

Unvalidated References:

Civil Aviation (Aircraft Charges) Regulation

Civil Aviation Act

Civil Aviation Act 2000

Civil Aviation Regulation

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This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 23 May 1974.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 3.

Civil Aviation (Aircraft Charges) Regulation

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SCHEDULE 1 – Charges for domestic flights.

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Civil Aviation (Aircraft Charges) Regulation

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Civil Aviation Act* (Chapter 239) and continued in force by Section 235 of the *Civil Aviation Act 2000*.

Dated 200 .

1. **INTERPRETATION.**

In this Regulation, unless the contrary intention appears—

“**aerial work aircraft**” means an aerial work aircraft as defined in the *Civil Aviation Regulation*;

“**Authority**” means the Civil Aviation Authority of Papua New Guinea;

“**certificate holder**” means the person to whom, under Section 3(5) of the *Civil Aviation Regulation*, the certificate of registration is issued;

“**charter aircraft**” means a charter aircraft as defined in the *Civil Aviation Regulation*;

“**domestic service operations**” means air service operations carried on within Papua New Guinea;

“**international flight**” means an air service operation conducted between a point outside Papua New Guinea and a point within Papua New Guinea or through the Port Moresby Flight Information Region;

“**non-scheduled flight**” includes all air services, other than an air service within the meaning of scheduled flight;

“**operator**” in relation to an aircraft, means the person or corporation for the time being having the management of the aircraft;

“**overflight**” means an air service operation through the Port Moresby Flight Information Region without landing;

“**Port Moresby Flight Information Region**” means the area or airspace designated under international convention as the Port Moresby Flight Information Region;

“**private aircraft**” means private aircraft as defined in the *Civil Aviation Regulation*;

“**registration**” includes renewal of registration;

“**scheduled flight**” means an air service operation in which the aircraft is available for the transport of members of the public, or for use by members of the public for the transport of cargo, for hire or reward and that is conducted in accordance with fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals;

“**State**” means the Independent State of Papua New Guinea, its agent, assigns or nominees;

“**unit charge**” means the charge specified in Schedules I and II;

“**maximum take-off weight**” means the maximum take-off weight of an aircraft as specified in the certificate of airworthiness relating to the aircraft.

2. CHARGES GENERALLY.

(1) Charges payable, in accordance with this Regulation are for services provided as specified in Schedules I and II and include the use by aircraft of aerodromes, air route and airways facilities, meteorological services, safety regulatory services and search and rescue services maintained, operated or provided by the Authority.

(2) A charge payable under this Regulation may be recovered by the Authority as a debt in any court of competent jurisdiction.

3. REGISTRATION FEE FOR AIRCRAFT ENGAGED IN DOMESTIC SERVICE OPERATIONS.

(1) Subject to this section a Registration Fee is payable in accordance with Schedule I in respect of aircraft engaged in domestic service operations by the certificate holder other than agencies or persons that the Director, by written notice, exempts from payment where he considers it appropriate or desirable in the national interest.

(2) Fees under this section are payable annually on 1 January.

(3) Where, after the registration of an aircraft to which this section applies, and during the period of that registration, the registration of the aircraft is changed from one category to another category, an additional fee is payable or a refund shall be made, as the case may be, of an amount equal to the difference between the fee paid for the registration of the aircraft and the fee payable for the registration in that other category for the period of registration in that other category.

(4) Where, on the registration of an aircraft, the annual fee has been paid under this section in respect of that aircraft and during the period of registration the registration of the aircraft is for any reason cancelled, there shall be refunded an amount equal to the fee in respect of that aircraft remaining from the date of cancellation to the date when the registration would otherwise have expired.

(5) Where an aircraft is first registered after 1 January in any year the charge payable shall be a *pro-rata* charge based on the period remaining between the date of registration and 31 December next following.

(6) For the purposes of this section, the date of registration or cancellation of registration of an aircraft shall be the date of the entry of the registration or cancellation of registration in the register of Papua New Guinea aircraft.

4. CHARGES FOR AIRCRAFT OF OPERATORS OF AIRCRAFT REGISTERED IN PAPUA NEW GUINEA AND ENGAGED IN DOMESTIC SERVICE OPERATIONS.

(1) Charges are payable, in accordance with this section, by an operator of an aircraft registered in Papua New Guinea.

(2) Charges under this section are payable monthly.

(3) A charge under this section is not payable in respect of any flight, or the flight included in any class of flights, as the Director determines, or in respect of the landing or take-off of an aircraft in the course of such a flight.

5. FOREIGN REGISTERED AIRCRAFT OPERATING IN PAPUA NEW GUINEA UNDER A PAPUA NEW GUINEA AIR SERVICE LICENCE.

(1) Charges are payable under Sections 3 and 4 in respect of foreign registered aircraft engaged in domestic service operations.

(2) Charges are payable from the date of entry to the date of departure of the aircraft from Papua New Guinea.

(3) Charges under this section are payable within seven days of the aircraft's entry into Papua New Guinea.

6. CHARGES FOR INTERNATIONAL FLIGHTS.

Subject to this section, a charge is payable, in accordance with Schedule II, by the operator of an aircraft that flies to Papua New Guinea territory or through the Port Moresby Flight Information Region.

7. TIME FOR PAYMENT OF CHARGES.

Unless otherwise agreed between the operator and the Director, the charge imposed by Section 6 shall be paid within 21 days of the date of invoice by the State to the operator.

8. INTERNATIONAL CHARGES NOT PAYABLE IN CERTAIN CASES.

A charge under Section 6 is not payable in respect of—

- (a) a flight entering Papua New Guinea as a result of mechanical failure, meteorological conditions or other reasons affecting the safety of flight; or
- (b) any other flight, or a flight included in any class of flights, as determined by the Director in respect of the landing or take-off of an aircraft in the course of such a flight.

9. CHARGES FOR NON-STOP FLIGHTS THROUGH THE PORT MORESBY FLIGHT INFORMATION REGION (FIR).

(1) In this section—

“**air navigation facilities**” means facilities provided to permit safe navigation of aircraft within the airspace including—

- (a) visual and non-visual aids along air routes and airways; and
- (b) communication services; and
- (c) meteorological services; and

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- (d) air traffic control services and facilities, and
- (e) flight services and facilities, and
- (f) search and rescue services.

(2) The operator of an aircraft which makes a flight through the Port Moresby Flight Information Region without landing in Papua New Guinea territory shall pay for the air navigation facilities made available to the flight a charge in accordance with Schedule I.

10. REPEAL.

The *Civil Aviation (Aircraft Charges) Regulation* (Chapter 239) is repealed.

11. SAVINGS AND TRANSITIONAL.

Charges due under the *Civil Aviation (Aircraft Charges) Regulation* (Chapter 239) repealed by Section 10 and remaining unpaid at the date of coming into operation of this Regulation remain due and payable and are a debt owing to the State.

SCHEDULE 1 – CHARGES FOR DOMESTIC FLIGHTS.

Reg. Sect. 3

Calculation of Charges.

A reference in this Schedule to the maximum take-off weight (or MTOW) of an aircraft is a reference to the maximum take-off weight of the aircraft as specified in the certificate of airworthiness relating to the aircraft.

The total amount of charges payable in respect of an aircraft is the amount (to the nearest Papua New Guinea Kina (PNGGK) obtained by:

- (i) applying the rates in Table 1 to the formula

$$C = \text{RXD}/100 \times \text{sqrt } W$$

to determine en-route charges.

- (ii) applying the rates in Table 2 to the formula

$$C = R \times W$$

to determine landing charges in respect of Jacksons Airport.

- (iii) applying the rates in Tables 3 and 4 to the formula

$$C = R \times L$$

to determine landing charges in respect of CAA airports other than Jacksons Airport, and surveillance landing charges in respect to all PNG airports.

- (iv) applying the rates in Table 5 to the formula

$$C = R \times A$$

to determine surveillance charges on all registered aircraft where:

“R” = Rate in PNGK

“D” = Distance travelled in PNG airspace expressed in Kilometres

“M” = Maximum take-off weight expressed in tonnes

“M” = The number of landings by aircraft of the Class indicated in Column 2 of tables 3 and 4

“A” = Number of aircraft in a class registered in PNG during a month or part of a month.

TABLE 1

Column 1 Item No.	Column 2 En-route Charge	Column 3 Charge Rate
1.	Domestic en-route charges	PNGK 0.60

TABLE 2

Column 1 Item No.	Column 2 Landing charges - Jacksons Airport	Column 3 Charge Rate
1.	Terminal Navigation Charge	PNGK 0.55
2.	Airport Operations, RFFS & Security	PNGK 3.10

TABLE 3

Column 1 Item No.	Column 2 Landing Charges - Other CAA Airports	Column 3 Charge Rate
1.	Fixed wing aircraft less than and up to 4,500 kgs MTOW	PNGK 1.50
2.	Fixed wing aircraft from 4,501 kgs to 6,500 kgs MTOW	PNGK 5.40
3.	Fixed wing aircraft from 6,501 kgs to 18,000 kgs MTOW	PNGK 13.50
4.	Fixed wing aircraft greater than 18,000 kgs MTOW	PNGK 33.00
5.	Rotary wing aircraft of less than and up to 4,500 kgs MTOW	PNGK 0.35
6.	Rotary wing aircraft from 4,501 kgs to 6,500 kgs MTOW	PNGK 1.35
7.	Rotary wing aircraft greater than 6,500 kgs MTOW	PNGK 3.40

TABLE 4

Column 1 Item No.	Column 2 Surveillance Landing Charges - All PNG Airports	Column 3 Charge Rate per landing
1.	Fixed wing aircraft less than and up to 4,500 kgs MTOW	PNGK 2.00
2.	Fixed wing aircraft from 4,501 kgs to 6,500 kgs MTOW	PNGK 6.00
3.	Fixed wing aircraft from 6,501 kgs to 18,000 kgs MTOW	PNGK 15.00

4.	Fixed wing aircraft greater than 18,000 kgs MTOW	PNGK 45.00
5.	Rotary wing aircraft of less than and up to 4,500 kgs MTOW	PNGK 0.50
6.	Rotary wing aircraft from 4,501 kgs to 6,500 kgs MTOW	PNGK 1.50
7.	Rotary wing aircraft greater than 6,500 kgs MTOW	PNGK 3.75

TABLE 5

Column 1 Item No.	Column 2 Surveillance Charges - All PNG Registered Aircraft	Column 3 Charge Rate per month
1.	Fixed wing aircraft less than and up to 4,500 kgs MTOW	PNGK 41.67
2.	Fixed wing aircraft from 4,501 kgs to 6,500 kgs MTOW	PNGK 150.00
3.	Fixed wing aircraft from 6,501 kgs to 18,000 kgs MTOW	PNGK 375.00
4.	Fixed wing aircraft greater than 18,000 kgs MTOW	PNGK 916.67
5.	Rotary wing aircraft of less than and up to 4,500 kgs MTOW	PNGK 10.42
6.	Rotary wing aircraft from 4,501 kgs to 6,500 kgs MTOW	PNGK 37.50
7.	Rotary wing aircraft greater than 6,500 kgs MTOW	PNGK 93.75

SCHEDULE II – CHARGES FOR INTERNATIONAL FLIGHTS.

Reg. Sec. 6

Calculation of Charges

A reference in this Schedule to the maximum take-off weight (MTOW) of an aircraft is a reference to the maximum take-off weight of the aircraft as specified in the certificate of airworthiness relating to the aircraft.

The total amount of charges payable in respect of an aircraft is the amount (to the nearest Papua New Guinea Kina (PNGK)) obtained by:

- (i) applying the rates in Table 1 to the formula

$$C = \text{RXD}/100 \times \text{sqrt } W$$

to determine en-route charges or overflight charges.

- (ii) applying the rates in Table 2 to the formula

$$C = R \times W$$

to determine landing charges.

- (iii) applying the rates in Table 3 to the formula

$$C = R \times P$$

to determine terminal and facilities charges where:

“R” = Rate in PNGK

“D” = Distance travelled in PNG airspace expressed in kilometers

“W” = Maximum take-off weight (MTOW) expressed in tonnes

“P” = Number of passengers departing PNG on the aircraft

TABLE 1

Column 1 No.	Item	Column 2 En-route Charge	Column 3 Charge Rate
1.		Overflights	PNGK 1.95
2.		International flights to or from PNG	PNGK 1.95

TABLE 2

Column 1 Item No.	Column 2 Landing Charges	Column 3 Charge Rate per landing
1.	Terminal Navigation	PNGK 1.80
2.	Airport Operations, RFFS and Security	PNGK 10.40

“RFFS” means Rescue and Fire Fighting Service.

TABLE 3

Column 1 Item No.	Column 2 Terminal Facilities Charge	Column 3 Charge Rate
1.	Terminal Facilities Charge	PNGK 21.00
2.	International Safety Surveillance Charge	PNGK 9.00

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