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**No. S 649**

**AIR NAVIGATION ACT  
(CHAPTER 6)**

**AIR NAVIGATION  
(LICENSING OF AIR SERVICES) (AMENDMENT NO. 2)  
REGULATIONS 2011**

In exercise of the powers conferred by section 16 of the Air Navigation Act, the Minister for Transport hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Air Navigation (Licensing of Air Services) (Amendment No. 2) Regulations 2011 and shall come into operation on 19th December 2011.

**Amendment of regulation 2**

**2.** Regulation 2 of the Air Navigation (Licensing of Air Services) Regulations (Rg 2) (referred to in these Regulations as the principal Regulations) is amended —

(a) by inserting, immediately after the definition of “air services agreement”, the following definition:

“ “assignment”, in relation to a licence granted under Part IA or II, means the transfer of the authorisation to provide all air services which are the subject of the licence;” and

(b) by deleting the full-stop at the end of the definition of “scheduled journey” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

“ “transfer”, in relation to a licence granted under Part IA or II, means the transfer in part of the authorisation to provide the air services which are the subject of the licence.”.

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**Amendment of regulation 2E**

**3.** Regulation 2E of the principal Regulations is amended —

- (a) by deleting the word “and” at the end of paragraph (a); and
- (b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(c) to consider any application for approval to transfer or assign any licence, and to approve the transfer or assignment of such licence subject to such terms and conditions as the Committee may determine or to refuse such approval.”.

**Amendment of regulation 2J**

**4.** Regulation 2J(1) of the principal Regulations is amended by deleting the words “\$2,000 for each city in respect of which air services are provided under his licence” and substituting the words “\$2,200 for each city in respect of which air services are provided under his licence, or a pro-rata amount of that fee if the period to which the licence relates is less or more than 12 months”.

**Amendment of regulation 2M**

**5.** Regulation 2M(1) of the principal Regulations is amended by inserting, immediately after sub-paragraph (ga), the following sub-paragraph:

- “(gb) after the transfer or assignment of the licence to the licensee, the licensee ceases to be related (within the meaning of regulation 2U(6)) to the transferor of the licence;”.

**Amendment of regulation 2O**

**6.** Regulation 2O of the principal Regulations is amended by inserting, immediately after paragraph (2), the following paragraph:

- “(3) Where the Committee approves the transfer of a licence from a licensee (referred to as the transferor) to another (referred to as the transferee), the licence held by the transferor shall remain valid but varied to the extent that the Committee has approved the transfer of the authorisation to provide air services under that licence to the transferee.”.

**Amendment of regulation 2P**

7. Regulation 2P of the principal Regulations is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) Upon the Committee approving the assignment of a licence from a licensee to another, the licensee shall without delay surrender the licence in its possession to the Committee for cancellation.”.

**Amendment of regulation 2Q**

8. Regulation 2Q(1) of the principal Regulations is amended by inserting, immediately after sub-paragraph (a), the following sub-paragraph:

“(aa) to refuse to approve a transfer or an assignment of a licence;”.

**New regulation 2U**

9. The principal Regulations are amended by inserting, immediately after regulation 2T, the following regulation:

**“Transfer and assignment of licences**

**2U.—**(1) Where the holder of a licence (referred to in these Regulations as the transferor) desires to transfer or assign the licence to another person (referred to in these Regulations as the transferee), any joint application by them under regulation 19 to the Committee for approval to transfer or assign the licence must, in addition to such requirements as are specified in regulation 19 —

- (a) be made no later than 6 months before the date on which the licence is proposed to be transferred or assigned, as the case may be;
- (b) be accompanied by the information specified in the Second Schedule; and
- (c) be accompanied by an application by the transferee for the grant of that licence,

and the applications may be summarily refused if this paragraph is not complied with.

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(2) The Committee shall consider any joint application for approval to transfer or assign a licence together with the transferee's application for the grant of a licence, and regulations 2F, 2G and 2H shall apply to and in relation to the transferee's application for the licence with such modifications as are necessary.

(3) Notwithstanding regulation 19(5), the Committee shall not approve the transfer or assignment, as the case may be, of a licence from a transferor to a transferee if the transferor and transferee are not related and the application is made in circumstances other than those described in regulation 19(3).

(4) Where the Committee refuses to approve the transfer or assignment of a licence that is the subject of an application under regulation 19, the Committee must without delay inform the transferor and the transferee of its decision.

(5) Upon an approval of any assignment of a licence, the transferor shall cease to be a licensee but shall remain liable for any act or omission done, caused, permitted or made by the transferor before the assignment.

(6) For the purposes of these Regulations, a transferee is related to the transferor, and vice versa, if —

- (a) the transferee is the wholly-owned subsidiary of the transferor;
- (b) the transferor is a wholly-owned subsidiary of the transferee; or
- (c) the transferor and the transferee are each wholly-owned subsidiaries of the same holding corporation,

and “wholly-owned subsidiary” has the same meaning given in the Companies Act (Cap. 50).”.

### **Amendment of regulation 15**

**10.** Regulation 15 of the principal Regulations is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) Where an application is made for a permit, the Chief Executive may —

- (a) grant, subject to such conditions as he may impose —
  - (i) upon an application under regulation 16(4), an express permit to provide air services on the single one-way or return flight specified in the permit; or