
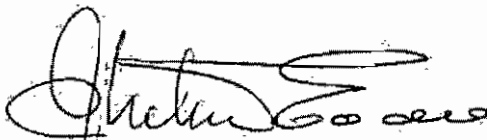


I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Air Navigation (Amendment) Act, 1973 that has been made by Parliament and is now presented to the Deputy Speaker for his Certificate under Article 47 of the Constitution.


Acting Clerk of Parliament
12/9/1973

Pursuant to Article 35 (3) and 47 of the Constitution, I, IDARABABWIN VICTOR EOAE0, Deputy Speaker of Parliament, HEREBY CERTIFY that the Air Navigation (Amendment) Act, 1973 a copy of which is attached has been passed by Parliament.


Deputy Speaker
12/9/1973

REPUBLIC OF NAURU,

AIR NAVIGATION (AMENDMENT) ACT 1973

ARRANGEMENT OF CLAUSES

Clauses

1. Short title
2. Interpretation
3. Repeal and replacement of section 7 of the principal Act
4. Amendment of section 37 of the principal Act
5. Addition of a new section 39A to the principal Act

REPUBLIC OF NAURU
(No. 9 of 1973)

AN ACT

To amend the Air Navigation Act 1971

(Certified: 12/9/1973)

Be it enacted by the Parliament of Nauru as follows :

SHORT TITLE

1. This Act may be cited as the Air Navigation (Amendment) Act 1973.

INTERPRETATION

2. In this Act, "the principal Act" means the Air Navigation Act 1971.

REPEAL AND REPLACEMENT OF SECTION 7 OF THE PRINCIPAL ACT

3. Section 7 of the principal Act is repealed and the following new section 7 is substituted therefor -

"SPECIAL PROVISIONS RELATING TO DELEGATION OF POWERS AND FUNCTIONS TO A SPECIFIED PERSON OR AUTHORITY

7. Where any power or function of the Authority is or is purported to be delegated under section 6 of this Act to a specified person or authority -

(a) no person shall sue in any Court the specified person or authority to whom the power is or is purported to be delegated or the relevant government for any act done or alleged to have been done or for any omission made or alleged to have been made by that specified person or authority in the exercise or the purported exercise of the power or the performance or the purported performance of the function so delegated or purported to be delegated or for any act done or alleged to have been done or any omission made or alleged to have been made by any person employed by that specified person or authority or by the relevant government in the administration of the laws of the

relevant country relating to civil aviation or air navigation in the performance, in the course of his employment, of any work, act, matter or thing related to the power or function so delegated or purported to be delegated:

Provided that nothing in this section shall prevent any person from suing the Authority for any such act or omission of the specified person or authority to whom the power or function is or is purported to be delegated or of any person so employed by that specified person or authority or the relevant government or prevent any person from suing the specified person or authority to whom the power or function is or is purported to be delegated in respect of anything done or omitted by him or it otherwise than in good faith;

(b) the Republic shall indemnify the specified person or authority to whom the power or function is or is purported to be delegated and the relevant government to the full extent of any damages awarded against the specified person or authority and the costs of defending any action in any court outside Nauru in respect of any act done or alleged to have been done or any omission made or alleged to have been made by that specified person or authority in the exercise or the purported exercise of the power or the performance or the purported performance of the function so delegated or purported to be delegated or in respect of any act done or alleged to have been done or any omission made or alleged to have been made by any person employed by that specified person or authority or by the relevant government in the administration of the laws of the relevant country relating to civil aviation or air navigation in the performance, in the course of his employment, of any work, act, matter or thing related to the power or function so delegated or purported to be delegated and the amount shall be paid out of, and be a charge upon, the Treasury Fund:

Provided that the specified person or authority to whom the power or function is delegated, and the relevant government, shall not be entitled to such indemnification unless within seven days of being served with the process commencing the action, he or it, as the case

may be, notifies the Authority by telegram of the commencement of the action, takes the necessary steps in the proper time to defend the action and, if required by the Authority to do so, makes application to join the Authority as a party to the action and permits the Authority to control the defence of the action;

And provided further that no person shall be entitled to be indemnified in respect of any act or omission done or made by the specified person or authority to whom the power or function is or is purported to be delegated or of any person so employed by the specified person or authority or the relevant government otherwise than in good faith.

AMENDMENT OF SECTION 37 OF THE PRINCIPAL ACT

4. Section 37 of the principal Act is amended by renumbering subsection (3) as subsection (4) and by adding the following new subsection (3) -

"(3) No appeal shall lie against the decision of the Cabinet in respect of any appeal and no proceedings may be taken in any Court by way of mandamus, certiorari or prohibition or for an injunction or a declaratory judgment in respect of any matter which is or has been the subject-matter of an appeal to the Cabinet or which, but for failure to appeal within the time allowed, could have been the subject-matter of such an appeal."

ADDITION OF A NEW SECTION 39A TO THE PRINCIPAL ACT

5. The principal Act is amended by the addition of the following new section 39A -

"BREACH OF STATUTORY DUTY BY THE AUTHORITY NOT TO BE ACTIONABLE PER SE

39A. The breach of any statutory duty imposed on the Authority by this Act or by any regulations made, or deemed to have been made, under this Act shall not be actionable unless such breach affords a cause of action independently of the provisions of this Act or of the regulations imposing the duty."