



I assent,

GEORGE TUPOU V,

13th February, 2009.

AN ACT

TO AMEND THE CIVIL AVIATION ACT 1990 TO TRANSFER MINISTERIAL AND ADMINISTRATIVE POWERS TO THE MINISTER OF TRANSPORT AND THE MINISTRY OF TRANSPORT

BE IT ENACTED by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1. (1) This Act may be cited as the Civil Aviation (Amendment) Act 2008.
(2) The Civil Aviation Act 1990, as amended, is in this Act referred to as the Principal Act.
2. Section 2 of the Principal Act is amended by inserting in the appropriate places the following words and definitions -
"Minister" means the Minister for Transport;
"Ministry" means the Ministry of Transport;".
3. The Principal Act is amended by deleting section 3 and substituting the following -
"3. Minister for Transport
(1) The functions of the Minister for Transport with regard to civil aviation matters shall be to—
 - (a) exercise a general superintendence and control over all matters relating to civil aviation in the Kingdom;

- (b) control the use of the airspace over the Kingdom and the waters adjacent thereto and to regulate both civil and military operations in such airspace in the interest of the safety and efficiency of both;
 - (c) administer this Act, the regulations made thereunder and any other enactment the administration of which is assigned to him; and
 - (d) exercise such other functions as from time to time be lawfully conferred upon him.
 - (2) The Minister shall exercise his powers in accordance with this Act and any regulations made thereunder and in the exercise of such powers he shall endeavour to ensure the proper implementation of any international convention or agreement to civil aviation to which the Kingdom is or becomes a party.
 - (3) In the exercise of functions under subsection (1)(b) the Minister shall, in relation to the airspace above the waters adjacent to the Kingdom, have regard to the rules of customary international law and any treaty or convention to which the Kingdom is or becomes a party affecting the use of such airspace."
4. Section 4 of the Principapl Act is repealed.
5. Section 16 of the Princiapal Act is deleted and substituted by the following –
- "16. Aviation Security Service**
- There shall be an Aviation Security Service and a member thereof shall be an aviation security officer."

Passed in the Legislative Assembly this 9th day of October, 2008.