flight duty period;
- “cruise climb” means an aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases;
- “cruising level” means a level maintained by an aircraft during a significant portion of a flight;
- “current flight plan” means the flight plan, including changes, if any, brought about by subsequent clearances;

- “danger area” means the airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;
- “decision altitude (DA) is referenced to mean sea level or decision height (DH) is referenced to the threshold elevation” means a minimum altitude or height in a precision approach at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;
- “design take-off mass” means the maximum mass at which the aircraft, for structural design purposes, is assumed to be planned to be at the start of the take-off run;
- “designated area” means any part of an aerodrome or any building on an aerodrome designated, by a notice signed by an aerodrome operator and posted on or near the entry points to such part of the aerodrome or building to which it is applicable, so as to be readily seen and read by members of the public, as an area restricted to any person or class of persons;
- “duty” in relation to any aircraft crew member means the undertaking on behalf of the operator of the aircraft, of any flight (whether as passenger or crew) or of any function (whether or not in flight) on or in connection therewith;
- “duty period” the time during which a flight crew member carries out any duty at the behest of the flight crew member’s employer;
- “elevation” means the vertical distance of a point or a level, on or affixed to the surface of the earth measured from mean sea level;
- “emergency distance available” means the distance from the point on the surface of the aerodrome at which the aircraft can commence its take-off run to the nearest point in the direction of take-off at which the aircraft cannot roll over the surface of the aerodrome and be brought to rest in an emergency without the risk of accident;
- “ETOPS” means extended twin-engine operations;
- “expected approach time”, in relation to any arriving aircraft, means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding point to complete its approach for a landing;
- “filed flight plan” means the flight plan as filed with an ATS unit by the pilot of an aircraft or his designated representative, without any subsequent changes;
- “flight” means that an aircraft shall be deemed to be in flight—
- (a) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment then it next becomes attached thereto or comes to rest thereon;

- (b) in the case of any other aircraft, from the moment the aircraft first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;
- and "to fly" has a corresponding meaning;
- "flight crew member" means a licensed crew member charged with duties essential to the operation of the aircraft during a flight duty period;
- "flight duty period" means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and with the intention of making a flight or series of flights, to the moment the flight crew member is relieved of all duties;
- "flight information centre" means a unit established to provide flight information service and alerting service;
- "Flight Information Region (FIR)" means an airspace of defined dimensions within which flight information service and alerting service are provided;
- "flight information service" means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;
- "flight level (FL)" means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;
- "flight plan" means specified information communicated to air traffic services units, relative to an intended flight or portion of an intended flight of an aircraft;
- "flight simulation training device" means any one of the following apparatus in which flight conditions are simulated on the ground—
- (a) a *flight simulator*, which provides an accurate representation of the flight deck of a particular aircraft to the extent that mechanical, electrical, electronic, etc. aircraft systems control functions, the normal environment of the flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;
 - (b) a *flight procedures trainer*, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of that mechanical, electrical electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class;
 - (c) a *basic instrument flight trainer*, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

- “flight time” means the total time from the moment an aircraft first moves for the purpose of taking-off until the moment it comes to rest at the end of the flight;
- “flight visibility” means the visibility forward from the cockpit of an aircraft in flight;
- “(to) fly” See definition of “flight”;
- “glider” means a non-power-driven heavier-than-air aircraft which derives its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- “ground visibility” means the visibility at an aerodrome, as reported by an accredited observer;
- “gyroplane” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;
- “heavier-than-air aircraft” means an aircraft deriving its lift in flight chiefly from aerodynamic forces;
- “helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power driven rotors on substantially vertical axes;
- “heading” means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass, or grid);
- “height” means the vertical distance of a level, a point, or an object considered as a point, measured from a specified datum; when referring to an aircraft, the height will be measured from the lowest part of the aircraft;
- “IFR flight” means a flight conducted in accordance with the Instrument Flight Rules;
- “incident” means an occurrence other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- “in-flight relief” means the period of time during which a flight crew member is relieved in flight of his or her duties at the controls by another suitably qualified flight crew member;
- “Instrument Flight Rules” means a set of rules governing the conduct of flight under instrument meteorological conditions;
- “instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply;
- “Instrument Meteorological Conditions (IMC)” means the meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for Visual Meteorological Conditions;

- “(to) land”, in relation to aircraft, includes alighting on the water;
- “landing area” means that part of a movement area intended for the landing or take-off of aircraft;
- “landing distance available” means the distance from the point on the surface of the aerodrome above which the aircraft can commence its landing, having regard to the obstructions in its approach path, to the nearest point in the direction of landing at which the surface of the aerodrome is incapable of bearing the weight of the aircraft under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aircraft;
- “level” refers generally to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;
- “life jacket” means any device designed to support a person individually in or on the water;
- “lighter-than-air aircraft” means any aircraft supported chiefly by its buoyancy in the air;
- “Low Visibility Procedures (LVP)” means the procedures applied at an aerodrome for the purpose of ensuring safe operations during Category II and III approaches and Low Visibility Take-offs;
- “manoeuvring area” means that part of an aerodrome to be used for the take-off and landing of aircraft and for the surface movement of aircraft associated with take-off and landing, excluding any apron;
- “maximum certificated take-off mass” means the maximum permissible take-off mass of the aircraft according to the certificate of airworthiness, the flight manual or other official document;
- “maximum total weight authorized” means the maximum total weight of the aircraft and its contents at which the aircraft may take off, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;
- “mercy flight” means a flight for the sole purposes of saving a person in a life threatening situation;
- “movement area” means that part of an aerodrome to be used for take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;
- “nautical mile” means the length equal to 1852 metres;
- “night” means the time between 15 minutes after sunset and 15 minutes before sunrise, sunset and sunrise being determined at the surface;
- “notified” means shown in any of the following publications issued by or on behalf of the Authority, whether before or after the coming into force of these Regulations, that is to say, ‘NOTAMs’ (Notices to Airmen), Information Circulars, Aeronautical Information Publications or any other official publication issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

- “occurrence” means an accident or an incident;
- “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;
- “operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the performance of their duties;
- “operator” means a person who exercises operational control over an aircraft;
- “pilot-in-command” means the pilot designated by the operator or owner, as being in command and charged with the safe conduct of a flight;
- “pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;
- “private flight” means any flight operation that does not involve payment or remuneration in exchange for the flight operation;
- “prohibited area” means the airspace of specified dimensions, above the land areas or territorial waters of the Fiji Islands within which the flight of aircraft is prohibited;
- “public transport” has the meaning assigned to it in sub regulation (6);
- “public transport aircraft” an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;
- “rating” means an authorisation entered on or associated with a licence and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence;
- “recreational flight” means a flight operation for leisure that may involve the payment or remuneration in exchange for the flight operation but excludes any scheduled flight, charter flight and training flight;
- “required navigation performance” (RNP) means a statement of the navigation performance necessary for operation within a defined airspace;
- “registered owner” means the person in whose name an aircraft is registered under regulation 4, or in the case of an aircraft registered in another country, under the law of that country;
- “replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded or unloaded;

- “reporting point” means the specified geographical location in relation to which the position of an aircraft can be reported;
- “rest period” means any period of time on the ground during which a flight crew member is relieved of all duties by the operator;
- “restricted area” means the airspace of specified dimensions, above the land areas or territorial waters of Fiji, within which the flight of aircraft is restricted in accordance with certain specified conditions so notified;
- “rotorcraft” means a power driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;
- “Rules of the Air” means the Rules contained in Part VI;
- “runway” means a defined and prepared area at a land aerodrome provided for the landing and take-off of aircraft;
- “runway visual range (RVR)” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;
- “safe forced landing” means an unavoidable forced landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;”
- “safety management system” means a systemic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures;
- “seaplane” means an aeroplane equipped with floats or other devices enabling it to land and take-off from the surface of water;
- “special VFR flight” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;
- “specified”, in relation to an aircraft, means specified in, or ascertainable by reference to—
- (a) the certificate of airworthiness in force in respect of that aircraft; or
 - (b) the flight or operations manual or performance schedule included in that certificate, or other document, whatever its title, incorporated by reference in that certificate;
- “take-off distance available” means either the distance from the point on the surface of the aerodrome at which the aircraft can commence its take-off run to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aircraft or one and one half times the take-off run available, whichever is the lesser;
- “take-off run available” means the distance from the point on the surface of the aerodrome at which the aircraft can commence its take-off run to the nearest point in the direction of take-off at which the surface at the aerodrome is incapable of bearing the weight of the aircraft under normal operating conditions;

“taxiway” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another including—

- (a) aircraft standby taxiway, which is a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (b) apron taxiway, which is a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- (c) rapid exit taxiway, which is a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;

“terminal control area” means a control area established at the confluence of ATS routes in the vicinity of one or more major aerodromes;

“track” means the projection on the earth’s surface of the path of an aircraft, the direction of which path at any given point is usually expressed in degrees measured from North (true, magnetic or grid);

“transfer of control point” means a notified defined point located along the flight path of an aircraft, at which the responsibility for providing air traffic control service to the aircraft is transferred from one air traffic control unit or control position to the next;

“transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“VFR flight” means a flight conducted in accordance with the Visual Flight Rules;

“visibility” means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

“visual approach” means an approach by an IFR flight when either part or all of an instrument approach procedure is not completed and the approach is executed in visual reference to terrain;

“Visual Flight Rules” means the requirements for visual flight contained in Part VI;

“Visual Meteorological Conditions (VMC)” means meteorological conditions expressed in terms of visibility, distance from cloud and ceiling, equal to or better than the specified minima.”; and

- (b) by adding after sub regulation (4) the following sub regulations—

- “(5) For the purposes of the definition of “operator”, the operator of an aircraft is the person who exercises operational control over an aircraft, provided that, for the purposes of the application of any provision in Part 1, when, by virtue of any charter or other agreement for the hire or loan of an aircraft, a person other than an air transport undertaking or an aerial work undertaking has the operational control of that aircraft for a period not exceeding 14 days, this sub regulation shall have effect as if that agreement had not been entered into.
- (6) For the purposes of the definition of “public transport”, an aircraft shall be deemed to fly for the purpose of public transport—
- (a) if it is for hire or reward is given or promised, for the carriage of passengers or cargo in the aircraft on that flight; or
 - (b) if any passenger or cargo is carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including in the case of a body corporate its directors), persons with the permission of the Authority either making any inspection or witnessing any training, practice or test for the purpose of these Regulations, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
 - (c) for the purpose of these Regulations, if it is for hire or reward is given or promised, for the right to fly the aircraft on that flight, otherwise than under a hire-purchase agreement, and the expression “public transport of passengers” shall be construed accordingly, provided that, notwithstanding that an aircraft may be flying for the purpose of public transport by reason of this paragraph, it shall not be deemed to be flying for the purpose of the public transport of passengers unless hire or reward is given for the carriage of those passengers.
- (7) Where, under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be deemed to be given or promised if the transaction were effected otherwise than as aforesaid, hire or reward shall, for the purpose of these Regulations, be deemed to be given or promised.”.

Regulation 5 amended

3. Regulation 5 of the principal Regulations is amended by—
- (a) inserting “(1)” before the words “An application”; and

(b) adding the following sub regulation—

“(2) In applying for the registration of aircraft, the owner of the aircraft whether individuals or a firm or a body corporate provided that where the owner is a firm or body corporate, then the firm or body corporate shall notify the Authority who is authorised to sign on behalf of the firm or body corporate in the relevant application form for registration of aircraft.”

Regulation 10 amended

4. Regulation 10 of the principal Regulations is amended in sub regulation (1) under item 2 (Size of marks) by revoking subparagraph (a) (ii) and inserting the following—

“(ii) *Fuselage (or equivalent structure) or vertical tail surface*: The height of the marks on the fuselage (or equivalent structure) or on the vertical tail surfaces of heavier-than-air aircraft shall be at least 30 centimetres (12 inches) except that, for aircraft with a take-off mass of less than 5700 kilograms, the size of the marks may be less than 30 centimetres (12 inches) but no less than 20 centimetres (8 inches).”

Regulation 11 amended

5. Regulation 11 of the principal Regulations is amended by revoking sub regulation (1) and substituting the following sub regulation—

“(1) A Fiji registered aircraft shall not bear any design, mark, symbol or other feature that may interfere with the easy recognition of, or cause confusion with, the nationality and registration marks of the aircraft.”

Regulation 13 amended

6. Regulation 13 of the principal Regulations is amended—

(a) in sub regulation (2)—

- (i) by deleting the “and” at the end of paragraph “(a)”;
- (ii) by deleting the full stop at the end of paragraph “(b)” and inserting “; and”; and
- (iii) by adding a new paragraph after paragraph (b) —

“(c) Notwithstanding paragraphs (a) and (b) above, the Authority may issue a certificate of airworthiness in respect of an aircraft provided it is Type Certified under an airworthiness code accepted by the Authority and published in the airworthiness standards document.”;

(b) in sub regulation (4) by adding “The period of validity and renewal intervals shall be published in the Airworthiness Standards notified by the Authority.” after the words “thinks fit.”; and

(c) in sub regulation (8)—

- (i) by renumbering the existing sub regulation as paragraph “(a)”;
- and
- (ii) by inserting the following new paragraphs—

“(b) The aircraft shall comply with all mandatory continuing airworthiness information and the operator of the aircraft shall establish a system for monitoring and recording compliance of the aircraft to such information on an on-going basis.

- (c) The Authority shall cause the operator to establish in relation to each aircraft registered in the Fiji Islands, a system for the exchange of continuing airworthiness information with the type design organizations, enabling the aircraft, including its engines, and such of its equipment as the Authority may have considered necessary for the airworthiness of the aircraft in issuing, renewal, or varying a certificate of airworthiness or a certificate of validation.”

Regulation 15 amended

7. Regulation 15 of the principal Regulations is amended—

- (a) by revoking sub regulations (1) and (2) and substituting the following—

“(1) No person shall fly an aircraft registered in the Fiji Islands unless—

(a) the aircraft including its engines, together with its equipment and radio station, is maintained in accordance with maintenance schedules approved by the Authority in relation to that aircraft;

(b) there are in force in respect of that aircraft certificates of maintenance issued for public transport or aerial work aircraft in accordance with the provisions of this regulation certifying that maintenance has been carried out in accordance with such maintenance schedules.

(2) A maintenance schedule approved under sub regulation (1) (a) in relation to a public transport or aerial work aircraft shall specify the occasions on which a review must be carried out for the purpose of issuing a certificate of maintenance. The certificate certifies the date on which the maintenance was carried out and the date when the next review is due.”; and

- (b) by revoking sub regulation (5) and substituting the following—

“(5) On the termination of every flight by an aircraft registered in Fiji for the purposes of public transport or aerial work, the pilot in command of the aircraft shall—

(a) where a technical log is provided in which entries can be made, ensure the entry in that log particulars of—

(i) the times at which that flight began and ended; and

(ii) any defect in any part of the aircraft or its equipment which is known to him, being a part to which a maintenance schedule relates, or if no such defect is known to him, an entry to that effect;

(iii) and he shall sign and record the date and time of such entries;

(b) where there is no physical technical log, endeavour to ensure that the data required in (a) (i) and (ii) above is recorded in a manner acceptable to the Authority;

provided that, in the case of a number of consecutive flights beginning and ending on the same day at the same aerodrome and with the same person as pilot in command of the aircraft, the pilot in command may, except where he becomes aware of a defect during an earlier flight, enter the particulars as aforesaid in a technical log at the end of the last of such flights.”.

Regulation 18 amended

8. Regulation 18 of the principal Regulation is amended in sub regulation (2) by deleting “oil” and inserting “lubricant”.

Regulation 23 amended

9. Regulation 23 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting the words “registered in Fiji” and substituting the words “operated by an operator domiciled in Fiji”;
- (b) in sub regulation (5) Table 1—
 - (i) by deleting “H, I and J” in Section “All other aircraft” (2) paragraph (e) Scale of Equipment Required and substituting “H and I(3)”;
 - (ii) in paragraph (f) by deleting “10,000 feet or more” and substituting “more than 10,000 feet”; and
 - (iii) by deleting the following clause at the end of the table, “Aeroplanes which have a maximum total weight authorised exceeding 15 000 kilograms or which in accordance with the certificate of airworthiness in force in respect thereof may carry more than 30 passengers when flying for the purpose of public transport W” and by substituting the following table—

"Description of Aircraft"	Circumstances of flight	Scale of equipment required
All turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5700 kg or authorized to carry more than 9 passengers	when flying for the purpose of public transport	W1
All piston-engined aeroplanes of a maximum certificated take-off mass in excess of 5700 kg or authorized to carry more than 9 passengers	when flying for the purpose of public transport	W2
All turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5,700 kg or authorized to carry more than 19 passengers	At all times	X
All aircraft	At all times	Y
All aircraft except – (i) aircraft that operate outside controlled airspace, no higher than 500 feet and no closer than 10 nm to an aerodrome serving air transport operations; or (ii) domestic aircraft due to be withdrawn by 1st January 2011 or (iii) international aircraft due to be withdrawn by 1st January 2014; or (iv) any other aircraft where the requirement is specifically excluded, either indefinitely or until a date acceptable to the Authority, on the aircraft's certificate of airworthiness.	On all flights on or after a date notified by the Minister in the Gazette unless permitted by the aircraft's Minimum Equipment List and with notification to and acceptance by ATC.	Z";

(c) in sub regulation (6)–

- (i) Scale F (1) by deleting "with a sweep second hand" and substituting "capable of indicating the time in hours, minutes and seconds";
- (ii) Scale K by deleting "flight level 100" wherever occurring and substituting "10,000 feet";
- (iii) in Scale Q by inserting the word "only" after the word "worked"; and
- (iv) by deleting "Scale W" and all the text of Scale W at the end of sub regulation (6), and inserting the following –

"Scale W 1

Equipment of a type approved by the Authority that includes a forward looking terrain avoidance function, and that provides automatically a timely and distinctive warning to the flight crew when the aeroplane is

in potentially hazardous proximity to the earth's surface and provides warnings of the following circumstances:

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration;
 - (i) gear not locked down;
 - (ii) flaps not in a landing position; and
- (e) excessive descent below the instrument glide path.

For aircraft of less than 5700 kg but approved to carry 10 to 19 passengers and fitted for ADS-B surveillance, TAWS class A or TAWS Class B as defined in TSO-C151A or any replacement of it is acceptable to the Authority.

Scale W 2

A Ground Proximity Warning System or equipment of a type approved by the Authority which provides warnings of excessive descent rate, excessive altitude loss after take-off or go-around, warning of unsafe terrain clearance and a forward looking terrain avoidance function.

Scale X

An airborne collision avoidance system of a type approved by the Authority that operates in accordance with the relevant provisions of Annex 10 Volume IV and shall meet the requirements of FAA TSO-C119b.

Scale Y

A pressure-altitude reporting transponder of a type approved by the Authority that operates in accordance with the relevant provisions of Annex 10 Volume IV. All aircraft for which the individual aircraft's first certificate of airworthiness was issued after 1 January 2007 shall be equipped with a data source that provides pressure altitude information with a resolution of 7.62 m (25 ft), or better.

Scale Z

Serviceable and operating ADS-B equipment that meets a standard notified by the Authority.;

- (d) by renumbering the existing sub regulations "(7)" and "(8)" as "(8)" and "(9)" and adding the following as sub regulation (7)–

"(7) Where an aircraft does not meet a requirement of this regulation but an alternative means of compliance that provides an equivalent level of safety has been found acceptable by the type certification authority taking into consideration its intended operation then that alternative means of compliance may be acceptable to the Authority.;" and

- (e) in the renumbered sub regulation (9) —
- (i) in Scale D by deleting the words “radio” (appearing twice) and “on the surface”; and
 - (ii) in Scale E by deleting the words “aeronautical radio stations” and substituting “aeronautical stations or from a selected position”.

Regulation 24 replaced and new regulation 24A added

10.—(1) Regulation 24 of the principal Regulations is amended by revoking Regulation 24 and substituting the following Regulations —

“Agreement for transfer of Functions and Duties in accordance with Article 83 bis of the Chicago Convention”

24.—(1) This Regulation authorizes the transfer of all or part of the State of Registry’s functions and duties in respect of an aircraft under Articles 12, 30, 31 and 32 (a) of the Chicago Convention from any contracting State to the Republic of the Fiji Island or from the Republic of the Fiji Island to any contracting State when there is in place an Article 83 bis agreement between the Republic of the Fiji Island and that contracting State.

(2) The State of Registry shall be relieved of any responsibility in respect of the function or duty that is transferred to the State of Operator.

(3) The State of Operator shall have the sole responsibility in respect of the function or duty that is transferred until such time the Article 83 bis agreement ceases to be in force under subregulation (7).

(4) The operation of this regulation shall not be effective unless Fiji has registered with the Council of the International Civil Aviation Organization the Article 83 bis agreement detailing the following —

- (a) the name of the Contracting State that is the other party;
- (b) the date of commencement of the agreement;
- (c) the aircraft to which the agreement relates;
- (d) the responsibilities of the aircraft’s State of Registry that are transferred by the agreement; and
- (e) the provisions in this regulation that are stated in the agreement to be related to the responsibilities.

(5) If the Republic of the Fiji Island has entered into an Article 83 bis agreement or an Article 83 bis agreement to which the Republic of the Fiji Island is a party has been amended, the Authority shall publish a notice in the Republic of the *Fiji Island Government Gazette* setting out particulars of the agreement or amendment.

- (6) Without limiting subsection (6), the notice must set out:
- (a) the Contracting State that is the other party to the agreement; and
 - (b) the date of commencement of the agreement or amendment; and
 - (c) the aircraft to which the agreement or amendment relates; and
 - (d) the functions of the State of registry in respect of the aircraft that are transferred under the agreement or amendment; and
 - (e) the provisions of this Act that are stated in the agreement or amendment to be related to the functions.

(7) The Authority shall publish a notice in the *Gazette* when an Article 83bis agreement ceases to be in force including the details of that cessation.”

(2) The principal Regulations are amended by adding after regulation 24 the following new regulation—

“Operation of foreign registered aircraft - private flights

24A.— All foreign registered aircraft granted approvals to operate private flights within Fiji shall conduct such flights at all times during the currency of such approvals, in accordance with all the laws of Fiji relating to civil aviation.”

Regulation 27 amended and new Regulation 27A added

11.—(1) Regulation 27 of the principal Regulations is amended—

(a) by revoking sub regulation (4) and substituting the following sub regulation—

“(4) A person acting as a member of a flight crew of an aircraft operated by an operator domiciled in Fiji shall use a boom or throat microphone for the purpose of radio communication—

(a) whilst the aircraft is manoeuvring for the purpose of flight; or

(b) whilst the aircraft is below the transition level or altitude; or

(c) after landing, until the aircraft is parked or secured.”;

(b) by revoking sub regulation (6) and substituting the following sub regulation—

“(6) An aircraft in flight within Nadi Flight Information Region shall not use any radio frequency except those specifically allocated and approved by or acceptable to the Authority.”

(2) The principal Regulations are amended by adding after regulation 27 the following new regulation—

“Use of airborne collision avoidance systems

27A.— (1) This regulation applies to:

(a) any aircraft that is required by regulation 23 (6) Scale X to be fitted with an airborne collision avoidance system of a type approved by the Authority; and

(b) any aircraft that is required by its State of Registry to be fitted with an airborne collision avoidance system in accordance with the requirements of Annex 6 section 6.18 whilst that aircraft is operating in the airspace over Fiji or departing from a place in Fiji.

(2) An aircraft to which this regulation applies shall not begin a flight if the aircraft is not fitted with an approved airborne collision avoidance system that is serviceable.

(3) Notwithstanding the requirement of sub regulation (2), an aircraft that is not fitted with a serviceable airborne collision avoidance system may commence a flight—

(a) for the ferrying of the aircraft to a place where an airborne collision avoidance system can be fitted to the aircraft or an unserviceable

airborne collision avoidance system that is fitted can be repaired, replaced or overhauled; or

(b) when the flight takes place, inclusion in the aircraft of an approved but unserviceable airborne collision avoidance system is a permissible unserviceability in the aircraft.

(4) The pilot-in-command shall advise air traffic services of the non-availability of a serviceable airborne collision avoidance system at least 30 minutes before departure.

(5) The pilot-in-command of any aircraft to which this Regulation applies shall ensure that the airborne collision avoidance system is activated at all times while the aircraft is in flight.

(6) If the airborne collision avoidance system fitted to an aircraft to which this regulation applies becomes unserviceable during flight whilst in or before entering airspace administered by Fiji, then the pilot-in-command shall advise the air traffic service unit administering that airspace as soon as practicable.”.

Regulation 30 amended and new Regulation 30A added

12.—(1) Regulation 30 of the principal Regulations is amended—

(a) in sub regulations (4), (5) and (6) by deleting “registered” and substituting “operated by an operator domiciled”;

(b) in sub regulation (6) by deleting “flight radio operator” and substituting “person holding a Flight Radio Telephone Operator Licence”;

(c) by revoking sub regulation (12) and substituting as follows –

“(12) Every air transport operator domiciled in Fiji and operating an air transport flight with an aircraft fitted with 21 or more passenger seats shall ensure that the aircraft carries on board the minimum number of cabin crew as either—

(a) specified by the manufacturer’s recommended emergency evacuation procedures for the aircraft configuration being used; or

(b) specified by the certified design criteria for the aircraft (if available) and that will ensure at least one cabin crew member is present in each occupied compartment and in accordance with the following table—

Number of passenger seats	Number of cabin crew
21 - 50	1
51 - 100	2
101 - 150	3
151 - 200	4 + 1 additional crew for every additional 50 passenger seats or fraction thereof over 200 passenger seats”;

(d) by revoking sub regulation (16) and inserting the following sub regulation—

“(16) Notwithstanding anything prescribed in this Regulation or as a condition on an Air Operator’s Certificate, one less cabin crew may be carried to allow the continuation of an air operation in the event a required cabin crew becomes unfit because of sickness or injury during their tour of duty, provided—

- (a) the remaining cabin crew are trained and competent to operate safely with the reduced number of cabin crew in accordance with the procedures specified in the operator’s operations manual for operating in this configuration; and
- (b) at least one cabin crew member is present in each occupied compartment; and
- (c) the numbers are restored to comply with the minimum number prescribed for that aircraft in this Regulation or elsewhere, whichever is the more restrictive, at the first aerodrome of landing where a replacement would normally be expected to be available.”; and

(e) by revoking sub regulation (17) and inserting the following sub regulations—

“(17) For charter flights, the operator may apply to the Authority for a variation to the number of cabin crew to be carried for such flights.

(18) For non-revenue training, ferry or private flights with less than 20 passengers, the carriage of any cabin attendants is not mandatory.”.

(2) The principal Regulations are amended by adding after regulation 30 the following new Regulation—

“Augmented Crew Operations

30A.—(1) When a flight crew member is provided relief in-flight from his or her duties at his or her normal station by another flight crew member, the relieving flight crew member shall have the qualifications set out in sub regulation (3), (4) or (5).

(2) In this regulation, ‘in the cruise’ means that part of the flight predominantly in level or cruise or climb flight.

(3) The pilot-in-command may pass authority for the conduct of the flight to:

- (a) Another qualified pilot-in-command; or
- (b) For operations above FL200 and in the cruise, a pilot who:
 - (i) holds an ATPL on type; and
 - (ii) has been trained and demonstrated competency to operate, in the cruise, in the appropriate seat; and
 - (iii) has successfully completed that part of the Command Course relating to in-flight decision-making; and
 - (iv) has been route qualified in accordance with the requirements of regulation 46 (1).

- (4) The co-pilot may be relieved by—
- (a) Another qualified co-pilot; or
 - (b) For operations above FL200 and in the cruise, a pilot who:
 - (i) holds a valid Commercial Pilot licence with an Instrument Rating; and
 - (ii) has been trained and demonstrated competency to operate, in the cruise, in the appropriate seat; and
 - (iii) has successfully completed conversion training and checking including type rating, except that the requirement for takeoffs and landings is not required; and
 - (iv) has successfully completed all required recency and recency requirements, except that the requirement for takeoffs and landings is not required; and
 - (v) has successfully completed all required recency flying requirements.
- (5) A system panel operator, normally the holder of a Flight Engineer Licence, may be relieved in flight by:
- (a) another qualified Flight Engineer; or
 - (b) for operations above FL200 and in the cruise, a pilot who has met training, checking and currency requirements acceptable to the Authority.”.

Regulation 31 amended

13. Regulation 31 of the principal Regulations is amended—
- (a) in sub regulation (1)—
 - (i) by deleting “registered in Fiji” and substituting “operated by an operator domiciled in Fiji”; and
 - (ii) by deleting “, or the safety, efficiency or regularity of air navigation”;
 - (b) in sub regulation (2), by deleting “satisfy himself” and substituting “ensure”;
 - (c) in sub regulation (2)(b), by inserting “, in as far as the equipment is included in the operator’s minimum equipment list (MEL)” after “fit condition for use”;
 - (d) in sub regulation (2)(e), by deleting “oil” wherever it appears and substituting “lubricants, oxygen”;
 - (e) in sub regulation (2)(g), by inserting “or alternate thereto in accordance with sub paragraph (a)” after “place of intended destination”; and
 - (f) by revoking sub regulation (4) and substituting the following sub regulations—
 - “(4) No person shall interfere with the pilot or with a member of the crew of an aircraft in flight, in a manner that may impede the ability of the pilot or member to perform their duties or tamper with the aircraft or its equipment, so as to endanger the safety of the aircraft or another person or property therein.

- (5) The pilot-in-command shall be responsible for the operation and safety of the aircraft from the moment the aircraft first moves for the purpose of taking off until the moment it finally comes to rest at the end of the flight and any engine used as primary propulsion units is shut down.

In the case of a push-back at the start of a flight or tow-in at the end of a flight, the operator may delegate some responsibility for the operation and safety of the aircraft to the associated ground crew and the details of such delegation shall be specified in both Engineering and Flight Operations Manuals.

- (6) The pilot-in-command shall ensure that all the appropriate and relevant aeronautical charts and other similar documents applicable to the intended flight or any diversion therefrom are on board and accessible to any flight crew member requiring such charts or documents, which may be provided in any format (printed or electronic) that is acceptable to the Authority.
- (7) The pilot-in-command shall be responsible for reporting all suspected or known defects in the aircraft to the operator at the termination of the flight.
- (8) The pilot-in-command shall be responsible for the entries into the journey log book including all the general declaration containing all the necessary information including—
- (a) aircraft nationality and registration;
 - (b) date;
 - (c) names of flight crew;
 - (d) assignments listing of flight crew in accordance with rank;
 - (e) place and time of departure;
 - (f) place and time of arrival;
 - (g) hours of flight;
 - (h) nature of flight (private, aerial work, scheduled or non scheduled);
 - (i) incidents and observations if any; and
 - (j) signature of person in charge.
- (9) The pilot-in-command shall have the authority to disembark or to refuse carriage of any person or any cargo or part thereof that, in the pilot's opinion, may represent a potential hazard to the safety of the aircraft or person or property therein.”.

Regulation 32 amended

14. Regulation 32 of the principal Regulations is amended by adding after sub regulation (2)—

“(3) Documents required to be carried, including any maps or charts required by sub regulation 23 (6) Scale A paragraph (2), may, subject to the approval of the Authority, be carried in an electronic or other format. The information or data in such electronic or other format of documents shall be capable of being readily accessible to any crew member who may need it.”.

Regulation 33 amended

15. Regulation 33 of the principal Regulations is amended—

(a) in sub regulation (1)—

- (i) by revoking paragraph (h) and substituting—
“(h) the aircraft’s journey log book in which shall be entered the particulars required under sub regulation 31 (h) and the aircraft’s technical log unless the journey and technical logs are combined into one document, whatever named;” ; and
- (ii) in paragraph (j) by deleting “and” at the end of paragraph (j) and by adding the following paragraphs—
“(k) documents attesting that the aircraft is approved to operate in any of the following categories of airspace – RVSM, MNP, RNP10, RNP4 or similar variants thereof;
(l) a certified true copy of the operator’s air operator certificate and related authorizations, conditions and limitations; and
(m) if the aircraft is carrying passengers, a list of their names and places of embarkation and destination and if it is carrying cargo, a manifest and detailed declarations of the cargo.”; and

(b) in sub regulation 2 by deleting “(h) and (j)” and substituting “(h), (i), (j) and (k)”.

Regulation 34 amended

16. Regulation 34 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting “registered” and substituting “operated by an operator domiciled”;
- (b) in sub regulation (2) by inserting the words “quality assurance systems safety management systems, procedures for the exercise of operational control,” between “staffing,” and “maintenance”;
- (c) in sub regulation (3) by deleting “registered ” and substituting “operated by an operator domiciled ”; and
- (d) by inserting the following new sub regulations after sub regulation (5)—
“(6) Notwithstanding sub regulation (2) above, no person shall fly a aircraft for the purpose of public transport under an Air Operator Certificate of Competency issued by the Authority unless it is maintained and its Certificate of Release to Service is issued by an Approved Maintenance Organisation certificated under regulation 145C.
(7) The Operator shall prepare and submit to the Authority its maintenance control manual and maintenance procedures manual for approval. The content of the maintenance control and maintenance procedure manuals shall be in accordance with the standards document for operators published by the Authority.
(8) No operator shall operate an aircraft under a Lease arrangement or ETOPS, RVSM, RNP, PBN, ADS-B, ADS-C or similar requirements unless such type of operation is approved under the air operator certificate issued by the Authority. The operator when conducting

such operation shall comply with any relevant standards document issued by the Authority. When deemed necessary by the Authority, the operator shall produce a supplement to its other manuals, explaining how to safely conduct such operation and submit the same for the Authority's acceptance or approval."

Regulation 36 amended and new Regulation 36A added

- 17.—(1) Regulation 36 of the principal Regulations is amended—
- (a) in sub regulations (1), (2) and (3) by deleting the words "The operator of an aircraft registered" and substituting "An aircraft operator domiciled"; and
 - (b) in sub regulation (2) by inserting ", testing or checking" after "for the sole purpose of training".
- (2) The principal Regulations are amended by inserting after regulation 36 the following regulation—

"ETOPS

36A.—(1) No person shall operate an aeroplane with two turbine engines, for the purposes of public transport, on a route where the flight time at single engine cruise speed to an ETOPS en-route alternate aerodrome is greater than 60 minutes unless the operation is conducted in accordance with sub regulation (2).

- (2) No person shall commence an ETOPS flight unless—
- (a) the operation will be within the limitations placed by the character of the terrain, the kind of operation, the performance of the aeroplane used and the likely safety outcome of any occurrence during the flight;
 - (b) ETOPS is authorised by the certificate holder's Air Operator Certificate of Competency and associated approval and conditions documents;
 - (c) procedures for ETOPS are specified in the certificate holder's Operations Manual;
 - (d) each en-route alternate aerodrome, and the departure and destination aerodromes if used as an en-route alternate, required by the procedures in paragraph (c) will be available during any possible period of use; and
 - (e) the meteorological requirements at each en-route alternate aerodrome, and the departure and destination aerodromes when used as an en-route alternate, meet those specified in the operator's manual as en-route alternate minima for ETOPS.
- (3) Each ETOPS procedure established by an operator shall contain information and instructions necessary to enable the operating staff to perform their duties including but not limited to the following—
- (a) requirements for the aircraft airworthiness certification and design standards for ETOPS;
 - (b) requirements for ensuring on-going reliability and the monitoring and assessment of the propulsion system;

- (c) requirements for flight dispatch procedures, routes to be flown, anticipated operating conditions and location of adequate en-route alternate aerodromes;
- (d) maintenance and operating practice procedure; and
- (e) training programme of flight crew and maintenance personnel.

(4) The operator of an aircraft shall comply with ETOPS standards notified by the Authority.”.

Regulation 37 amended

18. Regulation 37 of the principal Regulations is amended by deleting the existing heading and substituting “Aerodrome operating minima – Aircraft operated by an operator domiciled in Fiji”;

Regulation 38 amended and new Regulation 38A added

19.—(1) Regulation 38 of the principal Regulations is amended—

- (a) by deleting the existing heading and substituting “Aerodrome operating minima – Aircraft operated by an operator domiciled in a country other than Fiji”; and
- (b) in sub regulations (1) and (3) by deleting “registered” and substituting “operated by an operator domiciled”.

(2) The principal Regulations are amended by adding after regulation 38 the following regulation—

“All Weather Operations

38A.—(1) An operator shall establish, for each aerodrome planned to be used, an aerodrome operating minima that are not lower than the values notified by the Authority.

(2) For the purpose of sub regulation (1)—

- (a) The method of determination of such minima must be acceptable to the Authority; and
- (b) Such minima shall not be lower than any that may be established for such aerodromes by the Authority or by the State in which the aerodrome is located.

(3) Notwithstanding (1), in-flight calculations of minima for a non-planned alternate aerodrome may be carried out in accordance with a notified acceptable method.

(4) In establishing the aerodrome operating minima that will apply to any particular operation, an operator must take full account of—

- (a) the type, performance and handling characteristics of the aeroplane;
- (b) the composition of the flight crew, their competence and experiences;
- (c) the dimensions and characteristics of the runways which may be selected for use;
- (d) the adequacy and performance of the available visual and non-visual ground aids;

- (e) the equipment available on the aeroplane for the purpose of navigation or control of the flight path, as appropriate, during the take-off, the approach, the flare, the landing, roll-out and the missed approach;
- (f) the obstacles in the approach, missed approach and the climb-out areas required for the execution of contingency procedures and necessary clearance;
- (g) the obstacle clearance altitude or height for the instrument approach procedures; and
- (h) the means to determine and report meteorological conditions.

(5) The aeroplane categories referred to in this Regulation must be derived in accordance with ICAO standards notified by the Authority.

(6) An operator shall not conduct Category II or III operations unless—

- (a) each aeroplane concerned is certified for operations with decision heights below 200 ft, or no decision heights, and equipped in accordance with ICAO standards notified by the Authority;
- (b) a suitable system for recording approach or automatic landing success and failure is established and maintained to monitor the overall safety of the operation;
- (c) the operations are approved by the Authority;
- (d) the flight crew consist of at least 2 pilots; and
- (e) Decision Height is determined by means of a radio altimeter.

(7) An operator shall not conduct low visibility take-offs in less than 150 m RVR (Category A, B and C aeroplanes) or 200 m RVR (Category D aeroplanes) unless approved by the Authority.

(8) An operator shall not use an aerodrome for Category II or III operations unless the aerodrome is approved for such operations by the Authority.

(9) An operator shall verify that LVP have been established, and will be enforced, at aerodromes where low visibility operations are to be conducted.

(10) An operator shall ensure that, prior to conducting Low Visibility Take-Off, Category II and III operations—

- (a) each flight crew member—
 - (i) completes the training and checking requirements including flight simulator training in operating to the limiting values of RVR and Decision Height appropriate to the operator's Category II or III approval; and
 - (ii) is qualified in accordance with training requirements provided for in the Operations Manual;-
- (b) the training and checking is conducted in accordance with a detailed syllabus approved by the Authority and included in the Operations Manual; and
- (c) the flight crew qualification is specific to the operation and the aeroplane type.

(11) An operator must establish procedures and instructions to be used for Low Visibility Take-Off and Category II and III operations, and such procedures must be included in the Operations Manual and contain the duties of flight crew members during taxiing, take-off, approach, flare, landing, roll-out and missed approach as appropriate.

(12) The pilot-in-command shall ensure that—

- (a) the necessary NOTAMs are reviewed for the status of the visual and non-visual facilities prior to commencing a Low Visibility Take-Off or a Category II or III approach;
- (b) appropriate LVP are in force according to information received from Air Traffic Services, before commencing a Low Visibility Take-off or a Category II or III approach; and
- (c) the flight crew members are properly qualified prior to commencing a low visibility take-off in a RVR of less than 150 m (Category A, B and C aeroplanes) or 200 m (Category D aeroplane) or a Category II or III approach.

(13) An operator must include in the Operations Manual the minimum equipment that has to be serviceable at the commencement of a Low Visibility Take-off or a Category II or III approach in accordance with the aircraft flight manual or other approved document notified by the Authority.

(14) The pilot-in-command shall ensure that the status of the aeroplane and of the relevant airborne systems is appropriate for the specific operation to be conducted.”.

Regulation 39 amended

20. Regulation 39 of the principal Regulations is amended—

- (a) by deleting the existing heading and substituting “Fuel and lubricant supply”;
- (b) by deleting “registered” and substituting “operated by an operator domiciled”; and
- (c) by deleting “oil” wherever occurring and substituting “lubricant”.

Regulation 40 amended

21. Regulation 40 of the principal Regulations is amended by deleting “oil” wherever occurring and substituting “lubricant”.

Regulation 41 amended

22. Regulation 41 of the principal Regulations is amended in sub regulation (7) Table 1 by deleting the inverted commas after “10” in the last cell of the table.”.

Regulation 42 amended

23. Regulation 42 of the principal Regulations is amended—

- (a) by revoking sub regulation (1) and substituting—
 - “(1) No operator domiciled in Fiji shall fly an aircraft for the purpose of public transport, except for the sole purpose of training persons to perform duties in the aircraft, unless in compliance with—

- (a) for an aircraft registered in Fiji or an aircraft for which the responsibility has been transferred to Fiji, the requirements of this regulation; or
- (b) for any other aircraft not covered by paragraph (a), the requirements of the State of Registry in regard to aircraft weight and performance.”; and
- (b) in sub regulation (3) paragraph (b) by deleting “oil” and substituting “lubricant”.

Regulation 43 amended

24. Regulation 43 of the principal Regulations is amended—

- (a) in sub regulation (1), by—
 - (i) deleting “aircraft registered in Fiji and”; and
 - (ii) inserting “, testing or checking “ between the words “training” and “persons”;
- (b) in sub regulation (3), by revoking paragraph (b) and substituting the following paragraph “(b) keep and update the Operations Manual and parts thereof”;
- (c) by inserting the following new sub regulation after sub regulation (3)—

“(3A) The Operations Manual or any part thereof may, subject to the approval of the Authority, be provided in an electronic or other format. The information or data in such electronic or other format of documents shall be capable of being readily accessible to any staff member who may need it. Authority approval will require the operator to demonstrate that they have provided the facility and training for staff members to be able to access the data or information needed for their function and responsibility.”; and
- (d) in sub regulation (4)—
 - (i) paragraph (b) by deleting the words “accident prevention and flight safety programme“ and substituting “a safety management system”;
 - (ii) by adding the following subparagraph after subparagraph (b)(ii)—

“(iii) a flight data analysis programme which is non-punitive and contains adequate safeguards to protect the sources of the data that is established and maintained by or on behalf of operators who operate aeroplanes of a maximum certificated take-off mass in excess of 27,000 kg.”;
 - (iii) by inserting at the beginning of subparagraph (e) (xxiv) before “information” the words “for operators of Fiji registered aircraft operating internationally, “;
 - (iv) at the end of subparagraph (s) by deleting the full stop and inserting “; and”; and
 - (v) by adding after subparagraph (s) the following subparagraph—

“(t) operational procedures for re-fuelling when passengers are embarking, on board or disembarking.”.

Regulation 44 amended

25. Regulation 44 of the principal Regulations is amended—

- (a) by deleting the existing heading and substituting “Training Manual or the training section of the Operations Manual”;
- (b) in sub regulation (1) by deleting “registered” and substituting “operated by an operator domiciled”;
- (c) by revoking sub regulation (4) and substituting the following sub regulation:

“(4) Notwithstanding other provisions of these Regulations, an aircraft shall not be flown for the purposes of public transport until the operator’s training manual (including any amendment) has been approved by the Authority.”;
- (d) by adding after sub regulation (6) the following sub regulation—

“(7) The operator shall set out in the training manual—

 - (a) details of the ground training facilities and equipment available to meet the operator’s training requirements;
 - (b) the content of initial and refresher Crew Resource Management (CRM) and Dangerous Goods (DG) and emergency procedures training for both flight crew and cabin crew (when carried) and for the integration of such training;
 - (c) criteria for nomination as a Pilot-in-Command and details of the operator’s Command Training courses;
 - (d) the qualifications and training for in-flight relief of flight crew;
 - (e) the qualifications and training for a pilot to operate in a position other than his or her normal crew position;
 - (f) details of the training for operation in specific classes of airspace such as, but not limited to, Reduced Vertical Separation Minima (RVSM), Minimum Navigation Performance Specification (MNPS), Required Navigation Performance (RNP); and
 - (g) details of the training for operation and use of specific types of safety equipment fitted to or installed in the aircraft such as, but not limited to, Traffic Alert and Collision Avoidance Systems (TCAS) or Airborne Collision Avoidance Systems (ACAS), Ground Proximity Warning Systems (GPWS), Global Positioning System (GPS) including any associated augmentation systems or Automatic Dependent Surveillance – Broadcast (ADS-B), both ‘-Out’ and ‘-In’ as appropriate.”.

Regulation 45 amended

26. Regulation 45 of the principal Regulations is amended as follows—

- (a) in sub regulation (1)—
- (i) by inserting “IFR (Line Check) and;” at the end of subparagraph (b) (i);
 - (ii) by inserting “IFR (Base Check)” at the end of subparagraph (b) (ii);
 - (iii) by inserting “VFR (Line Check)” at the end of subparagraph (c) (i);
 - (iv) by inserting “VFR (Base Check)” at the end of subparagraph (c) (ii);
 - (v) in paragraph (d) by revoking subparagraph (i) and substituting the following subparagraph—
 - “(i) have been satisfactorily tested with an Annual Instrument Rating renewal; and”
 - (vi) by inserting “(Line Check)” at the end of subparagraph (e) (i);
 - (vii) by inserting “(Base Check)” at the end of subparagraph (e) (ii);
 - (viii) by deleting “A flight engineer’s ability to carry out normal procedures shall be tested in an aircraft in flight.” after subparagraph (e) (ii);
 - (ix) by revoking the whole of paragraph (f);
- (b) in sub regulation (2) paragraph (b) by deleting “, (1) (d) (i)”;
- (c) by deleting all the words in paragraph (c) before the word “Provided” and inserting “in the case of subparagraphs (1) (a) (i) and (ii), (1) (b) (i), (1) (c) (i), (1) (d) (i) and (1) (e) (i), of 13 months;” and
- (d) in the proviso after paragraph (c), by deleting “(1) (c) (ii) or (1) (d) (i)” and by inserting “or (1) (c) (ii)”.

Regulation 48 amended

27. Regulation 48 of the principal Regulation is amended—

- (a) by deleting “registered” and substituting “operated by an operator domiciled”; and
- (b) by deleting “, or is operated by an air transport undertaking” after the words “aerial work”.

Regulation 53 amended

28. Regulation 53 of the principal Regulation is amended in sub regulation (2)—

- (a) by deleting “(except in the case of aircraft maintenance engineers)” after the words “skill and”;
- (b) by adding in paragraph (c) “Multi-Crew Pilot Licence”;
- (c) by deleting paragraph (f) and substituting “(f) Such other Instructor Ratings as may be prescribed in Standards issued by the Authority;”
- (d) by deleting paragraph (g);
- (e) by deleting paragraph (t) and substituting “(t) Approach Control Procedural Rating”;
- (f) by deleting paragraph (u);
- (g) by deleting paragraph (v) and substituting “(v) Approach Control Surveillance Rating”;

- (h) by deleting paragraph (x) and substituting “(x) Area Control Procedural Rating”;
- (i) by deleting paragraph (y);
- (j) by deleting paragraph (z) and substituting “(z) Area Control Surveillance Rating”; and
- (k) by adding after (bb) the following—
 - “(cc) VHF RTF Rating (Airport Airside Operations)
 - (dd) VHF/HF RTF Rating (Fiji Domestic Airspace)
 - (ee) HF RTF & Air-ground Operations Rating (Nadi Flight Information Region)
 - (ff) Aerodrome Flight Information Service Rating (Fiji Domestic Aerodrome)
 - (gg) Domestic Flight Information Service Rating (Fiji Domestic Airspace)
 - (hh) Nadi Flight Information Service Rating (Nadi Flight Information Region).”.

Regulation 54 amended

29. Regulation 54 of the principal Regulations is amended—

- (a) by revoking sub regulations (5) and substituting the following—
 - “(5) The holder of a licence which includes an instrument rating, assistant flight instructor rating, flight instructor rating or other type of instructor rating authorised under sub regulation 53 (2) (f) shall not be entitled to perform the functions relating to the ratings included in the licence unless the licence bears a certificate signed by a person authorised by the Authority to sign such certificates, indicating that the holder has, within the period of 13 months, in the case of instrument rating and an assistant flight instructor rating, 25 months in the case of a flight instructor rating and such period as is prescribed in the relevant Standard for any other instructor rating, preceding the day on which he performs those functions, passed a test of his ability to perform the functions to which the rating relates, being a test required by the Authority.”;
- (b) in sub regulation (6), by revoking everything after paragraph (b) and substituting the following paragraph—
 - “(c) becomes pregnant;
shall inform the Authority in writing of such injury, illness or pregnancy, as soon practicable.”;
- (c) by revoking sub regulation (7) and substituting the following sub regulation—
 - “(7) A licence holder to whom sub regulation (6) applies shall cease to exercise the privileges of his or her licence until such time the licence holder has been medically examined by a designated medical examiner and declared fit to resume his or her functions and duties under the licence.”; and

(d) by revoking sub regulations (8) and (8A) and substituting the following—

“(8) A licence or permit holder who becomes pregnant may continue, if the pregnancy is determined to be low-risk by an approved medical authority, to exercise the privileges of their licence for the periods as advised in Annex 1 Chapter 6 relevant to the particular medical standard for their licence or permit.”.

Regulation 57 amended

30. Regulation 57 of the principal Regulations is amended—

(a) in sub regulation (1)—

- (i) paragraph (b) by deleting “flying” and substituting “practical”; and
- (ii) paragraph (c) by deleting “pilot”;

(b) by revoking sub regulation (2) and substituting the following—

“(2) The Authority may require such examiners to submit their reports to it in respect of—

- (a) any practical tests, including flying tests on an aircraft for which a type rating is sought to be included in a licence; or
- (b) which is included in a licence the renewal of which is required; or
- (c) for testing proficiency at any time in respect of any aircraft specified in the aircraft type rating included in the licence; or
- (d) any other form of practical test, technical examination or oral examination.”; and

(c) in sub regulation (3) by deleting “flight crew”.

Regulation 61 amended

31. Regulation 61 of the principal Regulations is amended—

(a) by deleting the whole sections for “Flight Navigator’s licence” and “Flight Engineer’s licence”;

(b) in sub regulation (1) under “Commercial Pilot Licence (Aeroplanes) by deleting the section “Privileges” and substituting the following—

“*Privileges* – Subject to the validity of endorsements and ratings included in the licence, the holder of the licence shall be entitled to—

- (a) exercise all the privileges of the holder of a private pilot licence – aeroplane;
- (b) act as pilot-in-command in any aeroplane engaged in operations other than commercial air transportation;
- (c) act as pilot-in-command in commercial air transportation in any aeroplane certified for single-pilot operation or in such aeroplane of which the maximum total weight authorised does not exceed 5700 kg;
- (d) if the privileges of the licence are to be exercised at night—
 - (i) the holder of the licence shall have received dual instruction in aeroplanes in night flying, including take-offs, landings and navigation; and

- (ii) the licence includes an instrument rating; or
- (iii) the licence holder has, within the immediate 90 preceding days carried out as pilot-in-command not less than 5 take-offs and 5 landings by night.

When an aircraft type rating is issued limiting the privileges to act as co-pilot or in-flight crew relief, such limitation shall be endorsed on the rating.”;

- (c) after the section titled “Commercial Pilot Licence (Aeroplanes)” inserting the following—

“Multi-Crew Pilot Licence

Minimum Age — 18 years

Maximum period of validity — 6 months from the date of issue or expiry of the licence.

Privileges — Subject to the validity of the endorsements and ratings on the licence and subject to the requirements of Annex 1 paragraphs 1.2.5, 1.2.6, 1.2.7.1, 1.2.9 and 2.1, the holder shall be entitled—

- (i) to exercise all the privileges of the holder of a private pilot licence in the aeroplane category provided the requirements of Annex 1 paragraph 2.3.3 have been met;
- (ii) to exercise the privileges of an instrument rating in a multi-crew operation; and
- (iii) to act as a co-pilot of an aeroplane required to be operated with a co-pilot.

Note — *Fiji will not be carrying out the original issue of any Multi-Crew Pilot Licences – it will only be validating or issuing a licence as a conversion of a licence issued by a State acceptable to the Authority.”;*

- (d) under “Commercial Pilot Licence (Helicopters)” by inserting the following after paragraph (c)—

“When an aircraft type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.”;

- (e) under “Airline Transport Pilot Licence (Aeroplanes)” by inserting the following at the end of “*Privileges*” —

“When an aircraft type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.”;

- (f) under “Airline Transport Pilot Licence (Helicopters)” by inserting the following at the end of “*Privileges*” —

“When an aircraft type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.”; and

- (g) in any subsection regarding the ‘Maximum period of validity’ wherever occurring, delete the words “from the date of issue or renewal” and substitute “from the date of issue or, in the case of renewal, from the date of expiry”.

Regulation 63 amended

32. Regulation 63 of the principal Regulations is amended by adding after sub regulation (4) the following sub regulation—

“(5) Prior to the grant or extension of a licence an applicant shall be not less than—

- (i) 20 years of age for a LWTR; and
- (ii) 21 years of age for a Type Rating.”.

Regulation 64 amended

33. Regulation 64 of the principal Regulations is amended—

(a) by inserting “(1)” between “64.” and “The following”;

(b) in sub regulation (1) by revoking the paragraph on “*Instrument Ratings (Aeroplanes only)*” and substituting the following paragraph—

“*Instrument Ratings ('Aeroplane' and 'Helicopter')*”

When an instrument rating (Aeroplane) or (Helicopter) is included in a pilot’s licence, the holder of the licence shall be entitled to act as pilot of an aeroplane or helicopter, respectively, flying in accordance with the Instrument Flight Rules.”; and

(c) in sub regulation (2)—

(i) by inserting”, a flight information service officer licence or an aeronautical station operator licence” between “air traffic controller licence” and “granted”;

(ii) before the paragraph headed ‘Aerodrome Control Rating’, by inserting—

“*VHF RTF Rating (Airport Airside Operations)*”

If a VHF RTF rating is included in an Aeronautical Station Operator License, the holder of the license is entitled to provide and/or supervise the provision of VHF RTF with the use of ground-ground radio equipment within the boundary or portion of airports under the jurisdiction of the unit providing air traffic service.

VHF/HF RTF Rating (Fiji Domestic Airspace)

If a VHF/HF RTF rating is included in an Aeronautical Station Operator License, the holder of the license is entitled to provide and/or supervise the provision of VHF/HF RTF with the use of air-ground radio equipment and systems within the airspace or portion of airspace under the jurisdiction of the unit providing area control service and/or aerodrome flight information service.

HF RTF & Air-ground Operations Rating (Nadi Flight Information Region)

If a HF RTF and air-ground operations rating is included in an Aeronautical Station Operator License, the holder of the license is entitled to provide and/or supervise the provision of HF RTF and air-ground operations with the use of air-ground radio equipment and systems within the airspace or portion of airspace under the

jurisdiction of the unit providing area control service.

Aerodrome Flight Information Service Rating (Fiji Domestic Aerodrome)

If an aerodrome flight information service rating is included in Flight Information Service Officer License, the holder of the license is entitled to provide and /or supervise the provision of aerodrome flight information services with the use of VHF/HF RTF within the airspace or portion of airspace under the jurisdiction of the unit providing aerodrome flight information service.

Domestic Flight Information Service Rating (Fiji Domestic Airspace)

If a domestic flight information service rating is included in Flight Information Service Officer License, the holder of the license is entitled to provide and /or supervise the provision of domestic flight information services with the use of VHF/HF RTF within the airspace or portion of airspace under the jurisdiction of the unit providing domestic flight information service.

Nadi Flight Information Service Rating (Nadi Flight Information Region)

If an international flight information service rating is included in Flight Information Service Officer License, the holder of the license is entitled to provide and/or supervise the provision of international flight information services with the use of air-ground radio equipment and systems within the airspace or portion of airspace under the jurisdiction of the unit providing area control service.”;

- (iii) in the paragraph headed “*Approach Control Rating*” —
 - (a) by deleting “*Approach Control Rating*” and substituting “*Approach Control Procedural Rating*” appearing in the heading; and
 - (b) by deleting “*approach control rating*” and substituting with “*approach control procedural rating*” appearing in the first line of that paragraph;
- (iv) by deleting the whole section headed “*Approach Satellite Based Systems (SBS) Control Rating*”;
- (v) in the paragraph headed “*Approach Radar Control Rating*” —
 - (a) by deleting “*Approach Radar Control Rating*” and substituting “*Approach Control Surveillance Rating*” appearing in the heading; and
 - (b) by deleting “*approach radar control rating*” and substituting with “*approach control surveillance rating*” appearing in the first line of that paragraph;
- (vi) in the paragraph headed “*Area Control Rating*” —

- (a) by deleting “Area Control Rating” and substituting “Area Control Procedural Rating” appearing in the heading; and
 - (b) by deleting “area control rating” and substituting with “area control procedural rating” appearing in the first line of that paragraph;
- (vii) by deleting the whole section headed “Approach Satellite Based Systems (SBS) Control Rating”;
- (viii) in the paragraph headed ‘Area Radar Control Rating’, by—
- (a) deleting “Area Radar Control Rating” and substituting “Area Control Surveillance Rating” appearing in the heading; and
 - (b) by deleting “area radar control rating” and substituting with “area control surveillance rating” appearing in the first line of that paragraph; and
 - (c) by inserting “or other surveillance systems” after the words “use of radar”.

Regulation 66 amended

34. Regulation 66 of the principal Regulations is amended—

- (a) by deleting the heading and substituting the following “Training permits”;
- (b) by inserting “(1)” between “66.” and “No person shall”;
- (c) in the newly numbered sub regulation (1) paragraph titled “Maximum period of validity”, delete the words “from the date of issue or renewal” and substitute “from the date of issue or, in the case of renewal, from the date of expiry”; and
- (d) by revoking sub regulation (2) and substituting the following sub regulations —
 - “(2) No person shall carry out the duties or function of an air traffic controller, aeronautical station operator or a flight information service officer unless the person holds an appropriate training permit or an appropriate licence of a type specified in Regulation 53 (2).
 - (3) The Authority may, subject to the applicant meeting the appropriate medical standards, grant or renew the appropriate training permit for such period and carrying such privileges as are specified hereunder—
 - (a) *Minimum age:*
 - (i) 18 years for FIS duties and functions;
 - (ii) 18 years for ASO duties and functions; or
 - (iii) 20 years for ATC duties and functions;
 - (b) *Maximum period of validity* – 12 months from the date of issue or, in the case of renewal, from the date of expiry of the permit;

- (c) *Privileges*—The holder of the permit shall at all times be under the authority and direct supervision of a person holding an authorisation to instruct in the activities being trained and holding appropriate licence(s) and rating(s) to actually carry out the duties and function being performed by the trainee.
- (4) No person shall undergo on-the-job training as an aeronautical facility technician unless the person is the holder of an Aeronautical Facility Technician Training Permit.
- (5) The Authority may, subject to the applicant meeting the appropriate medical standards, grant or renew an aeronautical facility technician training permit for such period and carrying such privileges as are specified hereunder—
 - (a) *Minimum age* - 17 years of age;
 - (b) *Maximum period of validity* - 12 months from the date of issue or, in the case of renewal, from the date of expiry of the permit;
 - (c) *Privileges*—The holder of the permit shall be entitled to carry out the duties and functions of a trainee aeronautical facility technician provided he or she is at least 17 years of age, that he or she shall at all times be under the authority and direct supervision of a person holding an authorisation to instruct in the activities being trained and holding appropriate licence(s) and rating(s) to actually carry out the duties and function being performed by the trainee.”.

Regulation 67 amended

35. Regulation 67 of the principal Regulation is amended in sub regulation (1), by adding “or operated by an operator domiciled in Fiji” after “registered in Fiji”.

Regulation 68 amended

36. Regulation 68 of the principal Regulations is amended in sub regulation (3) by inserting “or standards” after “guidelines”.

Regulation 70 amended

37. Regulation 70 of the principal Regulations is amended in sub regulation (1) by deleting “licence or rating issued or rendered valid by the Authority” and substituting “licence, rating or permit issued or rendered valid by the Authority or document or authorisation acceptable to the Authority”.

Regulation 71 replaced

38. The principal Regulations are amended by revoking regulation 71 (including the title) and substituting the following regulation—

“Mandatory occurrence reporting and investigation

- 71.—(1) A person who—
- (a) is an aircraft operator domiciled in Fiji; or
 - (b) is a crew member of an aircraft operated by an operator domiciled in Fiji; or

- (c) is a crew member of an aircraft operated by a foreign domiciled aircraft operator flying in Fiji or in airspace administered by Fiji; or
- (d) carries on the business of manufacturing, repairing or overhauling any aircraft, or any equipment or part thereof; or
- (e) is authorised to sign a certificate of maintenance or compliance in respect of any aircraft, part or equipment; or
- (f) is a holder of a licence granted or rendered valid under Regulations 53; or
- (g) is the holder of a permit granted under Regulation 66; or
- (h) is an aerodrome operator; or
- (i) is an air navigation service provider; or
- (j) is an authorised person for the purposes of these Regulations

shall make a report to the Authority of any occurrence of the types outlined in sub regulation (2), of which such person has knowledge and in such time and in such means as notified by the Authority.

(2) Occurrences which shall be reported to the Authority under sub regulation (1) include but are not limited to the following—

- (a) damage or the likelihood of damage to an aircraft that affects or could affect the safety of flight;
- (b) death or injury of a person involved in an aviation activity;
- (c) impairment during a flight of the capacity of a member of the flight crew of an aircraft to undertake the functions to which his licence relates;
- (d) the use of any procedures taken for the purpose of overcoming an emergency;
- (e) the failure of an aircraft system including failure of the flight controls, power plant, hydraulic, pneumatic, pressurization, electrical, navigation or electronic systems or is an equipment of a type notified by the Authority;
- (f) impairment to the control of an aircraft in flight by its flight crew;
- (g) the failure or inadequacies of facilities or services on the ground used or intended to be used for purposes of or in connection with the operation of aircraft;
- (h) arising from the loading or the carriage of passengers, cargo or fuel; and
- (i) any other occurrence which, in the opinion of such a person constitutes an occurrence endangering, or

which if not corrected would endanger, the safety of an aircraft, its occupants or any other person.

- (3) A person referred to in sub regulation (1) shall make a report to the Authority—
 - (a) by the quickest possible means, either verbally or electronically; and
 - (b) within 96 hours of the occurrence, in a current form approved by the Authority.
- (4) Notwithstanding sub regulation (3) (b) the Authority may, at its absolute discretion, extend the reporting period in circumstances requiring detailed investigations.
- (5) No person referred to in sub regulation (1) shall be required to report any occurrence which has been reported by another person to the Authority in accordance with sub regulation (3).
- (6) In the case of a multi-crew aircraft, the pilot-in-command shall be responsible for reporting any occurrence to the Authority at the end of the flight.
- (7) A person shall not make any report under this regulation if the person knows or has reason to believe that the report is false in any particular.
- (8) Without prejudice to regulation 125(2) and subject to regulation 127, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a flight data recorder and any other data that the Authority may require which is relevant to the occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct and such record may be erased, when approved by the Authority, if the aircraft is outside Fiji and it is not reasonably practicable to preserve the record until the aircraft reaches Fiji.
- (9) Without prejudice to regulation 125(2) and subject to regulation 127, the operator of an air traffic service shall, if he has reason to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a voice or data communication recorder, the records of any data or surveillance displays and any other data that the Authority may require which is relevant to the occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct.
- (10) The Authority has the power to investigate such reportable occurrences.”.

Regulation 72 amended

39. Regulation 72 of the principal Regulations is amended by revoking sub regulation (1) and renumbering the remaining sub regulations as “(1)” and “(2)”.

Regulation 76 amended

40. Regulation 76 of the principal Regulations is amended by revoking the existing regulation and substituting—

- “(1) No person conducting an air transport operation arriving in, transiting through, operating within or departing from Fiji shall cause a live animal to be carried on board an aircraft except under and in accordance with a general or specific approval in writing issued by the Authority in this behalf and subject to any conditions specified therein.
- (2) Nothing in this regulation grants any exemption or waiver from any health or quarantine requirements.”.

New Regulation 78A added

41. The principal Regulations are amended by adding after regulation 78 the following regulation—

“Recreational Flying

- 78A.—(1) No person shall conduct any flight for the purposes of recreational flying unless such person has complied with the relevant standards and requirements notified by the Authority for such types of flights.
- (2) Any offence against sub regulation (1) is an offence of strict liability.”.

Regulation 79 amended

42. Regulation 79 of the principal Regulations is amended in sub regulation (5) paragraph (a)—

- (a) by deleting “or any signal” and substituting “or any banner, flag or signal”; and
- (b) by deleting “displaced” and inserting “displayed”.

Regulation 86 amended

43. Regulation 86 of the principal Regulations is amended—

- (a) by deleting the heading and substituting “Prohibited, restricted or danger areas”;
- (b) by deleting all references to “Airports Fiji” and substituting “the Authority”; and
- (c) by revoking sub regulation (3) and substituting the following sub regulation—
 - “(3) No person shall fly an aircraft—
 - (a) in any Prohibited Area, at any time;
 - (b) within an area notified by the Authority as a Restricted Area except in accordance with conditions notified by the Authority;
 - (c) within an area notified by the Authority as a Danger Area except after due consideration of the information given by the air traffic service unit of such activities potentially dangerous to aircraft operations.”.

Regulation 87 amended

44. Regulation 87 of the principal Regulations is amended—
- (a) in sub regulation (1) by deleting “An aircraft shall not be operated” and substituting “No person shall operate an aircraft”; and
 - (b) in sub regulation (2) by deleting “Aircraft shall not be flown” and substituting “No person shall fly an aircraft”.

New Regulation 94A added

45. The principal Regulations are amended by adding after regulation 94 the following Regulation—

“Avoidance of collision

94A. Notwithstanding any of the right of way requirements in this Part or instructions from an air traffic controller, the pilot in command of an aircraft who is advised of a Resolution Advisory (RA) from the aircraft’s Airborne Collision Avoidance System (ACAS) (also known as Traffic Alert and Collision Avoidance System (TCAS)) shall respond immediately by following the Resolution Advisory as indicated, unless doing so would jeopardise the safety of the aeroplane.”.

Regulation 95 amended

46. Regulation 95 of the principal Regulations is amended—
- (a) by deleting all references to “aeroplanes” and substituting “aircraft”;
 - (b) in sub regulation (3), by deleting the following words, “unless authorised to continue the flight, shall land as soon as,” and substituting the following –
“continue the flight to the most suitable place for rectification or repairs as,”;
 - (c) in sub regulation (6), by—
 - (i) deleting “appropriate air traffic control unit may permit a pilot in command to” and substituting “pilot-in-command may”;
 - (ii) deleting the full stop and substituting “any relevant ATC unit shall be notified of such action.”; and
 - (d) adding after sub regulation (6) the following sub regulation—
“(7) Notwithstanding any provision of this regulation, anti collision white strobe lights shall not be operated on the apron, taxiway or runway except on the runway immediately before take-off and immediately after landing.”.

Regulation 96 amended

47. Regulation 96 of the principal Regulations is amended in sub regulation (1) by deleting “an aircraft shall no be flown” and substituting “No person shall fly an aircraft”.

Regulation 97 amended

48. Regulation 97 of the principal Regulations is amended—
- (a) by deleting all references to “Airports Fiji” and substituting “the Authority”;
 - (b) in sub regulation (1)—

- (i) by deleting "An aircraft operated" and substituting "Any person operating an aircraft";
- (ii) in paragraph (a) by deleting "other aerodrome traffic" and substituting the words "vehicle traffic and aircraft, both on the ground and in the air";
- (iii) by revoking paragraph (c) and substituting the following paragraph—
 - "(c) when approaching for landing and after taking off—
 - (i) make all turns to the left; or
 - (ii) make a right turn when such right-turn is necessitated for the purpose of facilitating a forced landing; and
 - (iii) where certain aerodromes have different procedures for taking off and landing, such procedures shall be observed.";
 - (iv) in paragraph (e) and (f) by deleting "fly" and substituting "operate";
 - (v) in paragraph (f) by deleting "procedures" and substituting "requirements, including noise abatement";
- (c) in sub regulation (2) by—
 - (i) renumbering the existing paragraph "(b)" as "(c)"; and
 - (ii) adding after paragraph (a) the following paragraph "(b) a turn is necessary so as to be able to carry out a safe forced landing in the event of engine failure; or";
- (d) in sub regulation (3) (b) by deleting "manoeuvring area" and substituting "movement area"; and
- (e) in sub regulation (4) by deleting "the aircraft shall be moved clear of" and by substituting "the pilot in command shall ensure that the aircraft vacates and clears".

Regulation 98 amended

49. Regulation 98 of the principal Regulations is amended by revoking sub regulation (1) and substituting the following sub regulation—

- "(1) An aircraft operated by an operator domiciled in Fiji, when flying over water for the purpose of public transport, shall, without prejudice to the regulations contained in Part III, and except as may be necessary for the purpose of take-off or landing, fly at such an altitude as would enable the aircraft to reach a place at which it can—
 - (a) if it has more than 1 engine, in the event of the failure of 1 of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to that aircraft, land safely; or
 - (b) if it has only 1 engine and in the event of the failure of that engine, carry out a safe forced landing."

Regulation 100 amended

50. Regulation 100 of the principal Regulations is amended in sub regulation (1) by deleting "aircraft" and substituting "the pilot in command".

Regulation 101 amended

51. Regulation 101 of the principal Regulations is amended in sub regulation (2) by deleting "Aircraft" and substituting "The pilot-in-command of any aircraft";

Regulation 102 amended

52. Regulation 102 of the principal Regulations is amended by deleting "by Airports Fiji" and substituting "in the Fiji Aeronautical Information Publication (AIP) or by other means acceptable to the Authority".

Regulation 104 amended

53. Regulation 104 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting "Except" and substituting "When operating in controlled airspace and except";
- (b) in sub regulation (2)—
 - (i) by inserting "no more than 2 nm laterally and 250 feet vertically from" after "operate" ;
 - (ii) in paragraph (a) by deleting "along"; and
 - (iii) in paragraph (b) by inserting "the track" before "directly"; and
- (c) by revoking sub regulations (3) and (4) and substituting the following sub regulations—
 - "(3) The pilot in command is responsible for ensuring that the appropriate air traffic control unit is notified of any deviation from the tracking and height keeping requirements of sub regulation (2).
 - (4) Subject to paragraph (2), an aircraft operating along an ATS route segment defined by reference to very high frequency omnidirectional radio ranges (VOR) shall change over for its primary navigation guidance from the facility behind the aircraft to that ahead of it at, or as close as operationally feasible to, the change-over point, where established."

Regulation 105 amended

54. Regulation 105 of the principal Regulations is amended by inserting "by" before "Airports Fiji".

Regulation 106 amended

55. Regulation 106 of the principal Regulations is amended in sub regulation (7) by deleting "above Flight Level 290" and substituting "between Flight Level 290 and Flight Level 410".

Regulation 107 amended

56. Regulation 107 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting "The radio station in an aircraft shall not be operated" and substituting "No person shall operate the radio station in an aircraft"; and
- (b) by revoking sub regulation (2) and inserting—

“(2) The pilot in command of any aircraft operating in controlled airspace or on or within 10 nm of an aerodrome serving public transport services shall ensure that a member of the operating flight crew maintains a continuous listening watch on the radio frequency notified by the Authority for and establishes two-way communications with, the appropriate air traffic services unit. The use of SELCAL or datalink is acceptable for this requirement.”.

Regulation 110 amended

57. Regulation 110 of the principal Regulations is amended by—

- (a) renumbering the existing sub regulation “(1)” and “(2)” as sub regulations “(2)” and “(3)”;
- (b) adding the following sub regulation (1)—
“(1) This Regulation applies to any aircraft operating in airspace administered by Fiji and to any aircraft operated elsewhere by an operator domiciled in Fiji.”;
- (c) in sub regulation (2) by deleting “An aircraft” and substituting “The pilot in command of an aircraft”; and
- (d) in sub regulation (3) by inserting “the pilot in command of “ after “by radio,”.

Regulation 111 replaced

58. The principal Regulations are amended by revoking regulation 111 and substituting the following regulation—

“Visual Flight Rules – Meteorological Minima

111. VFR flights shall be conducted in conditions of distance from cloud and flight visibility equal to or greater than those specified in Table 1—

Table 1

<i>Airspace Class</i>	<i>A, B, C, D and E</i>	<i>F & G</i>	
		Above 900 m (3000 ft) AMSL or Above 300m (1000 ft) above terrain, whichever is the higher	At or below 900 m (3000 ft) AMSL or 300m (1000 ft) above terrain, whichever is the higher
<i>Distance from Cloud</i>	1500 m horizontally 300 m (1000 ft) vertically		Clear of cloud and In sight of the surface
<i>Flight Visibility</i>	At and above 3050 m (10,000 ft) AMSL 8 km Below 3050 m (10,000 ft) 5 km		5 km – except as provided for in regulation 112”.

Regulation 112 replaced

59. The principal Regulations are amended by revoking regulation 112 and substituting the following regulation—

"Flights below VFR minima within Control Zone

- 112.—(1) Within a Control Zone and when authorised by the appropriate air traffic control unit to operate as a Special VFR flight to a specific request originated by the pilot, a flight may be conducted in accordance with the requirements prescribed in sub regulations (2) and (3).
- (2) For a Special VFR flight, the aircraft shall be flown—
- (a) clear of cloud in sight of the surface;
 - (b) with a ceiling and visibility equal to or greater than—
 - (i) by day – 600ft and 1500m;
 - (ii) by night – 3000ft and 16km
- except* that by day helicopters may be permitted to operate in less than 1500m flight visibility if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.
- (3) A special VFR flight shall not be authorised when it will cause any delay to a flight operating under Instrument Flight Rules.”.

Regulation 113 replaced

60. The principal Regulations are amended by revoking regulation 113 and substituting the following regulation—

"Operation of VFR flights

113. —(1) Except as permitted under sub regulation (2) hereunder, no operator shall conduct and no pilot shall fly an aircraft under Visual Flight Rules—
- (a) at night; or
 - (b) to any position more than 50 nautical miles from land, except under conditions prescribed by the Authority; or
 - (c) as a flight for which an IFR flight plan has been communicated; or
 - (d) above flight level 200; or
 - (e) at a True Air Speed in excess of 200 knots; or
 - (f) in such other conditions as may be notified by the Authority.
- (2) Training flights may be conducted in a control zone at night as Special VFR flights in accordance with Regulation 112.”.

Regulation 114 amended

61. Regulation 114 of the principal Regulations is amended—

- (a) in sub regulation (1) by deleting “at a licensed aerodrome”; and
- (b) in sub regulation (3) (f) by deleting “aerial agricultural operations” and substituting “aerial work”.

Regulation 118 amended

62. Regulation 118 of the principal Regulations is amended—

- (a) in sub regulation (1) (a) by deleting “8 kilometres” and substituting “5 nautical miles (8 kilometres)”; and

- (b) in sub regulation (1) (b) by inserting “(8 kilometres)” after “5 nautical miles”.

New Regulation 120A added

63. The principal Regulations are amended by adding after regulation 120 the following regulation—

“Single engine IFR operations

- 120A.—(1) Single engined aeroplanes shall only be operated in conditions of weather and light and over such routes and diversions therefrom, that permit a safe forced landing to be executed in the event of engine failure.
- (2) In compliance with sub regulation (1), no holder of an Air Operator’s Certificate of Competency (AOC) shall conduct a SEIFR unless—
- (a) SEIFR operations are specified in the AOC;
 - (b) the operation is conducted in accordance with regulations 98;
 - (c) the aeroplane used has a passenger seating configuration of 14 seats or less, excluding any required crew members seat and a payload capacity of 3,410 kg or less;
 - (d) a valid certificate of airworthiness is issued for such operation pursuant to regulation 13;
 - (e) the airworthiness standards issued pursuant to regulation 13 (11) are complied with;
 - (f) such operation is conducted under conditions notified by the Authority;
 - (g) for each aerodrome to be used for the operation provides a route guide to the pilot-in-command with details of contingency options available to assist with obstacle clearance in the event of an engine power loss occurring during the instrument departure, en-route and approach;
 - (h) a programme is established for the early identification and prevention of SEIFR related problems;
 - (i) the aeroplane has a database that is designed to access the reliability of the aeroplane and its systems;
 - (j) the programme and database required under paragraphs (h) and (i) are reviewed each calendar month in accordance with its quality assurance programme and that any corrective or preventative actions are recorded;
 - (k) the requirement of paragraph (j) is provided to the Authority every month, to which the Authority will have the discretion to assess the safety of the operation; and
 - (l) the crew training syllabus is approved annually.
- (3) Notwithstanding the above provisions, the Authority may notify standards for the conduct of SEIFR public transport operations.”.

Regulation 125 amended

64. Regulation 125 of the principal Regulations is amended in sub regulation (1) by deleting “the take-off to the end of the landing run” and substituting “taxiing for take-off through to the parking of the aircraft at the completion of the flight”.

Regulation 128 added

65. Regulation 128 of the principal Regulations is amended—
- (a) in sub regulation (1) by revoking paragraph (b) and substituting the following paragraph—
 - “(b) alter any log book or aviation document required by or under these regulations to be maintained or other entry to be made therein.”;
 - (b) in sub regulation (2) by deleting the word “wilfully”;
 - (c) in sub regulation (2) (a) by deleting “, alter”; and
 - (d) by adding after sub regulation (2) (b), the following paragraphs—
 - “(c) provide false or misleading information to the Authority for the purposes of obtaining any aviation document;
 - (d) copy or cheat during examinations or tests carried out for the purpose of obtaining any aviation document; and
 - (e) make or process or assist in the making of, any false entry in or material omissions from any log book or aviation document.”.

Part Title

66. The principal Regulations are amended before Regulation 129 in the title of PART VIII by deleting “AIRPORTS” and inserting “AERODROMES”.

Regulation 130 amended

67. Regulation 130 of the principal Regulations is amended—
- (a) by deleting sub regulation (2);
 - (b) by renumbering sub regulation “(3)” as sub regulation “(2)”; and
 - (c) in sub regulation (2) by deleting “At” and substituting “The aerodrome operator shall ensure that, at”.

Regulation 131 amended

68. Regulation 131 of the principal Regulations is amended by deleting “1998” and substituting “1999”.

Regulation 137 amended

69. Regulation 137 of the principal Regulations is amended by adding new sub regulation (3) after sub regulation (2)—

“(3) No person shall operate an aircraft into or out of any aerodrome in the Fiji Islands in international air navigation, whether or not for public transport, unless in compliance with ICAO Annex 16 Noise Standards.”.

Regulation 138 amended

70. Regulation 138 of the principal Regulations is amended—
- (a) by deleting the heading and substituting “Aeronautical ground lights”;
 - (b) by deleting all references to “aeronautical light” and substituting “aeronautical ground light”;
 - (c) in sub regulation (1) by deleting, “airport operator” and substituting “Authority”;
 - (d) in sub regulation (2) by deleting “Airports Fiji” and substituting “the Authority”; and

- (e) in sub regulation-(3) by deleting “wilfully or negligently”.

Regulation 139 amended

71. Regulation 139 of the principal Regulations is amended in subregulation (1) (b) by deleting “aeronautical light” and substituting “aeronautical ground light”.

Regulation 140 amended

72. Regulation 140 of the principal Regulations is amended—

- (a) in sub regulation (2) by deleting the words “an authorised person”, whenever used, and inserting the words the “aerodrome operator”;
- (b) in sub regulations (2) and (3) by deleting the word “motor” from the phrase “motor vehicle” whenever used;
- (c) in sub regulation (2) (g) (ii) by inserting the words “or gaseous” after “liquid”; and
- (d) by revoking sub regulation (3) (d) and substituting with the following subparagraph—
 - “(d) post, distribute or display any signs other than signs for the purpose of identification to an arriving passenger and being no larger than A3 size, advertisements, circulars or printed or written matter;”.

Regulation 142 replaced

73. The principal Regulations are amended by revoking regulation 142 and substituting the following regulation—

“Refuelling of aircraft

- 142.—(1) Any person refuelling an aircraft at an aerodrome or vending fuel shall comply with the aerodrome operator’s safety procedures and directions.
- (2) During the refuelling of an aircraft, no person shall smoke or operate any mobile phone from within 20 metres radius of the aircraft or within a lesser distance from the aircraft.
- (3) The lesser distance referred to in sub regulation (2), shall be determined by the Authority.”.

Regulation 145 amended

74. Regulation 145 of the principal Regulations is amended by deleting all references to “must” and substituting the word “shall”.

Regulation 145A amended

75. Regulation 145A of the principal Regulations is amended—

- (a) in sub regulation (6) by inserting “or corrective actions” after “recommendations”; and
- (b) in sub regulation (7) by deleting “\$5,000” and inserting “\$10,000”.

Regulation 145B amended

76. Regulation 145B of the principal Regulations is amended—

- (a) by inserting after sub regulation (1) the following sub regulations—
 - “(1A) Notwithstanding sub regulation (1) above, certification is not required when—

- (a) the training is being provided only for personnel who are engaged, employed or contracted by an organisation whose prime function is as a service provider and which is certificated for that function by the Authority under another legislative provision, then that organisation shall meet the remaining requirements of this regulation and any standards published by the Authority and the approval to conduct the training forms part of the certification for the organisation's prime function; or
- (b) the training is for the grant of a Commercial Pilot Licence and is not part of a course of approved training as provided for in Annex 1 at paragraph 2.4.1.3.1.”;
- (b) in sub regulation (6) by inserting “or corrective actions” after “recommendations”; and
- (c) in sub regulation (7) by deleting “\$5,000” and inserting “\$10,000”.

Regulation 145C

77. Regulation 145C of the principal Regulations are amended—

- (a) in sub regulation (1), by inserting the word “services” after the words “air navigation”;
- (b) in sub regulation (6) by inserting “or corrective actions” after “recommendations”; and
- (c) in sub regulation (7) by deleting “\$5,000” and inserting “\$10,000”.

New Regulations 145D, 145E and 145F added

78. The principal Regulations are amended by adding after regulation 145C, the following regulations—

“Certification of aeronautical meteorological service provider

145D.—(1) No person shall exercise the functions of an aeronautical meteorological service provider unless such person holds an Aeronautical Meteorological Service Certificate granted by the Authority under sub regulation (2) or has a Quality Assurance System that complies with or is certificated under another standard acceptable to the Authority.

(2) The Authority may grant an Aeronautical Meteorological Service Certificate to any person applying for such certificate if it is satisfied that such person is—

- (a) competent, having regard to any of the following, his previous conduct and experience, equipment, facility, organisation, staffing, training, quality assurance system, safety management systems, maintenance and other arrangements to conduct services specified in the certificate and for the services so specified; and
- (b) in compliance with aeronautical meteorological standards published by the Authority and where applicable, in accordance with the requirements of the International Civil Aviation Organisation.

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect an aeronautical meteorological service provider who holds an Aeronautical Meteorological Service Certificate granted by the Authority or has a Quality Assurance System that complies with or is certificated under another standard acceptable to the Authority—

(a) for the purpose of securing and monitoring the safety of aircraft operations under this regulation; or

(b) to satisfy the Authority that such person is competent to operate safely.

(5) An inspection carried out on the nature of the work pursuant to sub regulation (4) includes—

(a) the examining and inspecting of the work of the personnel providing aeronautical meteorological service; or

(b) the examining and inspecting of aeronautical meteorological equipment and its maintenance facilities; or

(c) such other examination and inspection as may be necessary for the purpose of monitoring the safety and objectives of aeronautical meteorological service operations.

(6) The aeronautical meteorological service provider shall comply with any recommendations imposed by the Authority as a result of an examination or inspection carried out under sub regulations (4) and (5).

(7) Any aeronautical meteorological service provider that contravenes a provision of this regulation commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$100 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

Certification of aeronautical information service providers

145E.—(1) No person shall exercise the functions of an aeronautical information service provider unless such person holds an Aeronautical Information Service Certificate granted by the Authority under sub regulation (2).

(2) The Authority may grant an Aeronautical Information Service Certificate to any person applying for such certificate if it is satisfied that such person is—

(a) competent, having regard to any of the following, his previous conduct and experience, equipment, facility, organisation, staffing, training, quality assurance system, safety management systems, maintenance and other arrangements to conduct services specified in the certificate and for the services so specified; and

(b) in compliance with aeronautical information standards published by the Authority and where applicable, in accordance with the requirements of the International Civil Aviation Organisation.

(3) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.

(4) An authorised person may inspect an aeronautical information service provider—

- (a) for the purpose of securing and monitoring the provision of aeronautical information under these Regulation; or
- (b) to satisfy the Authority that the holder of the Aeronautical Information Service Certificate is competent to operate.

(5) An inspection carried out on the nature of the work pursuant to sub regulation (4) includes—

- (a) the examining and inspecting of the work of the personnel providing aeronautical information service; or
- (b) the examining and inspecting of aeronautical information equipment and its maintenance facilities; or
- (c) such other examination and inspection as may be necessary for the purpose of monitoring the safety of the provision of the service and the objectives of aeronautical information service operations.

(6) The aeronautical information service provider shall comply with any recommendations imposed by the Authority as a result of an examination or inspection carried out under sub regulations (4) and (5).

(7) Any aeronautical information service provider that contravenes a provision of this regulation, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$100 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.

Certification of foreign air operators

145F.—(1) No person not domiciled in Fiji shall conduct an air transport service to, from or within Fiji, except as specified in sub regulation (2), unless such person holds a Foreign Air Operator Certificate of Competency granted by the Authority under sub-regulation (3).

(2) The requirement for a Foreign Air Operator Certificate shall not apply to an operator conducting:

- (a) no more than two take-offs or two landings within the Republic of the Fiji Islands in any consecutive 28 day period; or
- (b) no more than eight take-offs or eight landings within the Republic of the Fiji Islands in any consecutive 365 day period; or
- (c) an operations conducted for the purpose of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

(3) The Authority may grant a Foreign Air Operator Certificate to any person applying for such a certificate if it is satisfied that such person is—

- (a) competent, having regard to any of the following, his previous conduct and experience, equipment, facilities, organisation, staffing, training, quality assurance system, safety management system, procedures and other arrangement to provide such services specified in the certificate and for the services so specified; and

- (b) in compliance with Foreign Air Operator Certificate standards published by the Authority.
- (4) The certificate may be granted subject to such conditions as the Authority thinks fit and shall, unless previously surrendered, suspended or revoked, remain in force for the period specified in the certificate.
- (5) An authorised person may inspect a Foreign Air Operator organisation—
- (a) for the purposes of monitoring the provision of air transport services and associated aircraft maintenance activities under this regulation;
 - or
 - (b) for satisfying the Authority that the holder of the Foreign Air Operator Certificate is competent to operate as an air transport organisation.
- (6) An inspection carried out on the nature of the work pursuant to sub regulation (5) includes—
- (a) the examining and inspecting of the work of the personnel providing air transport services; or
 - (b) the examining and inspecting of the air transport organisation service facilities and equipment; and
 - (c) such other examination or inspection as may be necessary for the purposes of monitoring the safety of air transport operations.
- (7) The Foreign Air Operator organisation shall comply with any recommendations or corrective actions imposed by the Authority as a result of an examination or inspection carried out under sub regulations (5) and (6).
- (8) Any air transport organisation that contravenes a provision of these Regulations, commits an offence and is liable on conviction to a fine not exceeding \$2,000, in addition to a maximum of \$100 a day thereafter from the commencement of the breach if the breach continues except that the total fine does not exceed \$10,000.”.

Regulation 146 amended

79. Regulation 146 of the principal Regulations is amended by revoking sub regulation (4) and substituting the following sub regulation—

“(4) The Authority may, in the exercise of its powers and functions under the Civil Aviation Authority of Fiji Act, issue such directions as it considers expedient or necessary, including the issue of Aeronautical Information Circulars, standards documents and such other official publications as the Authority may deem fit.”.

New Regulation 149A added

80. The principal Regulations are amended by adding after regulation 149 the following regulation—

*“Power to prevent unsafe procedures or
practices in air traffic services and/or air navigation services*

149A.—(1) If it appears to the Authority or an authorised person that any air traffic service provider or air navigation service provider or its employee intends to or is likely to provide an air traffic service or an air navigation service—

- (a) in such circumstances that any provision of these Regulations or any directions issued thereunder would be contravened in relation to the provision of air traffic services or an air navigation services; or
- (b) in such circumstances that the provision of air traffic services or an air navigation services would be a cause of danger to any person, aircraft or property; or
- (c) while in condition unfit for the provision of air traffic services or an air navigation services, whether or not such services would otherwise be in contravention of any provision of these Regulations or any directions issued thereunder

the Authority or such authorised person may direct the air traffic service provider or air navigation service provider or its employee concerned to discontinue, of such a description as may be specified in the direction until the direction has been revoked by the Authority or by the authorised person.”.

Regulation 151 replaced

81. The principal Regulations are amended by revoking regulation 151 and substituting the following regulation—

“Revocation, suspension or cancellation of aviation document

151.—(1) If any person—

- (a) is convicted of a contravention under these Regulations; or
- (b) fails to comply with any provision of these Regulations; or
- (c) fails to comply with the conditions of any aviation document;

the Authority may revoke, suspend, endorse, cancel or vary the aviation document relating to such contravention.

(2) The Authority may only revoke, suspend, endorse, cancel or vary such aviation document if—

- (a) reasonable doubt exists as to the safety of the operation in question; and
- (b) the aviation document holder has been given a reasonable opportunity to be heard after investigations.

(3) Notwithstanding sub regulation (2), the suspension of any aviation document before investigations may only be utilized if suspension is necessary in the public interest.

(4) Immediately after the suspension before investigation, the Authority shall conduct an enquiry into the matter and by the quickest possible time inform the aviation document holder of the results of such investigation.

(5) The Authority shall inform the aviation holder in writing of the reasons for such revocation, suspension, endorsement, cancellation or variation.

(6) The suspension, revocation or cancellation of the aviation document may not be lifted until the contravention has been rectified.

(7) Once the suspension, revocation or cancellation has been lifted, the Authority may endorse remarks or vary the particulars of the aviation document.

(8) Any person who continues to operate despite the revocation, suspension or cancellation of their aviation document commits an offence and is liable upon conviction to the penalty set out in Regulation-157.”

Regulation 152 amended

82. Regulation 152 of the principal Regulations is amended in paragraph (2) (c) by deleting “licensed” and substituting “approved”.

General amendments

- 83.—(1) The principal Regulations are amended by—
- (a) except in the title of Regulation 22, deleting “radio equipment” wherever it appears and substituting “equipment”;
 - (b) deleting “and in accordance with the requirements of the International Civil Aviation Organization” or words to that effect, wherever it appears, and making appropriate amendments to the punctuation resulting from the deletion;
 - (c) deleting “pilot’s licence”, wherever it appears and substituting “pilot licence”;
 - (d) deleting “controller’s licence”, wherever it appears and substituting “controller licence”;
 - (e) deleting “navigator’s licence”, wherever it appears and substituting “navigator licence”;
 - (f) deleting “engineer’s licence”, wherever it appears and substituting “engineer licence”;
 - (g) deleting “operator’s licence”, wherever it appears and substituting “operator licence”;
 - (h) deleting “officer’s licence”, wherever it appears and substituting “officer licence”;
 - (i) deleting “technician’s licence”, wherever it appears and substituting “technician licence”;
 - (j) deleting “instructor’s rating”, wherever it appears and substituting “instructor rating”; and
 - (k) deleting any reference to “paragraph” or “the following paragraph”, where it is used in the context for example “paragraph (1), etc” wherever it appears and substitute “sub regulation” or “the following sub regulation” (references to “paragraph (a), etc or subparagraph (i), etc” or “following paragraph or subparagraph” in that context, are not amended).

Dated this 30th day of October 2009.

I. KUBUABOLA
Minister for Foreign Affairs,
International Cooperation and Civil Aviation