

No. 9713

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
MALAWI**

**Agreement for air services between and beyond their
respective territories (with schedule). Signed at
Blantyre on 27 September 1968**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
11 July 1969.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
MALAWI**

**Accord relatif aux services aériens entre les territoires
des deux pays et au-delà (avec annexe). Signé à
Blantyre le 27 septembre 1968**

Texte authentique: anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
11 juillet 1969.*

AGREEMENT ¹ BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTH-
ERN IRELAND AND THE GOVERNMENT OF THE
REPUBLIC OF MALAWI FOR AIR SERVICES BETWEEN
AND BEYOND THEIR RESPECTIVE TERRITORIES

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Malawi ;

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on the Seventh Day of December 1944 ; ²

Desiring to conclude an Agreement, supplementary to the said Convention, for the purpose of establishing air services between and beyond their respective territories ;

Have agreed as follows :

Article 1

For the purpose of the present Agreement, unless the context otherwise requires :

- (a) the term “ the Convention ” means the Convention on International Civil Aviation opened for signature at Chicago on the Seventh Day of December 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof so far as those Annexes and amendments have become effective for or been ratified by both Contracting Parties ;
- (b) the term “ aeronautical authorities ” means, in the case of the United Kingdom, the Board of Trade and any person or body authorised to perform any functions at present exercisable by the said Board or similar functions, and, in the case of Malawi, the Minister responsible for civil aviation matters and any person or body authorised to perform the same or similar functions at present exercised by the said Minister ;

¹ Came into force on 27 September 1968 by signature, in accordance with article 17.

² United Nations, *Treaty Series*, vol. 15, p. 295 ; for the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217 ; vol. 418, p. 161, and vol. 514, p. 209.

- (c) the term "designated airline" means an airline which has been designated by a Contracting Party and authorised in accordance with Article 3 of the present Agreement ;
- (d) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, protection or trusteeship of that State ; and for the avoidance of misunderstanding in the case of Malawi it includes that part of Lake Malawi which is part of Malawi ;
- (e) the terms "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention ; and
- (f) the terms "aircraft equipment", "stores" and "spare parts" have the meanings respectively assigned to them in Chapter 1 of Annex 9 of the Convention.

Article 2

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing scheduled international air services on the route specified in the appropriate Part of the Schedule annexed to the present Agreement. Such services and routes are hereafter called "the agreed services" and "the specified routes" respectively. The airline designated by each Contracting Party shall enjoy while operating an agreed service on a specified route, the following rights :

- (a) to fly without landing across the territory of the other Contracting Party ;
- (b) to make stops in the said territory for non-traffic purposes ; and
- (c) to make stops in the said territory, at the points specified for that route in the Schedule for the purpose of putting down and taking up international traffic in passengers, cargo and mail.

(2) Nothing in paragraph (1) of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of the other Contracting Party.

(3) The provisions of the International Air Services Transit Agreement done at Chicago on the seventh day of December 1944,¹ shall apply as between the Contracting Parties as if the Government of the Republic of Malawi had

¹ United Nations, *Treaty Series*, vol. 84, p. 389.

accepted that Agreement, but Article V thereof shall be interpreted consistently with Article 1 (d) of the present Agreement.

Article 3

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

(2) On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorisations.

(3) One Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by the first-mentioned Contracting Party in conformity with the provisions of the Convention.

(4) Each Contracting Party shall have the right to refuse to grant the operating authorisations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 of the present Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

(5) When an airline has been so designated and authorised it may begin at any time to operate the agreed services, provided that a tariff established in accordance with the provisions of Article 9 of the present Agreement is in force in respect of that service.

Article 4

(1) Each Contracting Party shall have the right to revoke an operating authorisation or to suspend the exercise of the rights specified in Article 2 of the present Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights :

- (a) in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party ; or
- (b) in the case of failure by that airline to comply with the laws or regulations in force in the territory of the Contracting Party granting these rights ; or

- (c) in case the airline otherwise fails to operate in accordance with the conditions prescribed under the present Agreement.

(2) Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph (1) of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

Article 5

(1) Aircraft operated on international services by the designated airlines of either Contracting Party, as well as their aircraft equipment, supplies of fuel and lubricants, and aircraft stores (including food, beverages and tobacco) on board such aircraft shall be exempt from all customs duties, inspection fees and other similar charges on arriving in the territory of the other Contracting Party, provided such equipment and supplies remain on board the aircraft up to such time as they are re-exported or are used on the part of the journey performed over that territory.

(2) There shall also be exempt from the same duties, fees and charges, with the exception of charges corresponding to the services performed :

- (a) aircraft stores taken on board in the territory of a Contracting Party, within limits fixed by the authorities of the said Contracting Party, and for use on board outbound aircraft engaged in an international service of the other Contracting Party ;
- (b) spare parts introduced into the territory of either Contracting Party for the maintenance or repair of aircraft used on international services by the designated airlines of the other Contracting Party ;
- (c) fuel and lubricants destined to supply outbound aircraft operated on international services by the designated airlines of the other Contracting Party, even when these supplies are to be used on the part of the journey performed over the territory of the Contracting Party in which they are taken on board.

Materials referred to in sub-paragraphs (a), (b) and (c) above may be required to be kept under Customs supervision or control.

Article 6

The regular airborne equipment, as well as the materials and supplies retained on board the aircraft of either Contracting Party, may be unloaded in the territory of the other Contracting Party only with the approval of the Customs authorities of that territory. In such case, they may be placed