



I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Air Navigation Act, 1977 that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.



Clerk of Parliament
1st April, 1977

Pursuant to Article 35 (3) and 47 of the Constitution, I, DAVID PETER GADARAOA, Speaker of Parliament, HEREBY CERTIFY that the ~~Air~~ Navigation Act, 1977 a copy of which is attached has been passed by Parliament.



Speaker
1st April, 1977

REPUBLIC OF NAURU

AIR NAVIGATION (AMENDMENT) ACT 1977.

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 2 of the principal Act
4. Addition of new sections 18A, 18B, 18C and 18D to the principal Act
5. Addition of a new section 19A to the principal Act
6. Amendment of section 32 of the principal Act.

REPUBLIC OF NAURU
(No. 4 of 1977)

AN ACT

To amend the Air Navigation Act 1971.

(Certified: 1st April, 1977)

Enacted by the Parliament of Nauru as follows:

SHORT TITLE

1. This Act may be cited as the Air Navigation (Amendment) Act 1977.

INTERPRETATION

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

AMENDMENT OF SECTION 2 OF THE PRINCIPAL ACT

3. Section 2 of the principal Act is amended by inserting immediately after the definition of "airship" therein the following definition -

"controlled land" means land designated as Civil Aviation Authority controlled land in accordance with the provisions of section 18A;"

ADDITION OF NEW SECTIONS 18A, 18B, 18C AND 18D TO THE PRINCIPAL ACT

4. The principal Act is amended by inserting therein immediately after section 18 the following four new sections, sections 18A, 18B, 18C and 18D -

"CIVIL AVIATION AUTHORITY CONTROLLED LAND

18A. The Cabinet may, by notice in the Gazette, designate land owned by or leased to the Republic as "Civil Aviation Authority controlled land" and such land shall be under the control of the Authority.

PROHIBITION OF ENTRY, ETC., TO AERODROME OR CONTROLLED

LAND WITHOUT AUTHORITY

18B. (1) A person shall not, without lawful authority or excuse, -

- (a) enter or remain on, or cause or permit a child of whom he is the parent or guardian to enter or remain on, an aerodrome or controlled land;
- (b) bring or leave, or cause or permit any child of which he is a parent or guardian to bring or leave, any thing on an aerodrome or controlled land;
- (c) operate any vehicle on an aerodrome or controlled land;
- (d) bring any animal or bird on an aerodrome or controlled land; or
- (e) permit any animal or bird belonging to him or of which for the time being he has charge or control to enter or remain on an aerodrome or controlled land.

(2) Where any person is found on an aerodrome or controlled land without lawful authority, it is lawful for an authorized person to apprehend and remove him from the aerodrome or controlled land and for that, or any other, authorized person to detain him for such time, not exceeding one hour, as the authorized person detaining him considers necessary to prevent him from re-entering the aerodrome.

(3) For the purposes of this section, the expression "authorized person" includes a police officer, a member of the staff of the Authority and any person authorized by the Authority.

(4) Where a child enters or remains on, or brings or leaves any thing on, an aerodrome or controlled land without lawful authority, every parent and guardian of the child, unless he proves that he took all reasonable measures to prevent the child from entering or remaining on, or bringing or leaving that thing on, the aerodrome or controlled land, as the case may be, is to be deemed to have permitted the child to enter or remain on, or to bring or leave that thing on, the aerodrome or controlled land.

(5) Where any animal or bird enters or remains on an aerodrome or controlled land, the owner of that animal or bird, unless he proves that he took all reasonable measures to prevent it from entering or remaining on the aerodrome or controlled land, is to be deemed to have permitted it to enter or remain on the aerodrome or controlled land.

SEIZURE AND FORFEITURE OF THINGS UNLAWFULLY ON AN
AERODROME OR CONTROLLED LAND

18C. (1) An authorized person may seize and take possession of any thing which is on an aerodrome or controlled land if the bringing, leaving or operation of that thing on the aerodrome or controlled land has not been lawfully authorized; and the Authority may detain that thing, or cause it to be detained, and apply to the District Court for an order that it be forfeited to the Republic.

(2) Upon application made to the District Court by the Authority under the preceding subsection, the Court may, if it is satisfied that the thing to which the application relates was brought, left or operated on the aerodrome or controlled land without lawful authority, order that that thing is to be forfeited to the Republic: Provided that, where the identity of the owner of the thing is known to the Authority, the Authority shall give the owner written notice of the application and the District Court shall not order forfeiture until it has given him reasonable opportunity to show cause why an order for forfeiture should not be made.

(3) Where application is made to the District Court by the Authority under subsection (1) and the Court decides not to order the forfeiture of the thing to which the application relates, or where no such application is made, the Authority shall -

- (a) if the identity of its owner is known, return the thing to him forthwith; and
- (b) if there is no owner or the identity of the owner is not known, deliver the thing to a police officer to be dealt with in accordance with the provisions of section 28 of the Nauru Police Force Act 1972.

(4) Notwithstanding the other provisions of this section, where any thing seized and taken possession of under subsection (1) is, in the opinion of the Authority, -

- (a) of no value or of such small value in relation to its bulk that the cost of storage would be excessive,
 - (b) of a rapidly perishable nature, or
 - (c) likely to endanger life or health,
- the Authority may direct that it be destroyed or, except where it is likely to endanger life or health, sold forthwith by auction or tender, as the Authority thinks fit.

(5) For the purposes of this section, "thing"

includes objects of all kinds, including animals and birds; and the expression "authorized officer" has the same meaning as in section 18B.

CONTROL OF USE OF ROADS AND OTHER LAND ADJACENT TO AERODROMES

18D. (1) The Authority may, for the purpose of preventing aircraft being endangered in flight, prohibit or regulate the use of roads and other land adjacent to any aerodrome by motor vehicles, other vehicles and foot passengers during any period commencing not more than fifteen minutes before and terminating not more than five minutes after an aircraft takes off from or lands at that aerodrome.

(2) The Authority may exercise its powers under the preceding subsection by displaying prescribed signs or signals.

(3) The Authority may authorize any police officer in uniform to exercise its powers under subsection (1) and any police officer so authorized may exercise those powers by giving such hand signals or verbal directions or by erecting such barriers or displaying such signs or signals as are reasonably adequate to indicate to persons intending to use any such road or land the extent to which its use is prohibited or regulated. Any police officer in uniform prohibiting or regulating the use of any such road or land by any motor vehicle, other vehicle or foot passenger during any such period as is referred to in subsection (1) shall, unless the contrary is proved, be deemed to have been authorized by the Authority to do so."

ADDITION OF A NEW SECTION 19A TO THE PRINCIPAL ACT

5. The principal Act is amended by inserting after section 19 the following new section 19A -

"PROTECTION OF CERTAIN INSTALLATIONS, ETC.

19A. Any person who wilfully and without lawful authority removes, damages or interferes with any installation, equipment or other thing provided by the Authority for the purpose of facilitating the safe navigation of aircraft is guilty of an offence and is liable to imprisonment for ten years."

AMENDMENT OF SECTION 32 OF THE PRINCIPAL ACT

6. Section 32 of the principal Act is amended -

(a) by inserting immediately after subsection (5) thereof

the following two new subsections (5A) and (5B) -

"(5A) Any person who wilfully and without lawful authority removes, damages or interferes with any light or other marking which the Authority has placed, or caused to be placed, on any structure which it considers an obstruction or potential hazard to aircraft is guilty of an offence and is liable to imprisonment for five years.

(5B) Where, during any such period as is referred to in subsection (1) of section 18D, the use of any road or other land adjacent to an aerodrome is prohibited or regulated under the provisions of section 18D by the Authority or a police officer in uniform and any motor vehicle, other vehicle or foot passenger uses that road or other land in contravention of that prohibition or regulation, the driver of that motor vehicle, the person in charge of that other vehicle or that foot passenger, as the case may be, is guilty of an offence and is liable to imprisonment for two years."; and

(b) by deleting from subsection (6) thereof the words "preceding two subsections" and by inserting in lieu thereof the words "preceding four subsections".