

CHAPTER 152

AERODROMES

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Application.
4. Power to make regulations.
5. Power to remove dangerous obstructions.
6. Power to restrict use of land.

Act 5 of 1959 and 7 of 1973

AN ACT TO PROVIDE FOR THE CONTROL AND SUPERVISION OF AERODROMES
AND FOR THE SAFETY OF AIRCRAFT FLYING IN THE VICINITY THEREOF

[14th September, 1959]

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|---|----------------------------|
| 1. This Act may be cited as the Aerodromes Act. | Short title. |
| 2. In this Act unless the context otherwise requires—
“aerodrome” means any area of land or water designed, equipped or set apart or commonly used for affording facilities for the landing and departure of aircraft;
“livestock” includes horses, cattle, mules, donkeys, sheep, goats, pigs and dogs. | Interpretation. |
| 3. This Act shall apply to all aerodromes. | Application. |
| 4. (1) His Majesty in Council may make regulations for the management, control and supervision of aerodromes.
(2) Without prejudice to the generality of the powers conferred by the foregoing subsection, regulations under this section may provide for all or any of the following matters—
(a) the regulation and restriction of the admittance of persons to aerodromes or any part thereof;
(b) the regulation and restriction of the use of vehicles, ships or other objects of any class or description on any part of an aerodrome;
(c) the destruction of livestock trespassing on any aerodrome. | Power to make regulations. |

(3) Regulations made under this section may be general or may be restricted to any particular aerodrome or aerodromes.

Power to
remove
dangerous
obstructions.

5. (1) Where His Majesty in Council is satisfied that any building, structure, erection, tree or other thing whatsoever on any land within 3 miles of an aerodrome constitutes a danger to aircraft flying in the vicinity of such aerodrome, he may by order published in the Gazette authorize the Minister of Works and any person acting under the orders of the Minister—

- (a) to remove or to alter to such extent as may be specified in the order such building, structure, erection, tree or thing; and
- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order.

(2) Any person suffering loss or damage in consequence of an order made under this section shall be paid money compensation therefor at such rates and in such manner as may be specified from time to time by the King with the consent of Privy Council as provided by Part IX of the Land Act as amended. (*Substituted by Act 7 of 1973.*)

Cap. 132

(3) Notwithstanding the other provisions of this section no compensation shall be payable for any loss or damage suffered in consequence of an order made under this section where the building, structure, erection, thing or tree has been erected or planted in contravention of section 6 of this Act.

Power to
restrict use of
land.

6. (1) Where His Majesty in Council is satisfied that, for the purpose of ensuring the safety of aircraft flying in the vicinity of an aerodrome, it is expedient so to do, he may make an order under this section, hereinafter called a restricting order.

(2) A restricting order shall be published in the Gazette and shall relate to any area specified in the order and being within 3 miles of an aerodrome.

(3) A restricting order may provide—

- (a) for the prohibition and restriction of the erection of buildings, structures or other things or any class of buildings, structures or other things in the area specified in the order or any part of such area;
- (b) for the prohibition and restriction of the planting of any trees or class of trees in the area specified in the order or any part thereof.

(4) Any person who contravenes an order made under this section shall be guilty of an offence and liable to a fine of \$200.

(5) No compensation shall be payable for any loss or damage suffered in consequence of an order made under this section.

CHAPTER 152

SECTION 4—Customs Airports Regulations*

Made by Her Majesty in Council on 17th October 1960

G.S. 205/60, G.S. 4/62

1. These Regulations may be cited as the Customs Airports Regulations.
2. (1) The Prime Minister with the consent of Cabinet may, subject to such conditions as he may think fit, by order designate any aerodrome to be a place of landing or departure of aircraft for the purpose of the enactments relating to Customs.
(2) Any aerodrome so designated is in these regulations referred to as a "customs airport".
(3) The Prime Minister with the consent of Cabinet may by order declare that a customs airport shall no longer be a customs airport.
3. Every person shall comply with such of the provisions contained in the Schedule to these regulations as may be applicable to that person in the circumstances of the case.
4. The provisions of the following Statutes and all regulations, orders and proclamations made thereunder shall apply *mutatis mutandis* to any goods or persons landed or arriving at any aerodrome in the Kingdom—
 - (a) the Customs and Excise Act;
 - (b) the Rhinoceros Beetle Act;
 - (c) the Plant Quarantine Act.
5. The penalty for a breach of these regulations where no penalty is otherwise provided, shall be imprisonment for any period not exceeding 3 months or a fine not exceeding \$100, or both fine and imprisonment.
(*Substituted, G.S. 4/62.*)

SCHEDULE

Interpretation

1. For the purposes of this Schedule, unless the context otherwise requires—
 - "officer" means officer of Customs;
 - "proper officer" means the appropriate officer at an aerodrome and includes a person acting for that officer and also any officer superior in matters of Customs;
 - "commander" means the person having or taking the charge or command of an aircraft;

* These Regulations were originally made as Regulations 11, 12, 13 and 14 of the Kingdom of Tonga Air Navigation Regulations and appeared at page 1717 of Volume III of the 1967 edition of the Laws of Tonga. By section 72 of Act 26 of 1973 (Civil Aviation Act) those Regulations (except for regulations 11-14 and Schedule 11) were repealed.

“crew” includes any person having or taking the charge or command of an aircraft;

“abroad” means outside the Kingdom of Tonga;

“approved” means approved by the Controller of customs;

“examination station” means a part of, or a place or space at, a Customs airport approved as an examination station.

Arrival in and Departure from the Kingdom

2. (1) The commander of an aircraft entering the Kingdom of Tonga from abroad shall not, without special permission in writing of the Controller of Customs, cause or permit it to land for the first time after its arrival therein at any place other than a Customs airport.

(2) The commander of an aircraft engaged in a flight from the Kingdom of Tonga to a place abroad shall not, without the special permission in writing of the Controller of Customs, cause or permit it to take off at any place in the Kingdom of Tonga other than a Customs airport specified in the application for clearance required by paragraph five of this Schedule.

(3) The requirements of this paragraph shall not apply if the aircraft has been compelled to land owing to accident, stress or weather or other unavoidable cause.

Arrival from Abroad

3. (1) Upon the arrival from abroad of an aircraft at a Customs airport, the commander shall—

- (a) immediately take the aircraft to the examination station at that airport, or cause it to be so taken;
- (b) forthwith deliver to the proper officer—
 - (i) the documents constituting the clearance outwards of the aircraft from the airport which it last left and, if so required by the officer, the journey log book belonging to the aircraft;
 - (ii) a report in duplicate of the aircraft in an approved form;
 - (iii) a manifest in duplicate in an approved form of the goods on board the aircraft;
 - (iv) a passenger manifest in an approved form containing the names of all passengers carried in the aircraft and their places of embarkation and destination; and
 - (v) a list in duplicate in an approved form of the stores on board the aircraft;
- (c) cause all passengers carried in the aircraft to leave the aircraft with their baggage for examination, and produce to the proper officer and unload all goods and stores in the aircraft, except such passengers, goods or stores as are to be carried on to another Customs airport or to a destination abroad and are permitted by such officer to be so carried on without compliance with the requirements aforesaid:

Provided that, if an aircraft has landed at a Customs airport and the commander through circumstances over which he has no control is prevented from taking it or causing it to be taken to the examination station, he shall—

- (i) deliver forthwith to the proper officer the documents required by clause (b) of this subparagraph; and
- (ii) remove all goods and stores laden in the aircraft to the examination station in the presence of an officer.

(2) Every passenger in an aircraft shall comply with any directions given to him by the commander for the purpose of subparagraph one (c) of this paragraph.

(3) In this paragraph the expression "arrival from abroad" includes arrival at a Customs airport to which passengers, goods, or stores from abroad have been permitted by an officer to be carried on in accordance with subparagraph one (c) hereof.

Importation of Goods

4. (1) No person who shall import or bring, or be concerned in importing or bringing, any goods into the Kingdom of Tonga in any aircraft shall without the special permission in writing of the Controller of Customs—

- (a) bring the goods into the Kingdom of Tonga at any place therein other than a customs airport; or
- (b) unload the goods or suffer the same to be unloaded from the aircraft in which they were imported except during approved hours and at an examination station (save in accordance with the proviso to subparagraph one of paragraph three of this Schedule) or before the report mentioned in subparagraph one (b) (ii) of the said paragraph three has been delivered and the consent of the proper officer to such unloading has been obtained; or
- (c) remove the goods from an examination station without the authority of the proper officer except in accordance with any special permission granted by the Controller of Customs and in compliance with any conditions attached to any such permission.

(2) The importer, or the agent of the importer, of any goods of which delivery has not been permitted by the proper officer shall deposit the same in an approved transit shed at the Customs airport at which they were imported, and, for the purposes of the enactments relating to Customs, any goods so deposited shall until the same shall have been duly entered in accordance with those enactments, be deemed to be goods still on board the importing aircraft.

(3) No person shall, without permission of the proper officer, remove any goods from the transit shed.

Departure for Abroad

5. (1) No person shall, without the special permission in writing of the Controller of Customs depart on a flight for a place abroad from any place in the Kingdom of Tonga other than a Customs airport.

(2) Before any aircraft shall depart for a place abroad from a Customs airport the commander shall take the aircraft to the examination station at that airport or cause it to be so taken, and shall deliver to the proper officer the journey log book belonging to the aircraft, and the following documents—

- (a) a notice of intended departure and application for clearance in duplicate in an approved form;
- (b) a manifest in duplicate in an approved form of the goods on board the aircraft;
- (c) a passenger manifest in an approved form containing the names of all passengers carried in the aircraft and their places of embarkation and destination; and
- (d) a list in duplicate in an approved form of the stores laden and of stores remaining on board the aircraft, and the said documents, when signed

by the said officer, shall for the purposes of the enactments relating to Customs, be the clearance and authority for the aircraft to proceed from the airport.

(3) The commander of an aircraft departing for a place abroad shall not permit any goods, stores or passengers to be laden or taken on board the aircraft except at an examination station, or before he has delivered to the proper officer a notice of intended departure and an application for clearance in accordance with sub-paragraph two (a) of this paragraph.

(4) If an aircraft in the course of a flight to a place abroad lands at a customs airport, the commander shall, before the aircraft leaves that airport, deliver to the proper officer—

- (a) the clearance and authority for the aircraft to proceed from the Customs airport which it has left;
- (b) the journey log book belonging to the aircraft;
- (c) a manifest in duplicate in an approved form declaring what goods have been loaded on board the aircraft at the airport at which it has so landed;
- (d) a passenger manifest in an approved form containing the names of all passengers carried in the aircraft and their places of embarkation and destination;
- (e) a list in duplicate in an approved form of the stores loaded on board the aircraft at the airport at which it has so landed;

and the said manifests and list of stores when signed by the said officer, together with the said clearance and authority when countersigned by him, shall, for the purpose of the enactments relating to Customs, be the clearance and authority for the aircraft to proceed from the airport at which it has so landed.

Exportation of Goods

6. No person shall, without the permission of the proper officer unload from any aircraft any goods loaded therein which have been cleared for exportation.

Forced Landings, etc.

7. (1) If an aircraft flying to or from a place abroad is required or compelled to land for any reason specified in paragraph two of this Schedule at any place in the Kingdom of Tonga other than a Customs airport—

- (a) the commander—
 - (i) shall immediately report the landing to an officer, or to an officer of police and on demand produce to him the journey log book belonging to the aircraft;
 - (ii) shall not, without the consent of an officer permit any goods or stores to be unloaded from, or any of the crew or passengers to depart from the vicinity of, the aircraft; and
 - (iii) shall comply with any directions given by an officer with respect to any goods or stores carried in the aircraft; and
- (b) no passengers in, or member of the crew of, the aircraft shall, without the consent of an officer or officer of police, leave the immediate vicinity of the airport.

(2) Nothing in this paragraph shall prohibit the departure of crew or passengers from the vicinity of an aircraft or the removal of goods or stores

therefrom where such departure or removal is necessary for reasons of health, safety or the preservation of life.

Inspection, Records, etc.

8. (1) The person in control of every aerodrome shall permit an officer at any time to enter upon and inspect the aerodrome and all buildings and goods thereon.

(2) The person in control of a licensed aerodrome and, if so required by the Controller of Customs, the person in control of any other aerodrome shall keep a record in an approved form of all aircraft arriving at or departing from the aerodrome and shall keep such record available and shall on demand produce it to an officer, together with all other documents kept at the aerodrome which relate to the movement of aircraft, and shall permit an officer to make copies thereof and to take extracts therefrom.

(3) The commander of an aircraft shall permit an officer at any time to board the aircraft and to inspect the aircraft and any goods loaded therein and all documents relating to the aircraft or to goods or persons carried therein, and an officer shall have the right of access at any time to any place to which access is required for the purpose of such inspection.

Documents

9. The Commander of an aircraft shall enter in every document required by this Schedule to be delivered full and true particulars in accordance with the requirements specified in that document.

Authorized Agents

10. Subject to such conditions or requirements as the Controller of Customs may impose, any of the duties imposed on the Commander of an aircraft by sub-paragraph one (b) and (c) of paragraph three and the proviso to that paragraph by sub-paragraphs two and four of paragraph five, and by paragraph nine of this Schedule may be carried out on his behalf by an authorized agent being a responsible person who represents, and is authorized in that behalf by, the owner or operator of the aircraft; and any of the duties imposed on the person in control of an aerodrome by paragraph eight of this Schedule may be carried out on his behalf by an authorized agent, being a responsible person authorized in writing in that behalf by him.

REGULATION 2—Customs Aerodromes

G.S. 2/61, G.S. 40/79

The following are designated as customs airports and as places of landing and departure of aircraft for the purposes of the customs laws—

- (1) Fua'amotu Aerodrome;
- (2) Lupepau'u Airport, Vava'u.

SECTION 5 and 6—Aerodrome Clearance Order

Made by His Majesty in Council
G.S. 63/74, G. 174/78

1. This Order may be cited as the Aerodrome Clearance Order.
2. The Minister of Works and any person acting under his orders is authorised to remove or alter all buildings, remove structures, erections, trees or other things whatsoever within the boundaries set out in the Schedules to this Order. For the purposes of carrying out this Order the Minister and any person acting under his order is authorised to enter upon and pass over (with or without vehicles) any land specified in the Schedules to this Order.
3. The land specified in the Schedules to this Order is, for the purposes of section 6 of the Aerodromes Act, a restricted area.

SCHEDULE I

FUA'AMOTU AERODROME CLEARANCE

(G. 174/78)

On both sides of the east-south-east-west-north-west airstrip so that a line starting from any point as ground level on the edge of the airstrip, 290 feet from the centre line of the airstrip, and drawn at right angles thereto and at a gradient of 1 in 7 from the horizontal will be clear of all obstructions.

On both sides of the north-south airstrip, so that a line starting from any point at ground level on the edge of the airstrip, 250 feet from the centre line of the airstrip, and drawn at right angles thereto at a gradient of 1 in 7 from the horizontal will be clear of all obstructions.

On both ends of the east-south-east-west-north-west airstrip there exist funnel shaped planes as shown in the diagram for this schedule that will be clear of all obstructions. These planes are defined as the more extensive area of either; a 600 foot long inner edge at right angles to the centre line of the airstrip located at the end of the clearways (measured 500 feet horizontally in the direction of take-off from the end of the airstrip) and diverging on both sides at 12.5 percent with an incline at an angle of 1 in 50 to the horizontal from the highest point on the clearway, or a 500 foot long inner edge at right angles to the centre line of the airstrip located 200 feet horizontally in the direction of take-off from the end of the airstrip and diverging on both sides at 10.0 percent with an incline at angle of 1 in 40 to the horizontal from the elevation of the end of the airstrip at its centre line and having side gradients at rights angles to the centre line of the airstrip of 1 in 7 from the edges of this plane.

On both ends of the north-west airstrip there exist funnel shaped planes as shown in the diagram for this schedule will be clear of all obstructions. These planes are defined with a 500 foot long inner edge at right angles to the centre line of the airstrip located 200 feet horizontally in the direction of take-off from the threshold of the airstrip and diverging on both sides at 10.0 percent. The planes incline at an angle of 1 in 40 to the horizontal from the inner edge, and have side gradients at rights angles to the centre line of the airstrip of 1 in 7 from the edges of this plane.

The east end of the east-south-east-west-north-west airstrip is designated by survey beacon 24479 at the intersection of the centre line of the two airstrips. This airstrip has a total length of 6400 feet with a west to east of $121^{\circ}-53'-00''$ T.N.

The south end of the north-south airstrip is designated as 82 feet north of survey beacon 22402. This airstrip has a total length of 5000 feet with a north to south bearing of $1^{\circ}-53'-00''$ T.N.

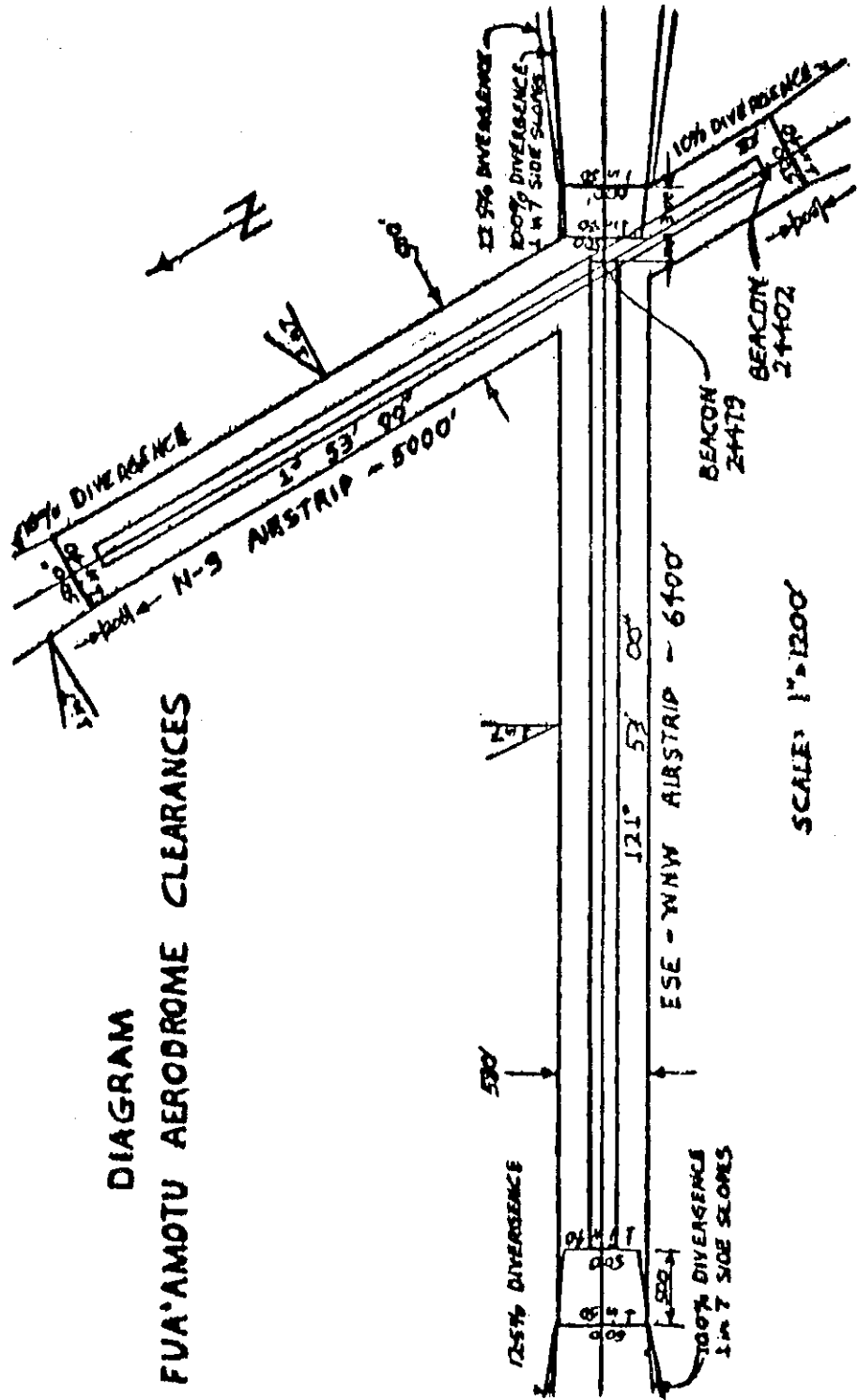


DIAGRAM
FUA'AMOTU AERODROME CLEARANCES

SCHEDULE 2

PETANI VILLAGE-EUA AIRFIELD CLEARANCE

(G. 174/78)

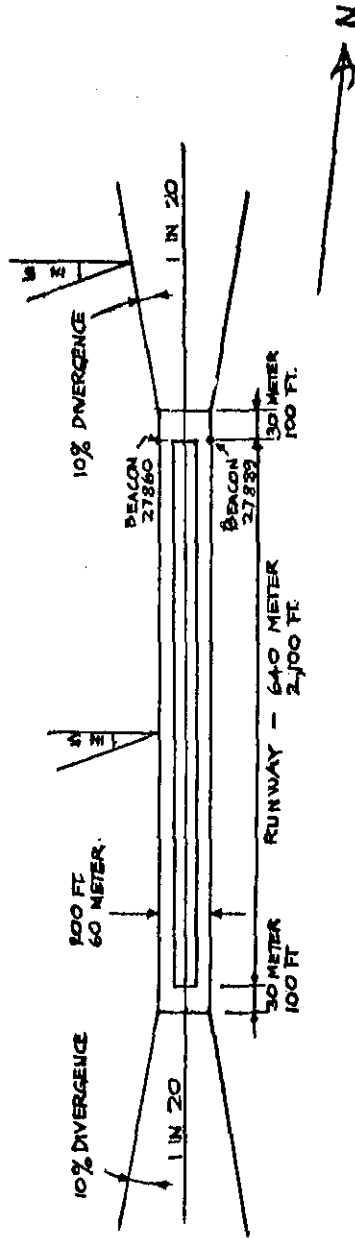
On both sides of the North-South Airstrip so that a line starting from any point at the runway centre line level, 30 metres (100 ft.) from and parallel to the centre line of the runway, and at a gradient of 1 in 5 from the horizontal will be clear of all obstructions.

On both ends of the Airstrip there shall exist funnel shaped planes, as shown on the diagram for this schedule, that will be clear of all obstructions. These planes are defined as having an inner edge of 60 metres (200 ft.) length set at right angles to the centre line of the airstrip, located 30 metres (100 ft.) in the direction of take off from the threshold of the runway. The sides of the funnel shall diverge at 10% from a line parallel to the centre line of the runway.

The inner edge of the funnel at North End of the runway shall be set 30 metres (100 ft.) perpendicular distance from a line, drawn through survey beacon 27889 to 27860.

The Planes shall incline at a rising angle of 1:20 to the horizontal from the inner edge and have a gradient of 1 in 5 rising from the edge of the plane.

AIRFIELD CLEARANCE - EUA AIRFIELD



SCHEDULE 3

LIFUKA ISLAND-HA'APAI AIRFIELD CLEARANCE

(G.S. 63/74, G. 177/78)

On both sides of the South East-North West Airstrip so that a line starting from any point at runway centre line level, 30 metres from the centre line of the runway, and at a gradient of 1 in 5 from the horizontal will be clear of all obstructions.

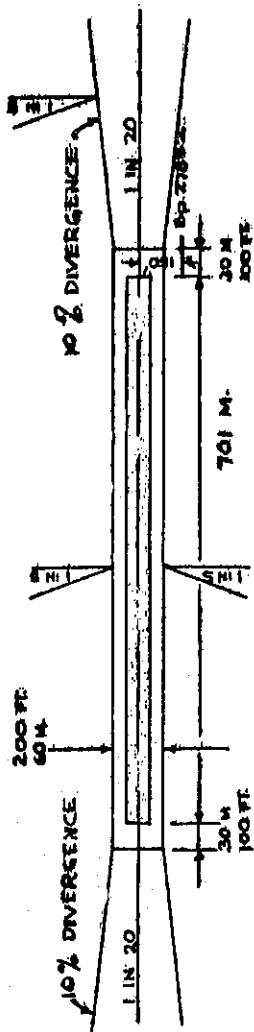
On both ends of the airstrip there shall exist funnel shaped planes, as shown on the Diagram for this schedule, that will be clear of all obstructions. These planes are defined as an inner edge of 60 metres (200 ft.) length set at right angles to the centre line of the airstrip located 30 metres (100 ft.) in the direction of take off from the threshold of the runway and diverging on both sides at 10 percent.

The inner edge of the funnel plane at the North-East end of the Airstrip shall be set 30 metres (100 ft.) perpendicular distance from a line drawn through Survey Beacon B p 27882 at right angles to the centre line of the runway.

The planes shall incline at an angle of 1 in 20 to the horizontal from the inner edge and have gradients at 1 in 5 from the edges of the planes.

DIAGRAM 3.

AIRFIELD CLEARANCE - LIFUKA - HAAPAI-KOULO VILLAGE.



SOUTH EAST - NORTH WEST
 RUNWAY - 2300 FT
 701 M.