

Air Navigation (Licensing of Air Services) (Amendment) Regulations 2003

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No. S 476

AIR NAVIGATION ACT (CHAPTER 6)

AIR NAVIGATION (LICENSING OF AIR SERVICES) (AMENDMENT)

REGULATIONS 2003

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) Regulations 2003 and shall come into operation on 3rd October 2003.

Amendment of regulation 1

2. Regulation 1 of the Air Navigation (Licensing of Air Services) Regulations (Rg 2) (referred to in these Regulations as the principal Regulations) is amended by deleting paragraph (2).

Amendment of regulation 2

3. Regulation 2 of the principal Regulations is amended —

(a) by deleting the definition of “air service” and substituting the following definitions:

“ “air service” means any service comprising the carriage of passengers, mail or cargo for hire or reward by means of an aircraft;

“air services agreement” means an agreement or arrangement entered into between the Government and the government of another country under which the provision of air services is permitted;”;

(b) by inserting, immediately after the definition of “chief executive officer”, the following definitions:

“ “Committee” means the Air Traffic Rights Committee established under regulation 2D;

“country” includes a territory;” and

(c) by deleting the definitions of “licence” and “licensee” and substituting the following definition:

“ “non-scheduled journey” means a journey that is not

scheduled;”.

New regulation 2A and Part IA

4. The principal Regulations are amended by inserting, immediately after regulation 2, the following regulation and Part:

“No air service to be provided without licence

2A.—(1) Subject to these Regulations, no person shall provide any air services upon any scheduled journey between 2 or more places of which at least one is in Singapore, except under and in accordance with a licence granted under Part IA or II.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years, or to both.

(3) This regulation shall not apply to —

- (a) any person who provides any air services under and in accordance with any air services agreement as an airline designated, nominated or otherwise authorised by the government of another country under that air services agreement;
- (b) the airline of any country which is a party to the Agreement where its aircraft merely flies across Singapore without landing, or where its aircraft lands in Singapore, in accordance with the provisions of that Agreement.

PART IA

LICENCES FOR SCHEDULED JOURNEYS UNDER AIR SERVICES AGREEMENT

Definitions of this Part

2B.—(1) In this Part —

“air operator certificate” means an air operator certificate granted under paragraph 87 of the Air Navigation Order (O 2);

“air traffic right” means the right of an airline designated, nominated or

otherwise authorised by the Government to provide air services on scheduled journeys from, to or over a country under an air services agreement, and includes the city to be served, the route on which the air services are to be provided, the type of traffic to be carried and the capacity to be provided;

“available air traffic right” means any air traffic right other than an air traffic right in respect of which a licence is in force;

“Chairman” means the Chairman of the Committee;

“licence” means a licence granted under this Part;

“licensee” means a person who holds a licence.

(2) A reference in this Part to the suspension of a licence by the Committee includes a reference to the suspension by the Committee of the right to exercise one or more air traffic rights conferred by the licence.

(3) A reference in this Part to the revocation of a licence by the Committee includes a reference to the revocation by the Committee of the right to exercise one or more air traffic rights conferred by the licence.

(4) A reference in this Part to the variation of a licence by the Committee includes a reference to the variation of one or more air traffic rights that may be exercised by a licensee under the licence.

Application of this Part

2C. This Part shall apply only to the provision of air services on scheduled journeys under and in accordance with an air services agreement.

Air Traffic Rights Committee

2D.—(1) For the purposes of allocating air traffic rights under this Part, there shall be established a Committee comprising a Chairman and not less than 3 other members, which shall be known as the Air Traffic Rights Committee.

(2) The Chairman and every other member of the Committee shall be appointed by the Minister for a period not exceeding 2 years and each shall be eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of the Chairman or any other member of the Committee for any reason and may appoint any person to

fill any vacancy which may arise in the Committee.

(4) The Chairman or any other member of the Committee may at any time resign from his office by notice in writing to the Minister.

(5) Subject to the provisions of this Part, the Committee may regulate its own procedure.

(6) The Authority shall provide administrative and secretarial support to the Committee in the performance of its functions.

Functions of Committee

2E. The functions of the Committee are —

- (a) to consider any application for the grant or renewal of a licence to provide air services which are the subject of any available air traffic rights, and to grant or renew such licence on such terms and conditions as the Committee may determine or to refuse to grant or renew such licence; and
- (b) to review any such licence, and to affirm, suspend, revoke or vary such licence pursuant to the review.

Application for grant or renewal of licence

2F.—(1) An application for the grant or renewal of a licence to provide air services which are the subject of any available air traffic rights shall be made to the Committee.

(2) The application shall be made in such form and manner as the Committee may determine and shall, unless the Committee specifies otherwise —

- (a) if the applicant is a body corporate, contain such information of the persons who hold ownership of the applicant, and of the persons who control the applicant, as the Committee may require;
- (b) contain such information of the applicant's financial resources as the Committee may require; and
- (c) state —
 - (i) the cities to be served;
 - (ii) the routes on which the air services are to be provided;