CIVIL AVIATION

Table of Contents

Page

Principal

Civil Aviation Act 2011

Table of Provisions 240,201
Table of Amendments 240,401
Civil Aviation Act 2011 240,601

Subsidiary

Air Navigation Regulations 1973

Table of Provisions 248,001
Table of Amendments 248,201
Air Navigation Regulations 1973 248,401

Air Navigation (Departure Tax) Regulations 2008

Table of Provisions 256,001
Table of Amendments 256,201
Air Navigation (Departure Tax) Regulations 2008 256,401

Civil Aviation (Fees) Regulations 2016

Table of Provisions 262,001
Table of Amendments 262,201
Civil Aviation (Fees) Regulations 2016 262,401

Airport Runway (Security Restricted Area) Notice 2014

Table of Provisions 265,001
Table of Amendments 265,201
Airport Runway (Security Restricted Area) Notice 2014 265,401

Civil Aviation (Offences) Regulations 2026

Table of Provisions 266,001
Table of Amendments 266,101
Civil Aviation (Offences) Regulations 2026 266,201

[The next page is 240,201]

Civil Aviation Act 2011

TABLE OF PROVISIONS

Section *Title*

PART 1 — PRELIMINARY

1 Short title
2 Commencement
3 Objectives
4 Application
5 Act binds the Republic

PART 2 — INTERPRETATION

6 Definitions
7 Accident
8 Aircraft in flight
9 Aerodrome
10 General interpretation

PART 3 — CIVIL AVIATION AUTHORITY

11 Establishment
12 Objectives and functions
13 Appointment of members
14 Chairperson
15 Period and conditions of appointment
16 Vacation of office
17 Meetings of Authority
18 Presiding member at meetings
19 Procedure at meetings
20 Disclosure of interest
21 Staff of the Authority
22 Committees
23 Annual report

PART 4 — DIRECTOR OF CIVIL AVIATION

24 Appointment of Director
25 Vacation of office
26 Powers and functions of Director

PART 5 — SERVICE PROVISION

27 Responsibility of Authority
28 Naoero Register of Aircraft

Section *Title*
29 Civil Aviation Registry
30 Minister may request information
31 Director to give information

PART 6 — PARTICIPATION IN CIVIL AVIATION SYSTEM

DIVISION 1 — AVIATION DOCUMENT

Subdivision 1 — Requirement for aviation document

32 Rules requiring aviation document
33 Failure to hold aviation document
34 Compliance with document

Subdivision 2 — Grant of aviation document

35 Application for aviation document
36 Fit and proper person test
37 Conditions and period of document
38 Renewal of aviation document
39 Matters prescribed by rules

DIVISION 2 — REGISTRATION

40 Requirement for registration
41 Application for registration
42 Conditions and period of registration
43 Matters prescribed by rules
44 Transfer of responsibilities

DIVISION 3 — SURVEILLANCE AND SANCTIONS

Subdivision 1 — Powers of Director

45 Monitoring
46 When sanctions may be imposed
47 Amending or revoking document in other cases
48 Powers to detain, seize and destroy aircraft and products

Subdivision 2 — Powers of court

49 Special orders of court for safety offences
50 Effect of disqualification
51 Surrender of document on disqualification
52 Applying for aviation document while disqualified

PART 7 — LICENCING OF INTERNATIONAL AIR SERVICES

DIVISION 1 — REQUIREMENT FOR LICENCE

53 Unlicenced operation of scheduled international air service
54 Unlicenced operation of non-scheduled international flight
55 Compliance with licence conditions
56 Agent offences

Section *Title*

DIVISION 2 — GRANT OF LICENCE

57 Application for licence
58 Consideration of application – Naoero international airline
59 Consideration of application – foreign international airline
60 Decision on application
61 Conditions and period of licence
62 Renewal of licence
63 Transfer of scheduled international air service licence
64 Publication of decision
65 Requirements of Act continue to apply
66 Information to be given
67 Registration of licences

DIVISION 3 — SANCTIONS

68 Variation of licence conditions
69 Suspension of licence
70 Revocation of licence
71 Notice of decision

PART 8 — AIRCRAFT OPERATIONS

DIVISION 1 — RESTRICTIONS ON AIRCRAFT OPERATION

72 Military aircraft
73 Landing aircraft in the Republic
74 Operation of aircraft over high seas

DIVISION 2 — PILOT-IN-COMMAND

75 Duties of pilot-in-command
76 Contravention of Act during emergencies

PART 9 — ACCIDENTS AND INCIDENTS

DIVISION 1 — NOTIFICATION

77 Obligation to notify accidents and incidents
78 Particulars of notification
79 Notification of Minister and Director
80 Notification of country of registration

DIVISION 2 — INVESTIGATIONS

Subdivision 1 — Preliminary matters

81 Definitions

Subdivision 2 — Establishment of accident investigation commission

82 Establishment of Commission
83 Commission responsible to the Cabinet
84 Membership of Commission

Section *Title*
85 Vacation of office
86 Staff of Commission
87 Designated officers

Subdivision 3 — Objectives, powers and functions of commission

88 Objectives of Commission
89 General powers and functions of Commission
90 Investigative powers
91 Custody of aircraft
92 Powers of entry and investigation

Subdivision 4 — Proceedings of Commission

93 Hearings and meetings
94 Appointment of expert assessors
95 Preliminary reports
96 Right of response to report
97 Conduct of investigation
98 Final report

DIVISION 3 — USE OF VOICE RECORDINGS

99 Admissibility of voice recordings – criminal proceedings
100 Admissibility of voice recordings – civil proceedings
101 Examination of voice recording
102 Limitation on use of voice recording
103 Voice recording not grounds for disciplinary action
104 Disclosure of voice recording

PART 10 — AVIATION SECURITY

DIVISION 1 — RIGHT OF ACCESS

105 Security designated navigation installations
106 Security restricted areas
107 Right of access – security restricted areas
108 Power to require drivers to stop vehicles
109 Powers of entry of aviation security officers

DIVISION 2 — PROVISION OF AVIATION SECURITY SERVICES

110 Provider of aviation security services
111 Aviation security officers
112 Objectives of aviation security service
113 Powers and functions of aviation security service
114 Directions of Minister
115 Powers of police

DIVISION 3 — SECURITY SCREENING AND SEARCHES

Subdivision 1 — Conducting security screening and searches

116 When screening or search may be conducted

Section *Title*
117 How search shall be conducted
118 Procedure following detection of regulated item
119 Foreign in-flight security officers

Subdivision 2 — Refusal of consent

120 Application
121 Effect of refusal
122 Powers of aviation security officers
123 Powers of police
124 Powers of operator

DIVISION 4 — SPECIAL POWERS OF AVIATION SECURITY OFFICERS

125 Power of detention – serious aviation crimes
126 Use of force

DIVISION 5 — SECURITY ASSESSMENTS

127 Conducting security assessment
128 Action following adverse security assessment decision
129 Review of security assessment decision
130 Proposed adverse security assessment decision

PART 11 — OFFENCES

DIVISION 1 — PRELIMINARY MATTERS

131 Definitions
132 Liability under Crimes Act 2016

DIVISION 2 — UNRULY PASSENGER OFFENCES

133 Acts endangering safety
134 Disruptive conduct towards crew member
135 Disruptive conduct towards passenger
136 Interference with aircraft
137 Intoxicated persons
138 Failure to comply with directions
139 Taking regulated item onto aircraft

DIVISION 3 — AIR SAFETY OFFENCES

140 Endangering persons or property

DIVISION 4 — GENERAL OFFENCES

141 Protection of names
142 Impersonation and obstruction of officials
143 Misleading information
144 Offences in flight over foreign country
145 Smoking on air routes – airline offences
146 Failure to maintain accurate records

Section *Title*

PART 12 — LEGAL AND ADMINISTRATIVE MATTERS

DIVISION 1 — CIVIL LIABILITY

147 Protection from liability
148 Nuisance and trespass
149 Responsibility for loss or damage

DIVISION 2 — CRIMINAL LIABILITY

150 Elements of an offence
151 Conduct and engaging in conduct
152 Intention
153 Knowledge
154 Recklessness
155 Strict liability offences

DIVISION 3 — DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES

156 Privileges and immunities not affected
157 Ministerial directions

DIVISION 4 — OFFENCE PROCEEDINGS

158 Penalty for offence committed by body corporate
159 Liability of executive officers of body corporate
160 Evidence of certain matters and documents
161 Offences outside the Republic

DIVISION 5 — APPEALS

162 Interpretation
163 Who may appeal
164 Operation and implementation of decision
165 Decision on appeal
166 Costs

PART 13 — POWERS OF DELEGATION

167 Delegation of Minister's powers and functions
168 Delegation of Authority's powers and functions
169 Delegation of Director's powers and functions
170 How delegation may be made

PART 14 — SUBORDINATE LEGISLATION

DIVISION 1 — REGULATIONS

171 General regulation power
172 Incorporation of international agreements

Section *Title*

DIVISION 2 — RULES

Subdivision 1 — General provisions

173 Matters to be taken into account in making rules
174 Incorporation by reference

Subdivision 2 — Ordinary rules

175 Minister may make ordinary rule
176 Notice of intention to make ordinary rules
177 Procedure for making ordinary rules by adoption

Subdivision 3 — Emergency rules

178 Power to make emergency rules
179 Procedure for making emergency rules
180 Contravention of emergency rule

Subdivision 4 — Exemptions

181 Power of exemption

PART 15 — REPEALS AND TRANSITIONAL MATTERS

DIVISION 1 — REPEAL

182 Repeal

DIVISION 2 — CONSEQUENTIAL AMENDMENTS

183 Amendment of Acts

DIVISION 3 — TRANSITIONAL MATTERS

184 Definitions
185 References to Authority
186 Membership of Authority
187 Staff of Authority
188 Saving of regulations
189 Saving of documents
190 Saving of delegations
191 General transitional provision
192 Transitional regulations

SCHEDULE — AMENDMENT OF ACTS

[The next page is 240,401]

Civil Aviation Act 2011

TABLE OF AMENDMENTS

The Civil Aviation Act 2011 No 3 was certified and commenced on 25 February 2011 (GN No 414/2011; Gaz 80/2011).

Amending Legislation	Certified	Date of Commencement
Statute Law Revision Act 2011 No 8	15 April 2011	Sch 1[31]–[33]: 15 April 2011
Interpretation (Consequential Amendments) Act 2011 No 18	3 November 2011	Sch 1[3], [4]: 3 November 2011
Crimes Act 2016 No 18	12 May 2016	Sch 2 clause 5: 12 May 2016
Civil Aviation (Amendment) Act 2021 No 4	31 March 2021	31 March 2021
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Civil Aviation (Amendment) Act 2026 No 12	26 March 2026	26 March 2026
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 240,601]

An Act to regulate civil aviation.

Enacted by the Parliament of Naoero as follows:
[cl am Act 21 of 2026 s 5, opn 12 May 2026]

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Civil Aviation Act 2011*.

2 Commencement

This Act came into effect on 25 February 2011.

3 Objectives

The objectives of this Act are to regulate the civil aviation system of the Republic to:

(a) ensure and improve its safety, security and efficiency; and
(b) implement the Republic's obligations under international civil aviation and meteorological agreements.

4 Application

This Act applies to the following:

(a) a person, aircraft, aeronautical product, air service or aviation related service in the Republic;
(b) the Republic registered aircraft, whether the aircraft is within or outside the Republic;
(c) the holder of an aviation document, whether the holder is within or outside Naoero, who is exercising or purporting to exercise privileges under the document; and
(d) a foreign registered aircraft operating in the Republic.

[s 4 am Act 21 of 2026 s 5, opn 12 May 2026]

5 Act binds the Republic

This Act binds the Republic.

[The next page is 240,801]

6 Definitions

In this Act:

'accident' is as defined in Section 7;

'adopted rule' means a foreign rule adopted under Section 177(1);

'adoption statement' for an adopted rule, is as provided under Section 177(3)(a);

'aerodrome' is as defined in Section 9;

'aerodrome control service' means an air traffic control service for the control of aerodrome traffic;

'aerodrome flight information service' means a service to give advice and information for the safe and efficient conduct of flights in the vicinity of the aerodrome;

'aerodrome traffic' means:
(a) traffic in the manoeuvring area of the aerodrome; and
(b) aircraft flying in the vicinity of the aerodrome;

'aeronautical information service' means a service that collects and distributes aeronautical information and data necessary for the safety, regularity and efficiency of air navigation in accordance with the requirements of Annex 15 to the *Convention*;

'aeronautical product' means any part or material that:
(a) is, or is intended by its manufacturer to be, a part of or used in an aircraft; and
(b) is not excluded from this definition by the regulations;

'aeronautical telecommunications service' means a telecommunications service provided to support the following services (as they are defined in Annex 10 to the *Convention*):
(a) an aeronautical broadcasting service;
(b) an aeronautical fixed service;
(c) an aeronautical mobile service; and
(d) an aeronautical radio navigation service;

'air service' means a regular or casual flight of an aircraft between the Republic and one or more points in a foreign country made to transport passengers, mail or cargo;

'air services agreement' means an agreement between 2 or more countries to allow civil aviation operations between their territories;

'air traffic' means all aircraft in flight or operating in the manoeuvring area;

'air traffic control service' means a service to:
(a) prevent collisions between:
  (i) aircraft; or
  (ii) aircraft and anything else in the manoeuvring area; and
(b) expedite and maintain the safe and efficient flow of air traffic;

'air traffic service', for the aerodrome, includes the following:
(a) the aerodrome control service;
(b) the area control service;
(c) the approach control service;
(d) the alerting service;
(e) the aerodrome flight information service;
(f) the flight information service; or
(g) any other service considered by the Minister to be necessary or desirable for the safe and efficient operation of the civil aviation system;

'aircraft' means a machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth;

'alerting service' means a service provided to notify and assist appropriate organisations if an aircraft needs search and rescue aid;

'approach control service' means an air traffic control service for arriving or departing controlled flights;

'appropriate authority', of a foreign country, means the authority responsible for the regulation of civil aviation in the country;

'area control service' means an air traffic control service for controlled flights in controlled airspace;

'Authority' means the Civil Aviation Authority of Naoero established by Section 11;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'aviation document' means a document required under Section 32;

'aviation related service' means any equipment, facility or service operated in support of or in conjunction with the civil aviation system;

'aviation security offence' means an offence against:
(a) Part 10;
(b) Part 11, Division 2;
(c) Section 142; or
(d) Part 6, Division 2 or 3 of the *Counter Terrorism and Transnational Organised Crime Act 2004*;

'aviation security officer' means a person authorised to be an aviation security officer under Section 111;

'aviation security service' means the service designated under Section 110 to provide aviation security services;

'baggage' means the personal property of a passenger or crew member that is:
(a) carried on an aircraft by agreement with the operator of the aircraft; or
(b) intended to be carried on an aircraft by the passenger or crew member;

'cargo' means any property carried on an aircraft other than mail, stores and baggage;

'chairperson' means the chairperson of the Authority mentioned in Section 14;

'Chief Commissioner' means the person mentioned in Section 84(2);

'Commission' means an Accident Investigation Commission established under Section 82(1);

'Commissioner' means a member of a Commission appointed under Section 84(1);

'competent authority', in relation to an aircraft that has made a forced landing, means:
(a) the governing authority of the country in which the aircraft lands; or
(b) if the aircraft lands in a place that is not within the territory of any country, the governing authority of any country;

'contracting State' means a State that is a signatory to the *Convention*, and includes an organisation established by a group of States that are signatories to the *Convention* to issue an aviation related document or authorisation on behalf of those States;

'controlled airspace' means airspace of defined dimensions within which an air traffic control service is provided to controlled flights;

'controlled flight' means a flight that is required to make use of an air traffic control service under this Act;

'Convention' means the *Convention on International Civil Aviation* done at Chicago on 7 December 1944, including the following:
(a) each amendment to the *Convention* that has entered into force under Article 94(a) of the *Convention* and been ratified by the Republic;
(b) each Annex or amendment to an Annex adopted under Article 90 of the *Convention*; and
(c) the international standards and recommended practices and procedures adopted and amended from time to time under Article 37 of the *Convention*;

'crew member' means a person assigned by the operator of an aircraft for duty on the aircraft while it is in flight;

'dangerous good' means an article or substance capable of posing a risk to health, safety, property or the environment that:
(a) is listed in, or classified as a dangerous good under, ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air; or
(b) has properties that would result in the article or substance being classified as a dangerous good under ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air;

'Department' means the Department responsible for administering this Act;

'Director' means the person from time to time holding, occupying or performing the duties of the position of Director of Civil Aviation mentioned in Section 24;

'e-cigarette' has the meaning given to it under the *Tobacco Control Act 2009*;
[def insrt Act 12 of 2026 s 4, opn 26 Mar 2026]

'emergency rule' means a rule under Section 178(1);

'firearm' means:
(a) a gun, rifle or pistol, whether discharged by force of explosives or not; and
(b) includes a firearm not capable of discharging any shot, bullet or other missile until it is completed, repaired or assembled;

'flight information service' means a service to give advice and information for the safe and efficient conduct of flights;

'foreign country' means a country other than the Republic;

'foreign in-flight security officer' means a person:
(a) employed and trained by the government of a foreign country to provide security for aircraft and their passengers and crew; and
(b) operating as a security officer under an arrangement between the Republic and the foreign country;

'foreign international airline' means an international airline other than the Republic international airline;

'foreign rule' means a civil aviation rule that has been made and published by another contracting State, and includes part of a foreign rule;

'foreign registered aircraft' means an aircraft registered in a foreign country or under a joint or international registration plan;

'Gazette notice' means a notice published in the Gazette;

'Head of Department' means the Head, within the meaning of the *Public Service Act 2016*, of the Department;

'holder', for an aviation document, means the person entitled to exercise privileges under the document;

'ICAO' means the International Civil Aviation Organisation established under the *Convention*, and includes any successor organisation;

'in flight', for an aircraft, is as provided for under Section 8;

'incident' means an occurrence, other than an accident, associated with the operation of an aircraft that affects or could affect the safety of the operation of the aircraft;

'information notice' means a notice issued under Section 162(1);

'international agreement' means a convention, treaty, contract or understanding between the Republic and one or more other countries, and includes part of an international agreement;

'international air service' means an air service conducted between the Republic and one or more points in a foreign country;

'international airline' means an organisation that offers or operates an international air service, or intends to offer or operate such a service;

'international registration plan' means a plan:
(a) for the registration, by an international organisation, of aircraft operated or intended to be operated by an international operating agency; and
(b) approved by the Council of ICAO under Article 77 of the *Convention*;

'interpretation statement' for an adopted rule, is as provided under Section 177(3)(b);

'joint registration plan' means a plan:
(a) for joint registration, by contracting States constituting an international operating agency, of aircraft operated, or intended to be operated, by the agency; and
(b) approved by the Council of ICAO under Article 77 of the *Convention*;

'judicial officer' means a Judge or magistrate;

'licence' means a scheduled international air service licence or an open aviation market licence;

'licencee' means the holder of a licence;

'manoeuvring area' means the part of the aerodrome used for the take-off and landing of aircraft and the surface movement of aircraft associated with take-off and landing, but does not include an area set aside for loading, unloading or maintaining an aircraft;

'member' means a member of the Authority mentioned in Section 13(1);

'Minister' means the Minister for Transport or any other Minister responsible for this Act;

[def insrt Act 4 of 2021 s 4, opn 31 Mar 2021]

'Naoero international airline' means an international airline in which the Republic or citizens of the Republic have majority ownership and effective control;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Naoero registered aircraft' means an aircraft registered under Section 41(3);

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'navigation installation' means:

(a) any building, facility, work, equipment or place (whether or not part of the aerodrome) intended to assist in the control of air traffic or as an aid to air navigation; and

(b) includes any adjacent land, equipment or place used in connection with the installation;

'non-scheduled international flight' means an international flight that is not operated as part of a scheduled international air service;

'open aviation market licence' means a licence granted under Section 60(1) to operate:

(a) scheduled international air services; and

(b) non-scheduled international flights engaged in the carriage of passengers, cargo or mail for remuneration or hire;

'operate', for an aircraft, means to fly or use the aircraft, or to cause or permit the aircraft to fly or be used, whether or not a person is with the aircraft during the operation;

'ordinary rule' means a rule made under Section 175(1);

'owner', for an aircraft, includes a person entitled to possession of the aircraft for 28 days or longer;

'passenger', for an aircraft, means a person other than a crew member carried on the aircraft;

'pilot-in-command', for an aircraft, means the pilot responsible for the operation and safety of the aircraft;

'possession', for an item, includes having control over the item;

'proposed decision notice' means a notice under Section 162(2);

'Register' means the Naoero Register of Aircraft established under Section 28(1);

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'registered aircraft' means a Naoero registered aircraft or a foreign registered aircraft;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Registry' means the Civil Aviation Registry established under Section 29(1);

'regulated item' means:
(a) a dangerous good; or
(b) an item specified in a direction given under Section 114(2);

'rule' means an ordinary or emergency rule, including an adopted rule;

'scheduled international air service' means a series of flights performed:
(a) by aircraft for the transport of passengers, cargo or mail between the Republic and one or more points in a foreign country; and
(b) on such a regular or frequent basis that the flights constitute a systematic service, whether or not they are performed under a published timetable and open to use by a person;

'scheduled international air service licence' means a licence granted under Section 60(1) to operate a scheduled international air service;

'screening' means the application of human, technical or other means to identify and detect regulated items;

'Secretary' means the Secretary for Transport or any other head of department administering this Act;

[def insrt Act 4 of 2021 s 4, opn 31 Mar 2021]

'security restricted area' means an area declared by the Director to be a security restricted area under Section 106(1);

'security assessment' means an investigation of a person's history, including their criminal history, to determine whether the person poses a threat to aviation security;

'security designated navigation installation' means a navigation installation designated under Section 105;

'serious incident' means an incident involving circumstances indicating that an accident nearly occurred;

'smoke'

[def rep Act 12 of 2026 s 4, opn 26 Mar 2026]

'smoke' or ***'smoking'*** means:
(a) puffing or inhaling and expelling the smoke of any tobacco product or using, holding of or control over any ignited tobacco product; or
(b) use, activate or inhaling from an e-cigarette;

[def insrt Act 12 of 2026 s 4, opn 26 Mar 2026]

'tobacco product' has the meaning given to it under the *Tobacco Control Act 2009*; and

[def insrt Act 12 of 2026 s 4, opn 26 Mar 2026]

'voice recording' means:
(a) a recording, transcript or record of words spoken by:
  (i) a crew member on the flight deck of an aircraft in flight; or
  (ii) a person providing an air traffic service to an aircraft in flight; and
(b) includes part of a voice recording.

7 Accident

(1) An ***'accident'*** is an occurrence associated with the operation of an aircraft that takes place between the time a person boards the aircraft with the intention of flight and the time all persons have disembarked and the engine, propellers or rotors of the aircraft have come to rest, and in which:
  (a) a person is fatally or seriously injured as a result of:
    (i) being in the aircraft;
    (ii) direct contact with part of the aircraft, including a part that has become detached from the aircraft; or
    (iii) direct exposure to jet blast;
  (b) the aircraft sustains damage or structural failure that:
    (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
    (ii) would normally require major repair or replacement of the affected component; or
  (c) the aircraft is missing or completely inaccessible.

(2) For the purposes of subsection (1)(a), an injury to a person does not include:
  (a) a self-inflicted injury;
  (b) an injury intentionally inflicted by another person; or
  (c) an injury to a stowaway hiding outside the areas of the aircraft normally available to passengers and crew.

(3) For the purposes of subsection (1)(b), damage or structural failure to the aircraft does not include:
  (a) engine failure or damage limited to the engine, its cowlings or accessories; or
  (b) damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin.

8 Aircraft in flight

(1) An aircraft is ***'in flight'*** from the time all the aircraft's external doors are closed after embarkation until an external passenger door is open for disembarkation.

(2) Where an aircraft makes a forced landing, it is taken to be in flight until the competent authority assumes responsibility for the aircraft and all persons and property on board the aircraft.

9 Aerodrome

(1) The ***'aerodrome'*** is the area that constituted the aerodrome under the *Air Navigation Act 1971* immediately before the commencement of this Act.

(2) The boundaries of the aerodrome may be varied by regulation.

(3) This Section does not affect the operation of any other law relating to the land on which the aerodrome is located.

10 General interpretation

(1) This Act shall not be interpreted as:
  (a) requiring a person to contravene or operate an aircraft in contravention of a law of a foreign country that applies to the person or aircraft; or

(b) limiting the privileges or immunities of:

(i) a military aircraft of a foreign country; or

(ii) the officers and crew of a military aircraft of a foreign country.

(2) A term relating to civil aviation that is not defined in this Act has the meaning given to the term by ICAO.

[The next page is 241,001]

PART 3 — CIVIL AVIATION AUTHORITY

11 Establishment

The Civil Aviation Authority of Naoero is established.

[s 11 am Act 21 of 2026 s 5, opn 12 May 2026]

12 Objectives and functions

(1) The objectives of the Authority is to promote safety and security in civil aviation.

(2) In addition to its other functions under this Act, the Authority shall advise the Minister on civil aviation matters.

(3) In exercising its powers and performing its functions, the Authority shall:
   (a) promote full and effective consultation and communication with relevant persons;
   (b) have regard to the objectives of this Act;
   (c) act consistently with the Republic's obligations under international agreements about civil aviation and meteorology; and
   (d) act in accordance with the directions of the Minister relating to the civil aviation policy of the Government.

(4) The Minister shall give all directions to the Authority in writing and shall, as soon as practicable after a direction is given, publish it in the Gazette.

(5) The Minister shall not give a direction to the Authority to do, or not do, a particular act, or bring about a particular result, in relation to a particular person.

13 Appointment of members

(1) The Authority consists of:
   (a) the Head of Department; and
   (b) 2 other members appointed by the Cabinet by Gazette notice.

(2) A person may be appointed to be a member even if the person is the holder of an aviation document or otherwise has an interest in the civil aviation industry.

14 Chairperson

The Head of Department is the chairperson of the Authority.

15 Period and conditions of appointment

A member appointed under Section 13(1)(b):

(a) may be appointed for up to 3 years and is eligible for reappointment; and

(b) subject to Section 16, holds office on the terms and conditions determined by the Cabinet.

16 Vacation of office

(1) A member appointed under Section 13(1)(b) vacates office if:
   (a) the member's term of office expires and the member is not reappointed;

(b) the member resigns by written notice to the Cabinet;
(c) the member is removed from office under subsection (2);
(d) the member is absent, except on leave granted by the Authority, from 3 consecutive meetings of the Authority;
(e) the member is sentenced to imprisonment for an offence; or
(f) the member dies.

(2) The Cabinet may remove a member appointed under Section 13(1)(b) from office for:
(a) mental or physical incapacity to carry out the member's duties satisfactorily;
(b) neglect of duty;
(c) contravention of a condition of appointment; or
(d) dishonest or dishonourable conduct.

(3) The chairperson vacates office if the chairperson ceases to hold office as the Head of Department.

(4) The exercise of a power or the performance of a function by the Authority is not invalid only because of a vacancy in the membership of the Authority.

17 Meetings of Authority

(1) The Authority shall meet as often as is necessary for the exercise of its powers and the performance of its functions.

(2) However:
(a) the Minister may, at any time, call a meeting of the Authority; and
(b) the Authority shall meet at least once every 3 months.

(3) The chairperson shall make appropriate arrangements for the Authority to meet.

18 Presiding member at meetings

(1) The chairperson shall preside at all meetings of the Authority at which he or she is present.

(2) Where the chairperson is absent from a meeting, the members present shall appoint another member to preside at the meeting.

19 Procedure at meetings

(1) At a meeting of the Authority:
(a) a quorum consists of 2 members; and
(b) the chairperson has a casting vote.

(2) The Authority shall keep full and accurate minutes of its proceedings and decisions.

(3) Subject to this Part, the Authority may decide its own procedures.

20 Disclosure of interest

(1) Where a member has a direct or indirect interest in a matter being considered or about to be considered by the Authority, the member shall disclose the nature of the interest at a meeting of the Authority as soon as practicable after the relevant facts come to the member's knowledge.

(2) The Authority shall keep a record of the disclosure.

(3) The member, while having the interest:

(a) shall not take part in any deliberation or decision of the Authority about the matter; and

(b) does not form part of the quorum of the Authority in a deliberation or decision of the Authority relating to the matter.

21 Staff of the Authority

(1) The Chief Secretary, acting on the recommendation of the chairperson, may appoint staff to the Authority under the *Public Service Act 2016*.

(2) The staff of the Authority are subject to the directions of the chairperson in the performance of their duties.

22 Committees

The Authority may, from time to time, establish the committees it considers necessary to enable it to exercise its powers and perform its functions.

23 Annual report

(1) The Authority shall, by 31 October each year, give the Minister a report on its activities for the 12 month period ending on 1 July the same year.

(2) The Cabinet may make regulations prescribing the matters that shall be included in the report.

[The next page is 241,201]

PART 4 — DIRECTOR OF CIVIL AVIATION

24 Appointment of Director

(1) The Chief Secretary, acting on the recommendation of the Minister, shall appoint the Director of Civil Aviation under the *Public Service Act 2016*.

(2) A person is not eligible to be Director if the person, directly or indirectly:
   (a) is engaged by a body corporate that operates or provides air services to the Republic; or
   (b) has a financial or proprietary interest in a body corporate mentioned in paragraph (a).

25 Vacation of office

The Director vacates office if:

(a) the Director's period of appointment expires and the Director is not re-appointed;
(b) the Director resigns by written notice to the Cabinet;
(c) the Director is terminated by the Cabinet in accordance with the terms and conditions of the Director's appointment;
(d) the Director becomes ineligible to be Director under Section 24(2); or
(e) the Director dies.

26 Powers and functions of Director

(1) The Director's principal powers and functions are to:
   (a) control entry into the civil aviation system by granting aviation documents; and
   (b) take appropriate action in the public interest to enforce this Act, including carrying out inspections and audits.

(2) The Minister, the Head of Department or another member of the Authority shall not attempt to direct or influence the Director in the exercise of the following powers:
   (a) granting, suspending or revoking a particular aviation document; and
   (b) enforcing this Act in relation to a particular case.

[The next page is 241,401]

27 Responsibility of Authority

(1) The Authority shall ensure the provision of the following services for the safe conduct of civil aviation in the Republic:
  (a) a national weather service to provide public weather forecasting and meteorological warning services in a timely and efficient manner;
  (b) air traffic services;
  (c) search and rescue services;
  (d) fire fighting services;
  (e) an aeronautical telecommunications service;
  (f) an aeronautical information service;
  (g) aviation security services at the aerodrome and each navigation installation outside the aerodrome; and
  (h) any other service required to be provided under the *Convention* or this Act that is not being adequately provided.

(2) The Authority may make arrangements with a person to provide a service mentioned in subsection (1).

28 Naoero Register of Aircraft

(1) The Authority shall establish the Naoero Register of Aircraft.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority shall record in the Register the prescribed details of each Naoero registered aircraft.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) The Authority may, at the request of a person, record in the Register a financial interest held by the person in a Naoero registered aircraft.

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

[s 28 am Act 21 of 2026 s 5, opn 12 May 2026]

29 Civil Aviation Registry

(1) The Authority shall establish the Civil Aviation Registry.

(2) A record of the following shall be kept at the Registry:
  (a) this Act, including each regulation and rule made under this Act;
  (b) all material incorporated into a regulation or rule by reference;
  (c) for each adopted rule, the relevant adoption statement and interpretation statement;
  (d) each current aviation document, and a record of each variation, revocation, suspension or surrender of an aviation document;
  (e) each current licence, and a record of each variation, revocation, suspension or surrender of a licence;
  (f) the Register;
  (g) the address for service of each current applicant for, and holder of, an aviation document;
  (h) each delegation, authorisation and exemption made or granted under this Act;
  (i) each accident or incident notification made under Section 77; and

(j) each document required to be lodged at the Registry under this Act.

(3) A person may:

(a) inspect a document kept at the Registry free of charge; and

(b) purchase a copy of a document kept at the Registry for the prescribed fee.

(4) A certificate given by the Authority about the contents of the Registry is evidence of the matters stated in it in the absence of proof to the contrary.

30 Minister may request information

The Authority shall give the Minister or another person specified by the Minister any information requested by the Minister relating to the Authority or civil aviation in the Republic.

31 Director to give information

The Director shall give the Authority any information or documents requested by the Authority for the maintenance of the Register and the Registry.

[The next page is 241,601]

PART 6 — PARTICIPATION IN CIVIL AVIATION SYSTEM

DIVISION 1 — AVIATION DOCUMENT

Subdivision 1 — Requirement for aviation document

32 Rules requiring aviation document

The rules may provide that an aviation document shall be held by or in relation to any of the following:

(a) Naoero registered aircraft;
(b) aircraft pilots;
(c) crew members;
(d) air traffic service personnel;
(e) aviation security service personnel;
(f) aircraft maintenance personnel;
(g) air services;
(h) air traffic services;
(i) the aerodrome or an aerodrome operator;
(j) navigation installation providers;
(k) aviation training organisations;
(l) aircraft design, manufacture and maintenance organisations;
(m) aeronautical procedures;
(n) the aviation security service;
(o) aviation meteorological services;
(p) aeronautical telecommunications services;
(q) any other aviation related service, person, aircraft or aeronautical product operated in support of or in conjunction with the civil aviation system; or
(r) a person, service or thing within a class specified in paragraphs (a) to (q).

[s 32 am Act 21 of 2026 s 5, opn 12 May 2026]

33 Failure to hold aviation document

A person commits an offence, if the person:

(a) intentionally engages in conduct for which an aviation document is required;
(b) does not hold the aviation document; and
(c) is reckless about whether the person holds the aviation document.

Penalty: $10,000 and 12 months imprisonment.

34 Compliance with document

The holder of an aviation document commits an offence if:

(a) the holder intentionally engages in conduct;
(b) the conduct results in a contravention of this Act or the conditions of the aviation document; and
(c) the holder is reckless about whether the conduct will result in the contravention.

Penalty: $10,000 and 12 months imprisonment.

Subdivision 2 — Grant of aviation document

35 Application for aviation document

(1) An application for an aviation document shall be made to the Director.

(2) The application shall be:
  (a) in the prescribed form; and
  (b) accompanied by the prescribed fee and prescribed documents.

(3) After considering the application, the Director may grant or refuse to grant the document.

(4) The Director shall grant the document if satisfied that:
  (a) the person, product, service, facility or activity for which the application is made meets the prescribed requirements for the document;
  (b) each person who is likely to control the exercise of privileges under the document:
    (i) holds the prescribed qualifications and experience to exercise the privileges;
    (ii) is a fit and proper person to participate in the civil aviation system, as decided under Section 36; and
    (iii) meets any other prescribed requirement; and
  (c) civil aviation safety and security will not be adversely affected if the Director grants the document.

(5) For the purpose of granting an aviation document, the Director may, subject to the rules, accept foreign qualifications or recognise foreign certifications.

(6) Where the Director refuses to grant the document, the Director shall give the applicant an information notice for the decision.

36 Fit and proper person test

(1) In this Section:

'affected person', for a decision under this Section, means:
  (a) the subject of the decision; or
  (b) if the subject of the decision is not the holder of, or applicant for, the aviation document to which the decision relates, the holder of, or applicant for, the aviation document; and

'subject', for a decision under this Section, means the person the Director decides is or is not a fit and proper person to participate in the civil aviation system.

(2) To decide whether a person is a fit and proper person to participate in the civil aviation system, the Director shall consider the following matters with regard to the degree and nature of the proposed participation:
  (a) the person's history of compliance with transport safety regulatory requirements;
  (b) the person's experience in the transport industry;
  (c) the person's knowledge of the relevant civil aviation regulatory requirements;
  (d) the person's history of physical and mental health;
  (e) the person's criminal history; and
  (f) any other relevant matter.

(3) The Director may consider information obtained from any source.

(4) Before making a decision that the person is not a fit and proper person to participate in the civil aviation system, the Director shall:
(a) give each affected person a proposed decision notice for the proposed decision; and
(b) consider any submissions received in response to the notice.

(5) The Director shall not, in a proposed decision notice given under this Section or an information notice given under Section 35(6) because the Director decides a person is not a fit and proper person:
(a) if the notice is given to an affected person who is not the subject of the proposed decision or decision, include the reasons for the decision or proposed decision; or
(b) disclose the identity of the person who gave the information to the Director without the consent of the person.

37 Conditions and period of document

(1) Subject to this Section and the rules, the Director may grant an aviation document for the period and subject to the conditions the Director considers appropriate.

(2) It is a condition of an aviation document that each person who is likely to control the exercise of privileges under the document continues to be a fit and proper person to participate in the civil aviation system, as decided under Section 36.

[subs (2) am Act 8 of 2011 Sch 1[31], opn 15 Apr 2011]

(3) It is a condition of an aviation document that authorises the provision of an aviation related service that the holder of the document:
(a) complies with rules requiring the holder to establish and follow a management system; and
(b) provides sufficient training, supervision and resources to each employee engaged in the provision of the service to ensure compliance with prescribed safety standards and practices and the conditions of the document.

38 Renewal of aviation document

(1) Where the holder of an aviation document wishes to renew the document, the holder shall apply to the Director for the renewal at least 1 month before the document expires.

(2) Where the application is not decided before the document expires, the document continues in force until the application is decided.

(3) Section 35 applies to the application as if it were an application for a new document.

39 Matters prescribed by rules

The rules may prescribe the requirements, standards and application procedure for an aviation document and the maximum period for which each document may be granted.

DIVISION 2 — REGISTRATION

40 Requirement for registration

(1) The owner of an aircraft that flies to, from or over the Republic shall hold a valid certificate of registration for the aircraft issued by:
  (a) the Director;
  (b) the appropriate authority of a contracting State; or
  (c) the appropriate authority of a foreign country that is party to an agreement with the Republic that provides for the acceptance of the foreign country's registration.

(2) An aircraft registered in a foreign country cannot be registered in the Republic except under a joint or international registration plan.

41 Application for registration

(1) An application for registration of an aircraft shall be made to the Director.

(2) The application shall be:
  (a) in the prescribed form; and
  (b) accompanied by the prescribed fee and prescribed documents.

(3) After considering the application, the Director may register or refuse to register the aircraft.

(4) Where the Director refuses to register the aircraft, the Director shall give the applicant an information notice for the decision.

42 Conditions and period of registration

Subject to the rules, the Director may register an aircraft for the period and subject to the conditions the Director considers appropriate.

43 Matters prescribed by rules

The rules may prescribe the requirements, standards and application procedure for the registration of an aircraft and the maximum period for which registration may be granted.

44 Transfer of responsibilities

The Minister, acting on the recommendation of the Authority or the Director, as the case requires, may do any of the following:

(a) by agreement with the appropriate authority for a foreign international airline – transfer to the appropriate authority all or part of the responsibility the Authority or the Director has under this Act for a Naoero registered aircraft operated by the airline;

(b) by agreement with the appropriate authority for a foreign registered aircraft operated by a Naoero international airline, vest in the Authority or the Director all or part of the responsibility the Authority has under this Act for the aircraft; or

(c) grant exemptions from this Act relevant to an exercise of the Minister's powers under this Section.

[s 44 am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 3 — SURVEILLANCE AND SANCTIONS

Subdivision 1 — Powers of Director

45 Monitoring

(1) This Section applies to a person who:
  (a) holds an aviation document; or
  (b) operates, maintains, services or conducts an activity in relation to an aircraft, aeronautical product or aviation related service.

(2) The Director may require the person to:
  (a) undergo or conduct the inspections and monitoring the Director considers necessary in the interests of civil aviation safety and security; and
  (b) give information the Director considers relevant to the inspections and monitoring.

46 When sanctions may be imposed

(1) In this Section:

'sanctions' in relation to an aviation document, mean any of the following:
  (a) the suspension of the document, in whole or in part, for a specified period;
  (b) the imposition of conditions on the document for a specified period;
  (c) the imposition of permanent conditions on the document; or
  (d) the revocation of the document, in whole or in part.

(2) The Director may impose sanctions in relation to an aviation document if:
  (a) the Director believes on reasonable grounds that it is necessary to do so in the interests of civil aviation safety or security;
  (b) the holder of the document has contravened this Act or the conditions of the document;
  (c) the Director believes on reasonable grounds the holder is carrying out activities under the document in a reckless or incompetent way; or
  (d) the holder has owed an outstanding amount to the Authority for a fee, charge or levy for at least 6 months.

(3) Before making a decision to revoke, in whole or in part or impose permanent conditions on an aviation document, the Director shall:
  (a) give the holder of the document a proposed decision notice for the proposed decision; and
  (b) consider any submissions received in response to the notice.

(4) Where the Director decides to impose sanctions in relation to an aviation document, the Director shall give the holder of the document:
  (a) an information notice for the decision; and
  (b) a written notice directing the holder to give the aviation document to the Director within 14 days after receiving the notice, so the document can be surrendered or marked appropriately by the Director.

(5) The holder of an aviation document commits an offence, if the holder intentionally fails to comply with a notice given under subsection (4)(b).

Penalty: $2,500.

47 Amending or revoking document in other cases

(1) The Director may:
  (a) amend or revoke an aviation document on the request of the holder of the document;
  (b) amend or revoke an aviation document because the activity for which the document was granted is no longer being carried out by the holder of the document; or
  (c) amend an aviation document to correct a clerical error.

(2) Before deciding to amend or revoke a document under subsection (1)(b), the Director shall:
  (a) give the holder of the document a proposed decision notice for the proposed decision; and
  (b) consider any submissions received in response to the notice.

(3) Where the Director decides to amend or revoke an aviation document under subsection (1)(b), the Director shall give the holder of the document an information notice for the decision.

48 Powers to detain, seize and destroy aircraft and products

(1) The Director, acting on a warrant issued by a judicial officer under subsection (2), may take any of the following action:
  (a) seize and detain an aircraft or aeronautical product; and
  (b) prohibit or impose conditions on the operation of an aircraft or the use of an aeronautical product.

(2) A judicial officer may issue a warrant to take the action on the application of the Director if the officer is satisfied that the action is necessary to protect persons or property.

(3) A person commits an offence, if:
  (a) the person engages in conduct;
  (b) the conduct results in the contravention of a prohibition or condition imposed under subsection (1)(b); and
  (c) the person is reckless about whether the conduct will result in the contravention.

Penalty: $5,000.

(4) The Director may give notice of a prohibition or condition imposed under subsection (1)(b) to a person other than the owner or operator of the aircraft or product, if the Director considers it necessary to do so in the interests of safety or security.

(5) An aircraft or aeronautical product may only be detained for so long as is necessary:
  (a) in the interests of safety or security; or
  (b) for the prosecution of an offence against this Act.

(6) Where the Director decides to take action under this Section in relation to an aircraft or product, the Director shall give the owner or operator of the aircraft or product an information notice for the decision.

(7) In this Section, a reference to an aircraft or aeronautical product includes a reference to a class of aircraft or aeronautical product.

Subdivision 2 — Powers of court

49 Special orders of court for safety offences

(1) Where a court finds a person guilty of an offence against Section 140, the court may, in addition to imposing a penalty for the offence:

(a) disqualify the person from holding an aviation document, either permanently or for a specified period;
(b) impose conditions on an aviation document held by the person for up to 12 months; or
(c) if the offence was committed in the course of the person making a commercial gain, order the person to pay an amount up to 3 times the value of the commercial gain, which may be recovered as if the amount were a fine.

(2) The Registrar of Courts shall give a copy of an order made under subsection (1) to the Director.

[s 49 am Act 18 of 2011 s 3 and Sch[3], opn 3 Nov 2011]

50 Effect of disqualification

(1) A period of disqualification begins on the date the order of disqualification is made or a later date specified by the court.

[subs (1) am Act 18 of 2011 s 3 and Sch[3], opn 3 Nov 2011]

(2) Where a person disqualified from holding an aviation document holds an aviation document when the period of disqualification begins:
(a) the document has no effect for the period of disqualification; and
(b) if the period of disqualification expires before the expiry of the term of the document, the document continues to have no effect until the holder meets the prescribed requirements for re-activating the document.

51 Surrender of document on disqualification

(1) A person who is disqualified from holding an aviation document commits an offence, if the person:
(a) holds an aviation document at the time of the disqualification; and
(b) does not surrender the document to the Director within 7 days after the date the disqualification begins.

Penalty: $2,500.

(2) Strict liability applies to subsection (1).

(3) The Director shall retain a surrendered document until the period of disqualification has expired or the disqualification has been removed and the document is re-activated.

52 Applying for aviation document while disqualified

(1) A person commits an offence, if the person:
(a) is disqualified from holding an aviation document;
(b) intentionally applies for the document; and
(c) is reckless about whether the person is disqualified from holding the document.

Penalty: $10,000 and 12 months imprisonment.

(2) The court may disqualify a person convicted of an offence against subsection (1) from holding an aviation document for a further period of up to 12 months in addition to the original period of disqualification.

(3) An aviation document obtained by a person while disqualified from holding the document has no effect, whether or not the person is convicted of an offence under this Section.

[The next page is 241,801]

PART 7 — LICENCING OF INTERNATIONAL AIR SERVICES

DIVISION 1 — REQUIREMENT FOR LICENCE

53 Unlicenced operation of scheduled international air service

A person commits an offence, if the person:

(a) operates a scheduled international air service;

(b) does not hold a licence to operate the service; and

(c) is reckless about whether the person holds the licence.

Penalty: $100,000.

54 Unlicenced operation of non-scheduled international flight

(1) A person commits an offence, if the person:

(a) operates a non-scheduled international flight for remuneration or hire between the Republic and one or more points in a foreign country;

(b) is not authorised by the Cabinet or under an open aviation market licence to operate the flight; and

(c) is reckless about whether the person is authorised to operate the flight.

Penalty: $100,000.

(2) The holder of an open aviation market licence may operate a non-scheduled international flight engaged in the carriage of passengers, cargo or mail for remuneration or hire to or from the places specified in the licence.

55 Compliance with licence conditions

A licencee commits an offence, if the licencee:

(a) intentionally engages in conduct;

(b) the conduct results in a contravention of the conditions of the licencee's licence; and

(c) is reckless about whether the conduct will result in the contravention.

Penalty: $100,000.

56 Agent offences

(1) A person commits an offence, if:

(a) the person intentionally acts as an agent for a scheduled international air service;

(b) the service is operated without a licence; and

(c) the person is reckless about whether the service is operated without a licence.

Penalty: $100,000.

(2) A person commits an offence, if:

(a) the person intentionally acts as an agent for a non-scheduled international flight between the Republic and one or more points in a foreign country;

(b) the flight is operated without the authorisation of the Cabinet or an open aviation market licence; and

(c) the person is reckless about whether the flight is operated without the authorisation or licence.

Penalty: $100,000.

(3) A person commits an offence, if:
(a) the person intentionally acts as an agent for an air service or flight;
(b) the service or flight is operated in contravention of the conditions of a licence; and
(c) the person is reckless about whether the service or flight is operated in contravention of the conditions of the licence.

Penalty: $100,000.

DIVISION 2 — GRANT OF LICENCE

57 Application for licence

(1) A person may apply to the Minister for a licence.

(2) The application shall be:
(a) in the prescribed form; and
(b) accompanied by the prescribed fee and prescribed documents.

(3) The Minister shall publish a Gazette notice:
(a) specifying the licence applied for and the name of the applicant; and
(b) inviting written submissions in response to the application within a specified time at least 21 days after the notice is first published.

58 Consideration of application – Naoero international airline

(1) The Minister shall take into account the following matters in considering an application for a scheduled international air service licence made by a Naoero international airline:
(a) any relevant international agreement to which the Republic is a party, including an air services agreement and any associated arrangement;
(b) the safety and security requirements for the grant of the licence;
(c) the ability of the applicant to finance the operation of the proposed service under the licence;
(d) the likelihood of the applicant operating the proposed service in a satisfactory way, including in relation to safety, security and reliability;
(e) written submissions received under Section 57(3)(b);
(f) the experience, competence, qualifications and professional reputation of the applicant and each person who will be responsible for the management and control of the air service;
(g) the insurance to be held by the applicant for the operation of the service; and
(h) any other matter the Minister considers relevant and has informed the applicant will be considered.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Minister shall take into account the following matters in considering an application for an open aviation market licence made by a Naoero international airline:
(a) any relevant international agreement to which the Republic is a party, including an air services agreement and any associated arrangement;
(b) the safety and security requirements for the grant of the licence; and

(c) any other matter the Minister considers relevant and has informed the applicant will be considered.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

[s 58 am Act 21 of 2026 s 5, opn 12 May 2026]

59 Consideration of application – foreign international airline

The Minister shall take into account the following matters in considering an application for a licence made by a foreign international airline:

(a) any relevant international agreement to which the Republic is a party, including an air services agreement and any associated arrangement;

(b) the safety and security requirements for the grant of the licence; and

(c) any other matter the Minister considers relevant and has informed the applicant will be considered.

60 Decision on application

(1) After considering an application for a licence, the Minister may, with the consent of the Cabinet, grant or refuse to grant the licence.

(2) However, regardless of the consent of the Cabinet, the Minister shall refuse to grant the licence if it would be contrary to an international agreement mentioned in Section 58 or 59.

(3) Where the Minister decides to refuse to grant the licence, the Minister shall give the applicant an information notice for the decision.

61 Conditions and period of licence

(1) The Minister may grant a scheduled international air service licence subject to conditions, including conditions about:

(a) the places that may be served and the routes that may be followed under the licence;

(b) the maximum capacity that may be provided under the licence; and

(c) the date before which the service shall begin under the licence.

(2) An open aviation market licence shall specify the places that may be served under the licence.

(3) The Minister may grant a licence for the period the Minister considers appropriate.

62 Renewal of licence

(1) Where a licencee wishes to renew a licence, the licencee shall apply to the Minister for the renewal at least 3 months before the licence expires.

(2) Where the application is not decided before the licence expires, the licence continues in force until the application is decided.

(3) Sections 57 to 61 apply to the application as if it were an application for a new licence.

63 Transfer of scheduled international air service licence

(1) A Naoero international airline holding a scheduled international air service licence may apply to the Minister for the licence to be transferred to another person.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A Naoero international airline holding an open aviation market licence may apply to the Minister for the licence to be transferred to another Naoero international airline.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) The application shall be lodged at least 3 months before the date of the proposed transfer.

(4) Sections 57 to 61 apply to the application as if it were an application for a new licence.

64 Publication of decision

The Minister shall publish notice of a decision under this Division in the Gazette within 28 days after the decision is made.

65 Requirements of Act continue to apply

An aircraft used for an air service operated under a licence is not, because it is being used for the service, exempt from the operation of any requirement under this Act.

66 Information to be given

A licencee shall give the Minister the following on request:

(a) proof of the insurance held by the licencee for a service or flight operated under the licence; and

(b) specified financial and statistical returns and statements.

67 Registration of licences

The Minister shall give the Authority a copy of each licence granted and a note of each variation, revocation, suspension or surrender of a licence for the Registry.

DIVISION 3 — SANCTIONS

68 Variation of licence conditions

(1) The Minister may, with the consent of the Cabinet, vary the conditions of a licence of the Minister's own motion or on the application of the licencee if the Minister believes on reasonable grounds that it is necessary or desirable to do so in the public interest.

(2) The Minister may vary the conditions of a licence by adding, removing or amending conditions.

(3) Where a proposed variation would change the routes operated or the capacity of the service provided under the licence, the Minister shall publish a Gazette notice:

(a) specifying the proposed variation; and

(b) inviting written submissions in response to the application within a specified time at least 21 days after the notice is published.

(4) Before deciding to vary a condition of the Minister's own motion, the Minister shall:

(a) give the licencee a proposed decision notice for the proposed decision; and

(b) consider any submissions received in response to the notice.

(5) In considering an application for a variation of conditions, the Minister shall:

(a) take into account all the matters required to be considered under Section 58 or 59 for the grant of the licence; and

(b) consider any submissions received under subsection (4)(b).

(6) Where the Minister decides to vary the conditions of a licence of the Minister's own motion, the Minister shall give the licencee an information notice for the decision.

69 Suspension of licence

(1) The Minister may, with the consent of the Cabinet, suspend a licence for a specified period if:

(a) the Minister believes on reasonable grounds that the licencee has contravened a condition of the licence; or

(b) the Director or a person equivalent to the Director in a contracting State has suspended or revoked a safety approval required to operate services under the licence.

(2) Where the Minister decides to suspend a licence, the Minister shall give the licencee an information notice for the decision.

70 Revocation of licence

(1) The Minister may, with the consent of the Cabinet, revoke a licence if:

(a) the licencee has contravened a condition of the licence; or

(b) the licence was granted under an international agreement between the Republic and a foreign country and:

(i) the agreement has been terminated or has ceased to bind the Republic or the foreign country; or

(ii) the Republic has become entitled under the agreement to revoke the licence.

(2) Where the Minister decides to revoke a licence, the Minister shall give the licencee an information notice for the decision.

71 Notice of decision

The Minister shall publish notice of a decision under this Division in the Gazette within 28 days after making the decision.

[The next page is 242,001]

PART 8 — AIRCRAFT OPERATIONS

DIVISION 1 — RESTRICTIONS ON AIRCRAFT OPERATION

72 Military aircraft

A military aircraft shall not fly over or land in Naoero except with the written approval of the Cabinet.

[s 72 am Act 21 of 2026 s 5, opn 12 May 2026]

73 Landing aircraft in the Republic

(1) In this Section:

'stopping for non-traffic purposes' means landing for any purpose other than to take on or discharge passengers, cargo or mail.

(2) The following aircraft are authorised to land in the Republic:

(a) a Naoero registered aircraft;

(b) an aircraft authorised to do so under a licence;

(c) an aircraft registered in a contracting State that is engaged in:

(i) a non-scheduled international flight and stopping in the Republic for non-traffic purposes; or

(ii) a scheduled international air service and stopping in the Republic for non-traffic purposes with the written approval of the Authority; or

(d) an aircraft authorised to do so by the Minister, unless the Minister is of the opinion that such authorisation shall be given by the Cabinet.

[subs (2) am Act 4 of 2021 s 5, opn 31 Mar 2021; Act 21 of 2026 s 5, opn 12 May 2026]

(3) A person commits an offence, if:

(a) the person lands an aircraft in the Republic; and

(b) the aircraft is not authorised to land in the Republic under subsection (2); and

(c) the person is reckless about whether the aircraft is authorised to land.

Penalty: $100,000.

74 Operation of aircraft over high seas

A person operating a Naoero registered aircraft over the high seas shall ensure it is operated in accordance with the Rules of the Air contained in Annex 2 to the *Convention*.

[s 74 am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 2 — PILOT-IN-COMMAND

75 Duties of pilot-in-command

The pilot-in-command of an aircraft:

(a) is responsible for the safe operation of the aircraft in flight, the safety and well-being of all passengers and crew, and the safety of cargo carried on the aircraft;

(b) has final authority to control the aircraft while in command and for the maintenance of discipline of all persons on board the aircraft; and

(c) subject to Section 76, shall comply with this Act.

76 Contravention of Act during emergencies

(1) The pilot-in-command of an aircraft may contravene this Act in response to:
  (a) an emergency that arises in flight; or
  (b) an emergency, other than an emergency that arises in flight, that necessitates the urgent transportation of persons or cargo for the protection of life or property.

(2) The contravention is permitted only if the pilot-in-command is satisfied that:
  (a) the emergency involves a danger to life or property;
  (b) the extent of the contravention goes only as far as is necessary to deal with the emergency;
  (c) there is no other reasonable means of alleviating, avoiding or assisting with the emergency; and
  (d) the degree of danger to life or property involved in complying with this Act is clearly greater than the degree of danger involved in contravening it.

(3) Where a contravention of this Act is an offence, it is a defence to the offence to prove that the contravention was permitted under this Section.

(4) Subsection (1)(b) does not permit:
  (a) the operation of an aircraft that is not registered;
  (b) a contravention relating to the airworthiness of an aircraft; or
  (c) the operation of an aircraft by a person who is not lawfully entitled to operate the aircraft.

(5) A pilot-in-command who contravenes this Act under this Section commits an offence, if the pilot-in-command intentionally fails to:
  (a) notify the relevant air traffic service of the contravention as soon as practicable;
  (b) notify the Director of the contravention and the circumstances that necessitated it as soon as practicable; or
  (c) comply with a request from the Director for a written report of the contravention.

Penalty: $5,000.

(6) The commission of an offence under subsection (5) does not prevent a pilot-in-command relying on the other provisions of this Section.

[The next page is 242,201]

77 Obligation to notify accidents and incidents

(1) The pilot-in-command of an aircraft commits an offence, if:
(a) the aircraft is involved in an accident; and
(b) the pilot-in-command fails to notify the accident in accordance with Section 78 to the Authority as soon as practicable.

Penalty: $10,000.

(2) A person commits an offence, if:
(a) the rules require the person to notify an incident to the Authority; and
(b) the person fails to notify the incident in accordance with Section 78 to the Authority.

Penalty: $10,000.

(3) The operator of an aircraft commits an offence, if:
(a) the aircraft is involved in an accident;
(b) due to injury or death, the pilot-in-command is unable to notify the Authority of the accident; and
(c) the operator of the aircraft fails to notify the accident in accordance with Section 78 to the Authority as soon as practicable.

Penalty: $10,000.

(4) A person commits an offence, if:
(a) the person is co-ordinating a search and rescue operation for an aircraft; and
(b) the person fails to notify the Authority of the operation as soon as practicable.

Penalty: $10,000.

(5) Strict liability applies to an offence against this Section.

78 Particulars of notification

(1) A notification of an accident or incident shall include as much of the following information as is reasonably available to the person making the notification:
(a) the type, nationality and registration marks of the aircraft;
(b) the name of the owner, operator and hirer, if any, of the aircraft;
(c) the name of the pilot-in-command of the aircraft;
(d) the date and time of the accident;
(e) the last point of departure and the intended point of landing of the aircraft;
(f) the position of the aircraft with reference to an easily defined geographical point;
(g) the number of persons killed or seriously injured in the accident or incident, if any;
(h) the nature and extent of the damage to the aircraft caused by the accident or incident; and

(i) any other prescribed information.

(2) Where all the information specified in subsection (1) is not immediately available to the person making the notification, a further notification containing the information not included in the first notification shall be given to the Authority as soon as practicable.

79 Notification of Minister and Director

The Authority shall notify the Minister and the Director of an accident, incident or search and rescue operation as soon as practicable after the Authority is notified of the accident, incident or operation.

80 Notification of country of registration

Where the Authority is notified of an accident or serious incident involving a foreign registered aircraft, the Authority shall forward the following to the appropriate authority of the country of registration:

(a) a copy of the notification;

(b) a copy of all relevant information relating to the accident or incident held by the Authority; and

(c) notification of any investigation being held into the accident or incident.

DIVISION 2 — INVESTIGATIONS

Subdivision 1 — Preliminary matters

81 Definitions

In this Division:

'designated officer' means a person appointed under Section 87; and
[def am Act 12 of 2026 s 6, opn 26 Mar 2026]

'occurrence' means an accident or incident notified to the Minister that occurred in the Republic.

Subdivision 2 — Establishment of accident investigation commission

82 Establishment of Commission

(1) The Cabinet shall, by Gazette notice, establish an Accident Investigation Commission to investigate an occurrence if:

(a) the Republic is required to investigate the occurrence under the *Convention*; or

(b) the Cabinet considers it necessary or desirable to investigate the occurrence in the interests of civil aviation safety or security.

(2) The Commission remains in existence until it has presented its final report and the Cabinet, by Gazette notice, declares that it has ceased to exist.

83 Commission responsible to the Cabinet

The Commission shall report directly to the Cabinet.

84 Membership of Commission

(1) On establishing the Commission, the Cabinet shall, by Gazette notice, appoint 3 Commissioners, of whom:

(a) one shall be a Judge or a lawyer with at least 10 years experience in practice; and
(b) one shall be a person with significant aviation industry experience who is either:
(i) the holder or former holder of a commercial pilot's licence or an aircraft maintenance engineer's licence; or
(ii) a senior manager in civil aviation safety; and
(c) one shall be a person with qualifications and experience relevant to the functions of the Commission.

(2) The Commissioner appointed under subsection (1)(a) is the Chief Commissioner.

(3) A Commissioner holds office:
(a) for the term of the Commission, unless the Commissioner vacates office earlier under Section 85; and
(b) on the terms and conditions determined by the Cabinet.

85 Vacation of office

(1) A Commissioner vacates office if the Commissioner:
(a) dies;
(b) resigns by written notice to the Cabinet; or
(c) is terminated under the terms and conditions of the Commissioner's appointment.

(2) Where a Commissioner vacates office under subsection (1), the Cabinet shall appoint a replacement under Section 84.

(3) The exercise of a power or the performance of a function of the Commission is not invalid only because of a vacancy in its membership.

86 Staff of Commission

(1) The Cabinet, acting on the recommendation of the Chief Commissioner, may appoint staff to the Commission.

(2) The staff of the Commission are subject to the directions of the Chief Commissioner in the performance of their duties.

87 Designated officers

The Chief Commissioner may designate a person to be a designated officer for an investigation.

[s 87 subst Act 12 of 2026 s 5, opn 26 Mar 2026]

Subdivision 3 — Objectives, powers and functions of commission

88 Objectives of Commission

(1) The objectives of the Commission is to investigate the occurrence in order to determine the circumstances and causes of the occurrence to avoid similar occurrences in the future.

(2) It is not the objectives of the Commission to determine the person responsible for the occurrence.

89 General powers and functions of Commission

The Commission has the following powers and functions for the investigation of the occurrence:

(a) to make, co-ordinate and direct inquiries and investigations;
(b) to gather evidence relevant to the investigation;
(c) to determine who should be involved in the investigation;
(d) to prepare and publish findings and recommendations resulting from its inquiries and investigations;
(e) to give a written report of the investigation to the Cabinet, including any recommendations for action that it considers would reduce the likelihood of similar occurrences in the future;
(f) to co-ordinate and co-operate with the accident investigation organisations of contracting States, including collecting evidence on their behalf; and
(g) any other power or function conferred on the Commission by this or another written law.

90 Investigative powers

(1) In addition to its powers under this Act, the Commission has the same investigative powers conferred on a Commission of Inquiry by the *Commissions of Inquiry Act*.

(2) Where there is an inconsistency between this Act and the *Commissions of Inquiry Act*, this Act prevails.

91 Custody of aircraft

(1) The Commission may take custody of an aircraft involved in the occurrence, including its contents, for the time the Commission considers necessary for the investigation.

(2) The aircraft shall not be moved or interfered with except to the extent necessary to:
(a) extract persons, animals, mail and cargo from the aircraft;
(b) prevent the aircraft being destroyed or damaged; or
(c) eliminate danger or an obstruction caused by the aircraft.

92 Powers of entry and investigation

(1) A Commissioner or an designated officer may do the following for the investigation of the occurrence:
(a) enter and inspect an aircraft, building or other place, including the aerodrome;
(b) inspect, copy, take extracts from or seize and detain a document or record;
(c) if necessary to preserve or record evidence, prohibit or restrict access to the site of the occurrence; or
(d) seize, detain, remove, preserve, protect or test an aircraft, aeronautical product or other thing.

[subs (1) am Act 12 of 2026 s 6, opn 26 Mar 2026]

(2) A Commissioner or designated officer does not have power to enter a residential house without a warrant issued by a judicial officer under subsection (3).

[subs (2) am Act 12 of 2026 s 6, opn 26 Mar 2026]

(3) A judicial officer may issue a warrant to enter a residential house if the judicial officer is satisfied that the entry is essential to the investigation of the accident.

(4) A person exercising a power of entry under this Section shall:
(a) carry a written authority issued by the Chief Commissioner specifying:
(i) the name and office of the person;
(ii) the powers the person is authorised to exercise; and
(iii) the source of the person's authority to exercise the powers; and
(b) produce the authority and evidence of the person's identity before exercising the power and on any later request.

Subdivision 4 — Proceedings of Commission

93 Hearings and meetings

The Chief Commissioner may determine:
(a) the frequency, location and times of the hearings and meetings of the Commission; and
(b) the procedures to be followed at the hearings and meetings of the Commission.

94 Appointment of expert assessors

The Chief Commissioner may appoint a suitably qualified person as an expert assessor for the investigation.

95 Preliminary reports

Where it considers it necessary to do so in the interests of civil aviation safety, the Commission may:
(a) make preliminary reports and recommendations to the Cabinet before making its final report; and
(b) give notice of a preliminary report or recommendation to the Authority.

96 Right of response to report

Where the Commission proposed to make a report that states or infers that the conduct of a specified person contributed to the cause of an occurrence, the Commission shall, before making the report:
(a) give the person an opportunity to respond to the proposed report, either in writing or in person; and
(b) consider any response of the person before making the report.

97 Conduct of investigation

(1) The Commission shall comply with a requirement of the *Convention* to allow a person to participate or be represented in an investigation.
(2) Except with the consent of the Commission, no other person may:
(a) participate in the investigation of an occurrence by the Commission;
(b) undertake an independent investigation at the site of an occurrence being investigated by the Commission; or
(c) examine material removed from the site of an occurrence being investigated by the Commission.

98 Final report

When the Commission has concluded its investigation into the occurrence, it shall submit its final report to the Cabinet.

DIVISION 3 — USE OF VOICE RECORDINGS

99 Admissibility of voice recordings – criminal proceedings

A voice recording is not admissible in criminal proceedings against a crew member or a person providing air traffic services.

100 Admissibility of voice recordings – civil proceedings

A voice recording is not admissible in civil proceedings unless the court is satisfied, on application for the admission of the recording by a party to the proceedings, that:

(a) a question of material fact in the proceedings cannot be properly determined from other evidence available to the court;

(b) the voice recording would assist in the proper determination of the question; and

(c) the public interest in the proper determination of the question outweighs the public interest in protecting the privacy of a person recorded on the voice recording.

[s 100 am Act 18 of 2011 s 3 and Sch[3], opn 3 Nov 2011]

101 Examination of voice recording

(1) Where a court admits a voice recording under Section 100, the following persons may be present at the examination of the recording:

(a) the persons constituting the court;

(b) the legal representatives of each party to the proceedings; and

(c) other persons the court directs may be present.

[subs (1) am Act 18 of 2011 s 3 and Sch[3], opn 3 Nov 2011]

(2) The court may make orders limiting or prohibiting disclosure of the voice recording.

102 Limitation on use of voice recording

A voice recording admitted under Section 100 is not evidence for the purpose of determining the liability of a crew member or person providing air traffic services for an accident or incident.

103 Voice recording not grounds for disciplinary action

A person is not entitled to take disciplinary action against an employee of the person on the basis of information in a voice recording.

104 Disclosure of voice recording

(1) A person commits an offence, if:

(a) the person engages in conduct;

(b) the conduct results in the disclosure of a voice recording; and

(c) the person is reckless about whether the conduct will result in the disclosure.

Penalty: $10,000 and 12 months imprisonment.

(2) Subsection (1) does not apply to a disclosure made:

(a) in the course of an investigation into an accident or incident conducted under Division 2;

(b) during:

(i) criminal proceedings, other than criminal proceedings of the kind mentioned in Section 99; or

(ii) civil proceedings in which the voice recording is admitted under Section 100; or

(c) in accordance with an order of the court under Section 101(2).

[subs (2) am Act 18 of 2011 s 3 and Sch[3], opn 3 Nov 2011]

[The next page is 242,401]

105 Security designated navigation installations

The Minister may, by Gazette notice, designate a navigation installation to be a security designated navigation installation.

106 Security restricted areas

(1) The Director may declare, by Gazette notice, that an area within the aerodrome or a security designated navigation installation is a security restricted area.

[subs (1) am Act 8 of 2011 Sch 1[32], opn 15 Apr 2011]

(2) An area may be designated a security restricted area:
  (a) at all times; or
  (b) during specified times only.

107 Right of access – security restricted areas

(1) The following persons may enter or be present in a security restricted area:
  (a) a police officer on duty;
  (b) an aviation security officer on duty;
  (c) a person who is:
    (i) authorised by the Director, aerodrome manager or other person in control of the area to be in the area; and
    (ii) wearing an aerodrome identity card issued and worn in accordance with the rules;
  (d) a passenger passing through the area to embark or disembark an aircraft through a gateway or thoroughfare approved for that purpose by the Director or aerodrome manager; or
  (e) a person authorised to enter or be present in the area under the rules.

(2) A person commits an offence, if the person is:
  (a) in a security restricted area;
  (b) not authorised to be in the area; and
  (c) reckless about whether the person is authorised to be in the area.

Penalty: $10,000 and 12 months imprisonment.

(3) A person commits an offence, if:
  (a) the person is in a security restricted area;
  (b) an aviation security officer tells the person they are in a security restricted area and directs the person to:
    (i) state the person's name, address and reason for being in the area; or
    (ii) leave the area; and
  (c) the person intentionally fails to comply with the direction.

Penalty: $10,000 and 12 months imprisonment.

(4) An aviation security officer shall not direct a person to leave a security restricted area unless:
  (a) the person is not a person mentioned in subsection (1); or

(b) the officer reasonably believes that it is necessary for the person to leave the area in the interests of safety or security.

108 Power to require drivers to stop vehicles

(1) An aviation security officer in uniform may direct the driver of a vehicle in a security restricted area to stop the vehicle and remain stopped for as long as is reasonably necessary to screen or search the vehicle or a person or item in the vehicle under Sections 116 and 117.

(2) A person commits an offence, if the person intentionally fails to comply with a direction given under subsection (1).

Penalty: $10,000 and 12 months imprisonment.

109 Powers of entry of aviation security officers

(1) Subject to this Section, an aviation security officer may, to exercise powers or perform functions under this Act, enter:
(a) the aerodrome;
(b) a navigation installation;
(c) an aircraft; or
(d) a vehicle, building or place in the aerodrome or a navigation installation.

(2) The officer shall not use force to gain entry unless the officer is accompanied by a police officer.

(3) Where the Naoero Police Force has temporarily taken command of a situation at the aerodrome or navigation installation, the power of entry of an aviation security officer in relation to the aerodrome or installation is subject to the directions of the most senior police officer present at the aerodrome or installation.

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 2 — PROVISION OF AVIATION SECURITY SERVICES

110 Provider of aviation security services

The Minister shall, by Gazette notice, designate a provider of aviation security services.

111 Aviation security officers

The Minister may, by Gazette notice, authorise a person engaged by the aviation security service to be an aviation security officer for this Act.

112 Objectives of aviation security service

The objectives of the aviation security service are to:
(a) prevent aviation crimes;
(b) safeguard international civil aviation operations against acts of unlawful interference; and
(c) protect persons and property from dangers arising from the commission or attempted commission of such crimes.

113 Powers and functions of aviation security service

(1) Without limiting the powers and functions of the aviation security service

under this or any other written law, the powers and functions of the aviation security service include the following:

(a) to conduct searches and screening of persons, baggage and cargo for each international air service arriving in or leaving the Republic;

(b) to conduct searches and screening of aircraft, the aerodrome and navigation installations;

(c) to conduct security patrols of the aerodrome and navigation installations; and

(d) to review current and new civil aviation security techniques, systems, devices, practices and procedures.

(2) In exercising its powers and performing its functions, the aviation security service shall cooperate with:

(a) the Naoero Police Force;

(b) aircraft operators;

(c) authorities administering aviation security in other contracting States; and

(d) international organisations relating to civil aviation security.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

114 Directions of Minister

(1) The Minister may make directions about the exercise of powers under this Part by the aviation security service, including special directions relating to specific security risks.

(2) A direction may specify that a particular item is a regulated item.

(3) The aviation security service shall act in accordance with the Minister's directions.

115 Powers of police

A police officer, in addition to the officer's other powers under this Act or any other written law, has all the powers of an aviation security officer under this Act.

DIVISION 3 — SECURITY SCREENING AND SEARCHES

Subdivision 1 — Conducting security screening and searches

116 When screening or search may be conducted

(1) An aviation security officer may screen or search a person or item entering or present in a security restricted area.

(2) An officer may only screen or search a person or an item in the possession of a person with the consent of the person.

(3) An item may be screened or searched without the consent of a person if it is not in the possession of a person.

117 How search shall be conducted

(1) In this Section:

'outer clothing' includes a coat, jacket, jumper, cardigan or similar item; and

'pat down search' means:

(a) a search of a clothed person in which the officer conducting the search does any of the following:

(i) runs or pats the officer's hand over the body of the person, whether outside or inside the clothing, other than the underclothing of the person;

(ii) inserts the officer's hand inside a pocket or pouch in the clothing, other than the underclothing of the person; or

(iii) directs the person to do any of the following for the purpose of a visual inspection:

(A) open the person's mouth;

(B) display the palms of the person's hands;

(C) display the soles of the person's feet; or

(D) lift or rub the person's hair; and

(b) may include a search of:

(i) an item in the possession of the person;

(ii) the person's outer clothing removed for the search; and

(iii) gloves, footwear (including socks or stockings), head coverings, belts, jewellery or other accessories removed for the search.

(2) An aviation security officer may conduct a search of a person by directing the person to do any of the following:

(a) remove, raise, lower or open the person's outer clothing, unless the person has no other clothing or only underclothing, under the outer clothing;

(b) remove gloves, footwear (including socks or stockings), head coverings, belts, jewellery and other accessories; or

(c) allow the officer to conduct a pat down search.

(3) A female person shall be searched by a female officer unless the search is made with a mechanical, electrical, electronic or other similar device.

118 Procedure following detection of regulated item

(1) In this Section:

'carry' means carry in or into a security restricted area.

(2) An aviation security officer may seize a regulated item in the possession of a person detected during screening or searching if the officer has reasonable grounds to believe that the item cannot lawfully be carried by the person under this Act or any other written law.

(3) The officer shall, if reasonably practicable, return the item to the person from whom it was seized if the officer determines that the item can lawfully be carried by the person.

(4) Where the officer determines that the item cannot lawfully be carried by the person, the officer shall not allow the person to carry the item.

(5) Where the officer believes the item is evidence of an aviation security offence, the officer:

(a) shall seize the item and give it to a police officer; or

(b) if the officer has reasonable grounds to believe that the item poses an imminent risk to safety, may destroy or otherwise dispose of the item immediately.

(6) The officer shall record action taken under subsection (5) in writing.

119 Foreign in-flight security officers

The Minister may exempt a foreign in-flight security officer accompanied by a police officer from a requirement to be screened or searched.

Subdivision 2 — Refusal of consent

120 Application

This Subdivision applies if a person refuses to consent to the screening or search of the person or an item in the person's possession under Subdivision 1.

121 Effect of refusal

The refusal does not of itself constitute reasonable grounds for suspecting that an aviation security offence has been, is being or is likely to be committed.

122 Powers of aviation security officers

(1) An aviation security officer may:
  (a) deny the person entry to the area; or
  (b) direct the person to:
    (i) leave the area; and
    (ii) remove an item in the person's possession from the area.

(2) An aviation security officer may detain the person if the officer has reasonable grounds to suspect that:
  (a) an aviation security offence has been, is being or is likely to be committed by the person or another person; and
  (b) the screening or search of the person or an item in the person's possession is likely to disclose evidence of the offence.

(3) Where the person is detained, the aviation security officer shall deliver the person to a police officer for search or screening under Section 123 as soon as practicable.

123 Powers of police

(1) A police officer may, without a warrant:
  (a) search or screen the person and an item in the person's possession; and
  (b) detain the person for the search or screening and detain an item found during the search if the officer has reasonable grounds to suspect that:
    (i) an aviation security offence has been, is being or is likely to be committed, whether by the person or another person; and
    (ii) the search, screening or detention of the item is likely to disclose evidence of the offence.

(2) The police officer shall, before the search or screening is conducted and on any later request:
  (a) show the person evidence of the officer's identity; and
  (b) inform the person that the search is authorised under this Section.

124 Powers of operator

The operator of an aircraft may refuse to carry the person on the aircraft.

DIVISION 4 — SPECIAL POWERS OF AVIATION SECURITY OFFICERS

125 Power of detention – serious aviation crimes

(1) An aviation security officer may detain a person in or in the vicinity of the aerodrome or a navigation installation if the officer has reasonable grounds to believe that an offence has been, is being or is likely to be committed by the person under Part 6, Division 2 or 3 of the *Counter Terrorism and Transnational Organised Crime Act 2004*.

(2) The officer may:
(a) search the person and an item in the person's possession; and
(b) detain an item in the person's possession that may be evidence of the offence.

(3) The officer shall, before the search is conducted and on any later request:
(a) show the person evidence of the officer's identity; and
(b) inform the person that the search is authorised under this Section.

(4) The officer may search the person even if the officer has previously searched the person under this Part.

(5) The officer shall, within 3 working days after taking action under this Section, give the Director a written report of how and why the action was taken.

(6) The officer shall, as soon as practicable, deliver the person and any item detained to a police officer.

126 Use of force

(1) An aviation security officer may use reasonable force to:
(a) prevent a person from entering a security restricted area under Section 122(1)(a); or
(b) detain a person under Section 122(2) or 125.

(2) An aviation security officer may use reasonable force to remove a person from a security restricted area if:
(a) the person fails to comply with a direction to leave given under Section 122(1)(b) or Section 107(3);
(b) the officer warns the person that they will be removed if they do not comply with the direction; and
(c) the person continues to fail to comply with the direction.

DIVISION 5 — SECURITY ASSESSMENTS

127 Conducting security assessment

(1) The Director may conduct a security assessment in relation to a person if:
(a) the person falls within a category of persons in relation to whom a security assessment is required under the rules; and
(b) the person consents to the assessment.

(2) Where the person refuses to consent to the assessment, the person shall not be granted an authorisation under the rules that requires a favourable security assessment decision.

(3) In conducting the security assessment, the Director may:
(a) seek and receive any information the Director considers relevant; and

(b) give weight to any of the information the Director considers appropriate in the circumstances.

(4) Where the Director is satisfied on reasonable grounds that the person:
(a) does not pose a threat to aviation security, the Director shall make a favourable security assessment decision in relation to the person; or
(b) may pose a threat to aviation security, the Director shall make an adverse security assessment decision in relation to the person.

128 Action following adverse security assessment decision

(1) After making an adverse security assessment decision in relation to a person, the Director shall:
(a) if a favourable security assessment decision is required for a previous authorisation granted to the person under the rules by:
(i) the Director, revoke the authorisation; or
(ii) a person other than the Director, direct the person to revoke the authorisation;
(b) if the person is employed by the holder of an aviation document, notify the employer of the decision but not the reasons for it; and
(c) give the person an information notice for the decision.

(2) A person shall comply with a direction to revoke an authorisation under subsection (1)(a)(ii).

129 Review of security assessment decision

(1) The Director may review a favourable security assessment decision the Director has made in relation to a person if:
(a) new information is made available to the Director about the person; or
(b) the Director has reason to suspect that the person may pose a threat to aviation security.

(2) Before reviewing a security assessment decision, the Director shall:
(a) advise the person that the Director is reviewing the decision; and
(b) if a favourable security assessment decision is required for an authorisation granted to the person under the rules by:
(i) the Director, suspend the authorisation for the period of the review; or
(ii) a person other than the Director, direct the person to suspend the authorisation for the period of the review.

(3) The Director shall complete the review within 20 working days after advising the person of the review.

(4) The review may result in a new security assessment decision.

(5) A person shall comply with a direction to suspend an authorisation under subsection (2)(b)(ii).

130 Proposed adverse security assessment decision

(1) Before making an adverse security assessment decision under Section 127 or 129 in relation to a person, the Director shall:
(a) give the person a proposed decision notice for the proposed decision; and
(b) consider any submissions received in response to the notice.

(2) The Director shall consider submissions made by the person before making a decision.

[The next page is 242,601]

PART 11 — OFFENCES

DIVISION 1 — PRELIMINARY MATTERS

131 Definitions

In this Part:

'aircraft' means a Naoero or foreign registered aircraft:
(a) in the Republic; or
(b) if the next landing of the aircraft is the Republic, in flight outside the Republic.

[def am Act 21 of 2026 s 5, opn 12 May 2026]

132 Liability under Crimes Act 2016

The *Crimes Act 2016* applies to a person's conduct on an aircraft in flight outside the Republic as if the person engaged in the conduct in the Republic.

[s 132 am Act 18 of 2016 Sch 2 item 5, opn 12 May 2016]

DIVISION 2 — UNRULY PASSENGER OFFENCES

133 Acts endangering safety

A person on an aircraft commits an offence, if:
(a) the person intentionally engages in conduct;
(b) the conduct endangers the aircraft or another person; and
(c) the person is reckless about whether the conduct will endanger the aircraft or another person.

Penalty: $50,000 and 2 years imprisonment.

134 Disruptive conduct towards crew member

(1) A person on an aircraft commits an offence, if:
(a) the person intentionally engages in conduct;
(b) the conduct is disruptive conduct towards a crew member; and
(c) the person is reckless about whether the conduct is disruptive towards the crew member.

Penalty: $5,000 and 6 months imprisonment.

(2) For subsection (1), a person engages in disruptive conduct towards a crew member if the person:
(a) uses threatening, offensive or insulting words towards the crew member;
(b) behaves in a threatening, offensive, insulting or disorderly way towards the crew member; or
(c) does anything that interferes with the performance of the crew member's duties.

(3) It is a defence to a prosecution for an offence against subsection (1) if:
(a) the disruptive conduct consisted of using offensive or insulting words towards a crew member; and

(b) the defendant establishes that he or she believed on reasonable grounds that the words would not be overheard by the crew member.

135 Disruptive conduct towards passenger

(1) A person on an aircraft commits an offence, if:
(a) the person intentionally engages in conduct;
(b) the conduct is disruptive conduct towards a passenger; and
(c) the person is reckless about whether the conduct is disruptive towards the passenger.

Penalty: $2,500.

(2) For subsection (1), a person engages in disruptive conduct towards a passenger if the person:
(a) uses threatening, offensive or insulting words towards the passenger; or
(b) behaves in a threatening, offensive, insulting or disorderly way, whether the behaviour is directed towards the particular passenger or not.

(3) It is a defence to a prosecution for an offence against subsection (1) if:
(a) the disruptive conduct consisted of using offensive or insulting words towards the passenger; and
(b) the defendant proves that he or she had reasonable grounds to believe that the words would not be overheard by the passenger.

136 Interference with aircraft

A person on an aircraft commits an offence if the person intentionally tampers or interferes with:
(a) the aircraft;
(b) part of the aircraft; or
(c) aircraft equipment, including smoke detectors.

Penalty: $10,000 and 12 months imprisonment.

137 Intoxicated persons

(1) A person commits an offence, if the person is intoxicated and boards an aircraft.

Penalty: $5,000.

(2) A person commits an offence, if the person is on board an aircraft and becomes intoxicated.

Penalty: $3,000.

(3) An offence against subsection (1) or (2) is a strict liability offence.

(4) For this Section, a person is intoxicated if the pilot-in-command or a crew member has reasonable grounds to believe that the person is under the influence of an intoxicating liquor or substance to such an extent that the person:
(a) is incapable of properly conducting himself or herself;
(b) actively presents a hazard to the aircraft or to other persons; or
(c) behaves in an offensive or unruly way.

(5) Subsections (1) and (2) do not apply to a person who is or becomes intoxicated:
(a) involuntarily;

(b) as a result of fraud, sudden or extraordinary emergency, accident, reasonable mistake, duress or force;
(c) from the use of a drug prescribed by a medical practitioner or dentist that was used in accordance with the directions of the medical practitioner or dentist; or
(d) from the use of a drug for which no prescription is required that was used for a purpose, and in accordance with the dosage level, recommended by the manufacturer.

(6) Intoxication caused by a drug mentioned in subsection (5)(c) or (d) is self-induced if the person was reckless about whether the drug would significantly impair the person's judgment or control.

138 Failure to comply with directions

(1) A person on an aircraft commits an offence, if:
(a) the pilot-in-command or a crew member gives a direction; and
(b) the person intentionally fails to comply with the direction.

Penalty: $5,000.

(2) Subsection (1) applies to a direction given:
(a) to the person specifically or to all passengers; and
(b) verbally or by way of a sign or other written notice.

139 Taking regulated item onto aircraft

(1) A person commits an offence if:
(a) the person intentionally takes or attempts to take an item on board an aircraft;
(b) the item is a regulated item that the person cannot lawfully carry; and
(c) the person is reckless about whether the item is a regulated item that the person cannot lawfully carry.

Penalty: $100,000 and 5 years imprisonment.

(2) Subsection (1) does not apply to a person authorised to take the item on board the aircraft under this Act or any other written law.

DIVISION 3 — AIR SAFETY OFFENCES

140 Endangering persons or property

(1) The holder of an aviation document commits an offence if:
(a) the holder intentionally engages in conduct in relation to the activity or service to which the document relates;
(b) the conduct endangers another person or property; and
(c) the holder is reckless about whether the conduct will endanger the other person or property.

Penalty: $50,000 and 2 years imprisonment.

(2) A person commits an offence if:
(a) the person engages in conduct to operate, maintain or service an aircraft, aeronautical product or aviation related service;
(b) the conduct endangers another person or property; and
(c) the holder is reckless about whether the conduct will endanger the other person or property.

Penalty: $50,000 and 2 years imprisonment.

DIVISION 4 — GENERAL OFFENCES

141 Protection of names

(1) A person commits an offence if the person operates a body corporate under a name that contains or closely resembles the following terms:
(a) Civil Aviation Authority; and
(b) Accident Investigation Commission.

Penalty: $1,500.

(2) An offence against subsection (1) is a strict liability offence.

142 Impersonation and obstruction of officials

(1) A person commits a offence, if the person intentionally impersonates a person with powers or functions under this Act.

Penalty: $10,000 and 12 months imprisonment.

(2) A person commits an offence, if the person:
(a) intentionally obstructs a person exercising powers or performing functions under this Act; and
(b) knows the person who is obstructed is acting in an official capacity.

Penalty: $10,000 and 12 months imprisonment.

143 Misleading information

(1) In this Section:

'misleading information' means information that is misleading in a material particular because it:
(a) does not include relevant information; or
(b) includes misinformation.

(2) A person commits an offence if the person:
(a) gives misleading information to another person who is exercising powers or performing functions under this Act;
(b) knows the other person is acting in an official capacity; and
(c) knows the information is misleading.

Penalty: $10,000 and 12 months imprisonment.

(3) A person commits an offence if the person:
(a) gives a document containing misleading information to another person who is exercising powers or performing functions under this Act;
(b) knows the other person is acting in an official capacity; and
(c) knows the document contains misleading information.

Penalty: $10,000 and 12 months imprisonment.

(4) Subsection (3) does not apply if the person, when giving the document:
(a) draws the misleading aspect of the document to the other person's attention; and
(b) to the extent to which the person can reasonably do so, gives the other person the information necessary to correct the document.

144 Offences in flight over foreign country

(1) A person commits an offence, if:
(a) the person is the operator or pilot-in-command of a Naoero registered aircraft in flight over a foreign country;

(b) the aircraft is used for a purpose that is detrimental to the security, public order, public health or safety of air navigation of the country; and

(c) the person is reckless about whether the aircraft will be used for that purpose.

Penalty: $30,000 and 18 months imprisonment.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A person commits an offence, if:

(a) the person is the operator or pilot-in-command of a Naoero registered aircraft in flight over a foreign country;

(b) the appropriate authority for the country gives the person a direction; and

(c) the person intentionally fails to comply with the direction.

Penalty: $30,000 and 18 months imprisonment.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Subsection (2) does not apply if the person has reasonable grounds to believe the aircraft or the people on board the aircraft would be endangered by complying with the direction.

145 Smoking on air routes – airline offences

(1) A Naoero international airline commits an offence if:

(a) it is operating a flight carrying passengers; and

(b) either:

(i) prominent notices are not displayed in the aircraft indicating that smoking is not permitted; or

(ii) an announcement is not made to passengers on the aircraft at the start of the flight advising that smoking is not permitted.

Penalty: $30,000.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) An offence against subsection (1) is a strict liability offence.

(3) A Naoero international airline commits an offence if:

(a) it is operating a flight carrying passengers;

(b) a person smokes on the flight; and

(c) the airline is reckless about whether the person is smoking on the flight.

Penalty: $30,000.

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

146 Failure to maintain accurate records

A person commits an offence, if the person:

(a) is required under this Act to:

(i) make an accurate entry in a record;

(ii) maintain an accurate record; or

(iii) produce an accurate record;

(b) does not comply with the requirement; and

(c) is reckless about whether the person has complied with the requirement.
Penalty: $2,500.

[The next page is 242,801]

PART 12 — LEGAL AND ADMINISTRATIVE MATTERS

DIVISION 1 — CIVIL LIABILITY

147 Protection from liability

(1) In this Section:

'exercise' of a power, includes the purported exercise of the power; and

'performance' of a function, includes the purported performance of the function.

(2) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function under this Act.

148 Nuisance and trespass

(1) This Section applies to an aircraft operated in accordance with this Act.

(2) A person may not bring an action for:

(a) nuisance in relation to the noise or vibration caused by the aircraft or aircraft engines at the aerodrome if the noise or vibration is of a kind permitted by the rules; or

(b) nuisance or trespass only because of the flight of the aircraft over property at a height above the ground that, having regard to wind, weather and all other relevant circumstances, is reasonable.

149 Responsibility for loss or damage

(1) A person may recover damages from the owner of an aircraft without the person proving negligence, intention or another cause of action if the person suffers material loss or damage in the Republic caused by:

(a) the aircraft taking off, in flight or landing; or

(b) a person or thing falling from the aircraft taking off, in flight or landing.

(2) Subsection (1) does not apply if the damage or loss was contributed to by the fault of the person who suffered the damage or loss.

(3) Where the aircraft was being operated by a person other than the owner at the time the loss or damage occurred, the owner is entitled to be indemnified by the other person against a claim for loss or damage.

DIVISION 2 — CRIMINAL LIABILITY

150 Elements of an offence

(1) Subject to Section 155, an offence against this Act consists of physical elements and fault elements.

(2) A physical element of an offence against this Act may be:

(a) conduct;

(b) a result of conduct; or

(c) a circumstance in which conduct, or a result of conduct, happens.

(3) A fault element for a particular physical element of an offence against this Act may be intention, knowledge, recklessness or negligence.

151 Conduct and engaging in conduct

(1) A conduct is an act, an omission to perform an act or a state of affairs.

(2) To engage in conduct is to:

(a) perform an act; or

(b) omit to perform an act.

152 Intention

(1) A person has intention in relation to conduct if the person means to engage in that conduct.

(2) A person has intention in relation to a result if the person means to bring it about or is aware that it will happen in the ordinary course of events.

(3) A person has intention in relation to a circumstance if the person believes that it exists or will exist.

153 Knowledge

A person has knowledge of a result or circumstance if the person is aware that it exists or will exist in the ordinary course of events.

154 Recklessness

(1) A person is reckless in relation to a result if:

(a) the person is aware of a substantial risk that the result will happen; and

(b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.

(2) A person is reckless in relation to a circumstance if:

(a) the person is aware of a substantial risk that the circumstance exists or will exist; and

(b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.

(3) The question whether taking a risk is unjustifiable is one of fact.

(4) Where recklessness is a fault element for a physical element of an offence, proof of intention, knowledge or recklessness satisfies the fault element.

155 Strict liability offences

(1) Where a provision of this Act provides that an offence is a strict liability offence:

(a) there are no fault elements for any of the physical elements of the offence; and

(b) the defence of mistake of fact under the *Crimes Act 2016* applies.

[subs (1) am Act 18 of 2016 Sch 2 item 5, opn 12 May 2016]

(2) The existence of strict liability does not make any other defence unavailable.

DIVISION 3 — DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES

156 Privileges and immunities not affected

This Act does not affect an immunity or privilege that is conferred under the *Diplomatic Privileges and Immunities Act 1976* or the *Consular Privileges and Immunities Act 1976*.

157 Ministerial directions

The Minister may make directions about the application of this Act to persons accorded a privilege or immunity under an Act mentioned in Section 156.

DIVISION 4 — OFFENCE PROCEEDINGS

158 Penalty for offence committed by body corporate

(1) This Section applies to a provision of this Act prescribing a fine for an offence.

(2) The fine is the fine for an individual.

(3) Where a body corporate is found guilty of the offence, the court may impose a fine of an amount equal to 5 times the fine for an individual.

[subs (3) am Act 18 of 2011 s 3 and Sch[3], opn 3 Nov 2011]

159 Liability of executive officers of body corporate

(1) In this Section:

'executive officer', of a body corporate, means a director or other person who is concerned with or takes part in the management of the body corporate.

(2) Where a body corporate commits an offence against this Act (the ***'principal offence'***), each executive officer of the body corporate:
(a) commits an offence (the ***'secondary offence'***); and
(b) is liable to the penalty applicable to an individual who commits the principal offence.

(3) It is a defence for an executive officer to establish that:
(a) the officer did not know, and could not reasonably have been expected to know, the principal offence would be or was being committed; or
(b) the officer exercised due diligence to prevent the commission of the principal offence.

(4) The executive officer may be found guilty of the secondary offence even though the body corporate has not been charged with, or found guilty of, the principal offence.

(5) This Section does not affect the liability of the body corporate for the principal offence.

160 Evidence of certain matters and documents

In any proceedings for an offence against this Act, unless the contrary is proved, the following provisions apply:
(a) a copy of an aviation document certified by the Director to be a true copy of the document is evidence of the document and its contents;
(b) a certificate about the contents of the Register or the Registry given by the chairperson is evidence of anything stated in it;
(c) a certificate signed by the Director stating that, on a specified date, a person was or was not the holder of an aviation document is evidence of the matter certified; and
(d) it is presumed that a certificate purporting to have been signed by the Director or chairperson has been correctly signed.

161 Offences outside the Republic

(1) This Section applies if:
  (a) the holder of an aviation document is outside the Republic;
  (b) the holder is exercising or purporting to exercise privileges under the document;
  (c) the holder engages in conduct that would constitute an offence under this Act if the holder engaged in the conduct in the Republic; and
  (d) the conduct is not required to comply with a law of another State.

(2) The holder of the document is taken to have committed the offence under this Act and is liable as if the holder had engaged in the conduct in the Republic.

DIVISION 5 — APPEALS

162 Interpretation

(1) An ***'information notice'***, for a decision, is a written notice to a person specifying the following:
  (a) the decision;
  (b) subject to Section 36(5), the reasons for the decision; and
  (c) that the person may appeal to the Supreme Court against the decision within 28 days after receiving the notice.

(2) A ***'proposed decision notice'***, for a proposed decision, is a written notice to a person about the proposed decision specifying the following:
  (a) the proposed decision;
  (b) subject to Section 36(5), the reasons for the proposed decision; and
  (c) that the person may make written submissions to the person giving the notice about the proposed decision within 21 days after receiving it.

163 Who may appeal

(1) A person who is entitled to be given an information notice for a decision may appeal to the Supreme Court against the decision.

(2) The appeal shall be started within 28 days after:
  (a) if the person receives an information notice for the decision, the day the person receives the notice; or
  (b) if paragraph (a) does not apply, the day the person becomes aware of the decision.

(3) The notice of appeal shall state fully the grounds on which the appeal is made.

164 Operation and implementation of decision

(1) The appeal does not affect the operation or implementation of the decision.

(2) The Court may make an order staying or otherwise affecting the operation or implementation of so much of the decision as the Court considers appropriate to effectively hear and decide the appeal.

(3) The order:
  (a) is subject to any conditions stated in it; and
  (b) has effect:
    (i) for the period stated in it; or

(ii) if no period is stated, until the Court has decided the appeal.

165 Decision on appeal

The Court shall make an order:

(a) confirming the decision; or

(b) referring the matter back to the original decision maker with directions to reconsider the whole or any specified part of the matter.

166 Costs

At the hearing of the appeal, the Court may make any order as to costs it considers appropriate.

[The next page is 243,001]

PART 13 — POWERS OF DELEGATION

167 Delegation of Minister's powers and functions

(1) The Minister may delegate any of the Minister's powers or functions under this Act, other than the power to make ordinary rules, to the Authority.

(2) The Minister's power of delegation includes the power to delegate the power of delegation.

168 Delegation of Authority's powers and functions

The Authority may delegate any of its powers or functions under this Act to:

(a) a member of the staff of the Authority; or

(b) with the written consent of the Minister, another person.

169 Delegation of Director's powers and functions

The Director may, with the written consent of the Minister, delegate any of the Director's powers and functions under this Act, except the power to impose sanctions in relation to an aviation document.

170 How delegation may be made

(1) A power or function may be delegated under this Part to a person:

(a) by name;

(b) of a specified class;

(c) by reference to the office, position or designation held or occupied by the person; or

(d) from time to time holding, acting in or performing the duties of a named office, designation or position.

(2) A power or function may be delegated under this Part to a person who is not employed or engaged by the Republic.

[The next page is 243,201]

171 General regulation power

(1) The Cabinet may make regulations under this Act prescribing matters:
  (a) required or permitted by this Act to be prescribed; or
  (b) necessary or convenient to give effect to this Act.

(2) Without limiting subsection (1), the Cabinet may make regulations:
  (a) prescribing and providing for the payment of fees and charges under this Act, including fees and charges:
    (i) to fund the establishment, maintenance and operation of facilities and services provided under this Act, or generally for the purposes of civil aviation;
    (ii) for the exercise of powers and functions under this Act; and
    (iii) for a service provided under this Act, or generally for the purposes of civil aviation, that shall be paid directly to a person other than the Authority or the Republic who is authorised under this Act to provide the service;
  (b) prescribing contraventions of the rules that constitute offences against this Act;
  (c) prescribing a penalty for an offence against the regulations or prescribed under paragraph (b) of up to $6,000 for an individual or $30,000 for a body corporate;
  (d) prescribing forms for use under this Act;
  (e) providing for the functioning of the Authority or a Commission;
  (f) about the provision of aviation security;
  (g) giving a person discretion to decide a matter; and
  (h) providing for:
    (i) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act;
    (ii) the service and enforcement of a notice relating to payment of the amount on a person alleged to have committed the offence; and
    (iii) the particulars that shall be included in the notice.

[subs (2) am Act 8 of 2011 Sch 1[33], opn 15 Apr 2011]

(3) Regulations may make different provision in relation to different matters or classes of matters.

(4) Where a regulation is inconsistent with a rule, the regulation prevails to the extent of the inconsistency.

172 Incorporation of international agreements

(1) The Cabinet may make regulations incorporating an international civil aviation or meteorological agreement to which the Republic is a party.

(2) On notification of the regulations, the agreement is taken to be part of the regulations except to the extent of any inconsistency.

(3) The agreement may be incorporated into the regulations by reference.

(4) An agreement incorporated by reference may be incorporated as in force at a particular time or from time to time.

DIVISION 2 — RULES

Subdivision 1 — General provisions

173 Matters to be taken into account in making rules

(1) A person shall not make a rule that is inconsistent with:
(a) the standards of ICAO relating to civil aviation safety and security; or
(b) the Republic's international obligations relating to civil aviation safety and security.

(2) A person making a rule shall have regard to the following:
(a) the recommended practices of ICAO relating to civil aviation safety and security;
(b) the nature and level of risk of the activity or service for which the rule is made;
(c) the level of risk involved in civil aviation safety and security in the Republic in general;
(d) the need to maintain civil aviation safety and security; and
(e) the costs of implementing civil aviation safety and security measures.

174 Incorporation by reference

(1) A rule may incorporate another document by reference.

(2) A document incorporated into a rule by reference:
(a) forms part of the rule; and
(b) may be incorporated as in force at a particular time or from time to time.

Subdivision 2 — Ordinary rules

175 Minister may make ordinary rule

(1) The Minister may make a rule (an ***'ordinary rule'***) for the following:
(a) the implementation of the Republic's obligations under the *Convention*;
(b) the provision of services under this Act;
(c) any matter incidental to the functions of the Authority, the Director or the Minister under this Act; and
(d) any other matter necessary or convenient for the operation of the civil aviation system.

(2) An ordinary rule may be made:
(a) generally;
(b) for different classes of aircraft, aerodromes, aeronautical products, aeronautical procedures or aviation related services; or
(c) for the same class of aircraft, aerodrome, aeronautical product, aeronautical procedure or aviation related service in different circumstances.

(3) An ordinary rule may give a person discretion to decide a matter.

(4) It is not an offence to contravene an ordinary rule unless the offence is prescribed by regulations.

176 Notice of intention to make ordinary rules

Before making an ordinary rule, the Minister shall:

(a) publish a Gazette notice:

(i) specifying the Minister's intention to make the rule; and

(ii) inviting written submissions about the proposed rule within a reasonable time at least 21 days after the notice is published; and

(b) consider any submissions received in response to the notice.

177 Procedure for making ordinary rules by adoption

(1) The Minister may make an ordinary rule by adopting, with or without modification, a foreign rule as in force or existing:

(a) at a specified time; or

(b) from time to time.

(2) An adopted rule remains in force in the Republic even if the foreign rule ceases to have force in the country of its origin unless it is repealed in the Republic.

(3) The Minister shall publish an adopted rule in the Gazette with the following:

(a) a statement (an ***'adoption statement'***):

(i) identifying the foreign rule by the country of its origin and its title in the country of its origin; and

(ii) specifying the title of the rule in the Republic;

(iii) specifying the date the rule commences in the Republic; and

(iv) specifying whether future amendments to the foreign rule will apply to the adopted rule; and

(b) a statement (an ***'interpretation statement'***) containing any modifications, directions and information necessary to apply and interpret the rule in the Republic.

(4) The adoption statement or interpretation statement may be amended by the Minister after the rule has commenced by publishing the amended statement in the Gazette.

(5) A reference in an adopted rule to anything in the country of the rule's origin that is not in existence in the Republic is taken to be a reference to the corresponding or closest equivalent thing in the Republic.

Subdivision 3 — Emergency rules

178 Power to make emergency rules

(1) The Director may make a rule (an ***'emergency rule'***) necessary to alleviate or minimise a serious risk to persons or property.

(2) The Director shall not make an emergency rule unless it is impracticable in the circumstances for the Minister to make an ordinary rule to effectively alleviate or minimise the risk concerned.

(3) The Minister may revoke an emergency rule.

179 Procedure for making emergency rules

(1) An emergency rule shall:

(a) be signed by the Director; and

(b) contain a statement specifying the objectives of the rule.

(2) An emergency rule shall be notified under the *Interpretation Act 2011* in the same way as an ordinary rule.

[subs (2) am Act 18 of 2011 s 3 and Sch 1[4], opn 3 Nov 2011]

(3) An emergency rule may remain in force for up to 90 days unless it is renewed under subsection (4).

(4) An emergency rule may be renewed by the Minister for up to 180 days.

(5) The renewal of an emergency rule shall be notified in the Gazette.

(6) Where an emergency rule is inconsistent with an ordinary rule, the emergency rule prevails.

180 Contravention of emergency rule

A person commits an offence, if:

(a) the person engages in conduct;

(b) the conduct results in a contravention of an emergency rule; and

(c) the person is reckless about whether the conduct will result in the contravention.

Penalty: $2,500.

Subdivision 4 — Exemptions

181 Power of exemption

(1) The Minister may exempt a person, aircraft, aeronautical product, aerodrome or aviation related service from a requirement under a rule.

(2) Before granting an exemption, the Minister shall be satisfied that:

(a) the requirement has been substantially complied with and further compliance is unnecessary;

(b) the action taken or provision made in respect of the matter to which the requirement relates is at least as effective as actual compliance with the requirement;

(c) the requirement is clearly unreasonable, unnecessary or inappropriate in the particular case; and

(d) the risk to safety will not be significantly increased by granting the exemption.

(3) An exemption granted under subsection (1) shall be notified in the Gazette.

(4) An exemption may not be granted in relation to a rule that expressly provides that no exemptions may be granted.

[The next page is 243,401]

PART 15 — REPEALS AND TRANSITIONAL MATTERS

DIVISION 1 — REPEAL

182 Repeal

The following Acts are repealed:

(a) the *Air Navigation Act 1971* (Act No. 7 of 1971);

(b) the *Air Navigation (Amendment) Act 1973* (Act No. 9 of 1973); and

(c) the *Air Navigation (Amendment) Act 1977* (Act No. 4 of 1977).

DIVISION 2 — CONSEQUENTIAL AMENDMENTS

183 Amendment of Acts

The Schedule amends the Acts mentioned in it.

DIVISION 3 — TRANSITIONAL MATTERS

184 Definitions

In this Division:

'commencement date' means the date on which Section 182 commences;

'previous Authority' means the Civil Aviation Authority established under Section 3 of the repealed Act; and

'repealed Act' means the *Air Navigation Act 1971* as in force immediately before the commencement date.

185 References to Authority

A reference to the Civil Aviation Authority in an Act or other document in force immediately before the commencement date is taken to be a reference to the Authority.

186 Membership of Authority

(1) Where the Cabinet does not appoint members of the Authority under Section 13(1)(b) on or before the commencement date, the Authority is taken to be constituted by the Minister.

(2) The Cabinet shall appoint members of the Authority under Section 13(1)(b) within 12 months after the commencement date.

187 Staff of Authority

(1) A member of the staff of the previous Authority immediately before the commencement date is taken to be a member of the staff of the new Authority on the commencement date.

(2) Subsection (1) does not affect the power of the Chief Secretary to transfer, dismiss or retire the member of staff under the *Public Service Act 2016*.

188 Saving of regulations

Except to the extent of any inconsistency with this Act, the following continue in force as if made under this Act until expressly repealed or revoked:

(a) a regulation made under the repealed Act and in force immediately before the commencement of this Act; and

(b) a rule, order, direction, notice or other publication made or issued under the repealed Act.

189 Saving of documents

An aviation document, licence, rating, certificate, permit, authorisation, approval or other document (a ***'document'***) issued under the repealed Act and in force immediately before the commencement date continues in force as if issued under this Act until the earlier of the following:

(a) the expiry of the document;

(b) 12 months after the commencement date.

190 Saving of delegations

A delegation of powers or functions made by the Minister under the repealed Act and in force immediately before the commencement date continues in force as if made in relation to corresponding powers or functions under this Act.

191 General transitional provision

(1) Where anything of a kind required or permitted to be done under a provision of this Act was done under a corresponding provision of the repealed Act and still had effect immediately before the commencement date, the thing continues in effect on and after that date as if:

(a) this Act had been in force when it was done; and

(b) it had been done under this Act.

(2) Without limiting subsection (1), if a provision of the repealed Act that corresponds to a provision of this Act would, but for its repeal, have applied in relation to anything done or being done or in existence before the commencement date, the corresponding provision of this Act applies (with the necessary changes) in relation to the thing.

192 Transitional regulations

(1) The regulations may make provision (a ***'transitional regulation'***) about a matter for which:

(a) it is necessary to make provision for the transition from the operation of the repealed Act to this Act; and

(b) this Act does not make provision or sufficient provision.

(2) A transitional regulation may have retrospective operation to a date not earlier than the commencement date.

(3) However, to the extent a transitional regulation has retrospective operation, it does not operate to the disadvantage of a person, other than the Republic, by adversely affecting the person's rights or imposing liabilities on the person.

(4) This Section expires 12 months after the commencement date.

[The next page is 243,601]

SCHEDULE

[Section 183]

AMENDMENT OF ACTS

[1] **Patents Registration Act 1973**

1.1 Section 18(2)

omit

[2] **Telecommunications Act 2001**

2.1 Section 3, definition **'foreign aircraft'**

omit

Air Navigation Act 1971

substitute

Civil Aviation Act 2010

[The next page is 248,001]

Air Navigation Regulations 1973

TABLE OF PROVISIONS

Regulation *Title*

PART 1 — PRELIMINARY

1 Citation
2 Interpretation
3 Application of these Regulations
4 Administration of these Regulations
5 Appointment of authorised persons

PART 2 — REGISTRATION AND MARKING OF AIRCRAFT

DIVISION 1 — REGISTRATION OF AIRCRAFT

6 Register and certificates of registration
7 Declaration by applicant
8 Refusal to register an aircraft
9 Transfer of interest etc, by holder of certificate of registration
10 Cancellation of registration of Naoero aircraft
11 Register of Naoero aircraft to be available to interested persons
12 Existing certificates of registration
13 Foreign aircraft not to be registered
14 Nationality of aircraft

DIVISION 2 — MARKING OF AIRCRAFT

15 Nationality and registration marks
16 Location of marks
17 Type and measurements of letters for marks
18 Marking of certain aircraft
19 Advertisements and owner's marks

PART 3 — AIRWORTHINESS REQUIREMENTS

DIVISION 1 — DESIGN STANDARDS AND CERTIFICATES OF TYPE APPROVAL

20 Design standards
21 Certificate of type approval
22 Notification in respect of types of aircraft etc
23 Issue of design standard, etc, on basis of design standard issued in another country

Regulation *Title*

DIVISION 2 — CERTIFICATES OF AIRWORTHINESS

24 Certificates of airworthiness of Naoero aircraft
25 Conditions of certificates of airworthiness
26 Suspension or cancellation of a certificate of airworthiness
27 Owner or operator to pass information to other persons

DIVISION 3 — FOREIGN OPERATORS

28 Damage etc, to a foreign aircraft

DIVISION 4 — CERTIFICATES OF APPROVAL AND AIRCRAFT MAINTENANCE ENGINEERS LICENCES

29 Certificates of approval
30 Aircraft maintenance engineer licences
31 Period of operation of certificates and licences
32 Testing of competence of holder of licence

DIVISION 5 — MAINTENANCE

33 Systems of certification of completion of activities
34 Approval of design of modification or repair
35 Approval of aircraft components for use as replacements
36 Adoption of certain foreign approvals
37 Permissible unserviceabilities
38 Requirements for the maintenance of Naoero aircraft
39 Maintenance of Naoero aircraft in the Republic and certain other countries
40 Use of aircraft material in the servicing, etc, of Naoero aircraft
41 Maintenance of Naoero aircraft in other countries
42 No certification unless aircraft component, etc, is serviceable
43 Maintenance releases in respect of Naoero aircraft
44 Conditions with respect to maintenance releases
45 Suspension or cancellation of maintenance release
46 Owner or operator to pass information to other persons
47 Maintenance release to cease to be in force
48 Maintenance release to recommence to be in force
49 Permissible unserviceabilities to be endorsed on maintenance release
50 Defects and major damage to be endorsed on maintenance release
51 Defects in Naoero aircraft to be reported
52 Defects in aircraft components to be reported
53 Investigation of defects in Naoero aircraft
54 Records relating to maintenance etc, to be kept
55 Directions, etc, of other authorities applied

PART 4 — LICENCES AND RATINGS OF OPERATING CREW

56 Members of flight crew to be licenced
57 Classification of licences and ratings
58 Privileges and limitations according to the category of licence held
59 Duration of licences

Regulation *Title*
60 Duration of ratings
61 Ages of applicants for licences
62 Proof of identity
63 Medical standards
64 Temporary medical unfitness of persons holding licences
65 Aeronautical knowledge, experience and skill
66 Pilot licence to be in respect of particular types and categories of aircraft
67 Endorsement of radio operator licences with types of aircraft and equipment
68 Renewal of licences and ratings
69 Recent experience
70 Flight time limitations on holders of private pilot licences
71 Flight time limitations on holders of other licences
72 Re-examination of holders of licences and ratings
73 Licences or certificates issued by authorities outside the Republic

PART 5 — PERSONAL LOG BOOKS AND NAVIGATION LOGS

74 Personal log books
75 Navigation logs
76 Form of log books and logs
77 Retention of log books and logs
78 Directions under this Part

PART 6 — RADIO SYSTEMS FOR USE IN, OR IN CONNECTION WITH, AIRCRAFT

79 Equipment of Naoero aircraft with radio systems
80 Use and operation of radio systems by Naoero aircraft
81 Use and operation of radio systems by Naoero aircraft
82 Directions under this Part

PART 7 — AERODROMES, FACILITIES AND SERVICES

83 Use of aerodromes and facilities by aircraft of parties to Chicago Convention
84 Dangerous lights
85 Removal or marking of hazards to air navigation
86 Dumping of rubbish
87 Functions of the air traffic control service
88 Designation of airspace
89 Compliance with air traffic control clearances and instructions
90 Procedure when air traffic control not in operation
91 Air traffic controller to be specially authorised or licenced
92 Classification of ratings
93 Qualifications for grant of air traffic controller licence
94 Temporary medical unfitness
95 Duration of ratings
96 Re-examination of holders of licences and ratings
97 Licence issued by authority of another country

Regulation *Title*
98 Provision of meteorological information
99 Weather reports only of approved persons to be used in planning
100 Search and rescue service to be operated as provided for in Chicago Convention
101 Functions of fire fighting service
102 Charges for carriage on public transport aircraft
103 Timetables
104 Statistical returns

PART 8 — CONDITIONS OF FLIGHT

105 Naoero aircraft and unregistered aircraft
106 Application of provisions with respect to certain flights
107 Foreign aircraft
108 Pilotless aircraft
109 Flight manual
110 Documents to be carried by Naoero aircraft
111 Ticket to be produced on demand
112 Dangerous Goods
113 Carriage of firearms
114 Emergency authority
115 Liability for neglect of rules regarding lights, etc
116 Naoero aircraft over foreign countries
117 Negligent, etc, operation of aircraft
118 Towing
119 Dropping of articles
120 Picking-up articles
121 Parachute descents
122 Flight under simulated instrument flying conditions
123 Flight instruction to a student for solo flying
124 Acrobatic flying
125 Low flying
126 Reports at designated points or intervals
127 Procedure on radio failure

PART 9 — RULES OF THE AIR

DIVISION 1 — GENERAL

128 Interpretation
129 Right of way
130 Rules for prevention of collision
131 Operation in proximity to other aircraft

DIVISION 2 — OPERATION ON AND IN THE VICINITY OF AERODROMES

132 Responsibility for compliance with rules of this division
133 Temporary suspension of rules
134 Operation on and in the vicinity of an aerodrome

Regulation *Title*
135 Procedure for use of an aerodrome
136 Prevention of collisions at sea

DIVISION 3 — VISUAL FLIGHT RULES

137 Interpretation
138 V.F.R. Flight
139 V.F.R. flights at less than 5,000 feet
140 V.F.R. flights at or above 5,000 feet
141 Determination of visibility

DIVISION 4 — INSTRUMENT FLIGHT RULES

142 I.F.R. flight
143 Qualification of pilot in command
144 Equipment of aircraft for I.F.R. flight
145 Approved instrument approach procedures to be used
146 Cruising levels for I.F.R. flights
147 Provisions of this Division not in force until notified

PART 10 — SIGNALS FOR THE CONTROL OF AIR TRAFFIC

DIVISION 1 — AERODROME TRAFFIC

148 Use of prescribed signals
149 Responsibility for compliance with this Part
150 Two-way radio-telephone communication
151 Visual signals
152 Pilot in command to maintain look-out for visual signals
153 Light signals
154 Pyrotechnic signals
155 Ground signals

DIVISION 2 — EMERGENCY SIGNALS

156 Transmission of signals
157 Distress signals
158 Urgency signals
159 Safety signal

DIVISION 3 — LIGHTS TO BE DISPLAYED BY AIRCRAFT

160 Compliance with rules as to lights
161 Aeroplanes in flight or on aerodromes

PART 11 — AIR SERVICE OPERATIONS

DIVISION 1 — CLASSIFICATION AND LICENCING OF OPERATIONS

162 Classification of operations and aircraft
163 Requirements according to operations on which aircraft is to be used
164 Number of operating crew
165 Private operations

Regulation *Title*

166 Aerial work licence
167 Charter licence
168 Airline licence
169 Conditions of issue for certain licences
170 Form and consolidation of licences
171 Duration renewal and review of licences
172 Cancellation or suspension of licences
173 Arrangement under which service may be operated by person other than licencee
174 Exemption from necessity to obtain airline licence
175 Advertisement of certain services prohibited

DIVISION 2 — REQUIREMENTS TO ENSURE THE SAFETY OF COMMERCIAL OPERATIONS

176 Interpretation
177 Organisation
178 Training of maintenance personnel
179 Operations manual
180 Flight time records
181 Training and checking organisation
182 Route qualifications required in certain cases
183 Co-pilot qualifications
184 Fuel instructions and records
185 Facilities and safety devices for public
186 Proving Tests

DIVISION 3 — CONDUCT OF OPERATIONS

187 Operator to ensure flight crew, etc, familiar with relevant foreign laws, etc
188 Pilot in command
189 Pilots at controls
190 Dual controls
191 Admission to crew compartment
192 Unauthorised persons not to manipulate controls
193 Aircraft not to be taxied except by pilot
194 Starting up aircraft engines
195 Flight check system
196 Responsibility of pilot in command before flight
197 Fuel requirements
198 Take-off and landing of aircraft
199 Flights under visual flight rules
200 Flights under instrument flight rules
201 Icing conditions
202 Planning of flight by pilot in command
203 Flight plans: approval by air traffic control unit
204 Flight plans: submission to air traffic control unit
205 Testing of radio apparatus

Regulation *Title*
206 Listening watch
207 Safety precautions before take-off
208 Tests before and during the take-off run
209 Movement on manoeuvring area
210 Meteorological conditions observed en route
211 Reporting of defects

DIVISION 4 — GENERAL PROVISIONS RELATING TO THE OPERATION OF AIR CRAFT

212 Prohibition of carriage of passengers on certain flights
213 Carriage on wings, undercarriage etc
214 Seat belts and safety harness
215 Provision of emergency systems, etc
216 Emergency and life-saving equipment
217 Exits and passageways not to be obstructed
218 Smoking in aircraft
218A Disposal of smoking materials
218B Duty to take action on detection of smoking
219 Intoxicated persons
220 Aerodrome meteorological minima
221 Flights over water
222 Carriage of examiners

PART 12 — REFUSAL TO GRANT, AND SUSPENSION AND CANCELLATION OF, LICENCES AND CERTIFICATES

223 Interpretation
224 Refusal to grant licence or certificate
225 Suspension of licence for purpose of examination
226 Cancellation at request of holder
227 Suspension of licence or certificate pending investigation
228 Variation, suspension or cancellation of licence, etc
229 Effect of effluxion of time on suspended or cancelled licence, etc
230 Entries relating to suspensions and cancellations
231 Liability for expense arising out of cancellation or suspension of licence, etc
232 Giving of notice

PART 13 — ACCIDENT INQUIRY

DIVISION 1 — PRELIMINARY

233 Interpretation

DIVISION 2 — NOTIFICATION

234 Accidents to be reported
235 Particulars to be given
236 Country of registration to be notified of accident
237 Incidents to be reported

Regulation *Title*

DIVISION 3 — CUSTODY PROTECTION AND REMOVAL OF AIRCRAFT

238 Removal of, or interference with, aircraft
239 Aircraft, etc, of other countries to remain undisturbed if requested
240 Release of aircraft, etc, from custody of the Authority

DIVISION 4 — ACCIDENT INVESTIGATION

241 Authorisation of investigation
242 Powers of investigator
243 Persons who may be charged, etc, to be permitted to give evidence, etc
244 Witnesses
245 Report by investigator
246 Report, etc, to be tabled in Parliament

DIVISION 5 — ACCIDENTS TO AIRCRAFT REGISTERED IN OTHER COUNTRIES

247 Investigation and inquiries into accidents to aircraft registered in other countries

DIVISION 6 — ACCIDENTS AND INCIDENTS OUTSIDE THE REPUBLIC

248 Investigation of accidents to Naoero aircraft outside Naoero
249 Furnishing information to another country conducting investigation

DIVISION 7 — BOARDS OF ACCIDENT INQUIRY

250 Minister may appoint Board of Accident Inquiry to inquire into accident
251 Constitution of Board of Accident Inquiry
252 Secretary of Board of Accident Inquiry
253 Proceedings before Board of Accident Inquiry
254 Chairperson may summon witnesses
255 Report of Board of Accident Inquiry
256 Inquiry may be extended or reopened
257 Report to be tabled in Parliament and may be published
258 Protection of Chairperson and assessors
259 Service of summons, etc

PART 14 — OFFENCES

260 Offences in relation to licences and certificates
261 False statements
262 Interference with crew or aircraft
263 Stowaways
264 Power of court to order returns, etc, to be furnished
265 Detention of aircraft
266 Creation of fire hazard
266A Duties of aerodrome operator
267 Stationary aircraft within precincts of aerodrome
268 Damaged aircraft on movement area to be reported
269 Removal of aircraft from movement area
270 Posters, signs and advertisements within precincts of aerodrome

Regulation	*Title*
271	Prohibition of entry, etc, to aerodrome without Authority
271A	General penalties
272	No offence if required notice not given
273	Limit on time for commencing prosecution
	PART 15 — EVIDENCE
274	Certificates as to certain facts
	PART 16 — MISCELLANEOUS
275	Application for licences, etc
276	Change of address
277	Surrender of documents
278	Production of licences, etc
279	Licences, etc, subject to conditions
280	Liability for damage to aircraft during official tests
281	Breach of statutory duty by the Authority not to be actionable per se
282	Military aircraft
283	No flying school to be established in the Republic
284	Procedure and evidence in appeals to the Cabinet
285	Fees
286	Powers of pilots in command
287	Certain licences, etc, to be deemed to have been issued under these Regulations
288	Existing licences, etc, to continue in force
289	Interpretation
	SCHEDULE — FEES

[The next page is 248,201]

Air Navigation Regulations 1973

TABLE OF AMENDMENTS

The Air Navigation Regulations 1973 were made and commenced on 18 June 1973.*

Amending Legislation	Notified	Date of Commencement
Air Navigation (Amendment) Regulations 1990 GN No 508/1990	28 November 1990	28 November 1990
Air Navigation (Amendment) Regulations 1991 GN No 291/1991	17 July 1991	17 July 1991
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Civil Aviation (Offences) Regulations 2026 SL 19	30 April 2026	reg 31: 30 April 2026
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

* These Regulations were made under the *Air Navigation Act 1971*, but continue in force under the *Civil Aviation Act 2011* as if made under that Act until replaced or repealed (see *Civil Aviation Act 2011* s 188).

[The next page is 248,401]

IN EXERCISE of the powers conferred on it by Section 34 of the *Air Navigation Act 1971*, the Cabinet has made the following Regulations:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Air Navigation Regulations 1973*.

2 Interpretation

(1) In these Regulations:

'acrobatic flight' means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude or an abnormal variation in speed;

'adopted in pursuance of the Convention' means adopted by the International Civil Aviation Organization in pursuance of Article 37 of the *Chicago Convention*;

'aerial work aircraft' means an aircraft employed in aerial work operations as specified in Regulation 162;

'aerodrome control service' means an air traffic control service for aerodrome traffic;

'aerodrome meteorological minima' means the minimum heights of cloud base and minimum values of visibility which are determined in pursuance of Regulation 220 for the purpose of determining whether an aerodrome may be used for takeoff or landing;

'aerodrome traffic' means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

'aerodyne' means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air;

'Aeronautical Information Publications' or ***'AIP'*** means the publications by which aeronautical information is supplied by the Authority under Section 5(3) of the Act;

'aeroplane' means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight;

'aircraft component' means any part or equipment for an aircraft being a part or equipment that, when fitted to, or provided in, an aircraft, may, if it is not sound or not functioning correctly, affect the safety of the aircraft or cause the aircraft to become a danger to person or property, but does not include a part or equipment of a kind that the Authority directs shall not be an aircraft component for the purposes of these Regulations;

'aircraft maintenance engineer licence' means an aircraft maintenance engineer licence in force under Regulation 30;

'aircraft material' means a material (including a fluid) for use in the manufacture, maintenance, servicing or operation of an aircraft or of an aircraft component but does not include an aircraft component;

'airline' means the operator of a regular public transport service;

'air route' means the navigable airspace between 2 points and the terrain beneath such airspace identified, to the extent necessary, for application of flight rules;

'air route facilities' means facilities provided to permit safe navigation of aircraft within the airspace of an air route, and includes visual and non-visual navigation aids along the route, visual and non-visual aids to approach and landing at aerodromes, communication services, meteorological services and Air Traffic Control services and facilities;

'air traffic' means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

'Air Traffic Control' means a service established by the Authority in pursuance of Section 19 of the Act;

'air traffic control clearance means authorisation by the air traffic control unit for an aircraft to proceed under conditions specified by the air traffic control unit;

'air traffic control instructions' means directions issued by the air traffic control unit for an aircraft to conduct its flight in the manner specified by the air traffic control unit;

'air traffic controller licence' means a licence granted under Regulation 91;

'airway' means a designated path in an air route identified by an area of specified width on the surface of the earth;

'airway facilities' means all facilities provided to permit safe navigation of aircraft within the airspace of an airway and includes visual and non-visual aids to approach and landing at aerodromes, communication services, meteorological services and air traffic control services and facilities;

'alternate aerodrome' means an aerodrome specified in the flight plan to which a flight may proceed when it becomes inadvisable to land at the aerodrome of intended landing;

'altitude' means the vertical distance of a level or a point, or an objectives considered as a point, measured from mean sea level;

'approach control service' means an air traffic control service for arriving or departing flights of aircraft;

'approved' means approved by the Authority;

'area control service' means an air traffic control service for flights of aircraft in control areas;

'authorised' means authorised by the Authority;

'authorised person', for the purposes of a provision in which that expression occurs, means:

(a) a person appointed under Regulation 5 to be an authorised person for the purposes of that first-mentioned provision; or

(b) a person included in a class of persons appointed, or deemed to have been appointed, under Regulation 5 to be authorised persons for the purposes of that first-mentioned provision;

'cargo' means things other than passengers carried in aircraft;

'centre of gravity', in relation to an aircraft at any time, means the centre of gravity of the aircraft at that time estimated in accordance with the method set out in a direction in force under Regulation 198(1);

'certificate of airworthiness' means a certificate of airworthiness in force under Regulation 25;

'certificate of approval' means a certificate of approval in force under Regulation 29;

'charter aircraft' means an aircraft employed in charter operations as specified in Regulation 162;

'commercial operation' means an air operation specified in Regulation 162, other than a private operation;

'Contracting State' means a country which is a party to the *Chicago Convention*;

'control area' means an airspace designated as a control area by the Authority in pursuance of Regulation 88;

'control zone' means an airspace designated as a control zone by the Authority in pursuance of Regulation 88;

'controlled airspace' means a control area or a control zone;

'co-pilot' means a pilot serving in any piloting capacity other than the pilot in command;

'cruising level', in relation to an aircraft in flight, means the height above ground or water, or above an atmospheric datum, at which the aircraft flies when it is not climbing or descending;

'current flight plan' means the flight plan, with any changes brought about by subsequent air traffic control clearances and air traffic control instructions;

'dangerous lights' means any lights which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of aeronautical lights or signals;

'elevation' means the vertical distance of a point or a level on or affixed to the surface of the earth, measured from mean sea level;

'examination' means an examination by way of a test of theoretical knowledge or a practical test of knowledge and skill;

'expected approach time' means the time at which it is expected that an arriving aircraft will be cleared to commence approach for a landing;

'flight crew member' means a licenced crew member charged with duties essential to the operation of an aircraft during flight time, and any reference to ***'flight crew'*** has a corresponding meaning;

'flight manual', in relation to an aircraft, means the flight manual for the

aircraft approved or issued in accordance with Regulation 109 and includes any alterations made to that flight manual in accordance with that Regulation;

'flight plan' means specified information, provided to Air Traffic Control, relative to the intended flight of an aircraft;

'flight time' means the total time from the moment at which an aircraft moves under its own power for the purpose of taking-off until the moment at which it comes to rest at the end of a flight;

'flight visibility' means the average range of visibility forward from the cockpit of an aircraft in flight;

'forecast' means a statement, made by an authorised person, of future meteorological conditions expected to exist in a given area, for a specified period of time, at the earth's surface or in the free air;

'grant', in relation to a licence or certificate, means grant of the licence or certificate, either by way of initial issue or by renewal from time to time;

'gross weight', in relation to an aircraft at any time, means the weight of the aircraft, together with the weight of all persons and goods, including fuel, on board the aircraft, at that time estimated in accordance with the method set out in a direction in force under Regulation 198(1);

'ground visibility' means the visibility at an aerodrome as reported by a meteorological observer;

'helicopter' means a heavier-than-air aircraft supported in flight by the reaction of the air on one or more normally power-driven rotors on substantially vertical axes;

'hire-purchase agreement', in relation to an aircraft, means an agreement for the bailment of the aircraft under which:

(a) the bailee may buy the aircraft; or

(b) the property in the aircraft will or may pass to the bailee,

and includes an agreement for the purchase of the aircraft by instalments, whether the agreement describes the instalments as rent or hire or otherwise, but does not include an agreement for the purchase of the aircraft where:

(i) the property in the aircraft passes absolutely at the time of the agreement to the person who agrees to purchase the aircraft; or

(ii) the purchaser is a person who is engaged in the trade or business of selling aircraft;

'holder', in relation to a licence or a certificate granted or issued under these Regulations, means a person to whom the licence or the certificate has been granted or issued;

'horizontal plane', in relation to an aeroplane, means the plane containing the longitudinal axis and perpendicular to the plane of symmetry of the aeroplane;

'I.F.R.' is the symbol used to designate the Instrument Flight Rules prescribed in Part 9;

'I.F.R. flight' means a flight conducted in accordance with the Instrument Flight Rules prescribed in Part 9;

'I.F.R. operation' means an operation conducted in accordance with the Instrument Flight Rules prescribed in Part 9;

'I.M.C' is the symbol used to designate meteorological conditions other than those designated by the symbol "V.M.C.";

'instrument approach procedure' means the approved procedure to be followed by aircraft in letting down from cruising level and landing at an aerodrome;

'international air service' means an air service which passes through the airspace over the territory of more than one country;

'landing area' means the part of the manoeuvring area primarily intended for landing or take-off of aircraft;

'licenced' means licenced under these Regulations;

'maintenance' means:

(a) in relation to an aircraft:
  (i) the doing of any work, including a modification or repair, on the aircraft that may affect the safety of the aircraft or cause the aircraft to become a danger to person or property; or
  (ii) the making of a test or an inspection for the purpose of ascertaining whether the aircraft is in a fit state for flying; and

(b) in relation to an aircraft component or aircraft material:
  (i) the doing of any work including a modification or repair on the aircraft component or aircraft material that may affect its soundness or correct functioning; or
  (ii) the making of a test or an inspection for the purpose of ascertaining whether the aircraft component or aircraft material is sound or functioning correctly;

'maintenance documents', in relation to an aircraft means any of the following documents:

(a) documents issued by the Authority for the purposes of the maintenance of the aircraft; and
(b) documents issued by a person other than the Authority and approved by the Authority, or by an authorised person, for use for the purposes of the maintenance of the aircraft.

'maintenance release' means a maintenance release in force under Regulation 43;

'major damage', in relation to an aircraft, means damage of such a kind that it may affect the safety of the aircraft or cause the aircraft to become a danger to person or property;

'major defect', in relation to an aircraft, means a defect of such a kind that it may affect the safety of the aircraft or cause the aircraft to become a danger to person or property;

'manoeuvring area' means that part of an aerodrome to be used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing;

'maximum landing weight', in relation to an aircraft, means the weight set out in the certificate of airworthiness of, or the flight manual for, the aircraft as the maximum landing weight;

'maximum take-off weight', in relation to an aircraft, means the weight set out in the certificate of airworthiness of, or the flight manual for, the aircraft as the maximum take-off weight;

'meteorological information' means all classes of meteorological reports, analyses, forecasts, warnings, advices and revisions or amendments thereto which may be required in connection with the operation of air routes;

'meteorological minima' means the minimum values of meteorological elements as determined by the Authority in respect of specified types of flight operation;

'meteorological observation' means the qualitative or quantitative evaluation by instrumental or visual means of one or more meteorological elements at a place at a given time;

'meteorological observer' means a person authorised by the Authority to make or record meteorological observations;

'meteorological report' means a statement presented in plain language or in code, either orally, in written form or by telecommunication, of past or present meteorological conditions at ground level or in the free air as observed from a given place;

'mile' means nautical mile (6.080 feet);

'movement area' means the part of an aerodrome intended for the surface movement of aircraft;

'nationality mark' includes a common mark used instead of a nationality mark under a joint registration plan or an international registration plan;

'Naoero aircraft' means aircraft registered in the Republic;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'night', in relation to an aircraft at or over a place, means any time in the period between:

(a) the time ascertained by reference to the Air Almanac as the time at which civil twilight ends at that place in the afternoon on a given date; and

(b) the time ascertained by reference to the Air Almanac as the time at which civil twilight commences at that place in the forenoon of the next succeeding date;

'night flight' means flight during night;

'Notices to Airmen' or ***'NOTAMS'*** means the notices by which instructions are issued by the Authority under Section 5(3) of the Act;

'operating crew' means a person having duties on board in connection with the flying or safety of the flight of an aircraft;

'operational control' means the exercise of authority by the air traffic control unit over the initiation, continuation, diversion or termination of flight;

'operational control service' means a service:

(a) for the provision of such advice and information as may be useful for the safe and efficient conduct of flights; and
(b) for the control of the initiation, continuation, diversion or termination of flights in order to ensure the safety of aircraft operations;

'permissible unserviceability', in relation to an aircraft, means a defect in, or damage to, the aircraft of a kind approved by the Authority under Regulation 37 as a permissible unserviceability in relation to the aircraft;

'person', applied to the operator of an air service, includes an unincorporated body;

'position report' means a message, in a specified form, containing information on the position and progress of an aircraft;

'private aircraft' means an aircraft employed in private operations as specified in Regulation 162;

'public transport service' means a service for the carriage of persons or cargo for hire or reward;

'purchaser', in relation to a hire-purchase agreement, means a person who takes or has taken an aircraft from a vendor under the agreement, and includes a person to whom the purchaser's rights or liabilities under the agreement have passed by assignment or operation of law;

'regular aerodrome' means an aerodrome which is listed in the flight plan as an aerodrome of intended landing;

'regular public transport aircraft' means an aircraft employed in regular public transport operations as specified in Regulation 162;

'regular public transport service' means a service consisting of regular public transport operations as specified in Regulation 162;

'registered' means registered under these Regulations;

'reporting point' means a specified geographical location in relation to which the position of an aircraft can be reported;

'reserve time' means a period during which a flight crew member is required by an operator to hold himself or herself available for a tour of duty;

'rest period' means a period of time during which a flight crew member is relieved by an operator of all duties associated with his or her employment;

'rotorcraft' means a heavier-than-air aircraft supported in flight by the reaction of the air on one or more rotors on substantially vertical axes;

'route segment' means a route, or portion of a route, usually flown without an intermediate stop;

'servicing', in relation to an aircraft, means preparing the aircraft for flight, and includes providing the aircraft with fuel and other fluids that are necessary for its operation, but does not include any work that is maintenance;

'signal area' means a selected part of an aerodrome used for the display of ground signals so that they will be visible to aircraft in the air;

'the Act' means the *Civil Aviation Act 2011*;

'the air traffic control unit' means the unit established as part of Air Traffic Control to control the use of the airspace of, and the aerodromes in, Naoero and the movement of aircraft therein and thereon;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'the Council' means the Council of the International Civil Aviation Organization;

'tour of duty' means a period from the time at which a flight crew member commences any duties associated with his or her employment before making a flight or series of flights until the time at which he or she is finally relieved of all such duties after the termination of the flight or flights, and includes a period during which a flight crew members required by an operator to hold himself or herself available at an aerodrome for the performance of any such duties;

'track' means the projection on the earth's surface of the path of an aircraft the direction of which at any point is usually expressed in degrees from north true or magnetic;

'traffic pattern' means the path over the ground of aircraft in flight in the vicinity of an aerodrome during the execution of take-offs and landings and their paths when manoeuvring on the manoeuvring area;

'vendor', in relation to a hire-purchase agreement, means a person who lets or has let, or sells or has sold an aircraft to a purchaser under the agreement and includes a person to whom the vendor's rights or liabilities under the agreement have passed by assignment or operation of law;

'vertical plane', in relation to an aeroplane, means a plane perpendicular to the horizontal plane;

'V.F.R' is the symbol used to designate the Visual Flight Rules prescribed in Part 9;

'V. F. R. flight' means a flight conducted in accordance with the Visual Flight Rules prescribed in Part 9;

'V.F.R. operation' means an operation conducted under the Visual Flight Rules prescribed in Part 9;

'visibility' means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night; and

'V.M.C.' is the symbol used to designate meteorological conditions equal to or better than:

(a) where the flight is at a height of less than 5.000 feet, those specified in Regulation 139; or

(b) in any other case, those specified in Regulation 140.

(2) In Parts 8, 9 and 10:

'landing' includes alighting on the water and "to land" has a corresponding meaning;

'rule' means a rule prescribed by a regulation contained in any of those Parts and "the rules" has a corresponding meaning; and

'visible', in relation to lights, means visible on a dark night with a clear atmosphere.

(3) For the purposes of Parts 8, 9 and 10, an aircraft shall be deemed to be:
   (a) '***on the surface of the water***' when any part of the aircraft is in contact with the water;
   (b) '***making way***' if, being under way in the air or on the surface of the water, it has a velocity relative to the air or the water, as the case may be;
   (c) ***'under command***' when it is able to manoeuvre as required by the rules contained in the provisions of any of Parts 8, 9 and 10; and
   (d) '***under way***' if, being in the air or on the surface of the water, it is not aground or moored to the ground or to any fixed objectives on the land or in the water.

(4) Where any rule contained in the provisions of any of Parts 8, 9 and 10 contains a provision similar to that of a rule contained in the Rules of the Air adopted in pursuance of the *Convention*, but a distance which in the last-mentioned rule is expressed by kilometres, metres or centimetres, as the case may be, is in the first-mentioned rule expressed in miles, feet or inches, an aircraft which, in respect of that distance, complies with the last-mentioned rule shall also be deemed to comply with the first-mentioned rule.

(5) Unless the contrary intention appears, any reference in these Regulations to the classification of a particular aircraft shall be read as a reference to the classification of the aircraft, according to function, as a private aircraft, aerial work aircraft, charter aircraft or regular public transport aircraft, as the case may be, and any reference to a division of aircraft into classes shall have a corresponding meaning.

(6) Any reference in these Regulations to the owner of an aircraft except in Regulations 6, 9, 24, 25, 27, 39, 46, 47 or 54, shall where under a contract of hire or charter agreement the control, maintenance and operation of the aircraft is vested in the hirer, be read as reference to the hirer.

(7) A reference in these Regulations to height shall be read as a reference to:
   (a) the vertical distance of a level or a point, or if an objectives is specified, that objectives considered as a point, measured from the datum specified in connection with the reference, or where no datum is specified, measured from the ground or water; or
   (b) the vertical dimension of an objectives, as the case requires.

(8) For the purposes of these Regulations, any reference to endorsement in a licence or other document shall be read as a reference to endorsement on the document and matter shall be deemed to be endorsed on a document if it is written on any part of the document.

3 Application of these Regulations

(1) Subject to these Regulations, these Regulations apply to and in relation to:
   (a) air navigation within the Republic;
   (b) air navigation to or from the Republic.

(2) Except where otherwise prescribed, the provisions of these Regulations shall apply to and in relation to Naoero aircraft engaged in air navigation outside the Republic.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) When a Naoero aircraft is flying over the high seas, the provisions of Annex 2 to the *Chicago Convention* shall apply to and in relation to that aircraft and that flight in substitution for the corresponding provisions of these Regulations relating to the flight and manoeuvre of aircraft.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) The Authority shall notify in Aeronautical Information Publications any differences between the provisions of these Regulations relating to the flight and manoeuvre of aircraft and the provisions of Annex 2 to the *Chicago Convention*.

4 Administration of these Regulations

The Authority shall administer these Regulations.

5 Appointment of authorised persons

(1) The Authority may, by instrument in writing:

(a) appoint a person to be an authorised person for the purposes of a provision of these Regulations in which the expression "authorised person" occurs; or

(b) appoint persons included in a class of persons to be authorised persons for the purposes of a provision of these Regulations in which the expression "authorised person" occurs.

(2) An appointment under subregulation (1) may be made subject to such conditions as are specified in the instrument of appointment.

(3) Where any power or function of the Authority has been delegated by the Minister to a person or authority responsible tor the administration of the laws of another country relating to civil aviation or air navigation, every person who has been appointed by such person or authority to be an authorised person under any provision of the laws of that country similar to the provisions of this regulation shall, for the purpose of the Act and these Regulations, be deemed to be an authorised person appointed by the Authority under this regulation in respect of the exercise of that power or the performance of that function.

[The next page is 248,601]

6 Register and certificates of registration

(1) The Authority shall keep a register of Naoero aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) An application for the registration of an aircraft may be made by or on behalf of:

(a) where the aircraft is not an aircraft referred to in either of the next two following paragraphs, the owner of the aircraft;

(b) where the aircraft, not being an aircraft referred to in the next following paragraph, is the subject of a contract of hire or charter, including a hire-purchase agreement, the effect of which is that the control, maintenance and operation of the aircraft is, or is to be, vested in a party to the contract, that party; or

(c) where the aircraft, being the subject of a hire-purchase agreement is also the subject of a further contract of hire or charter between the purchaser under the hire-purchase agreement and another person the effect of which is that the control, maintenance and operation of the aircraft is, or is to be, vested in that other person, that other person.

(3) Subject to subregulation (2), an application for the registration of an aircraft may be made by or on behalf of 2 or more persons who, jointly or in common, hold an interest as owner, purchaser under a hire-purchase agreement, hirer or charterer of the aircraft and, if such an application is made, the applicants shall, in the application, nominate one of them as the person to whom the Authority should issue the certificate of registration in respect of the aircraft.

(4) The register of Naoero aircraft shall be kept in accordance with such form, and at such place or places, as the Authority determines, and shall include the following details in relation to each aircraft:

(a) the date of registration of the aircraft;

(b) a description of the aircraft;

(c) the number or other identification mark given to the aircraft by the manufacturer;

(d) the nationality and registration marks referred to in Regulation 15 with respect to the aircraft;

(e) the name and residential address or in the case of a corporation, the registered address of the owner of the aircraft;

(f) in the case of an aircraft referred to in subregulation (2)(b), the name and address of the purchaser under the hire-purchase agreement; and

(g) in the case of an aircraft referred to in subregulation (2)(c), the name and address of the hirer or charterer, as the case may be, of the aircraft.

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

(5) When an aircraft is registered in the register of Naoero aircraft the Authority or an authorised person shall issue a certificate of registration in respect of the aircraft to:

(a) the person by whom or on whose behalf the application for registration of the aircraft was made; or

(b) if there are 2 or more such persons, that one of those persons who is nominated in the application for registration of the aircraft in accordance with subregulation (3).

[subreg (5) am Act 21 of 2026 s 5, opn 12 May 2026]

7 Declaration by applicant

The Authority may require the person who makes application for the registration of an aircraft to make and subscribe a statutory declaration as to the truth of the statements set out in the application.

8 Refusal to register an aircraft

The Authority may refuse to register an aircraft if it is satisfied that the aircraft is not intended to be used as an aircraft.

9 Transfer of interest etc, by holder of certificate of registration

(1) Where the holder of a certificate of registration in respect of a Naoero aircraft:

(a) ceases to have an interest, or acquires a different interest, in the aircraft; or

(b) in the case of a holder whose certificate of registration was issued to him or her by virtue of Regulation 6(3) or subregulation (3), becomes aware that another person who had an interest as owner, purchaser under a hire-purchase agreement, hirer or charterer in the aircraft has ceased to have that interest,

the holder shall, within 2 weeks thereafter, forward to the Authority:

(c) a notification giving the nationality mark and the registration mark of the aircraft and setting out to the best of his or her knowledge:

(i) the nature of the change of interest that has occurred;

(ii) the date of the change; and

(iii) the names and addresses of the persons affected by the change; and

(d) if the certificate of registration of the aircraft is in the possession of the holder, the certificate of registration of the aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A person who has acquired an interest as owner, purchaser under a hire-purchase agreement, hirer or charterer in a Naoero aircraft shall, within 2 weeks after acquiring that interest, forward to the Authority a notification giving the nationality mark and the registration mark of the aircraft and setting out:

(a) the nature of the interest;

(b) the manner in which, and the date on which, the interest was acquired;

(c) the name and address of the previous owner of the interest; and

(d) his or her own name and address.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where a notification under subregulation (2) is forwarded by 2 or more persons who, jointly or in common, have acquired an interest as owner, purchaser under a hire-purchase agreement, hirer or charterer of a Naoero

aircraft, those persons shall, in the notification nominate one of them as the person to whom the Authority should issue the new certificate of registration in respect of the aircraft.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) Where the Authority is satisfied of the truth of a statement forwarded to him or her by a person under this Regulation in respect of an aircraft, the Authority shall:

(a) make the necessary changes in the registration in respect of the aircraft; and

(b) issue a new certificate of registration in respect of the aircraft to:

(i) where the aircraft is not an aircraft referred to in either of subparagraph (ii) or (iii), the owner of the aircraft;

(ii) where the aircraft, not being an aircraft referred to in subparagraph (iii), is the subject of a contract of hire or charter, including a hire-purchase agreement, the effect of which is that the control, maintenance and operation of the aircraft is, or is to be, vested in a party to the contract, that party; or

(iii) where the aircraft, being the subject of a hire-purchase agreement, is also the subject of a further contract of hire or charter between the purchaser under the hire-purchase agreement and another person the effect of which is that the control, maintenance and operation of the aircraft is, or is to be, vested in that other person, that other person,

being, in a case where a nomination has been made under subregulation (3), the person so nominated.

10 Cancellation of registration of Naoero aircraft

(1) Where a Naoero aircraft has been destroyed or permanently withdrawn from use, the holder of a certificate of registration in respect of the aircraft shall, within 2 weeks after he or she becomes aware of the destruction or withdrawal, forward to the Authority:

(a) a statement setting out the circumstances of the destruction or withdrawal; and

(b) if the certificate of registration of the aircraft is in his or her possession, the certificate of registration of the aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where the Authority is satisfied that a Naoero aircraft has been destroyed or permanently withdrawn from use, the Authority shall cancel the registration of the aircraft in the register of Naoero aircraft.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) The holder of a certificate of registration in respect of Naoero aircraft may, at any time, apply to the Authority for the cancellation of the registration of the aircraft in the register of Naoero aircraft, and the Authority may cancel the registration accordingly.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) An applicant under subregulation (3) shall forward to the Authority the certificate of registration of the aircraft if the certificate is in his or her possession.

[reg 10 am Act 21 of 2026 s 5, opn 12 May 2026]

11 Register of Naoero aircraft to be available to interested persons

The register of Naoero aircraft shall be made available for the information of interested persons at such times, and subject to such conditions, as the Authority directs.

[reg 11 am Act 21 of 2026 s 5, opn 12 May 2026]

12 Existing certificates of registration

A certificate of registration in respect of an aircraft in force under the laws of Naoero immediately before the commencement of these Regulations shall continue in force and shall be deemed for the purposes of the Act and of these Regulations to be a certificate issued under these Regulations.

[reg 12 am Act 21 of 2026 s 5, opn 12 May 2026]

13 Foreign aircraft not to be registered

An aircraft shall not be registered under these Regulations if it is a foreign aircraft.

14 Nationality of aircraft

(1) Where an aircraft is registered under these Regulations, it has Naoero nationality.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where an aircraft is registered in any other country, it has the nationality of that country.

(3) Where an aircraft is registered under a joint registration plan or an international registration plan, it shall to the extent set out in the Resolution on Nationality and Registration of Aircraft Operated by International Operating Agencies adopted by the Council on the fourteenth day of December 1967, by a determination made in pursuance of Article 77 of the *Chicago Convention* be deemed to have the nationality of each of the countries that constitute the international operating agency by which the aircraft is operated.

DIVISION 2 — MARKING OF AIRCRAFT

15 Nationality and registration marks

(1) A Naoero aircraft shall bear:

(a) as a nationality mark, the symbol "C2"; and

(b) as a registration mark, a symbol assigned to the aircraft by the Authority, such symbol consisting of:

(i) 3 letters;

(ii) 3 figures;

(iii) 2 letters and one figure; or

(iv) 2 figures and one letter.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The registration mark shall follow the nationality mark and be separated from it by a hyphen.

(3) A Naoero aircraft shall carry, secured to the aircraft in a permanent position

near the main entrance, a plate of fireproof metal or other fire proof material of suitable physical properties inscribed with the nationality mark and registration mark of the aircraft and with such other details as the Authority requires.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) The nationality mark and the registration mark of a Naoero aircraft:

(a) shall be affixed on the aircraft by painting or by any other means that ensures a similar degree of permanency; and

(b) shall be clean and visible at all times.

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

16 Location of marks

(1) The location of nationality marks and registration marks on Naoero aircraft shall be in accordance with this regulation.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The marks shall:

(a) appear on the wings of the aircraft; and

(b) also appear either on the fuselage, or equivalent structure, of the aircraft or on the vertical tail surfaces of the aircraft.

(3) The marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure of an aircraft and they shall be located on the right half of the upper surface and on the left half of the lower surface of the wing structure, unless they extend across the whole of both the upper and the lower surfaces of the wing structure.

(4) The wing marks of an aircraft shall, so far as is possible, be located equidistant from the leading and trailing edges of the wings and the tops of the letters shall be toward the leading edge of the wing.

(5) The marks on the fuselage, or equivalent structure, of an aircraft shall be on each side of the fuselage or equivalent structure between the wings and the tail surfaces.

(6) The marks on the vertical tail surfaces of an aircraft shall be:

(a) where the tail structure of the aircraft includes a single vertical surface only, on each side of that surface; or

(b) where the tail structure of the aircraft includes multivertical surfaces, on each of the outboard sides of the outer vertical surfaces of the tail structure.

17 Type and measurements of letters for marks

(1) The type of letters for nationality marks and registration marks and their measurements shall, subject to Regulation 18, be as follows:

(a) the letters shall be capital letters in Roman characters without ornamentation;

(b) the letters in each separate group of marks shall be of equal height;

(c) the width of each letter, except the letter I, and the length of a hyphen shall be two-thirds of the height of a letter;

(d) the letters and hyphens shall be formed by solid lines the thickness of which shall be one-sixth of the height of a letter and which shall be of a colour contrasting clearly with the background;

(e) each letter shall be separated from that which it immediately precedes or follows by a space of not less than one quarter of the width of a letter, and for the purpose of this paragraph, a hyphen shall be regarded as a letter;

(f) the height of the marks on the wings shall be at least 20 inches; and

(g) the marks on the fuselage, or equivalent structure, and on any vertical tail surface shall be as nearly as possible parallel to the longitudinal axis of the aircraft and shall be as large as practicable, but shall not interfere with the visible outlines of the fuselage, or equivalent structure, and shall leave at least a two-inch margin along each edge of any vertical tail surface.

(2) Subregulation (1)(g) shall not be interpreted as requiring the use of marks exceeding 6 inches in height.

18 Marking of certain aircraft

Where an aircraft does not possess parts corresponding with those mentioned in Regulation 16(2) and Regulation 17(1)(f) and (g), the marks shall appear on the aircraft in such manner the Authority determines so that the aircraft can be identified readily.

19 Advertisements and owner's marks

(1) A Naoero aircraft shall not bear on any part of its exterior surfaces an advertisement, sign or lettering:

(a) except as required or permitted by or under this Part; or

(b) except with the approval in writing of the Authority.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The name of a Naoero aircraft and the name and emblems of the owner of a Naoero aircraft may be displayed on the aircraft if the location, size, shape and colour of the lettering and signs does not interfere with the easy recognition of, and is not capable of confusion with, the nationality and registration marks of the aircraft.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 248,801]

20 Design standards

(1) The Authority may issue a design standard in respect of a type of aircraft: or aircraft component, and shall do so if:

(a) a person applies under Regulation 21 for approval of the drawings and specifications of a type of aircraft or aircraft component; or

(b) a person applies under Regulation 34 or 35 for the giving of an approval relating to a type of aircraft or aircraft component,

in respect of which an appropriate design standard is not in force under this Regulation.

(2) The design standard shall set out the specifications with which the Authority considers an aircraft or aircraft component of the type to which the design standard relates should conform if the aircraft or any aircraft in which the aircraft component is fitted is to be capable of being flown with safety in normal operations in accordance with these Regulations.

21 Certificate of type approval

(1) A person may apply to the Authority for a certificate of type approval in respect of a type of aircraft or aircraft component.

(2) Where an applicant under subregulation (1):

(a) furnishes to the Authority the drawings and specifications of the type of aircraft or aircraft component to which the application relates and such other documents or other evidence as the Authority requires relating to the suitability for aeronautical purposes of an aircraft or aircraft component of that type; and

(b) satisfies the Authority that an aircraft or aircraft component of that type:

(i) conforms with any design standard in force under Regulation 20 in respect of that type; and

(ii) is suitable for aeronautical purposes,

the Authority shall:

(c) if the drawings and specifications of the type of aircraft or aircraft component furnished to the Authority have not been marked as having been approved by an authorised person, approve those drawings and specifications and mark them as having been approved by the Authority; and

(d) issue to the applicant a certificate of type approval for the type of aircraft or aircraft component.

(3) The Authority may, from time to time, direct the holder of a certificate of type approval, by notice in writing served on him or her, to furnish to the Authority such documents or other evidence as the Authority requires relating to the suitability for aeronautical purposes of aircraft or aircraft components of the type to which the certificate relates.

(4) Where:

(a) the holder of a certificate of type approval fails to comply with a requirement made on him or her under subregulation (3); or

(b) the Authority is satisfied that there is evidence to show that there is a defect in the design of aircraft or aircraft components of the type to which a certificate of type approval relates that is of such a kind as to affect the safety of aircraft of that type or of aircraft in which are fitted aircraft components of that type, or to make such aircraft a danger to person or property,

the Authority may, by notice in writing to the holder, suspend or cancel the certificate of type approval.

22 Notification in respect of types of aircraft etc

The Authority may notify by an Air Navigation Order that, before a certificate of airworthiness is issued in respect of an aircraft of a type specified in the notice or in respect of an aircraft in which is fitted an aircraft component of a type specified in the notice, a certificate of type approval issued under Regulation 21 in respect of the type if aircraft or aircraft component, as the case may be, will be required to be in force.

23 Issue of design standard, etc, on basis of design standard issued in another country

Where a design standard or a certificate of type approval in respect of a type of aircraft or aircraft component has been issued by, or on the authority of, person or authority responsible for the administration of the laws of any country relating to civil aviation or air navigation, the Authority may, notwithstanding the provisions of Regulations 20 and 21, if it thinks fit, upon the application of a person or on its own initiative, issue a design standard or a certificate of type approval, as the case may be, in respect of such type of aircraft or aircraft component.

DIVISION 2 — CERTIFICATES OF AIRWORTHINESS

24 Certificates of airworthiness of Naoero aircraft

(1) The owner or operator of, or any other person having an interest in, a Naoero aircraft may apply to the Authority or an authorised person for the issue or renewal of a certificate of airworthiness in respect of the aircraft or for the validation of a certificate of airworthiness issued by the appropriate authority of another country in respect of the aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where an applicant under subregulation (1):

(a) furnishes to the Authority or the authorised person such documents or other evidence as the Authority or the authorised person requires relating to the fitness for flying of the aircraft to which the application relates;

(b) satisfies the Authority or the authorised person that:

(i) the aircraft was manufactured by the holder of a certificate of approval with respect to that manufacture;

(ii) approval for the manufacture of the aircraft was given by the Authority and the aircraft was manufactured in accordance with that approval; or

(iii) there has been issued by the appropriate authority of the country from which the aircraft has been exported to Naoero a certificate with respect to the airworthiness of the aircraft that is acceptable to the Authority;

(c) satisfies the Authority or the authorised person that the aircraft, when operated in accordance with the requirements specified in the flight manual for the aircraft, conforms to:

(i) where there is a certificate of type approval in force in respect of the type of aircraft in which the aircraft is included, the drawings and specifications approved under Regulation 21 or 23 in respect of that type or, to the extent that those drawings and specifications have been superseded by other drawings and specifications approved under Regulation 34, those other drawings and specifications; or

(ii) in any other case, any design standard in force under Regulation 20 or 23, and any drawings and specifications approved by the Authority, in respect of the type of aircraft in which the aircraft is included;

(d) where there is in force under Regulation 25 a direction setting out a condition which, if a certificate of airworthiness were issued, renewed or validated in accordance with the application, would apply in relation to the certificate and would require that certain maintenance be carried out before the aircraft was flown, satisfies the Authority or the authorised person that maintenance has been certified by a person acceptable to the Authority to have been carried out and that there is no reason to doubt that maintenance has been carried out;

(e) satisfies the Authority or the authorised person that any maintenance required to be carried out to comply with any requirement imposed under Regulation 38 has been certified to have been completed in accordance with a system of certification instituted under Regulation 33 and that there is no reason to doubt that maintenance has been carried out; and

(f) satisfies the Authority or the authorised person that the aircraft is fit to fly, having regard to the requirements specified in the flight manual for the aircraft,

the Authority or the authorised person shall, subject to subregulation (3), issue to the applicant a certificate of airworthiness or renew the certificate of airworthiness of the aircraft or validate the certificate of airworthiness of the aircraft issued by the appropriate authority of another country, as the case may be.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where an aircraft is included in a type of aircraft, or is fitted with an aircraft component included in a type of aircraft component, specified in any Air Navigation Order under Regulation 22, the Authority or an authorised person shall not issue a certificate of airworthiness in respect of the aircraft unless there is in force a certificate of type approval in respect of the type of aircraft or aircraft component, as the case may be.

(4) The Authority may specify in a certificate of airworthiness granted under this Regulation the period during which the certificate is to remain in force.

[reg 24 am Act 21 of 2026 s 5, opn 12 May 2026]

25 Conditions of certificates of airworthiness

(1) The Authority may, for the purpose of ensuring the safety of air navigation:

(a) include in a certificate of airworthiness in respect of an aircraft issued, renewed or validated under Regulation 24, a statement that the certificate is issued, renewed or validated subject to a condition set out in the statement, in a specified Air Navigation Order or in the flight manual for the aircraft; or

(b) give a direction that a condition set out m the direction applies in relation to:

(i) every certificate of airworthiness in force on or after the date of the direction;

(ii) every certificate of airworthiness in respect of an aircraft of a kind specified in the direction in force on or after the date of the direction; or

(iii) the certificate of airworthiness in respect of a specified aircraft.

(2) A direction given under subregulation (1)(b) does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

(3) The Authority may, from time to time, direct the owner or operator of an aircraft in respect of which a certificate of airworthiness is in force to furnish to the Authority such documents or other evidence as the Authority requires relating to the airworthiness of the aircraft.

26 Suspension or cancellation of a certificate of airworthiness

(1) Where the Authority has reasonable grounds to believe that the safety of a Naoero aircraft or of Naoero aircraft included in a type of aircraft is in doubt, it may suspend the certificate of airworthiness of the aircraft or of each Naoero aircraft included in the type of aircraft as the case may be, for such period as it considers necessary to resolve the doubt.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where the Authority is satisfied that it is not safe to fly a Naoero aircraft or Naoero aircraft included in a type of aircraft, it may suspend or cancel the certificate of airworthiness of the aircraft or of each Naoero aircraft included in the type of aircraft, as the case may be.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where the Authority is satisfied, with respect to a Naoero aircraft, that a condition set out in, or applying in relation to the certificate of airworthiness of the aircraft has not been complied with, it may suspend or cancel the certificate of airworthiness.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) A suspension or cancellation of a certificate of airworthiness of a Naoero aircraft under this regulation does not have effect in relation to a person until a notification of the suspension or cancellation has been served on him or her or the fact of the suspension or cancellation has otherwise been brought to his or her attention.

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

27 Owner or operator to pass information to other persons

Where a direction in respect of a certificate of airworthiness of an aircraft under

Regulation 25 or a notification of a suspension or cancellation of a certificate of airworthiness of an aircraft under Regulation 26 has been served on the owner or operator of the aircraft, or has otherwise been brought to his or her attention, the owner or operator shall use his or her best endeavours to ensure that the direction or the fact that the certificate of airworthiness has been suspended or cancelled, as the case may be, is brought to the attention of a person who is likely to fly, or likely to issue a maintenance release for, the aircraft.

DIVISION 3 — FOREIGN OPERATORS

28 Damage etc, to a foreign aircraft

(1) Where a foreign aircraft is in Naoero and is found to have suffered major damage or to have developed a major defect, the Authority may direct that the aircraft shall not fly.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where the Authority gives a direction under this regulation, it shall furnish to the appropriate authority of the country in which the aircraft is registered or the international operating agency, as the case may be, a notification of the action taken by it and report of the damage or defect as the case may be.

(3) The Authority may, unless it considers that it would be detrimental to the safety of air navigation to do so, revoke a direction given under Regulation 11 the appropriate authority of the country in which the aircraft is registered or the international operating agency, as the case may be, notifies the Authority that the appropriate authority:

(a) has revoked any suspension of the certificate of airworthiness of the aircraft to which the direction relates that the appropriate authority had imposed;

(b) considers that the damage or defect by reason of which the direction was given is not of such a nature as to prevent the aircraft from fulfilling the minimum requirements of safety adopted in pursuance of the *Chicago Convention*; or

(c) considers that in the circumstances of the case, the aircraft to which the direction relates should be permitted to fly without passengers to a place at which the necessary repairs or modifications can be made.

(4) In revoking a direction under this Regulation, the Authority may give a further direction imposing such conditions on the operation of the aircraft as are notified to it by the appropriate authority referred to in subregulation (3).

(5) A direction given under this Regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

DIVISION 4 — CERTIFICATES OF APPROVAL AND AIRCRAFT MAINTENANCE ENGINEERS LICENCES

29 Certificates of approval

(1) A person engaged or intending to engage, in any stage of distribution or maintenance of aircraft, aircraft components or aircraft materials, or in the training of candidates for, or in the conducting of the examinations referred

to in Regulation 30(4)(e) may apply to the Authority for a certificate of approval in respect of those activities.

(2) Where an applicant under subregulation (1):

(a) furnishes to the Authority such evidence as the Authority requires:

(i) of the qualifications and competence of the applicant or of the qualifications and competence of the employees of the applicant;

(ii) of the facilities at the disposal of the applicant; and

(iii) of the work procedures proposed by the applicant,

to carry out the activities to which the application relates; and

(b) satisfies the Authority that, having regard to the evidence so furnished, the applicant is or will be, able to carry on in a satisfactory manner the activities to which the application relates,

the Authority may grant to the applicant a certificate of approval with respect to those activities.

(3) The Authority may, for the purpose of ensuring the safety of air navigation, include in a certificate of approval granted under this regulation an endorsement that the certificate is granted subject to a condition set out in the endorsement, in a document issued with the certificate of approval or in a specified Air Navigation Order.

(4) An authorised person may, at any time, for the purpose of ascertaining whether the activities to which a certificate of approval relates are being carried on in a satisfactory manner:

(a) inspect any aircraft, aircraft component or aircraft material;

(b) inspect any process or systems carried on by, any records maintained by or any documents in the possession of the holder of the certificate of approval in connection with the activities to which the certificate of approval relates;

(c) conduct any tests that the authorised person considers necessary; and

(d) require the holder of the certificate of approval to furnish to the authorised person such evidence as the authorised person requires:

(i) of the qualifications and competence of the holder or of the qualifications and competence of the employees of the holder; or

(ii) of the facilities at the disposal of the holder.

30 Aircraft maintenance engineer licences

(1) The Authority may, on the application of a qualified person, grant to the qualified person an aircraft maintenance engineer licence.

(2) The Authority may, when granting an aircraft maintenance engineer licence, enter an endorsement on the licence specifying the limits of the work to which the licence relates.

(3) The Authority may, for the purpose of ensuring the safety of air navigation, include in an aircraft maintenance engineer licence an endorsement that the licence is granted subject to a condition set out in the endorsement or in a specified Air Navigation Order.

(4) In this regulation, "qualified person" means a person who:

(a) has attained the age of 21 years;

(b) satisfies the Authority that he or she possesses such knowledge as the Authority requires of:

(i) the principles of flight of aircraft;

(ii) the assembly, functioning and principles of construction of, and the methods and procedures for the maintenance of, those parts of an aircraft that the Authority considers relevant having regard to the licence sought; and

(iii) the Act, these Regulations and the Air Navigation Orders;

(c) satisfies the Authority that he or she has had such practical experience of the duties performed by a holder of the licence sought as the Authority requires;

(d) satisfies the Authority that he or she is not suffering from any disability likely to affect his or her technical skill or judgment; and

(e) has passed such examinations as the Authority requires to be passed by an applicant for the licence sought.

(5) Any requirement formulated by the Authority for the purposes of subregulation (4) shall be not less than the corresponding minimum requirement adopted in pursuance of the *Chicago Convention*.

(6) Where a person satisfies the Authority that the person:

(a) is the holder of a licence equivalent to the licence sought granted by a competent authority in, and in force in accordance with the law of, a country other than Naoero;

(b) has complied with the minimum conditions required under the *Chicago Convention* and with such other requirements as the Authority specifies; and

(c) does not suffer from any disability likely to affect his or her technical, skill or judgment,

the Authority may, for the purposes of this regulation, treat the person as if he or she were a qualified person.

[subreg (6) am Act 21 of 2026 s 5, opn 12 May 2026]

31 Period of operation of certificates and licences

The Authority may specify in a certificate of approval or in an aircraft maintenance engineer licence the period during which the certificate or the licence, as the case may be, is to remain in force.

32 Testing of competence of holder of licence

(1) The Authority may, at any time, require the holder of an aircraft maintenance engineer licence to undergo an examination designed to test his or her competence as such a holder.

(2) An authorised person may, at any time, inspect an aircraft or aircraft component for the purpose of ascertaining the competence and diligence, of the holder of an aircraft maintenance engineer licence.

[The next page is 248,901]

DIVISION 5 — MAINTENANCE

33 Systems of certification of completion of activities

(1) The Authority may give a direction to:
  (a) the holder of a certificate of approval;
  (b) the holder of an aircraft maintenance engineer licence, other than a person acting in the course of his or her employment with an employer; or
  (c) a person authorised to carry out maintenance of an aircraft, aircraft component or aircraft material,

requiring him or her to submit to the Authority a proposed system of certification of the completion of stages of the activities to which his or her certificate, licence or authority relates, and any other activities to which an aircraft maintenance engineer licence held by an employee relates.

(2) Where a person submits a proposed system of certification under subregulation (1), the Authority may approve the proposed system, with or without modifications, and direct the person to institute the system as so approved.

(3) The Authority may give a direction to a person referred to in subregulation (1) requiring him or her, in carrying out any activities to which his or her certificate, licence or authority relates, and any other activities to which an aircraft maintenance engineer licence held by an employee relates, to institute such system of certification of the completion of stages of those activities as the Authority specifies in the direction.

(4) A direction given under this Regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

(5) A person to whom a direction under this Regulation has been given shall not fail:
  (a) to comply with the requirements of a system of certification instituted by him or her in accordance with the direction, in so far as those requirements apply in relation to him or her; or
  (b) to take all steps reasonably required to ensure that persons in his or her employ or working under an arrangement with him or her comply with the requirements of a system instituted by him or her in accordance with the direction in so far as those requirements apply in relation to them.

34 Approval of design of modification or repair

(1) A person may apply to the Authority or an authorised person for approval of the design of a modification or repair of:
  (a) an aircraft or aircraft included in a type of aircraft; or
  (b) an aircraft component or aircraft components included in a type of aircraft component.

(2) Where an applicant under subregulation (1):
  (a) furnishes to the Authority or the authorised person such evidence relating to the design to which the application relates, including evidence of the effect of the design on the safety of an aircraft, as the Authority or the authorised person requires; and

(b) satisfies the Authority or the authorised person that the design conforms with any relevant design standard in force under Regulation 20 or 23 in respect of the type of aircraft or aircraft component to which the application relates,

the Authority or the authorised person shall give approval to the design.

(3) The Authority or an authorised person may, for the purpose of ensuring the safety of air navigation, include in an approval given under this Regulation a requirement that a specified thing to be done in accordance with the design is to be done by a specified person or by a person included in a specified class of persons, being an appropriate person for the purposes of Regulation 38 or an employee of such an appropriate person.

35 Approval of aircraft components for use as replacements

(1) A person may apply to the Authority or an authorised person for approval of an aircraft component, or of aircraft components included in a type of aircraft component, as a replacement for another aircraft component or aircraft components included in another type of aircraft component.

(2) Where an applicant under subregulation (1):

(a) furnishes to the Authority or the authorised person such evidence relating to the suitability of an aircraft component to which the application relates for use as a replacement as set out in the application as the Authority or the authorised person requires; and

(b) satisfies the Authority or the authorised person that the design of any such aircraft component conforms with any design standard in force under Regulation 20 or 23 in respect of any aircraft component for which the first-mentioned aircraft component is intended to be a replacement,

the Authority or the authorised person shall approve the aircraft component, or aircraft components included in a type of aircraft components, to which the application relates for use as a replacement as set out in the application.

36 Adoption of certain foreign approvals

Where:

(a) a direction of the kind referred to in Regulation 33 has been given to a person in a country other than Naoero and the system of certification proposed by such person has been approved by, or on the authority of, the person or authority responsible for the administration of the laws of that country relating to civil aviation or air navigation; or

(b) approval of a design of modification or repair or of aircraft components for use as replacements has been given to a person in a country other than Naoero by any such person or authority as is referred to in paragraph (a),

and the relevant powers or functions of the Authority relating to the airworthiness control of aircraft registered in Naoero are for the time being delegated by the Minister to such person or authority, such direction or approval shall, for the purposes of the Act and these Regulations, be deemed to have been given by the Authority.

[reg 36 am Act 21 of 2026 s 5, opn 12 May 2026]

37 Permissible unserviceabilities

(1) The Authority may, for the purposes of these Regulations, approve a defect

in, or damage to, a Naoero aircraft or any aircraft included in a class of aircraft, as a permissible unserviceability in relation to the aircraft or to Naoero aircraft included in the class of aircraft, as the case may be.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority may, for the purpose of ensuring the safety of air navigation, direct that the use of a Naoero aircraft with a permissible unserviceability is subject to such conditions as are set out in the direction.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) A direction given under subregulation (1) does not have effect in relation to a person until it has been served by post on the person or has otherwise been brought to his or her attention.

38 Requirements for the maintenance of Naoero aircraft

(1) The Authority may, for the purpose of ensuring the safety of air navigation, give directions specifying requirements tor the maintenance of Naoero aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority may, for the purpose of ensuring the safety of air navigation, give a direction to the owner or operator of a Naoero aircraft requiring him or her to submit to the Authority a proposed system of maintenance of the aircraft.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where a person submits a proposed system of maintenance of an aircraft under subregulation (1), the Authority may approve the proposed system, with or without modifications, and direct the person to institute the system as so approved.

(4) A person who has been directed under this Regulation to institute a system of maintenance of an aircraft:

(a) shall prepare a manual setting out the details of the system and shall furnish copies of the manual:

(i) to the Authority;

(ii) to such other persons associated with the maintenance of the aircraft as the Authority directs; and

(iii) to such persons in the employ of or working under an arrangement with, the first-mentioned person as he or she considers necessary to permit the system to be carried out; and

(b) shall not fail:

(i) to comply with the requirements of the system in so far as those requirements apply in relation to him or her; or

(ii) to take-all steps reasonably required to ensure that persons in his or her employ or working under an arrangement with him or her comply with the requirements of the system in so far as those requirements apply in relation to them.

(5) A person who has been directed under this Regulation to institute a system of maintenance of an aircraft may, at any time, request the Authority or an authorised person to approve any proposed change in the system, and the Authority or the authorised person may give his or her approval accordingly.

(6) Where a change in a system of maintenance has been approved under

subregulation (5), the person who has been directed to institute the system shall ensure that change is incorporated in all copies of the manual setting out the system that are kept within that person's organisation and that notice of those changes is forwarded to all persons to whom copies of the manual have been furnished in accordance with this Regulation.

(7) Where a person who has been directed under this regulation to institute a system of maintenance of an aircraft considers that the system is defective or is no longer applicable to the maintenance that he or she is carrying out on the aircraft, he or she shall, without delay:
  (a) request the Authority or an authorised person to approve any necessary change in the system; or
  (b) report the facts of the situation to the Authority.

(8) A direction given under this Regulation may include a requirement that the maintenance specified in the direction is to be performed by a specified person, or by a person included in a specified class of persons, being an appropriate person for the purposes of Regulation 39 or an employee of such an appropriate person.

(9) Where a direction given under subregulation (1) with respect to the maintenance of an aircraft has been served on the owner or operator of the aircraft, or has otherwise been brought to his or her attention, the owner or operator shall use his or her best endeavours to ensure that the direction is brought to the attention of a person who is likely to fly, or likely to issue a maintenance release for, the aircraft.

(10) A direction given under this regulation does not have effect in relation to a person until it has been served by post on the person or has otherwise been brought to his or her attention.

[reg 38 am Act 21 of 2026 s 5, opn 12 May 2026]

39 Maintenance of Naoero aircraft in the Republic and certain other countries

(1) The owner, operator or pilot in command of a Naoero aircraft in Naoero or any other country notified by the Authority in Aeronautical Information Publications shall not authorise or permit any maintenance to be carried out on the aircraft except by a person who is, or is employed for that purpose by, an appropriate person in relation to the maintenance.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A person shall not carry out maintenance in Naoero or any such other country as is referred to in subregulation (1) of a Naoero aircraft unless he or she is, or is employed for that purpose by, an appropriate person in relation to the maintenance.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) An appropriate person shall not carry out in Naoero or any such country as is referred to in subregulation (1) a modification or repair of a Naoero aircraft unless:
  (a) the design of the modification or repair has been, or is deemed to have been, approved under Regulation 34 or has been specified by the Authority in, or by means of, a direction under any one of Regulations 25, 38 and 44; and
  (b) the modification or repair is carried out in accordance with that design.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) An appropriate person shall not, in carrying out in Naoero or any such country as is referred to in subregulation (1) maintenance of a Naoero aircraft, replace one aircraft component with another unless the aircraft component that he or she installs:

(a) is identical with the aircraft component that it replaces; or

(b) has been, or is deemed to have been, approved under Regulation 35 as a replacement for the aircraft component that it replaces.

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

(5) Unless the Authority otherwise approves, an appropriate person shall not in carrying out maintenance in Naoero or any such country as is referred to in subregulation (1) of a Naoero aircraft, install or use in the aircraft any aircraft component or aircraft material unless:

(a) where the aircraft component or aircraft material has been manufactured or reconditioned by or on behalf of the appropriate person:

(i) the work of manufacturing or reconditioning has been certified to have been completed in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33;

(ii) where any aircraft component incorporated in the first-mentioned aircraft component was manufactured or reconditioned by or on behalf of the appropriate person, the work of manufacturing or reconditioning has been certified to have been completed in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33;

(iii) where any aircraft component incorporated in the first-mentioned aircraft component was supplied to the appropriate person by another person, the aircraft component was so supplied under cover of a document of a kind specified or approved by the Authority for the purposes of this subparagraph; and

(iv) where the reconditioning included a modification or repair:

(A) the design of the modification or repair has been, or is deemed to have been, approved under Regulation 34 or has been specified by the Authority in, or by means of, a direction under any one of Regulations 25, 38 and 44; and

(B) the modification or repair has been carried out in accordance with that design; or

(b) where the aircraft component or aircraft material has been supplied to the appropriate person by another person, the aircraft component or aircraft material was so supplied under cover of a document of a kind specified or approved by the Authority for the purposes of this paragraph.

[subreg (5) am Act 21 of 2026 s 5, opn 12 May 2026]

(6) Unless the Authority otherwise approves, an appropriate person shall not, in carrying out in Naoero or any such country as is referred to in subregulation (1) maintenance of a Naoero aircraft, install or use in the aircraft any aircraft component or aircraft material in respect of which maintenance, other than reconditioning, has been carried out by or on behalf of the appropriate person unless:

(a) the maintenance of the aircraft component or aircraft material has been

certified to have been completed in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33;

(b) where, in the course of that maintenance, any aircraft component that was manufactured or reconditioned by the appropriate person was incorporated in the first-mentioned aircraft component, the work of manufacturing or reconditioning that aircraft component has been certified to have been completed in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33;

(c) where, in the course of that maintenance, any aircraft component that was supplied to the appropriate person by another person was incorporated in that first-mentioned aircraft component, the aircraft component was so supplied under cover of a document of a kind specified or approved by the Authority for the purposes of this paragraph; and

(d) where the maintenance of the aircraft component included a modification or repair:

(i) the design of the modification or repair has been, or is deemed to have been, approved under Regulation 34 or has been specified by the Authority in, or by means of, a direction under any one of Regulations 25, 38 and 44; and

(ii) the modification or repair has been carried out in accordance with that design.

[subreg (6) am Act 21 of 2026 s 5, opn 12 May 2026]

(7) Where an appropriate person has control in Naoero of an aircraft on which maintenance is being carried out, he or she shall take adequate steps to ensure that notice that maintenance is being carried out on the aircraft is given to a person likely to wish to fly the aircraft.

[subreg (7) am Act 21 of 2026 s 5, opn 12 May 2026]

(8) For the purposes of subregulation (7) an aircraft on which maintenance, other than approved maintenance to be carried out by the pilot in command of the aircraft, has been commenced shall be deemed to be an aircraft on which maintenance is being carried out until the maintenance has been certified to have been completed on accordance with Regulation 33.

(9) In this Regulation, ***"appropriate person"***, in relation to any maintenance, means:

(a) the holder of a certificate of approval covering the maintenance or a person working under an arrangement with such a holder;

(b) the holder of an aircraft maintenance engineer licence covering the maintenance, other than a person acting in the course of his or her employment with an employer;

(c) the holder of an aircraft maintenance engineer licence who has in his or her employ a person who is the holder of an aircraft maintenance engineer licence covering the maintenance; or

(d) a person authorised to carry out the maintenance, other than a person acting in the course of his or her employment with an employer,

being, where the approval or direction with respect to the maintenance includes a requirement that the maintenance is to be carried out by a specified person or by a person included in a specified class of persons, a

person who is, or has in his or her employ, the specified person or a person included in the specified class of persons, as the case may be.

[reg 39 am Act 21 of 2026 s 5, opn 12 May 2026]

40 Use of aircraft material in the servicing, etc, of Naoero aircraft

(1) Where, in the flight manual or the maintenance documents of a Naoero aircraft or in Air Navigation Orders, provision is made for the use for a particular purpose in connection with the servicing or operation of the aircraft of aircraft material the specification of which is set out or referred to in the flight manual, the maintenance documents or Air Navigation Orders, the owner, operator or pilot in command of the aircraft, whether the aircraft is in Naoero or not, shall not, unless the Authority otherwise approves, use, or permit the use of, for that purpose in connection with the servicing or operation of the aircraft, anything other than aircraft material of that kind.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) It is a defence if a person charged with an offence under subregulation (1) proves that the substance used was obtained by the person from another person approved by the Authority for the purposes of this regulation and that other person supplied the substance as aircraft material that conformed to the specification set out or referred to in the flight manual or the maintenance documents of the aircraft or in Air Navigation Orders.

[reg 40 am Act 21 of 2026 s 5, opn 12 May 2026]

41 Maintenance of Naoero aircraft in other countries

(1) Unless the Authority otherwise approves, the owner operator or pilot in command of a Naoero aircraft that is outside Naoero and not in a country referred to in Regulation 39(1) shall not in connection with the maintenance of the aircraft use or permit the use of, any aircraft component aircraft material or other thing if its use would, if the aircraft were in Naoero, be an offence against these Regulations.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The owner, operator or pilot in command of a Naoero aircraft that is outside Naoero and not in a country referred to in Regulation 39(1) shall not authorise or permit any maintenance to be carried out on the aircraft except by:

(a) the holder of an aircraft maintenance engineer licence covering that maintenance;

(b) a person authorised to carry out that maintenance;

(c) a person who is authorised by the appropriate authority of another country to carry out on aircraft in that country maintenance of the kind in which that maintenance is included; or

(d) a person who possesses qualifications that are recognised by the Authority as sufficient for the purpose of carrying out that maintenance.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) The owner, operator or pilot in command of a Naoero aircraft on which maintenance has been carried out outside Naoero and not in a country

referred to in Regulation 39(1) shall not fly the aircraft, or permit it to be flown, until the completion of the maintenance has been certified in a manner acceptable to the Authority.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) Subregulation (3) does not apply in relation to approved maintenance carried out by the pilot in command of the aircraft.

[reg 41 am Act 21 of 2026 s 5, opn 12 May 2026]

42 No certification unless aircraft component, etc, is serviceable

A person shall not make a certification, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33 with respect to the installation or use in a Naoero aircraft of an aircraft component or aircraft material unless he or she considers that the aircraft component or aircraft material, as the case may be, is serviceable.

[reg 42 am Act 21 of 2026 s 5, opn 12 May 2026]

43 Maintenance releases in respect of Naoero aircraft

(1) Maintenance releases in respect of Naoero aircraft shall be issued only by authorised persons and only in such manner, and in accordance with such form, as the Authority directs.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where a person appointed as an authorised person for the purposes of this Regulation is a body corporate, the Authority shall specify in the instrument of appointment the condition that any maintenance release issued by the authorised person is to be signed, on behalf of the authorised person, by a specified person or by a person included in a specified class of persons.

(3) The Authority may give a direction with respect to the retention and transfer of maintenance releases end copies of maintenance releases issued under this Regulation.

(4) The Authority may give a direction specifying the period, or the maximum period, that a maintenance release of a kind specified in the direction is to be expressed to remain in force.

(5) Unless the Authority otherwise approves, a maintenance release shall not be issued in respect of an aircraft unless there is in force a certificate of airworthiness in respect of the aircraft.

(6) A maintenance release shall not be issued in respect of an aircraft unless:

(a) all maintenance in respect of the aircraft required to be carried out to comply with any requirement or condition imposed under these Regulations has been certified, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33 or in a manner acceptable to the Authority for the purposes of Regulation 41(3), to have been completed; or

(b) the aircraft is in a fit condition to be flown:

(i) for the purpose of delivery to a person under a contract of sale or with a view to sale;

(ii) for the purpose of a demonstration, experiment or test;

(iii) for the purpose of being flown to a place where a demonstration, experiment or test of the aircraft is to take place;

(iv) for the purpose of being flown to a particular place at which maintenance on the aircraft may be carried out;

(v) for the purpose of assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion; or

(vi) for the purpose of assisting in dealing with a state of emergency,

and the flight has been permitted under Regulation 106 and any direction of, or condition imposed by, the Authority or an authorised person under that Regulation in respect of that flight that is required to be complied with before the issue of the maintenance release has been complied with.

(7) For the purposes of subregulation (6)(a), the existence of an earlier maintenance release issued by virtue of that paragraph in respect of an aircraft may, in the absence of evidence to the contrary, be accepted by an authorised person for the purposes of this regulation as proof that all maintenance required under these Regulations to be carried out on the aircraft before the date of issue of the earlier maintenance release has been certified to have been completed as required by that paragraph.

(8) A maintenance release may bear an endorsement that the release is issued subject to a condition set out in the endorsement, being a condition imposed for the purpose of ensuring the safety of air navigation.

(9) Where an aircraft has a permissible unserviceability, a maintenance release issued in respect of the aircraft, or other document approved for use as an alternative to the maintenance release for the purposes of this subregulation, shall bear an endorsement:

(a) setting out each permissible unserviceability that exists with respect to the aircraft;

(b) setting out such of the conditions, if any, with respect to the use of an aircraft with those permissible unserviceabilities set out in any direction given under Regulation 37 in relation to those permissible unserviceabilities as are not set out in any operations manual issued with respect to the aircraft or in Air Navigation Orders relating to the equipment of aircraft; and

(c) stating that the maintenance release is issued subject to those conditions, whether set out in the maintenance release or the other document or otherwise.

(10) A person shall not issue a maintenance release in contravention of this Regulation.

(11) Subregulation (10) does not apply in relation to a person by reason only that he or she has issued a maintenance release in contravention of a direction given under this Regulation unless the direction has been served on him or her or has otherwise been brought to his or her attention.

(12) A person shall not sign a maintenance release to be issued by virtue of subregulation (6)(a) in respect of an aircraft if:

(a) he or she considers that:

(i) the aircraft is in a damaged condition or is defective;

(ii) the damage is major damage or the defect is a major defect, as the case maybe, and

(iii) the damage or defect is not a permissible unserviceability;

(b) he or she considers that maintenance earned out on the aircraft may have adversely affected, to such an extent as to affect the safety of the

aircraft the flight characteristics of the aircraft or the operating characteristics of any aircraft component, or of any system of aircraft components, installed in the aircraft; or

(c) he or she is aware that certain maintenance that has been carried out on the aircraft has not been certified, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33 or in a manner acceptable to the Authority for the purposes of Regulation 41(3) to have been completed.

(13) Subregulation (6)(a) and subregulation (12)(c) do not apply in relation to approved maintenance carried out by the pilot in command of the aircraft.

(14) A direction given under this Regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

(15) Where a maintenance release is issued under this Regulation, or again commences to be in force by virtue of Regulation 48, in respect of an aircraft, any other maintenance release in force in respect of the aircraft immediately before that issue or that commencement, as the case may be, ceases to be in force.

[reg 43 am Act 21 of 2026 s 5, opn 12 May 2026]

44 Conditions with respect to maintenance releases

(1) The Authority may for the purpose of ensuring the safety of air navigation, give a direction that a condition set out in the direction shall apply in relation to:

(a) every maintenance release in force on or after the date of the direction;

(b) every maintenance release in respect of an aircraft of a kind specified in the direction in force on or after the date of the direction; or

(c) a maintenance release in respect of a specified aircraft.

(2) A direction given under this regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

45 Suspension or cancellation of maintenance release

(1) Where the Authority is satisfied that a condition set out in, or applying in relation to, a maintenance release has not been complied with, it may suspend or cancel the maintenance release.

(2) A suspension or cancellation of a maintenance release under this regulation does not have effect in relation to a person until a notification of the suspension or cancellation has been served on him or her or the fact of the suspension or cancellation has otherwise been brought to his or her attention.

46 Owner or operator to pass information to other persons

Where a direction setting out a condition that applies in relation to a maintenance release of an aircraft given under Regulation 44 or these Regulations, or a notification of a suspension or cancellation of a maintenance release of an aircraft given under Regulation 45, has been served on the owner or operator of the aircraft or has otherwise been brought to his or her attention

the owner or operator shall use his or her best endeavours to ensure that the direction or the fact that the maintenance release has been suspended or cancelled, as the case may be, is brought to the attention of a person who is likely to fly, or likely to issue a maintenance release for, the aircraft.

47 Maintenance release to cease to be in force

(1) Where the owner, the operator or a flight crew member of, or an authorised person engaged, whether as an employee or on his or her own behalf, in the maintenance of, an aircraft in respect of which a maintenance release is in force considers:

(a) that:

(i) a requirement or condition imposed under these Regulations in respect of the maintenance of the aircraft has not been complied with;

(ii) the aircraft has suffered major damage or has developed a major defect other than damage or a defect that is a permissible unserviceability;

(iii) abnormal flight or ground loads have been imposed on the aircraft;

(iv) the flight characteristics of the aircraft, or the operating characteristics of an aircraft component, or of a system of aircraft components, installed in the aircraft, depart to such an extent as to affect adversely the safety of the aircraft from:

(A) the flight characteristics that are required by any relevant design standard in force in respect of the type of aircraft in which the aircraft is included; or

(B) the operating characteristics that are required by any relevant design standard in force in respect of the type of aircraft component or system of aircraft components in which the aircraft component or system is included, as the case may be; or

(v) maintenance carried out on the aircraft may have adversely affected, to such an extent as to affect the safety of the aircraft, the flight characteristics of the aircraft or the operating characteristics of any aircraft component, or any system of aircraft components, installed in the aircraft; and

(b) that there is a likelihood that the aircraft will be flown before:

(i) the requirement or condition referred to in paragraph (a)(i) has been complied with;

(ii) the damage or defect referred to in paragraph (a)(ii) has been remedied;

(iii) any damage caused by the imposition of the abnormal loads referred to in paragraph (a)(iii) has been remedied; or

(iv) the characteristics referred to in paragraph (a)(iv) or (v) have been corrected,

as the case may be,

he or she shall enter on the maintenance release, or other document approved for use as an alternative to the maintenance release for the purposes of this regulation, an endorsement signed by him or her setting out

the facts of the situation and stating that the aircraft is unairworthy, and thereupon the maintenance release ceases to be in force.

(2) Where the owner, the operator or the pilot in command of, or an authorised person engaged, whether as an employee or on his or her own behalf, in the maintenance of, an aircraft in respect of which a maintenance release is in force, becomes aware that the certificate of airworthiness in respect of the aircraft has been suspended or cancelled, he or she shall enter on the maintenance release an endorsement signed by him or her setting out the facts of the situation and stating that the aircraft is unairworthy, and thereupon the maintenance release ceases to be in force.

48 Maintenance release to recommence to be in force

(1) Where a maintenance release in respect of an aircraft ceases to be in force by virtue of an endorsement under Regulation 47(1), the maintenance release shall again commence to be in force if:

(a) where the endorsement refers to a requirement or condition in respect of the maintenance of the aircraft not having been complied with, there is entered on the maintenance release or other document on which the endorsement was made a certification, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33, that the maintenance to which the requirement or condition relates has been completed;

(b) where the endorsement refers to the aircraft having suffered major damage or having developed a major defect, there is entered on the maintenance release or other document on which the endorsement was made a certification, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33, that the maintenance required to be carried out to verify the existence of the damage or defect and, if necessary, to remedy the damage or the defect, as the case may be, has been completed;

(c) where the endorsement refers to the aircraft having had imposed on it abnormal flight or ground loads, there is entered on the maintenance release or other document on which the endorsement was made a certification in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33, that the maintenance required to be carried out to check whether that, imposition has caused any damage to the aircraft, and to remedy any damage so caused, has been completed; or

(d) where the endorsement relates to the flight characteristics of the aircraft or the operating characteristics of an aircraft component, or system of aircraft components, installed in the aircraft, there is entered on the maintenance release or other document on which the endorsement was made a certification, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33, that the maintenance required to be carried out to verify that the flight characteristics or operating characteristics required correction and, if necessary, to correct the flight characteristics or operating characteristics, as the case may be, has been completed.

(2) Where a maintenance release in respect of an aircraft ceases to be in force by virtue of an endorsement made under Regulation 47, the maintenance

release shall again commence to be in force if there is entered on the maintenance, release or other document on which the endorsement was made a further endorsement signed by an authorised person cancelling the first-mentioned endorsement.

(3) An authorised person shall not make an endorsement under subregulation (2) unless he or she is satisfied that there is no reason why the endorsement to be cancelled should continue in force.

(4) A maintenance release that has ceased to be in force by virtue of an endorsement made under Regulation 47 shall not again commence to be in force except by virtue of an endorsement made under this Regulation.

(5) This Regulation does not have effect in relation to a maintenance release issued in respect of an aircraft if:

(a) the period during which the maintenance release is expressed to remain in force has expired; or

(b) a subsequent maintenance release has been issued in respect of the aircraft by virtue of Regulation 43(6)(a).

49 Permissible unserviceabilities to be endorsed on maintenance release

Where the owner, the operator or a flight crew member of, or an authorised person engaged, whether as an employee or on his or her own behalf, in the maintenance of, an aircraft in respect of which a maintenance release is in force considers:

(a) that the aircraft has developed a defect, or has suffered damage, that is a permissible unserviceability; and

(b) that there is a likelihood that the aircraft will be flown before the permissible unserviceability is rectified,

he or she shall enter on the maintenance release, or other document approved for use as an alternative to the maintenance release for the purposes of this regulation, an endorsement signed by him or her:

(c) setting out each permissible unserviceability that exists with respect to the aircraft;

(d) setting out such of the conditions, if any, with respect to the use of an aircraft with those permissible unserviceabilities set out in any direction given under Regulation 37 in relation to those permissible unserviceabilities as are not set out in any operations manual issued with respect to the aircraft or in any Air Navigation Order; and

(e) stating that the maintenance release has effect subject to those conditions, whether set out in the maintenance release or the other document or otherwise.

50 Defects and major damage to be endorsed on maintenance release

Where the owner, the operator or a flight crew member of a Naoero aircraft:

(a) becomes aware of the existence of a defect in the aircraft; or

(b) becomes aware that the aircraft has suffered damage that in the opinion of the owner, the operator or the flight crew member is major damage,

he or she shall enter on the maintenance release, or other document approved for

use as an alternative to the maintenance release for the purposes of this regulation, an endorsement signed by him or her setting out the particulars of the defect or damage, as the case may be.

[reg 50 am Act 21 of 2026 s 5, opn 12 May 2026]

51 Defects in Naoero aircraft to be reported

(1) Where a person who, in the course of his or her employment with an employer, is engaged in the maintenance of a Naoero aircraft becomes aware of the existence of a defect in the aircraft, the person shall report the defect to his or her employer.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where a person engaged, other than as an employee, in the maintenance of a Naoero aircraft, other than an aircraft owned or operated by him or her, becomes aware of the existence of a defect in the aircraft, he or she shall, if he or she considers that it is a major defect, report the defect to the owner or operator of the aircraft and make a report to the Authority in the manner specified by the Authority for the purposes of this subregulation.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where the owner or operator of a Naoero aircraft becomes aware of the existence of a defect in the aircraft he or she shall:

(a) have an investigation made of the defect; and

(b) if he or she considers that it is a major defect, have a report made to the Authority with respect to the defect and to any matters revealed by the investigation,

in the manner specified by the Authority for the purposes of this subregulation.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

[reg 51 am Act 21 of 2026 s 5, opn 12 May 2026]

52 Defects in aircraft components to be reported

(1) Where the holder of a certificate of approval covering the maintenance of aircraft components owned by him or her becomes aware that an aircraft component owned by him or her has developed a defect, he or she shall:

(a) have an investigation made of the defect; and

(b) if he or she considers that the defect is such that, if the component were installed in an aircraft, the safety of the aircraft might be affected or the aircraft might become a danger to person or property, have a report made to the Authority with respect to the defect and of any matters revealed by the investigation,

in a manner specified by the Authority for the purposes of this subregulation.

(2) Where the holder of a certificate of approval covering the maintenance of aircraft components becomes aware of the existence of a defect in an aircraft component in the maintenance of which he or she is engaged, other than an aircraft component owned by him or her, he or she shall, if he or she considers that the defect is such that, if the component were installed in an airtraft, the safety of the aircraft might be affected or the aircraft might become a danger to person or property, report the defect to the owner of the

aircraft component and make a report to the Authority in the manner specified by the Authority for the purposes of this subregulation.

(3) Where the holder of a licence under Part 6 of the Act becomes aware of the existence of a defect in an aircraft component owned by him or her and intended for use in aircraft used in operations under his or her licence, he or she shall:

(a) have an investigation made of the defect; and

(b) if he or she considers that the defect is such that, if the component were installed in an aircraft, the safety of the aircraft might be affected or the aircraft might become a danger to person or property have a report made to the Authority with respect to the defect and of any matters revealed by the investigation,

in a manner specified by the Authority for the purposes of this subregulation.

53 Investigation of defects in Naoero aircraft

(1) An authorised person may, for the purpose of ensuring the safety of air navigation, conduct an investigation into any matter connected with any defect in a Naoero aircraft, including the making of a test of an aircraft or of any aircraft component installed or provided in an aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) An investigation under subregulation (1) may extend to defects generally or may be limited to the investigation of a particular defect or a particular kind of defect.

(3) The authorised person may, for the purposes of carrying out the investigation:

(a) by order in writing served on a person, require the production to the first-mentioned person of any documents, aircraft components or other things that are in the possession, or under the control, of the person on whom the order is served;

(b) retain any document, aircraft component or other thing produced during the course of the investigation for such period as is necessary for the purpose of carrying out the investigation; and

(c) make and retain copies of, or take extracts from, any document so produced.

(4) Where the retention of a document, aircraft component or other thing produced for the purposes of an investigation is no longer necessary, the Authority or the authorised person shall return the document, aircraft component or other thing to the person by whom it was produced.

[reg 53 am Act 21 of 2026 s 5, opn 12 May 2026]

54 Records relating to maintenance etc, to be kept

(1) The Authority may, for the purpose of ensuring the safety of air navigation, give directions specifying:

(a) the records to be kept in relation to:

(i) the maintenance done on Naoero aircraft, including any aircraft component fitted in a Naoero aircraft; and

(ii) the time in service of Naoero aircraft and of aircraft components fitted in Naoero aircraft;

(b) the form of, and the manner of keeping, a record referred to in paragraph (a); and

(c) the period during which a record kept in compliance with a direction under this Regulation is to be retained by the person keeping it, and the circumstances in which the record may, during that period, be transferred to another person.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The owner or operator of an aircraft shall take such action as is necessary to ensure that records with respect to the aircraft are kept, retained and transferred in accordance with any direction under this regulation.

(3) The Authority or an authorised person may, at any time, inspect any records kept in compliance with a direction under this Regulation, and the person keeping the records shall make them available for that purpose.

(4) The Authority may, direct the owner or operator of an aircraft to arrange for copies of the entries made in any record kept in compliance with a direction under this Regulation that is carried on the aircraft during a flight to be recorded in a form approved by the Authority and kept in a safe place on the ground.

(5) A direction given under this Regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

55 Directions, etc, of other authorities applied

Where under this Part the Authority is empowered to give any directions or to specify the manner in which anything is to be done and any such power is delegated by the Authority to the person or authority responsible for the administration of the laws of another country relating to civil aviation or air navigation, every direction or specification of a like nature in respect of that country or aircraft registered in that country given or made under the laws of that country by that person or authority, or by a person authorised by that person or authority under the laws of that country, shall be deemed, insofar as they can be applied to Naoero or to aircraft registered in Naoero and are not repugnant to or inconsistent with the Act or any Regulations thereunder or with any direction or specification made or given by the Authority, to be a direction or specification given or made by the Authority in respect of Naoero and of aircraft registered in Naoero and shall have full force and effect as such.

[reg 55 am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 249,101]

56 Members of flight crew to be licenced

(1) A person shall not act in any capacity as a member of the flight crew of a Naoero aircraft unless he or she holds a licence granted or rendered valid, or deemed to have been granted or rendered valid, under this Part, being a licence that:

(a) is appropriate under the provisions of this Part; and

(b) is endorsed with the rating, if any, that is appropriate under the provisions of this Part,

for a person acting in that particular capacity.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority may grant and endorse licences for the purposes of this Part.

(3) The Authority may, for the purpose of ensuring the safety of air navigation, include in a licence granted or endorsed under this Regulation an endorsement that the licence is granted or endorsed subject to a condition set out in the endorsement or in a specified Air Navigation Order.

(4) A condition referred to in subregulation (3) has effect notwithstanding any provision of this Part with respect to the effect of a licence granted or endorsed under this Regulation.

57 Classification of licences and ratings

(1) The classes of licences that may be granted under this Part and of ratings that may be endorsed on such licences are as follows:

(a) pilot licences:

(i) student pilot licence, being a licence authorising the holder to receive practical flight instruction and to increase his or her skill to the standards required for the issue of a licence of a higher category, or to engage in flying practice for the purpose of qualifying for renewal of a pilot licence which is no longer valid;

(ii) private pilot licence, being a licence authorising the holder to pilot an aircraft used in private operations as specified in regulation 161 of these Regulations;

(iii) commercial pilot licence, being a licence authorising the holder to act:

(A) as pilot in command of an aircraft engaged in private operations, aerial work operations or, where the maximum take-off weight of the aircraft does not exceed 12.500 pounds, charter operations;

(B) as co-pilot of an aircraft engaged in private operations, aerial work operations or charter operations;

(C) with the approval of the Authority, as pilot in command of an aircraft engaged in regular public transport operations, other than international regular public transport operations;

(D) with the approval of the Authority, as pilot in command of an aircraft having a maximum take-off weight of more than

12.500 pounds engaged in charter operations, other than international charter operations; and

(E) with the approval of the Authority, as co-pilot of an aircraft engaged in regular public transport operations;

(iv) senior commercial pilot licence, being a licence authorising the holder to act:

(A) as pilot in command of an aircraft having a maximum take-off weight of more than 12.500 pounds engaged in charter operations; and

(B) with the approval of the Authority, as pilot in command of an aircraft engaged in regular public transport operations, other than international regular public transport operations;

(v) second class airline transport pilot licence, being a licence authorising the holder to act in regular public transport services as co-pilot of aircraft normally operated with 2 or more pilots; and

(vi) first class airline transport pilot licence, being a licence authorising the holder to act in regular public transport services as pilot in any capacity;

(b) pilot ratings:

(i) flight instructor rating, being a rating endorsed on a commercial, senior commercial, or airline transport pilot licence, authorising the holder to give practical flight instruction; and

(ii) instrument rating, being a rating endorsed on a private, commercial, senior commercial or airline transport pilot licence authorising the holder to pilot aircraft under I.F.R;

(c) navigator licences:

(i) flight navigator licence, being a licence authorising the holder to perform the duties of flight navigator in aircraft;

(d) radio operator licences:

(i) aircraft radiotelephone operator certificate of proficiency, being a certificate certifying:

(A) that the holder is proficient in the use of aeronautical radiotelephone communication and emergency procedures, and is authorised to operate all types of aircraft radiotelephone equipment on condition that the equipment is not installed in an aircraft or, if so installed, the aircraft is not in flight; and

(B) if the holder satisfies the Authority that he or she is proficient in the use of aircraft radiotelegraph equipment, that the holder is proficient in the use of radiotelegraph communication and emergency procedures for the equipment and is authorised to operate the equipment on condition that the equipment is not installed in an aircraft or, if so installed, the aircraft is not in flight;

(ii) aircraft radiotelegraph operator certificate of proficiency, being a certificate certifying:

(A) that the holder is proficient in the use of aeronautical radiotelegraph communication and emergency procedures; and

(B) that the holder is authorised to operate all types of aircraft radiotelegraph equipment on condition that the equipment is not installed in an aircraft or, if so installed, the aircraft is not in flight;

(iii) flight radiotelephone operator licence being a licence:

(A) authorising the holder to operate, for radiotelephone communication purposes, in such types or categories of aircraft, as are endorsed in his or her licence such aircraft radiotelephone equipment as Is endorsed in his or her licence; and

(B) if the holder satisfies the Authority that he or she is proficient in the use of the equipment for radiotelegraph purposes, authorising the holder to operate the equipment for radiotelegraph communications; and

(vi) flight radiotelegraph operator licence, being a licence authorising the holder to operate in such types or categories of aircraft as are endorsed in his or her licence such radiotelegraph equipment as is endorsed in his or her licence; and

(e) engineer licences:

(i) flight engineer licence, being a licence authorising the holder to perform the duties of flight engineer in aircraft.

(2) The order in which the categories of licences in classes (a) and (d) are specified in subregulation (1) is from the lowest to the highest in each class and any reference in these Regulations, in relation to one licence, to a licence of a higher or a lower category shall be read accordingly.

(3) For the purposes of these Regulations, aircraft radiotelephone operator certificates of proficiency and aircraft radiotelegraph operator certificates of proficiency shall be deemed to be licences issued under these Regulations.

58 Privileges and limitations according to the category of licence held

(1) In addition to the privileges and limitations specified in relation to any category of licence in Regulation 57, holders of licences shall have such privileges and be subject to such limitations as are prescribed by this Regulation.

(2) Subject to this Regulation, the holder of any licence shall have all the privileges specified in Regulation 57 in respect of a licence of a lower category.

(3) The holder of a second class airline transport pilot licence shall not have the privileges under a senior commercial pilot licence.

(4) The holder of a commercial, senior commercial or airline transport pilot licence may, without being the holder of a flight instructor rating, conduct flights for the purpose of enabling a commercial, senior commercial or airline transport pilot to qualify for the endorsement in his or her pilot licence of an additional type or category of aircraft.

(5) A person is, not authorised to fly a private aircraft unless he or she is the holder of a private, commercial, senior commercial or airline transport pilot licence.

(6) A person is not authorised to fly an aerial work or a charter aircraft unless he or she is the holder of a commercial, senior commercial or airline transport pilot licence.

(7) Subject to the subregulation (8) a person is not authorised to act in the capacity of pilot or co-pilot of a regular public transport aircraft unless he or she is the holder of an airline transport pilot licence appropriate to that capacity.

(8) Where the Authority so approves, the holder of a commercial or senior commercial pilot licence may fly a regular public transport aircraft.

(9) Notwithstanding anything contained in the preceding provisions of this Regulation or Regulation 57, a person may:

(a) fly, for the purpose of undergoing flight instruction by the holder of a valid flight instructor rating, an aerial work aircraft for a period not exceeding three hours if accompanied by the flight instructor and if the flight instructor is satisfied that person is able to understand instructions given in the English language and is capable of carrying out those instructions during the flight;

(b) if he or she has been granted a student pilot licence, fly:

(i) for the purpose of receiving practical flight instruction and increasing his or her skill to the standards required for the initial issue of a licence of a higher category, an aerial work aircraft used for flying training; or

(ii) for the purpose of qualifying for the renewal of a licence of a higher category which is no longer valid, a private aircraft or an aerial work aircraft; or

(c) if he or she has been granted a private pilot licence, fly:

(i) for the purpose of practising for the renewal of his or her private pilot licence, a private aircraft or an aerial work aircraft; or

(ii) for the purpose of increasing his or her skill to the standards required for the issue of an instrument rating or a commercial pilot licence, an aerial work aircraft used for flying training.

(10) The holder of a student pilot licence is not authorised to fly any aircraft:

(a) outside Naoero unless he or she has first obtained permission from the Authority for the flight;

(b) for the purpose of his or her receiving practical flight instruction and increasing his or her skill for the purpose of the initial issue of a licence of a higher category, unless he or she is accompanied by, or is under the supervision of, a licenced pilot who holds a flight instructor rating; or

(c) for the purpose of qualifying for the renewal of a licence of a higher category which is no longer valid, unless he or she is accompanied by, or is under the supervision of, a licenced pilot who holds a flight instructor rating or a valid commercial, senior commercial or airline transport pilot licence,

and is not authorised, during any flying referred to in paragraph (b) or paragraph (c), to fly an aircraft carrying a person other than the licenced pilot referred to in the applicable paragraph.

[subreg (10) am Act 21 of 2026 s 5, opn 12 May 2026]

59 Duration of licences

(1) Subject to these Regulations, a licence issued under this Part shall remain in force for such period after the date of issue as is specified in the licence, but not exceeding:

(a) in the case of a student pilot licence, 2 years;
(b) in the case of a private pilot licence, 2 years;
(c) in the case of a commercial pilot licence, 1 year;
(d) in the case of a pilot licence other than a student pilot licence, a private pilot licence or a commercial pilot licence, 6 months;
(e) in the case of a navigator licence, 1 year;
(f) in the case of a flight radiotelephone operator licence, 2 years;
(g) in the case of a flight radiotelegraph operator licence, 1 year; and
(h) in the case of an engineer licence, 1 year.

(2) A licence may be renewed from time to time for any period not exceeding that mentioned in subregulation (1) in respect of the issue of the licence.

60 Duration of ratings

Subject to these Regulations:

(a) a flight instructor rating endorsed on a licence under this Part remains in force for the period for which the licence remains in force, including the period of any renewal of the licence; and

(b) an instrument rating endorsed on a licence under this Part remains in force until the expiration of 6 months after the date of its endorsement or of the period for which the licence remains in force, whichever first occurs.

61 Ages of applicants for licences

(1) An applicant for a student pilot licence shall not be less than 16 years of age at the date of his or her application for the initial issue of the licence.

(2) An applicant for a private pilot licence shall not be less than 17 years of age at the date of his or her application for the initial issue of the licence.

(3) An applicant for a commercial pilot licence shall not be less than 18 years of age at the date of his or her application for the initial issue of the licence.

(4) An applicant for a senior commercial pilot licence shall not be less than 21 years of age at the date of his or her application for the initial issue of the licence.

(5) An applicant for a second class airline transport pilot licence shall not be less than 18 years of age at the date of his or her application for the initial issue of the licence.

(6) An applicant for a first class airline transport pilot licence shall not be less than 21 years of age at the date of his or her application for the initial issue of the licence.

(7) An applicant for a navigator licence shall not be less than 19 years of age at the date of his or her application for the initial issue of the licence.

(8) An applicant for a flight radiotelephone operator licence shall not be less than 16 years of age at the date of his or her application for the initial issue of the licence.

(9) An applicant for a flight radiotelegraph operator licence shall not be less than 18 years of age at the date of his or her application for the initial issue of the licence.

(10) An applicant for an engineer licence shall not be less than 21 years of age at the date of his or her application for the initial issue of the licence.

62 Proof of identity

An applicant for the grant of a licence under this Part or for the endorsement of a rating on such a licence may be required by an authorised person to produce satisfactory proof of his or her identity immediately prior to:

(a) his or her undergoing an examination; or

(b) the grant to him or her of the licence or the endorsement of the rating on the licence.

63 Medical standards

(1) Subject to this Regulation, an applicant for a licence under this Part is not eligible for the grant of such a licence, unless:

(a) he or she submits himself or herself to a medical examination, conducted by an approved medical practitioner, and satisfies the Authority that he or she meets the medical standards notified by the Authority in an Air Navigation Order; and

(b) at the time of the medical examination he or she:

(i) makes a declaration stating whether he or she has previously undergone a medical examination for the purpose of the grant of a licence and, if so, with what result;

(ii) answers all questions that, in the opinion of the approved medical practitioner, are necessary for determining whether he or she meets the medical standards referred to in paragraph (i); and

(iii) authorises the disclosure to the Authority of any information that has been acquired by any medical practitioner, hospital or other medical organisation and may assist in the determination of whether he or she meets those medical standards.

(2) Where an applicant for the grant of a licence under this Part fails to meet the medical standards referred to in subregulation (1)(a), the Authority may grant the licence subject to:

(a) the condition that the holder of the licence is not authorised to engage in international air navigation; and

(b) such other limitations, if any, as the Authority considers necessary in the interests of the safety of air navigation, having regard to the applicant's experience and ability and to the nature and extent of his or her failure to meet the medical standards referred to in subregulation (1)(a).

(3) Any conditions or limitations subject to which a licence is granted under subregulation (2) shall be specified in the licence.

(4) When an applicant for renewal of a licence is a member of the operating crew of an aircraft operated in circumstances which render it impracticable for the applicant to be examined by an approved health practitioner, the medical examination may be deferred by the Authority:

(a) in the case of the holder of a student pilot licence, of a private pilot licence or of a flight radiotelephone operator licence, once for a period not exceeding 6 months; or

(b) in the case of the holder of any other licence, for 2 consecutive periods not exceeding 3 months each.

(5) The medical examination of an applicant for renewal of a licence of a class referred to in subregulation (4)(b) shall be deferred only upon the condition

that the applicant obtains and submits to the Authority on each occasion a satisfactory medical certificate by a person lawfully practising medicine in the country in which the certificate is given.

64 Temporary medical unfitness of persons holding licences

(1) A holder of a licence under this Part shall not perform the duties in respect of which he or she is licenced during any period for which he or she suffers an incapacity resulting from illness or injury, even if only a temporary incapacity resulting from a common minor ailment, which is likely to impair his or her efficiency in performing those duties.

(2) Where the incapacity impairs the efficiency of the holder of a licence for the performance of the duties in respect of which he or she is licenced:

(a) in the case of a student pilot licence, a private pilot licence or a flight radiotelephone operator licence, for a period of 30 days or more; and

(b) in the case of any other licence, for a period of 7 days or more, the holder of the licence shall not resume the performance of those duties until a person lawfully practising medicine in the country in-which the certificate is given has certified that he or she has recovered from the incapacity.

(3) A holder of a licence who obtains a medical certificate in accordance with subregulation (2) shall forward the certificate to the Authority immediately after its receipt by him or her.

65 Aeronautical knowledge, experience and skill

(1) An applicant for a licence or rating under this Part shall, before the licence is granted to him or her or the rating is endorsed on his or her licence:

(a) pass such examinations; and

(b) produce such evidence of his or her aeronautical experience,

applicable to the licence or rating sought as the Authority, by notification in Air Navigation Orders, directs.

(2) In specifying the requirement for examinations appropriate to radio operator licences, the Authority shall take into account the provisions of Article 24 of the Radio Regulations annexed to the *International Telecommunications Convention* signed at Buenos Aires on the twenty-second day of December 1952, insofar as they relate to air navigation.

66 Pilot licence to be in respect of particular types and categories of aircraft

(1) A pilot licence shall be valid only for the types and categories of aircraft which the applicant has produced satisfactory evidence of his or her ability to fly.

(2) The types and categories of aircraft for which a licence is valid shall be specified by endorsement on the licence.

(3) The holder of a pilot licence in respect of any particular type of aircraft may apply to have any other type or category of aircraft endorsed on his or her licence.

(4) The Authority may, subject to such conditions as the Authority considers necessary in the interests of safety, authorise a pilot to act as pilot or pilot in command of an aircraft of a type or category which is not endorsed on his or her licence:
  (a) for the purpose of testing the aircraft; or
  (b) where he or she has qualified for the endorsement but his or her licence has not yet been endorsed.

(5) The endorsement of an additional type or category of aircraft on a pilot licence shall be conditional upon the applicant passing such examinations pertaining to the operation of the particular type or category as the Authority considers necessary in the interests of the safety of air navigation.

67 Endorsement of radio operator licences with types of aircraft and equipment

(1) A flight radiotelephone operator licence and a flight radiotelegraph operator licence shall be valid only for the types and categories of aircraft and the type of radio equipment endorsed on the licence.

(2) The holder of a flight radiotelephone operator licence or a flight radiotelegraph operator licence may apply to have an additional type or category of aircraft or an additional type of radio equipment endorsed on his or her licence.

(3) The endorsement of an additional type or category of aircraft or of an additional type of radio equipment on a flight radiotelephone operator licence or a fight radiotelegraph operator licence shall be conditional upon the applicant passing such practical tests pertaining to the operation of the particular type of equipment as the Authority considers necessary in the interest of the safety of air navigation.

68 Renewal of licences and ratings

An applicant for the renewal of a licence or a rating under this Part shall:
(a) submit his or her licence, together with an application for the renewal completed by him or her in accordance with the approved form;
(b) furnish such information as the Authority requires with regard to the applicant's recent experience in the capacity in which he or she seeks renewal of the licence or rating; and
(c) in the case of an application for the renewal of an agricultural rating, pass such examinations applicable to the rating as the Authority by an Air Navigation Order directs.

69 Recent experience

The holder of a licence or rating under this Part shall not fly unless he or she complies with such requirements relating to recent experience appropriate to his or her licence or rating as the Authority considers necessary in the interests of the safety of air navigation and specifies by an Air Navigation Order.

70 Flight time limitations on holders of private pilot licences

(1) Unless authorised in pursuance of subregulation (2), the holder of a private pilot licence shall not fly as a night crew member more than:

(a) one thousand hours in any period of twelve consecutive months;
(b) three hundred hours in any period of ninety consecutive days;
(c) one hundred hours in any period of thirty consecutive days;
(d) thirty hours in any period of seven consecutive days; or
(e) eight hours in any period of twenty-four consecutive hours.

(2) Where:
(a) proper rest facilities are available in the aircraft and the composition of the flight crew of the aircraft is such as will allow relief from duty during flight;
(b) a rostering system for flight crew members and amenities available on the ground for those members so warrant; or
(c) the safety or succour of persons or aircraft is involved,

the Authority may authorise the holder of a private pilot licence to fly such hours in excess of those specified in subregulation (1)(b), (c), (d) and (e) as the Authority considers may be flown with safety, subject to such conditions as the Authority specifies.

(3) The Authority may issue directions with respect to the rest periods to be granted to the holder of a private pilot licence.

71 Flight time limitations on holders of other licences

The Authority may issue directions with respect to the circumstances in which a person who is the holder of a licence under this Part other than a private pilot licence shall not act in any capacity as a member of the flight crew of an aircraft or perform any other duties associated with his or her employment or in which an operator shall not require such a person to act in any capacity as a member of the flight crew of an aircraft or perform any other duties associated with his or her employment, and, in particular, with respect to:

(a) the number of hours that may be flown by such a person in any period as a member of the flight crew of an aircraft;
(b) the periods of tours of duty by such a person;
(c) the periods of reserve time for such a person; and
(d) the rest periods to be granted to such a person.

72 Re-examination of holders of licences and ratings

Whenever the Authority considers it necessary in the interests of the safety of air navigation for the holder of a licence under this Part to demonstrate his or her continued fitness or proficiency in the capacity for which the licence or any rating or other endorsement on the licence is held, the Authority may require the holder of the licence to undergo a medical or other examination.

73 Licences or certificates issued by authorities outside the Republic

Where a person who is the holder of a valid licence or certificate issued by the competent authority in any other country satisfies the Authority that he or she has complied with the minimum conditions required under the *Chicago Convention*, the Authority may, if it thinks fit, grant a Naoero licence or certificate appropriate to the qualifications and experience of the person, subject to such conditions and limitations and for such period as it thinks fit, or confer on the person's licence or certificate the same validity for the purpose of acting

as a member of the flight crew of a Naoero aircraft or operating aircraft radio apparatus in Naoero territory as if it had been granted under these Regulations.
[reg 73 am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 249,301]

PART 5 — PERSONAL LOG BOOKS AND NAVIGATION LOGS

74 Personal log books

(1) Each member of the operating crew of an aircraft shall keep a personal log book.

(2) A personal log book shall contain the following particulars:

(a) the full name, address and date of birth of the member;

(b) the class, the number and the renewal date of the licence of the member in force under Part 4;

(c) any other licences or ratings held by the member under these Regulations;

(d) any licences or ratings of a similar nature to those provided for by Regulation 57 which are held by the member under the laws of any country other than Naoero;

(e) the past service of the member as a member of the operating crew of an aircraft; and

(f) a record of flights of the member.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

75 Navigation logs

(1) The pilot in command of an aircraft shall keep a log of such navigational data as is required to enable him or her to determine the geographical position of the aircraft at anytime while the aircraft is in flight.

(2) The log shall be kept in chronological order and, in the case of a Naoero aircraft engaged on an international flight, shall include the following information:

(a) points of departure and destination;

(b) required track;

(c) wind velocity used for calculations;

(d) headings flown;

(e) true airspeed;

(f) position lines, fixes and pinpoints obtained;

(g) times of alteration of headings;

(h) estimated times of arrival at turning points and destination; and

(i) such other information relevant to the navigation of the aircraft as the Authority directs.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

76 Form of log books and logs

A log book or log kept under this Part shall be kept in accordance with such form, and in such manner, as the Authority directs.

77 Retention of log books and logs

The Authority may give directions specifying the period during which a log or log book kept under this Part is to be retained by the person keeping it.

78 Directions under this Part

A direction given under this Part does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

[The next page is 249,501]

PART 6 — RADIO SYSTEMS FOR USE IN, OR IN CONNECTION WITH, AIRCRAFT

79 Equipment of Naoero aircraft with radio systems

(1) A Naoero aircraft engaged in a regular public transport service, and such other Naoero aircraft as the Authority directs, shall be equipped with such radio systems as the Authority approves for the purpose.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) In approving a radio system for the purposes of subregulation (1), the Authority shall have regard to:

(a) the suitability and efficiency of the system for use in conjunction with the air traffic control facilities provided in pursuance of Section 19 of the Act; and

(b) in the case of a system installed, or to be installed, in an aircraft engaged in international air navigation, the suitability and efficiency of the system in the conditions in which it is likely to be used.

(3) The Authority may, subject to such conditions as it considers necessary, exempt an aircraft, other than an aircraft engaged in an international public transport service, from any requirement of this Regulation.

[reg 79 am Act 21 of 2026 s 5, opn 12 May 2026]

80 Use and operation of radio systems by Naoero aircraft

(1) The pilot in command of a Naoero aircraft in which a radio system is installed other than an aircraft that is in a country other than Naoero:

(a) shall not use, or permit the use of, the radio system except in accordance with the directions of the Authority;

(b) shall not operate the radio system while the aircraft is in flight unless he or she is the holder of a flight radio operator's licence issued under Part 4 that is applicable to the radio system;

(c) shall not permit the operation of the radio system while the aircraft is in flight except by a person who is the holder of a licence of a kind referred to in paragraph (b);

(d) shall not operate the radio system while the aircraft is on the ground unless he or she is the holder of a radio operator's certificate or licence issued under Part 4 that is applicable to the radio system; and

(e) shall not permit the operation of the radio system while the aircraft is on the ground except by a person who is the holder of a certificate or licence of a kind referred to in paragraph (d).

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The owner of a radio system used in connection with aircraft but not installed in an aircraft:

(a) shall not operate the radio system unless he or she is the holder of a certificate or licence of a kind referred to in subregulation (1)(d) that is applicable to the radio system; and

(b) shall not permit the operation of the radio system except by a person who is the holder of a certificate or licence of a kind referred to in paragraph (a).

(3) A person shall not operate a radio system installed in an aircraft or used in connection with aircraft unless:
   (a) if the radio system is installed in an aircraft and the aircraft is in flight, he or she is the holder of a licence referred to in subregulation (1)(b) that is applicable to the radio system; or
   (b) in any other case, he or she is the holder of a certificate or licence referred to in subregulation (1)(d) that is applicable to the radio system.

(4) The pilot in command of a Naoero aircraft in which a radio system is installed and that is in a country other than Naoero shall not use, or permit the use of, the radio system except in accordance with the law of the country in which the aircraft is.

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

[reg 80 am Act 21 of 2026 s 5, opn 12 May 2026]

81 Use and operation of radio systems by Naoero aircraft

The pilot in command of a foreign aircraft in which a radio system is installed and that is in or over Naoero:

(a) shall not use, or permit the use of, the radio system unless there is in force a licence to install and operate the radio system issued by the appropriate authority of the country of nationality of the aircraft;

(b) shall not operate the radio system unless he or she is the holder of an appropriate licence issued by the appropriate authority of the country of nationality of the aircraft; and

(c) shall not permit the operation of the radio system except by a person who is the holder of a licence of a kind referred to in paragraph (b).

[reg 81 am Act 21 of 2026 s 5, opn 12 May 2026]

82 Directions under this Part

A direction given under this Part does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

[The next page is 249,701]

83 Use of aerodromes and facilities by aircraft of parties to Chicago Convention

(1) Subject to Section 14 of the Act and to these Regulations, an aircraft which is registered in a country which is a party to the *Chicago Convention* shall be entitled to use the aerodrome re-established by Section 17 of the Act and any other aerodrome established under Section 18 of the Act, and to use all air navigation facilities, including radio and meteorological services, which are provided tor public use for the safety and expedition of air navigation.

(2) For the purpose of this Regulation an aircraft operated by an international operating agency shall be deemed to be an aircraft which is registered in a country which is a party to the *Chicago Convention*.

84 Dangerous lights

(1) Where any light is exhibited at or in the neighbourhood of an aerodrome, or in the neighbourhood of an air route or airway facility on an air route or air way, and the light is likely to endanger the safety of aircraft, whether by reason of glare, or by causing confusion with, or preventing clear reception of, the lights or signals prescribed in Part 10, the Authority may authorise a notice to be served upon the owner of the place where the light is exhibited or upon the person having charge of the light directing that owner or person, within a reasonable time to be specified in the notice, to extinguish or to screen effectually the light and to refrain from exhibiting any similar light in the future.

(2) A notice under this Regulation may be served personally or may be served by post at the last-known place of abode or last-known place of business of the person on whom it is served or at the address of the place where the light is exhibited.

(3) Where any owner or person on whom a notice is served under this Regulation fails, without reasonable cause, to comply with the directions contained in the notice, he or she is guilty of an offence.

(4) It any owner or person on whom a notice under this Regulation is served fails, within the time specified in the notice, to extinguish or to screen effectually the light mentioned in the notice, the Authority may authorise a police officer, with such assistance as he or she requires, to enter the place where the light is, and extinguish or screen the light, and may recover the expenses incurred by him or her in so doing from the owner or person on whom the notice has been served.

85 Removal or marking of hazards to air navigation

(1) No person shall erect any building or other structure or plant any tree within one hundred yards of any aerodrome without the prior written approval of the Authority.

(2) No person shall place any objectives or plant any bush, shrub or other vegetation in such a place as to constitute an obstruction or patent hazard to aircraft taking off or landing at any aerodrome.

(3) The Authority, if it approves the erection of any building or structure, may impose conditions therefor as to the size, location and marking of the building or structure.

(4) Where:

(a) after these Regulations come into force any building or structure has been erected or any tree planted within one hundred yards of an aerodrome without the prior written approval of the Authority or in breach of any condition to which any such approval was subject; or

(b) any building, structure, tree, bush, shrub, vegetation or other objectives constitutes, in the opinion of the Authority, an obstruction or potential hazard to aircraft taking off or landing at any aerodrome,

the Authority may by notice in writing direct the owner thereof within such reasonable time as is specified in the notice:

(c) to remove such building, structure, tree, shrub, bush, vegetation or other objectives or such portion thereof as is specified in the notice; or

(d) to mark such building, structure or objectives, whether by way of lights or otherwise, in such manner as the Authority may specify in the notice.

(5) Where a person upon whom a notice is served in pursuance of this Regulation fails to comply with the directions contained in the notice, he or she is guilty of an offence and the Authority may authorise a public officer, with such assistance as he or she requires, to enter the place where the objectives is and to carry out the directions contained in the notice.

(6) All reasonable expenses and the amount of any actual loss or damage incurred and suffered by a person in complying with the directions contained in a notice served upon him or her in pursuance of this Regulation may be recovered from the Treasury Fund:

Provided that no person shall recover expenses or the amount of loss or damage suffered in consequence of the removal of any building or structure erected, any objectives placed, or any tree, bush, shrub or vegetation planted, after these Regulations come into force, in breach of any of subregulations (1), (2) and (3).

86 Dumping of rubbish

(1) Where the Authority is satisfied that the presence of waste foodstuffs in the vicinity of an aerodrome constitutes or may constitute such an attraction to birds as to create a hazard or a potential hazard to aircraft using that aerodrome or flying in the vicinity of that aerodrome, the Authority may, by notice in the Gazette, declare that area to be an area of land to which this regulation applies.

(2) A person shall not leave waste foodstuffs on, or bring waste foodstuffs onto, an area of land to which this Regulation applies.

(3) The Authority may, by notice in writing, require the owner of land on which waste foodstuffs are, being land within an area of land to which this regulation applies, to remove, within a time specified in the notice, the waste foodstuffs from his or her land to a place outside an area of land to

which this regulation applies or to deal, within a time, and in a manner, specified in the notice, with the waste foodstuffs.

(4) A notice under subregulation (3) may be served personally or by post.

(5) A person shall not fail to comply with the requirements of a notice served on him or her under subregulation (3).

(6) Where a person on whom a notice under subregulation (3) is served fails to comply with the requirements of the notice, an officer authorised for the purpose by the Authority may, with such assistance as he or she requires, enter upon the land and remove or deal with the waste foodstuffs.

87 Functions of the air traffic control service

(1) The functions of Air Traffic Control established by the Authority under Section 19 of the Act shall be:

(a) the prevention of collisions between aircraft, and, on the manoeuvring area, between aircraft and obstructions;

(b) expediting and maintaining an orderly flow of air traffic;

(c) the provision of such advice and information as may be useful for the safe and efficient conduct of flights;

(d) the control of the initiation, continuation, diversion or termination of flight in order to ensure the safety of aircraft operations; and

(e) notifying appropriate organisations regarding aircraft known to be or believed to be in need of search and rescue aid and assisting those organisations as required.

(2) The Authority may, by means of Air Navigation Orders, AIP or NOTAMS, as the case requires, give such instructions and directions on matters within the functions of Air Traffic Control as it considers necessary.

88 Designation of airspace

(1) The Authority may designate:

(a) an aerodrome at which aerodrome control service is provided as a controlled aerodrome;

(b) airspace that is within defined horizontal and vertical limits as a control area or a control zone;

(c) airspace in respect of which flight information and alerting services are available as a flight information region; and

(d) airspace in respect of which operational control service is provided as an operational control area.

(2) Where the Authority designates an aerodrome or an airspace under subregulation (1), it shall cause a notification of the designation, including details of the boundaries of the airspace, to be published in Aeronautical Information Publications or, where the designation is of a temporary nature, in NOTAMS.

89 Compliance with air traffic control clearances and instructions

(1) An aircraft shall comply with air traffic control instructions.

(2) Subject to subregulation (3) and unless otherwise authorised by the air traffic control unit or by a notification in Aeronautical Information Publications or in NOTAMS, an aircraft shall not:

(a) enter, operate in or leave a control area;
(b) operate outside a control area as a result of a diversion out of that control area at the direction of the air traffic control unit; or
(c) enter, operate in, or leave a control zone or operate at a controlled aerodrome,

except in accordance with an air traffic control clearance in respect of the aircraft.

(3) Where an emergency arises that necessitates a deviation from the requirements of an air traffic control clearance in the interests of safety, the pilot in command may make such deviation as is necessary but shall forthwith inform the air traffic control unit of the deviation.

(4) The pilot in command of an aircraft is responsible for compliance with air traffic control clearances and air traffic control instructions.

90 Procedure when air traffic control not in operation

An aircraft operating in a control zone or at a controlled aerodrome shall not be required to comply with the provisions of Regulation 89(2)(c) during any period in which Air Traffic Control is not in operation in respect of that control zone or controlled aerodrome.

91 Air traffic controller to be specially authorised or licenced

(1) A person shall not act in any capacity in Air Traffic Control unless:
(a) he or she is authorised in writing by the Authority to act in that particular capacity; or
(b) he or she holds a licence granted under this Regulation or rendered valid under Regulation 96 and that licence is endorsed with the rating prescribed by Regulation 92 as appropriate for a person acting in that particular capacity.

(2) The Authority may grant and endorse licences for the purposes of this Part and shall specify in each licence the period for which, subject to these Regulations, it remains in force.

(3) A licence granted, and a rating endorsed on a licence, under this Regulation shall be deemed to be subject to such conditions as the Authority considers necessary in the interests of the safety of aircraft, of persons on board aircraft and public safety and notifies by an Air Navigation Order.

92 Classification of ratings

The classes of ratings that may be endorsed on air traffic controller licences are as follows:

(a) aerodrome control rating, being a rating authorising the holder of the rating to provide, or supervise the provision of, such aerodrome control services as are specified in the rating;
(b) approach control rating, being a rating authorising the holder of the rating to provide, or supervise the provision of, such approach control services, for such aerodromes, as are specified in the rating;
(c) area control rating, being a rating authorising the holder of the rating to provide, or supervise the provision of, such area control services, within such control areas, as are specified in the rating;

(d) operational control rating, being a rating authorising the holder of the rating to provide, or supervise the provision of, such operational control services, in such areas, as are specified in the rating; and
(e) radar rating, being a rating authorising the holder of the rating to provide, or supervise the provision of, such radar services, in such areas, as are specified in the rating.

93 Qualifications for grant of air traffic controller licence

A person is not eligible to be granted an air traffic controller licence unless:
(a) he or she has attained the age of 21 years;
(b) having submitted himself or herself to a medical examination conducted by an approved medical practitioner and having at the time of that medical examination furnished, or authorised the furnishing of, his or her medical history, he or she satisfies the Authority that he or she meets the medical standards that the Authority requires and notifies by an Air Navigation Order; and
(c) he or she has passed such examinations, and has produced evidence of such practical experience in relation to the licence or rating sought, as the Authority requires and notifies by an Air Navigation Order.

94 Temporary medical unfitness

Where a person, being:
(a) the holder of an air traffic controller licence; or
(b) a person referred to in Regulation 91(1)(a),

suffers an incapacity resulting from illness or injury, even if only a temporary incapacity resulting from a common minor ailment, that is likely to impair his or her efficiency in performing the duties that he or she is licenced or authorised to perform, he or she shall not, during the periods of incapacity, perform those duties.

95 Duration of ratings

Subject to these Regulations, a rating endorsed on an air traffic controller licence thus remains in force for the period for which the licence remains in force or a period of 12 months, whichever is the less.

96 Re-examination of holders of licences and ratings

Whenever the Authority considers it necessary in the interests of the safety of air navigation for the holder of an air traffic controller licence to demonstrate his or her continued fitness or proficiency in the capacity for which the licence or any rating endorsed on the licence is held, the Authority may require the holder of the licence to undergo a medical or other examination.

97 Licence issued by authority of another country

Where the holder of a licence, issued by the competent authority of a country other than Naoero, that is similar to an air traffic controller licence satisfies the Authority that he or she has complied with the minimum conditions required under the *Chicago Convention*, the Authority may grant an air traffic controller licence subject to such conditions and limitations, and for such period, as it

thinks fit, or may confer on the first-mentioned licence the same validity for the purpose of the holder's acting as an air traffic controller in Naoero as if the licence had been granted under Regulation 91.

[reg 97 am Act 21 of 2026 s 5, opn 12 May 2026]

98 Provision of meteorological information

The Authority shall make arrangements for the provision of meteorological information in such form and in such manner as the Authority considers necessary to ensure the safe, economic and regular operation of aircraft and as provided for in the *Chicago Convention*.

99 Weather reports only of approved persons to be used in planning

Weather reports of actual or forecast meteorological conditions shall not be used in the planning, conduct and control of flights unless the meteorological observations, forecasts and reports were made by a person or persons approved for the purpose by the Authority.

100 Search and rescue service to be operated as provided for in Chicago Convention

A search and rescue service established under the *Rescue and Fire Service Act 2019* shall be operated, so far as is possible, in accordance with the requirements of the *Chicago Convention*.

101 Functions of fire fighting service

(1) The fire fighting service established under the *Rescue and Fire Service Act 2019* is responsible for all operations in connection with:
  (a) the rescuing of persons and property from an aircraft that has crashed, has caught on fire or has otherwise been involved in an accident on, or in the vicinity of, the aerodrome; and
  (b) the control and extinguishing of, and the protection of persons and property threatened by:
    (i) a fire at the aerodrome, whether in an aircraft or elsewhere on the aerodrome; or
    (ii) a fire in the vicinity of the aerodrome, being a fire that is in, or that originated in, an aircraft.

(2) The person in charge of the fire fighting service may take such measures as he or she thinks proper for the purpose of carrying out the functions of the service.

(3) Without limiting the generality of subregulation (2), the officer in charge of the fire fighting service who has taken charge of an operation in accordance with subregulation (1) may, for the purpose of carrying out the operation:
  (a) by force or otherwise, enter, take possession of, use, pull down, sink, damage, remove or destroy any premises, aircraft or other property;
  (b) close to traffic a street, road or other thoroughfare;
  (c) use, without payment, any convenient supply of water;
  (d) shut off or disconnect the supply of electricity to any premises;

(e) remove from any land, premises or aircraft any inflammable, explosive or dangerous material;
(f) order a person to leave any land, premises or aircraft;
(g) remove to such place as he or she thinks proper a person or thing the presence of whom or which is, in his or her opinion, interfering with, or threatening to interfere with, the operation;
(h) take a fire engine or other fire appliance through, over or upon any land or premises;
(i) shore up, pull down or destroy a wait or building that, in his or her opinion, is damaged or made insecure or may be dangerous to person or property; and
(j) direct or authorise the doing by:
(i) a member of the fire fighting service; or
(ii) a person who has voluntarily placed his or her services at the disposal of the officer in charge,

of any act or thing that the officer in charge is, under this Regulation, empowered to do.

(4) Where:
(a) a member of the fire fighting service taking part in an operation in accordance with this regulation is of the opinion that for the purpose of carrying out the operation, it is necessary or desirable to do an act or thing set out in subregulation 3(a), (b), (c), (d), (e), (f) or (h); and
(b) it is not practicable for the member to request authority under subregulation (3)(j) for the doing of that act or thing,

the member may do that act or thing without that authority.

(5) Where damage is caused, whether directly or indirectly, to property by reason of the exercise of a power under this Regulation in relation to a fire, the damage shall, for the purposes of any policy of insurance against fire covering the property damaged, be deemed to be damage by fire, and shall be so deemed notwithstanding a provision to the contrary in the policy.

(6) No action lies against the Republic, the Authority or a person for any damage caused, whether directly or indirectly to a person or property by reason of the exercise of a power under this Regulation.

102 Charges for carriage on public transport aircraft

(1) The holder of a licence to engage in public transport operations to or from Naoero shall submit to the Authority his or her tariff of charges for the carriage of persons and cargo on that service and such tariff shall include charges for the carriage of persons and cargo between all stopping places on the route authorised in the licence.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority may:
(a) approve any tariff of charges submitted under this Regulation;
(b) approve any such tariff subject to such variations as it directs; or
(c) reject any such tariff and direct the adoption in its stead of such tariff as it considers fair and reasonable for the service provided.

(3) On the application of the licence holder the Authority may approve of any variation of a tariff of charges approved, or directed to be adopted, under this Regulation.

(4) Where the Authority considers the circumstances of the case so warrant, the Authority may withdraw at any time an approval given, or a direction given under this Regulation and direct the adoption in its stead of such tariff as it considers fair and reasonable for the service provided.

(5) The holder of the licence or any other person shall not charge, demand or receive, or advertise that he or she will charge, for the carriage of persons or cargo on an aircraft engaged in public transport operations within, to or from Naoero, an amount less than the amount approved, or directed to be adopted, in accordance with this Regulation.

[subreg (5) am Act 21 of 2026 s 5, opn 12 May 2026]

103 Timetables

(1) An airline shall not operate, or advertise that it will operate, a regular public transport service except in accordance with an approved time-tablesetting out, in relation to that service, the time of departure from, and arrival at, each terminal and each intermediate stopping place, if any, on the route of the service.

(2) An airline shall not commence a new regular public transport service or alter the timetable of, or the intermediate stopping places on the route of, a regular public transport service, unless it has submitted the proposed timetable for the service to the Authority, in a form approved by the Authority, at least one month before the date on which it intends to operate the new or altered service or within such shorter period as the Authority allows.

(3) A timetable shall be deemed to be an approved timetable for the purposes of this regulation if the timetable has been submitted to the Authority in accordance with subregulation (2) and the Authority has not notified the airline that it disapproves the timetable within one month after the date on which the timetable was submitted to the Authority.

104 Statistical returns

(1) The owner of any aircraft shall furnish to the Authority, or to an authorised officer, such statistical returns or other information relating to the aircraft and the crew thereof, the mails, the passengers and the goods carried, other work performed by the aircraft, the journeys made by the aircraft, and the development of defects or failures in the aircraft, its engines or its accessories as the Authority from time to time directs.

(2) An airline, or the owner of an aircraft engaged in public transport operations, which uses any aerodrome in Naoero shall furnish to the Authority, or to an authorised officer, such traffic reports, costs statistics and financial statements, showing, amongst other things, all receipts and the sources thereof as the Authority from time to time requires.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 249,901]

105 Naoero aircraft and unregistered aircraft

(1) Subject to subregulation (2) and to Regulation 106, a Naoero aircraft shall not commence a flight unless:

(a) it has a nationality mark and a registration mark painted on, or affixed to, it in accordance with Part 2;

(b) there is in force in respect of it a certificate of airworthiness issued under Regulation 24;

(c) there is in force in respect of it a maintenance release covering the period of the flight and the flight is not in contravention of any condition that:

(i) is set out or referred to in the maintenance release or in any other document approved for use as an alternative to the maintenance release for the purposes of Regulation 49 or Regulation 43(9); or

(ii) is applicable to the maintenance release by virtue of a direction given under Regulation 44.

(d) any maintenance that is required to be carried out before the commencement of the flight, or that will be required to be carried out before the expiration of the flight to comply with any requirement or condition imposed under these Regulations with respect to the aircraft has been certified, in accordance with a system of certification instituted, or deemed to have been approved, under Regulation 33 or in a manner acceptable to the Authority for the purposes of Regulation 41(3), to have been completed; and

(e) it complies with these Regulations in respect of the number and description of, and the holding of licences and ratings by, the operating crew.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Subregulation (1)(d) does not apply in relation to:

(a) any maintenance that was required to be carried out before:

(i) the issue of the maintenance release in force, or the last maintenance release that was in force, in respect of the aircraft; or

(ii) if that maintenance release was riot a maintenance release issued by virtue of Regulation 43(6)(a), the issue of the last maintenance release in respect of the aircraft issued by virtue of that paragraph; or

(b) any approved maintenance carried out by the pilot in command of the aircraft.

(3) Except as provided by the Act and subject to this Part, an aircraft that is not registered under these Regulations shall not fly within, into or out of Naoero.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

[reg 105 am Act 21 of 2026 s 5, opn 12 May 2026]

106 Application of provisions with respect to certain flights

The Authority or an authorised person may direct that Regulation 105(1)(a), (b),

(c) and (d) and (3) and Regulation 110, or such of those provisions as the Authority or the authorised person specifies, do not apply in relation to a flight made by an aircraft within, into or out of Naoero, with the permission of, and in accordance with any directions of, or conditions imposed by, the Authority or the authorised person:

(a) for the purpose of delivery to a person under a contract of sale or with a view to sale;
(b) for the purpose of a demonstration, experiment or test;
(c) for the purpose of being flown to a place where a demonstration, experiment or test of the aircraft is to take place;
(d) for the purpose of being flown to a particular place at which maintenance on the aircraft may be carried out; or
(e) for the purpose of assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion.

[reg 106 am Act 21 of 2026 s 5, opn 12 May 2026]

107 Foreign aircraft

A foreign aircraft shall not fly with in, into or out of Naoero unless it complies with the provisions of these Regulations which are expressed to apply to such aircraft and with the requirements of the *Chicago Convention* in respect of:

(a) its nationality mark and registration mark;
(b) its certificate of airworthiness;
(c) the number and description of, and the holding of licences and ratings by, the operating crew;
(d) the documents to be carried;
(e) the flight and manoeuvre of aircraft; and
(f) the provision of radio apparatus.

[reg 107 am Act 21 of 2026 s 5, opn 12 May 2026]

108 Pilotless aircraft

An aircraft capable of being flown without a pilot shall not be flown without a pilot over, within, into or out of Naoero except with the authorisation in writing of the Authority and in accordance with such conditions as the Authority specifies in the instrument of authorisation.

[reg 108 am Act 21 of 2026 s 5, opn 12 May 2026]

109 Flight manual

(1) The Authority may, for the purposes of these Regulations:
  (a) approve a flight manual for an aircraft, and any subsequent alterations to that flight manual, prepared by, or on behalf of, the manufacturer, owner or operator of the aircraft;
  (b) authorise the manufacturer, owner or operator of an aircraft to issue a flight manual for the aircraft and to issue subsequent alterations to that flight manual; or
  (c) prepare and issue a flight manual for a Naoero aircraft and any subsequent alterations to that flight manual.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A flight manual referred to in subregulation (1) shall contain information and instructions relating to:

(a) the identification of the aircraft;
(b) unless the Authority otherwise approves. the operating procedures and the limitations of the aircraft;
(c) the performance and loading of the aircraft; and
(d) the date, if any, on which, or the period, if any, after which, the flight manual ceases to have effect.

(3) The Authority may, for the purpose of ensuring the safety of air navigation, direct the owner or operator of a Naoero aircraft to make any alteration in the flight manual for the aircraft that is specified in the direction.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) The pilot in command of a Naoero aircraft shall comply with all the requirements, procedures and limitations with respect to the operation of the aircraft set out in the flight manual for the aircraft.

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

110 Documents to be carried by Naoero aircraft

(1) Subject to this Regulation and to Regulation 106, a Naoero aircraft shall, when flying, carry:
(a) its certificate of registration;
(b) its certificate of airworthiness;
(c) unless the Authority otherwise approves, its maintenance release and any other document approved for use as an alternative to the maintenance release for the purposes of a provision of these Regulations;
(d) the licences of the operating crew;
(e) the flight manual, if any, for the aircraft;
(f) any licence in force with respect to the radio equipment in the aircraft;
(g) if the aircraft is carrying passengers, a list of the names, places of embarkation and places of destination of the passengers;
(h) if the aircraft is carrying cargo, the bills of lading and manifests with respect to the cargo; and
(i) unless the Authority otherwise approves, the records kept with respect to the aircraft under a direction given under Regulation 54.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority may exempt an aircraft from the requirement of subregulation (1)(e) if he or she is satisfied that the aircraft carries an operations manual or placards or other documents that provide the pilot in command with all data contained in the flight manual for the aircraft.

[reg 110 am Act 21 of 2026 s 5, opn 12 May 2026]

111 Ticket to be produced on demand

A passenger on an aircraft arriving in, or departing from, Naoero shall, on demand by an authorised person, produce his or her ticket for inspection by the authorised person.

[reg 111 am Act 21 of 2026 s 5, opn 12 May 2026]

112 Dangerous Goods

(1) In these Regulations:

'dangerous goods' means:

(a) explosive substances;
(b) articles which by reason of their nature are liable to endanger the safety of an aircraft or persons on board the aircraft;
(c) any articles specified in the list of restricted articles in the IATA Regulations but not including any article referred to therein as "not restricted" if, any only if, they are packed in accordance with the packing procedures prescribed in the said Regulations;
(d) any article having the same or analogous properties to any of those referred to in (c) above; and
(e) any article declared by the Authority by notice in the gazette to be a dangerous good for the purpose of these Regulations; and

'IATA Regulations' means the Dangerous Goods Regulations, as they are in force from time to time, made and published by the International Air Transport Association and which are based upon the provisions of Annex 18 of the *Convention on International Civil Aviation (Chicago) 1944* and the associated Technical Instructions for the Safe Transport of Dangerous Goods by Air adopted from time to time by the Council of ICAO.

(2) No aircraft shall carry any dangerous goods except as provided herein.

(3) No person shall carry on board, or attempt to have carried or placed on board, an aircraft any dangerous goods.

(4) The provisions of this Regulation shall not apply to any particular goods, which would but for the provisions of this clause be dangerous goods, if written approval has been given by the Authority to the carriage of dangerous goods specified in the approval.

(5) The Authority may not give consent to the carriage of any dangerous goods unless the provisions of the IATA Regulations have been complied with or unless the approval requires that the IATA Regulations be complied with.

(6) All owners and operators of aircraft shall ensure that regular, adequate and effective training is given to all flight crew and cargo and passenger handling staff in the identification and handling of dangerous goods and of these Regulations and the IATA Regulations.

(7) All shipping and forwarding agents shall ensure that the provisions of these Regulations and of the IATA Regulations are brought to the notice of all staff employed by them and to the notice of intended shippers of goods on aircraft. It shall not be a defence for any shipper or forwarding agent to allege that he or she or his or her employees agents or contractors were not aware that any goods were wholly or partly dangerous goods.

Penalty: 3 months imprisonment or $500 fine or both.

[reg 112 subst GN No 508/1990, opn 28 Nov 1990]

113 Carriage of firearms

(1) No person including a flight crew member shall except with the written permission of the Authority, carry in or have in his or her possession in an aircraft, any firearm.

(2) Nothing in this Regulation shall be deemed prevent the carriage of any unloaded firearm as personal baggage or as general cargo:

Provided that the pilot in command of the aircraft is notified that the firearm is on board and that the same is stowed in a hold which is inaccessible during the flight from the passenger cabin.

Penalty: 3 months imprisonment or $500 fine or both.

[reg 113 subst GN No 508/1990, opn 28 Nov 1990]

114 Emergency authority

In conforming with the rules contained in the provisions of Parts 9 and 10, the pilot in command of an aircraft shall pay due regard to all dangers of navigation and collision and to any special circumstances which may render a departure from those rules necessary in order to avoid immediate danger.

115 Liability for neglect of rules regarding lights, etc

Nothing in the rules contained in the provisions of this Part and of Parts 9 and 10 shall exonerate any aircraft or the owner or hirer or pilot in command or crew thereof from the consequence of any neglect in the use of lights and signals, of any neglect to keep a proper lookout, or of the neglect of any precaution required by the ordinary practice of the air or the special circumstances of the case.

116 Naoero aircraft over foreign countries

When a Naoero aircraft is in or over the territory of a country which is not a Contracting State the rules contained in the provisions of this Part and of Parts 9 and 10 shall apply to the aircraft only in so far as those rules do not conflict with the laws of that country.

[reg 116 am Act 21 of 2026 s 5, opn 12 May 2026]

117 Negligent, etc, operation of aircraft

(1) An aircraft shall not be operated in a negligent manner or in a reckless manner so as to be likely to endanger life or the property of others.

(2) An aircraft shall not be flown in such a manner or in such circumstances as is or are likely to cause avoidable danger to a person or property, including animals, on land or water or in the air.

118 Towing

(1) Subject to this Regulation, the pilot in command of an aircraft in flight shall not permit anything to be towed by such aircraft except with the permission of the Authority and in accordance with his or her directions.

(2) Nothing in this Regulation shall prevent the reasonable use or display from an aircraft in flight of radio, aerials, or any signal apparatus, equipment or article required or permitted to be displayed or used by or from an aircraft in flight in accordance with the rules contained in the provisions of this Part and of Parts 9 and 10.

119 Dropping of articles

(1) Subject to this Regulation, the pilot in command of an aircraft in flight shall not permit anything to be dropped from the aircraft.

(2) Nothing in this Regulation shall prevent:

(a) the dropping of packages or other articles or substances with the prior approval of the Authority, in accordance with the directions issued by the Authority to eliminate hazard to persons or property on the ground or on water; or

(b) in an emergency, the jettisoning of liquid fuel or cargo over areas where hazard to persons or property on the ground or water is not created.

120 Picking-up articles

Except with the prior authority of, and in accordance with the conditions specified by, the Authority objects shall not be picked up by an aircraft in flight.

121 Parachute descents

Parachute descents, other than necessary emergency descents, shall not be made unless authorised and conducted in accordance with the written specifications of the Authority.

122 Flight under simulated instrument flying conditions

An aircraft shall not be flown under simulated instrument flying conditions unless:

(a) fully functioning dual controls are installed in the aircraft; and

(b) a competent pilot occupies a control seal to act as safety pilot for the person who is flying under simulated instrument conditions and:

(i) the safety pilot has adequate vision forward and to each side of the aircraft; or

(ii) if the safety pilot's field of vision is limited, a competent observer in communication with the safety pilot occupies a position in the aircraft from which his or her field of vision supplements that of the safety pilot.

123 Flight instruction to a student for solo flying

Flight instruction and authorisation to a student for solo flying shall be such as to ensure that an aircraft piloted by the student shall not constitute a hazard to air navigation.

124 Acrobatic flying

(1) An aircraft:

(a) shall not be flown in acrobatic flight at night;

(b) shall not be flown in acrobatic flight except in V.M.C.; and

(c) shall not be flown in acrobatic flight of a particular kind unless the certificate of airworthiness of, or the flight manual for, the aircraft specifies that the aircraft may perform that type of acrobatic flight.

(2) For the purposes of subregulation (1), straight and steady stalls or turns in which the angle of bank does not exceed 60 degrees shall be determined not to be acrobatic flight.

(3) Except with the permission in writing of the Authority, a person shall not engage in acrobatic flight in an aircraft at a height lower than 3.000 feet above the highest point of the terrain, or any obstacle thereon, within a radius of 2.000 feet of a line extending vertically below the aircraft.

(4) Before engaging in acrobatic flight, the pilot of an aircraft shall take such action as is necessary to ensure that:

(a) any loose articles are removed from the aircraft or made secure in the aircraft;

(b) all locker and compartment doors of the aircraft are fastened;

(c) the safety harness or seat belt of any vacant seat is made secure so as to avoid the fouling of the controls of the aircraft;

(d) the dual controls, if any, of the aircraft are removed from the aircraft or rendered inoperative, unless the control seats are occupied in accordance with Regulation 190 or the dual control seat is vacant; and

(e) every person in the aircraft is secured with correctly adjusted safety harness or seat belt.

125 Low flying

(1) An aircraft shall not fly over any place in Naoero, including the territorial waters thereof, at a lower height than 1,500 feet above sea-level.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) A Naoero aircraft shall not fly anywhere at a lower height than 500 feet above the highest point of the terrain, or any obstacle thereon, within a radius of 2,000 feet of a line extending vertically below the aircraft.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) The provisions of subregulations (1) and (2) shall not apply if:

(a) through stress of weather or any other unavoidable cause it is essential that a lower height be maintained;

(b) the aircraft is engaged upon aerial work of a nature which necessitates low flying and the owner or operator of the aircraft has received from the Authority either a general permit for all flights or a specific permit for a single flight to be made at a lower height while engaged upon such aerial work;

(c) the pilot of the aircraft is engaged in a baulked approach procedure, or the practice of such procedure under the supervision of a flight instructor or a check pilot; or

(d) the aircraft is flying in the course of actually taking-off or landing at an aerodrome.

126 Reports at designated points or intervals

Where radio apparatus is fitted to an aircraft and a flight plan has been submitted in respect of the flight, the time and altitude of passing each reporting point designated by Air Traffic Control, together with any other required information, shall be reported by radio as soon as possible to the air traffic control unit and, in the absence of designated reporting points, position reports shall be made at intervals specified by the air traffic control unit.

127 Procedure on radio failure

(1) Where a radio failure precludes compliance with Regulation 126 and Regulation 206, the pilot in command of an aircraft shall:

(a) if in V.M.C.:

(i) continue to fly in V.M.C. and land at the most suitable aerodrome; and

(ii) report the aircraft's position and the circumstances to the air traffic control unit as soon as possible; or

(b) if in I.M.C or when weather conditions are such that it does not appear possible to complete the flight in accordance with paragraph (a):

(i) proceed in accordance with the current flight plan, maintaining the minimum safe cruising level or the last acknowledged assigned cruising level, whichever is higher, to the aerodrome of intended landing;

(ii) arrange the flight so as to arrive as closely as possible to his or her estimated time of arrival; and

(iii) commence descent as closely as possible to the expected approach time last received and acknowledged or, if no expected approach

time has been received and acknowledged, as closely as possible to the estimated time of arrival specified in the current flight plan.

(2) In this Regulation, the

'most suitable aerodrome' means the nearest aerodrome, whether in Naoero or in another country, suitable for the operation of the aircraft.

[def am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 251,101]

128 Interpretation

In this Division, an

'overtaking aircraft' means an aircraft that approaches another aircraft from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, that is to say, an aircraft that is in such a position with reference to another aircraft that at night it would be unable to see either of the forward navigation lights of the other aircraft.

129 Right of way

(1) An aircraft that is required by the rules in this Division to keep out of the way of another aircraft shall avoid passing over or under the other, or crossing ahead of it, unless passing well clear.

(2) An aircraft that has the right of way shall maintain its heading and speed, but nothing in the rules in this Division shall relieve the pilot in command of an aircraft from the responsibility of taking such action as will best avert collision.

130 Rules for prevention of collision

(1) Where two aircraft are on converging headings at approximately the same height, the aircraft that has the other on its right shall give way, except that:
   (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
   (b) airships shall give way to gliders and balloons;
   (c) gliders shall give way to balloons; and
   (d) power-driven aircraft shall give way to aircraft that are seen to be towing other aircraft or objects.

(2) When 2 aircraft are approaching head-on or approximately so and there is a danger of collision, each shall alter its heading to the right.

(3) An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the 2 aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

(4) An overtaking aircraft shall not pass the aircraft that it is overtaking by diving or climbing.

(5) An aircraft in flight, or operating on the ground or water, shall give way to other aircraft landing or on final approach to land.

(6) When 2 or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, aircraft at the greater height shall give way to aircraft at lesser height, but the latter shall not take advantage of this rule to cut-in in front of another that is on final approach to land, or overtake that aircraft.

(7) Notwithstanding anything contained in subregulation (6), power-driven heavier-than-air aircraft shall give way to gliders.

(8) An aircraft that is about to take off shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9) An aircraft that is aware that another aircraft is compelled to land shall give way to that aircraft.

(10) The provisions of this regulation shall apply to all aircraft in flight over, or operating on the ground or water in, Naoero and to Naoero aircraft flying anywhere, except where the laws of the place where the aircraft is being flown for the time being require otherwise.

[subreg (10) am Act 21 of 2026 s 5, opn 12 May 2026]

131 Operation in proximity to other aircraft

(1) An aircraft shall not be operated on the ground in such manner as to create a hazard to itself or to other aircraft and subject to subregulation (2), shall not be operated in the air in closer proximity to another aircraft than 2,000 feet horizontally and 500 feet vertically.

(2) Aircraft shall not fly in formation except by prearrangement and after notification has been given to the air traffic control unit and then only in V.M.C. by day.

DIVISION 2 — OPERATION ON AND IN THE VICINITY OF AERODROMES

132 Responsibility for compliance with rules of this division

When operating an aircraft on or in the vicinity of an aerodrome the pilot in command shall be responsible for compliance by the aircraft with the rules contained in this Division.

133 Temporary suspension of rules

The Authority may, in respect of any specified aerodrome, temporarily suspend, either wholly or in part, the application of the rules contained in this Division.

134 Operation on and in the vicinity of an aerodrome

(1) The pilot in command of an aircraft which is being operated on or in the vicinity of an aerodrome shall:

(a) observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left when approaching for a landing or after taking off, unless:

(i) the Authority has directed otherwise for a particular aerodrome; or

(ii) the air traffic controller directs otherwise, either by radio, visual signal or signals displayed in the signal square;

(d) land and take-off in so far as practicable, into the wind unless the air traffic controller directs otherwise;

(e) before landing, descend in a straight line commencing at such a distance from the perimeter of an aerodrome as is common to the

ordinary course of navigation for the aircraft type concerned, the commencement of that straight line not being nearer the perimeter of an aerodrome than 500 yards; and

(f) after take-off, not alter heading from the take-off heading at a height less than 500 feet above the terrain unless the air traffic controller directs the alteration or unless the alteration is necessary due to the terrain.

(2) The pilot in command of an aircraft that is being operated on or in the vicinity of an aerodrome shall not take the aircraft off from, or land the aircraft on, a part of the aerodrome outside the landing area of the aerodrome.

135 Procedure for use of an aerodrome

The pilot in command of an aircraft forming part of the aerodrome traffic shall:

(a) maintain a continuous listening watch on the radio frequency authorised for communications with aerodrome control service, or, if this is not possible, keep a watch for instructions which may be issued by visual signals; and

(b) obtain, either by radio or visual signals, prior authorisation for any manoeuvre preparatory to or associated with taxi-ing, landing or taking-off.

136 Prevention of collisions at sea

(1) Every aircraft in flight or in process of manoeuvring near the surface of the water shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(2) This Regulation shall apply to all aircraft within the territorial waters of Naoero and to Naoero aircraft anywhere.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 3 — VISUAL FLIGHT RULES

137 Interpretation

In this Division, 'flight level 210', in relation to a time and place, means such a height above the ground or water that, if any aircraft were flying at that height at that time and place and had an altimeter adjusted to a reading on the sub-scale of 29.92 inches of mercury or 1013.2 millibars, the altimeter would show a height of 21,000 feet.

138 V.F.R. Flight

(1) A flight conducted in accordance with the provisions of this Division is classed as a flight under the Visual Flight Rules.

(2) Where an aircraft cannot be flown in accordance with the Visual Flight Rules, the pilot in command shall comply with the Instrument Flight Rules contained in Division 4 of this Part or land at the nearest suitable aerodrome in Naoero or another country.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

139 V.F.R. flights at less than 5,000 feet

(1) A V.F.R. flight shall not be conducted:

(a) at a height of, or less than, 2,000 feet above ground or water; or
(b) at such times, if any, as the Authority directs,

unless the pilot in command of the aircraft is able to navigate by reference to the ground or water.

(2) Except as provided in subregulation (3) and to the extent that the air traffic control unit otherwise directs, a V.F.R. flight shall not be conducted at a height that is less than 5,000 feet above mean sea level unless the flight visibility is equal to or greater than 3 miles and the aircraft is flown at a distance equal to or greater than 2,000 feet horizontally and 500 feet vertically from cloud.

(3) Notwithstanding the requirements of subregulation (2), a helicopter that is flown:
(a) with a flight visibility of less than 3 miles but equal to or greater than one half of a mile;
(b) clear of cloud at a height of less than 700 feet above the ground or water;
(c) at a distance of not less than 10 miles from an aerodrome for which an instrument approach procedure has been approved; and
(d) at such a speed that the pilot in command has an adequate opportunity to observe any obstructions or other air-traffic in sufficient time to avoid a collision,

may conduct a V.F.R. flight outside controlled airspace.

140 V.F.R. flights at or above 5,000 feet

(1) A V.F.R. flight shall not be conducted at a height of 5,000 feet above mean sea level or between that height and flight level 210 unless:
(a) the flight visibility is equal to or greater than 5 miles;
(b) the aircraft is flown at a distance equal to or greater than 1 mile horizontally and 1,000 feet vertically from cloud; and
(c) when at cruising level, the aircraft is flown at a cruising level appropriate to its magnetic track notified by the Authority in Aeronautical Information Publications or in NOTAMS.

(2) Notwithstanding the requirements of subregulation (1), where:
(a) a flight condition is encountered that prevents an aircraft from flying at the appropriate cruising level; and
(b) the pilot in command notifies the air traffic controller of the height at which he or she is flying and of all subsequent changes of that height,

a V.F.R. flight may be conducted at a cruising level other than one that is appropriate to its magnetic track.

(3) Unless the Authority otherwise approves, a V.F.R. flight shall not be conducted at a height above flight level 210.

141 Determination of visibility

(1) Flight visibility shall be determined by the pilot in command from the cockpit of the aircraft while in flight.

(2) In determining visibility for the purposes of this Regulation, the pilot in command shall take into account the meteorological conditions, sunglare and any other condition that may limit his or her effective vision through his or her windscreen.

DIVISION 4 — INSTRUMENT FLIGHT RULES

142 I.F.R. flight

(1) A flight conducted in accordance with the provisions of this Division is classed as a flight under the Instrument Flight Rules.

(2) Where an aircraft flies:

(a) except for the purpose of landing at the nearest suitable aerodrome in accordance with Regulation 138, in weather conditions other than V.M.C.for the flight;

(b) at night; or

(c) subject to subregulation (3), in circumstances requiring a flight over the sea at a distance of more than ten miles from land for more than one hour,

the pilot in command of the aircraft shall comply with the Instrument Flight Rules contained in this Division.

(3) The Authority may give special permission for a flight of the kind specified in subregulation (2)(c) to be conducted as a V.F.R. flight.

143 Qualification of pilot in command

(1) The pilot in command of an aircraft shall not conduct a flight under the Instrument Flight Rules unless he or she holds an instrument rating of the required class issued or rendered valid by the Authority.

(2) Notwithstanding anything contained in this regulation, the Authority may give the pilot in command of an aircraft who does not hold an instrument rating permission to conduct a flight under Instrument Flight Rules on such terms as the Authority may designate.

144 Equipment of aircraft for I.F.R. flight

(1) An aircraft shall not be flown under the Instrument Flight Rules unless it is equipped with:

(a) suitable flight instruments as required by the Authority;

(b) suitable radio navigation apparatus appropriate to the route to be flown; and

(c) suitable radio apparatus, capable of maintaining two-way radio communication with the air traffic control unit.

(2) An aircraft shall not be flown under the Instrument Flight Rules by night, unless, in addition to the equipment referred to in subregulation (1), it is equipped with:

(a) 2 landing lights;

(b) illumination for all instruments and equipment, used by the flight crew, that are essential for the safe operation of the aircraft;

(c) lights in all passenger compartments;

(d) an electric torch for each crew member; and

(e) such other equipment as the Authority requires in the interests of safety.

(3) Notwithstanding anything contained in this regulation, the Authority may give permission to an aircraft:

(a) to conduct flights under the Instrument Flight Rules, if passengers are not carried for hire or reward and the flight is made for ferrying purposes; or

(b) to undertake night flying for the purposes of practice or instruction, if traffic and weather conditions permit and the aircraft complies with such conditions as the Authority specifies,

although the aircraft does not comply with one or more of the requirements referred to in subregulation (1) or subregulation (2).

145 Approved instrument approach procedures to be used

Unless otherwise authorised by the air traffic control unit the pilot in command of an aircraft when conducting an I.F.R. flight shall follow the instrument approach procedures approved in respect of the aerodromes used.

146 Cruising levels for I.F.R. flights

When conducting a flight under the Instrument Flight Rules, an aircraft shall be flown within controlled airspace at a cruising level authorised for the flight by the air traffic control unit.

147 Provisions of this Division not in force until notified

The provisions of this Division shall not come into force or have effect until notice of their doing so is given by the Authority in AIP; until such notice is given all flights by aircraft over, into and out of Naoero shall be conducted as V.F.R. flights and the Authority may, if it thinks fit, by NOTAMS vary the provisions of Division 3 of this Part in respect of all or any such flights.

[reg 147 am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 251,301]

148 Use of prescribed signals

The signals prescribed in this Part shall be used only for the purposes respectively prescribed in this Part; other signals likely to be confused with them shall not be used.

149 Responsibility for compliance with this Part

The pilot in command of an aircraft being operated on or in the vicinity of an aerodrome shall comply with signals and instructions given in accordance with this Part and with the rules and other provisions contained in this Part.

150 Two-way radio-telephone communication

(1) The air traffic control unit shall give control instructions by radio-telephony to all aircraft equipped to receive radio-telephony messages.

(2) All such communication between aircraft and the air traffic control unit shall be in the English language:

Provided that:

(a) when authorised by the Authority in exceptional cases and if personnel of the air traffic control unit are available who can intelligibly speak both the English language and the other language concerned; or

(b) when the owner or operator of the aircraft has furnished properly qualified personnel who can intelligibly speak both the English language and the language concerned and they are available to assist the air traffic control unit in communicating with the aircraft,

the communications may be made in the language concerned.

151 Visual signals

(1) Where control by the means referred to in Regulation 150 is not possible, the appropriate visual signals prescribed by this Part may be used.

(2) Nothing in this regulation shall prevent any combination of radio-telephony signals and visual signals being used at any aerodrome, but a visual signal shall not be used in any case where it is possible to use radio-telephony.

152 Pilot in command to maintain look-out for visual signals

Where radio communication is being used, the pilot in command of an aircraft shall not thereby be relieved of the responsibility of keeping a look-out for any instructions which may be issued by visual means.

153 Light signals

(1) A light signal directed at a particular aircraft by the air traffic control unit has, both by day and by night, the meaning specified in relation to the signal in Aeronautical Information Publications.

(2) Light signals directed from an aircraft to the air traffic control unit have the following meaning:

(a) a green light, made by signalling apparatus or pyrotechnics, but not by navigation lights, means:

(i) by day, that the aircraft wishes to land in other than the direction authorised; and

(ii) by night, that the aircraft wishes to land, although not compelled to do so; and

(b) a steady white light directed downward until the landing is made, acknowledgment of permission to land.

154 Pyrotechnic signals

A pyrotechnic signal made by the air traffic control unit has the meaning specified in relation to the signal in Aeronautical Information Publications.

155 Ground signals

When displayed at an aerodrome, ground signals shall take the form, and for all aircraft shall have the meaning, specified in relation to the signal, in Aeronautical Information Publications.

DIVISION 2 — EMERGENCY SIGNALS

156 Transmission of signals

(1) The pilot in command of an aircraft shall transmit or display the signals specified in this Division according to the degree of emergency being experienced.

(2) The signals specified in relation to each successive degree of emergency may be sent either separately or together for any one degree of emergency.

(3) Nothing in the rules contained in this Division shall prevent the use by an aircraft in distress of any means at its disposal to attract attention or make known its position for the purpose of obtaining help.

157 Distress signals

(1) The distress signal shall be transmitted only when the aircraft is threatened with grave and immediate danger and requires immediate assistance.

(2) In radiotelegraphy, the distress signal shall take the form of SOS (···— — —···) sent three times, followed by the group DE, sent once and the call sign of the aircraft, sent 3 times.

(3) The signal specified in subregulation (2) may be followed by the automatic alarm signal which consists of a series of 12 dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between consecutive dashes being 1 second.

(4) In radio-telephony, the distress signal shall take the form of the word MAYDAY, pronounced 3 times, followed by the words "THIS IS", followed by the call sign of the aircraft 3 times.

(5) By other means the distress signal shall take one or more of the following forms:

(a) the morse signal ···— — —··· with visual apparatus or with sound apparatus;
(b) a succession of pyrotechnical lights, fired at short intervals, each showing a single red light;
(c) the two-flag signal corresponding to the letters NC of the International Code of Signals;
(d) the distant signal, consisting of a square flag having, either above or below, a ball or anything resembling a ball;
(e) a parachute flare showing a red light; or
(f) a gun or other explosive signal fired at intervals of approximately 1 minute.

158 Urgency signals

(1) The following signals, used either together or separately, shall be used by an aircraft for the purpose of giving notice of difficulties which compel it to land without requiring immediate assistance:
(a) the repeated switching on and off of the landing lights;
(b) the repeated switching on and off of the navigation lights, in such a manner as to be distinctive from the flashing lights described in Regulation 161(2); or
(c) a succession of white pyrotechnical lights.

(2) The following signals, used either together or separately, shall be used by an aircraft for the purpose of giving notice that the aircraft has a very urgent message to transmit concerning the safety of a ship, aircraft or vehicle, or of some person on board or within sight:
(a) in radio-telegraphy, 3 repetitions of the group XXX(—¨— —¨— —¨—), sent with the letters of each group and the successive groups, clearly separated from each other, and sent before the transmission of the message;
(b) in radio-telephony, 3 repetitions of the word PAN, sent before the transmission of the message;
(c) a succession of green pyrotechnical lights; or
(d) a succession of green flashes with signal apparatus.

159 Safety signal

(1) The safety signal shall be transmitted when an aircraft wishes to transmit a message concerning the safety of navigation or to give important meteorological warnings.

(2) The safety signal shall be sent before the call and:
(a) in the case of radiotelegraphy shall consist of three repetitions of the group TTT (— — —), sent with the letters of each group and the successive groups, clearly separated from each other, and sent before the transmission of the message; and
(b) in the case of radio-telephony shall consist of the word "SECURITY", repeated 3 times.

DIVISION 3 — LIGHTS TO BE DISPLAYED BY AIRCRAFT

160 Compliance with rules as to lights

(1) The provisions of these rules with respect to the lights to be displayed by aircraft shall be complied with at night and in conditions of poor visibility.

(2) At night and in conditions of poor visibility no other lights shall be displayed which may be mistaken for the lights required to be displayed in pursuance of this Part.

(3) The lights required to be displayed shall not be dazzling.

(4) In the event of the failure of any light which is required by the rules of this Part to be displayed by an aircraft in flight, the aircraft concerned shall, if the light cannot immediately be repaired, notify the air traffic control unit immediately, or if this is not possible, land as soon as it can do so without danger.

161 Aeroplanes in flight or on aerodromes

(1) An aeroplane in flight or operating on the manoeuvring area of a land aerodrome shall display the following navigation lights:

(a) an unobstructed red light projected above and below the horizontal plane through an angle from dead ahead to 110 degrees port;

(b) an unobstructed green light protected above and below the horizontal plane through an angle from dead ahead to 110 degrees starboard; and

(c) an unobstructed white light projecting above and below the horizontal plane rearward through an angle of 140 degrees, equally distributed on the port and starboard sides.

(2) Unless the Authority otherwise directs, navigation lights shall be steady lights.

(3) Unless the Authority otherwise directs, an aeroplane in flight or operating on the manoeuvring area of a land aerodrome shall display, in addition to the navigation lights, an anti-collision light consisting of a flashing red light visible in all directions within 30 degrees above and 30 degrees below the horizontal plane of the aeroplane.

(4) Where the lights are flashing lights, the aircraft:

(a) shall display an additional flashing white light visible in all directions; and

(b) may display an additional flashing red rear light, in accordance with such requirements as the Authority, having regard to Annex 8 of the *Chicago Convention*, specifies in an Air Navigation Order.

(5) The colour specifications and minimum and maximum intensities of the navigation lights and the anti-collision light shall be such as the Authority, having regard to Annex 8 of the *Chicago Convention*, specifies in an Air Navigation Order.

(6) In addition to the lights required to be displayed under the preceding provisions of this regulation, wing-tip clearance lights comprising steady lights of the appropriate colours shall be displayed where the distance of navigation lights from the wing-tip is greater than 6 feet.

(7) At an aerodrome used or available for use in night flying operations, an aircraft parked on or adjacent to the movement area shall be clearly illuminated or lighted, unless the area that it occupies is marked by obstruction lights.

[The next page is 251,501]

162 Classification of operations and aircraft

(1) For the purposes of these Regulations, air transport shall be divided into the following classes of operations:

(a) private operations, being operations in which an aircraft is used otherwise than for the carriage of passengers or goods or both passengers and goods, or for the performance of any aerial work or service, for hire or reward;

(b) aerial work operations, being all operations in which an aircraft is used for the performance of any aerial work or service not including the carriage of persons or cargo or persons and cargo and which are not private operations;

(c) charter public transport operations, being all operations in which an aircraft is used for carriage of persons or cargo or persons and cargo and which are not private operations or regular public transport operations; and

(d) regular public transport operations, being all operations of aircraft in which aircraft are available for the transport of members of the public, or for use by members of the public for the transport of cargo, for hire or reward and which are conducted in accordance with fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals:

Provided that the Minister may by an instrument in writing under his or her hand declare the use of any aircraft on any occasion specified therein for the carriage of an employee or employees of the person operating that aircraft to be a private operation.

(2) An aircraft shall be classified in accordance with the type of operations in which it is being employed at any time, as follows:

(a) when an aircraft is being employed in private operations, it shall be classified as a private aircraft;

(b) when an aircraft is being employed in aerial work operations, it shall be classified as an aerial work aircraft;

(c) when an aircraft is being employed in charter public transport operations, it shall be classified as a charter aircraft; and

(d) when an aircraft is being employed in regular public transport operations, it shall be classified as a regular public transport aircraft.

(3) For the purposes of this Regulation, passengers or goods are deemed to be carried, and aerial work or services to be performed, for hire or reward where:

(a) any fare, fee or other reward, in the form of money or of any other valuable consideration, is paid or payable to, or is demanded or received by, a person therefor in Naoero or elsewhere; or

(b) such carriage, work or services are provided without the payment of any fare, fee or other reward but by reason of the possession by the person to whom the carriage, work or services are provided, or any

other person, of any qualification obtained in consequence of any payment having been made or any valuable consideration having been given, or of any contract, agreement or undertaking having been executed, entered into or given to make any payment or give any valuable consideration, by such person or such other person or by any other person on behalf of such person or such other person.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

163 Requirements according to operations on which aircraft is to be used

(1) An aircraft shall not be used in any class of operations unless the particular type of aircraft is authorised and approved for such use by the Authority.

(2) An aircraft shall not be used in any class of operations unless it is fitted with such instruments and is fitted with or carries such equipment, including emergency equipment, as the Authority approves or directs.

(3) Where the Authority approves or directs that an instrument or item of equipment be fitted or carried on an aircraft, the instrument or item of equipment shall be fitted, carried or used in accordance with the directions, if any, of the Authority.

164 Number of operating crew

The minimum operating crew of an aircraft shall not be less in number than that specified in the certificate of airworthiness or the flight manual of the aircraft, and shall be supplemented by such additional operating crew members, having such qualifications as the Authority considers necessary and directs, having regard to:

(a) the type of aircraft used;
(b) the class of operation involved;
(c) the type of equipment installed;
(d) the duration of flights between points where crews are changed; and
(e) the safety of the aircraft.

165 Private operations

Aircraft engaged in private operations shall comply with the provisions of these Regulations and such additional conditions as the Authority from time to time directs in the interests of safety.

166 Aerial work licence

An aircraft shall not be used by a person in aerial work operations except under the authority of and in accordance with a licence, in these Regulations referred to as an "aerial work licence", issued by the Authority.

167 Charter licence

An aircraft shall not be used by a person in charter public transport operations except under the authority of and in accordance with a licence, in these Regulations referred to as a "charter licence", issued by the Authority under the provisions of Section 21 of the Act.

168 Airline licence

An aircraft shall not be used in regular public transport operations except under the authority of and in accordance with a licence, in these Regulations referred to as an "airline licence", issued by the Authority under the provisions of Section 21 of the Act.

169 Conditions of issue for certain licences

(1) An applicant for an aerial work, charter or airline licence, or for exemption under Regulation 174, shall furnish such information in relation to the proposed service as the Authority requires.

(2) The Authority may, subject to the provisions of Section 21 of the Act, issue an aerial work, charter or airline licence, as the case requires, upon such conditions, in addition to compliance with these Regulations, as the Authority considers necessary, or may refuse to issue a licence.

170 Form and consolidation of licences

(1) A licence under this Division shall be in the approved form and, if the Authority considers it convenient, it may grant to the operator of more than one service a licence in consolidated form in respect of those services.

(2) Where a licence is granted in consolidated form, the provisions of these Regulations relating to the imposition and variation of conditions apply in respect of each separate service authorised under the licence as if the licence in its application to that service were a separate licence.

171 Duration renewal and review of licences

(1) Subject to Section 21 of the Act and to these Regulations, a licence issued under this Division shall remain in force for such period not exceeding one year from the date of issue as is specified in the licence, and may, from time to time, be renewed by the Authority for a further period not exceeding one year.

(2) Subject to Section 21 of the Act, the Authority may:

(a) refuse to renew a licence issued under Section 21 of the Act or this Division;

(b) renew such a licence upon conditions, whether contained in the licence to be renewed or not; or

(c) vary at any time the conditions upon which such a licence has been issued or renewed,

if the refusal, or the imposition of the conditions as added or varied, as the case may be, would be within his or her powers in dealing with an application for the issue of a licence for the operations.

172 Cancellation or suspension of licences

The provisions of Section 22 of the Act shall apply to all licences issued under this Division.

173 Arrangement under which service may be operated by person other than licencee

The holder of an aerial work, charter or airline licence may enter into a contract

or arrangement with another person under which that person may operate the service for which the licence is issued, if that contract or arrangement is approved by the Authority, and the Authority may impose such conditions upon the grant of such approval as it thinks fit:

Provided that no such contract or arrangement may be approved by the Authority in respect of any charter or airline licence except with the consent of the Cabinet and in deciding what conditions if any shall be imposed upon the grant of approval in respect of any charter or airline licence under this Regulation the Authority shall comply with any directions given by the Cabinet.

174 Exemption from necessity to obtain airline licence

The Authority may, if it considers that the particular circumstances of the case so warrant, exempt a person who holds a charter licence and who proposes to operate a service which would constitute a regular public transport service from the necessity of obtaining an airline licence, and may approve of the operation of the service for such period and subject to such conditions as the Authority, subject to any directions given by the Cabinet, considers necessary.

175 Advertisement of certain services prohibited

A person, other than the holder of an airline licence or the recipient of an exemption and approval under Regulation 174, shall not give public notice, by a newspaper advertisement, broadcast statement or any other means of public announcement, to the effect that person is willing to carry passengers or cargo by air for hire or reward to and from Naoero and in accordance with fixed schedules.

[reg 175 am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 2 — REQUIREMENTS TO ENSURE THE SAFETY OF COMMERCIAL OPERATIONS

176 Interpretation

In this Division

'operator' means an operator engaging in commercial operations.

177 Organisation

An operator shall provide an adequate organisation, including trained staff, together with workshop and other equipment and facilities in such quantities and at such places as the Authority directs in order to ensure that the airframes, engines, propellers, instruments, equipment and accessories are properly maintained at all times when they are in use:

Provided that, where an operator satisfies the Authority that, although he or she or it has not provided an adequate organisation, he or she or it has made adequate arrangements with another person, whether in Naoero or another country, to ensure that the airframes, engines, propellers, instruments, equipment and accessories are maintained in an airworthy condition at all times when they are in use, he or she or it shall be deemed to have complied with the provisions of this Regulation.

[reg 177 am Act 21 of 2026 s 5, opn 12 May 2026]

178 Training of maintenance personnel

(1) An operator shall ensure that provision is made for the proper and periodic instruction of all maintenance personnel employed by him or her or it, particularly in connection with the introduction into service of new equipment or equipment with which the maintenance personnel are not familiar, the training programme shall be subject to the approval of the Authority.

(2) Where the maintenance of an operator's aircraft is being earned out wholly or in part by persons not employed by the operator, he or she or it shall take such steps as the Authority may require to ensure that they receive proper and periodic instruction.

179 Operations manual

(1) An operator shall provide an operations manual for the use and guidance of the operations personnel of the operator.

(2) An operations manual shall contain such information, procedures and instructions with respect to the flight operations of all the types of aircraft operated by the operator as are necessary to ensure the safe conduct of the flight operations, other than information, procedures or instructions that are set out in other documents required to be carried in the aircraft in pursuance of these Regulations.

(3) The Authority may give a direction:
  (a) requiring the operator to include particular information in the operations manual; or
  (b) requiring the operator to revise or vary the information contained in the operations manual.

(4) A direction given under this regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

(5) The operator shall revise the operations manual from time to time where necessary as the result of changes in his or her or its operations, aircraft or equipment, or in the light of experience.

(6) An operator shall furnish copies of the operations manual to such of his or her or its personnel as the operator considers necessary, to the Authority and to such other persons associated with the operator's operations as the Authority considers necessary and directs.

(7) The operator shall ensure that a copy of the manual is kept in a convenient and accessible place for use by all members of the operations personnel employed by the operator who have not been furnished with a copy in pursuance of subregulation (6).

(8) The operator shall ensure that all amendments to the operations manual made in accordance with this Regulation are incorporated in all copies of the operations manual kept within the operator's organisation and that copies of the operations manual have been furnished in accordance with this Regulation.

(9) Each member of the operations personnel employed by an operator shall comply fully with all instructions relating to his or her duties contained in the operations manual.

180 Flight time records

An operator shall maintain correct records of the individual flight times of the members of the operating crews employed by him or her.

181 Training and checking organisation

(1) An operator of a regular public transport service, an operator of any aircraft the maximum take-off weight of which exceeds 12.500 pounds and any other operator that the Authority specifies shall provide a training and checking organisation so as to ensure that members of the operator's operating crews maintain their competency.

(2) The training and checking organisation shall include provision for the making in each calendar year, but not at intervals of less than 4 months, of 2 checks of a nature sufficient to test the competency of each member of the operator's operating crews.

(3) The training and checking organisation and the tests and checks provided for therein shall be subject to the approval of the Authority.

(4) A pilot may conduct tests or checks for the purposes of an approved training and checking organisation without being the holder of a flight instructor rating.

182 Route qualifications required in certain cases

(1) Subject to this Regulation, an operator shall not permit a pilot to act, and a pilot shall not act, in the capacity of pilot in command of an aircraft engaged in a public transport service unless the pilot is qualified for the particular route to be flown in accordance with the following requirements:

(a) he or she shall have been certified as competent for the particular route by a pilot who is qualified for that route;

(b) he or she shall have made at least one trip over that route within the preceding 12 months as a pilot member of the operating crew of an aircraft engaged in any class of operation;

(c) he or she shall have an adequate knowledge of the route to be flown, the aerodromes which are to be used and the designated alternate aerodromes, including a knowledge of:

(i) the terrain;

(ii) the seasonal meteorological conditions;

(iii) the meteorological, communication and air traffic facilities, services and procedures;

(iv) the search and rescue procedures; and

(v) the navigational facilities,

associated with the route to be flown.

(d) he or she shall have demonstrated either in flight or by simulated means that he or she is proficient in the use of instrument approach-to-land systems which he or she may utilize in operations on that route; and

(e) he or she possesses such other qualifications, if any, as the Authority specifies in relation to that route having regard to any special difficulties of that route.

(2) The Authority may grant an exemption from the requirements specified in subregulation (1)(a) and (b) subject to such conditions as he or she considers necessary in the interests of safety.

(3) An operator shall maintain a record of the routes for which each of his or her pilots is qualified in accordance with this Regulation.

183 Co-pilot qualifications

An operator shall not permit a pilot to act, and a pilot shall not act, in the capacity of co-pilot of an aircraft engaged in a regular public transport service, unless he or she has completed 20 hours of flying on an air route used by a regular public transport service and has during that period of flying acted as supernumerary co-pilot and performed all the normal duties of copilot under the supervision of the pilot in command.

184 Fuel instructions and records

(1) An operator shall include in his or her or its operations manual specific instructions for the computation of the quantities of fuel to be carried on each route, having regard to all the circumstances of he or she operations including the possibility of failure of an engine en route.

(2) An operator shall maintain a record of the fuel remaining in the tanks at the end of each scheduled flight and shall review continuously the adequacy of the instructions in respect of the fuel to be earned in the light of that record, and shall make any such record available to the Authority, upon request.

185 Facilities and safety devices for public

An operator shall provide such facilities and safety devices for the protection of the public at the aerodromes normally used by the operator as the Authority directs.

186 Proving Tests

(1) Unless the Authority is satisfied from such tests carried out by the competent authority in any other country, an aircraft of a new type shall not be used to carry passengers on a public transport service until it has undergone proving tests under the supervision and in accordance with the requirements of the Authority.

(2) In the case of major changes to an aircraft previously in operation on public transport services or previously proved for such operations, or the use of such an aircraft in an operation different from that in which it was previously used, the Authority may require the aircraft to undergo such proving tests as it considers necessary in the circumstances.

(3) No persons other than those essential to the tests shall be carried in the aircraft during the tests required under subregulations (1) and (2), but mail or cargo may be carried with the permission of the Authority.

[The next page is 251,601]

DIVISION 3 — CONDUCT OF OPERATIONS

187 Operator to ensure flight crew, etc, familiar with relevant foreign laws, etc

An operator of a Naoero aircraft shall ensure that:

(a) his or her employees when abroad know that they shall comply with the laws, regulations and procedures of the countries in which his or her or its aircraft is operated;

(b) the pilots of the aircraft are familiar with the regulations and procedures for the time being in force in the area in which the aircraft is operated and, in particular, with such of those regulations and procedures as relate to the aerodromes and air navigation facilities to be used by the aircraft; and

(c) members of the flight crew, other than pilots, are familiar with such of the regulations and procedures of the countries in which the aircraft is operated as relate to the performance of their respective duties in the operation of the aircraft.

[reg 187 am Act 21 of 2026 s 5, opn 12 May 2026]

188 Pilot in command

(1) For each flight the operator shall designate one pilot to act as pilot in command.

(2) In addition to being responsible for the operation and safety of the aircraft during flight time the pilot in command shall be responsible for the safety of persons and cargo carried and for the conduct and safety of the members of the crew.

(3) The pilot in command shall have final authority as to the disposition of the aircraft while he or she is in command and for the maintenance of discipline by all persons on board.

189 Pilots at controls

(1) One pilot shall be at the controls of an aircraft from the time at which the engine or engines is or are started prior to a flight until the engine or engines is or are stopped at the termination of a flight.

(2) When, in accordance with these Regulations, 2 or more pilots are required to be on board an aircraft, 2 pilots shall remain at the controls at all times when the aircraft is taking off, landing and during turbulent conditions in flight.

190 Dual controls

(1) A control seat of an aircraft equipped with fully or partially functioning dual controls shall not be occupied in flight except by a person:

(a) who holds an appropriate pilot licence in respect of the type of aircraft and the class of operations in which the aircraft is flown; or

(b) who is authorised by the Authority.

(2) In authorising a person to occupy a control seat in pursuance of subregulation (1), the Authority may grant the authority subject to such conditions as it considers necessary in the interests of safety.

191 Admission to crew compartment

(1) A person shall not enter, and a member of the operating crew shall not permit or suffer a person to enter, the crew compartment of an aircraft during flight unless that person is a member of the operating crew of the aircraft or is a person permitted by the pilot in command to enter that compartment.

(2) A pilot seat or other operating crew position in an aircraft shall not be occupied by a person other than a member of the operating crew who is duty assigned for duty in the aircraft and is licenced for the duties associated with that seat or position, or by a person authorised to enter the crew compartment for the purpose of conducting examinations, inspections or checks of the aircraft, its equipment, a member of the operating crew or the ground organisation provided for use by aircraft.

(3) The pilot in command of an aircraft shall admit an authorised person to the-crew compartment and allow that person to occupy the seat or position appropriate for the performance of his or her duties unless the pilot in command is of opinion that person's admission to the crew compartment or occupation of that seat or position, as the case may be, would endanger the safety of the aircraft.

(4) Whenever the pilot in command has refused to permit an authorised person to enter the crew compartment or occupy the seat or position appropriate for the performance of his or her duties, the pilot in command shall, if so required by the authorised person, furnish a report in writing to the Authority setting forth the reasons for his or her refusal.

192 Unauthorised persons not to manipulate controls

A person shall not manipulate the controls of an aircraft in flight unless he or she is:

(a) the pilot assigned for duty in the aircraft; or

(b) the holder of a student pilot licence assigned for instruction in the aircraft.

193 Aircraft not to be taxied except by pilot

An aircraft shall not be taxied anywhere on an aerodrome by a person other than a licenced pilot whose licence is endorsed for the particular type of aircraft concerned or a person approved by the Authority and, where an aircraft is taxied by a person approved by the Authority, it shall not be taxied otherwise than in accordance with the terms and conditions of the approval.

194 Starting up aircraft engines

(1) Neither the owner, the operator, the hirer nor the pilot in command of an aircraft shall permit a person to manipulate the propeller of the aircraft for the purpose of starting the engine unless the person giving the permission has satisfied himself or herself that the person receiving the permission is fully conversant with the correct starting procedure for that aircraft.

(2) A person shall not start the engine of an aircraft, or permit the engine of an aircraft to run while a person is in the aircraft, unless an appropriately licenced pilot or an approved person occupies the control seat.

195 Flight check system

(1) The operator of an aircraft shall establish a flight check system for each type of aircraft, setting out the procedure to be followed by the pilot in command and other flight crew members prior to and on take-off, in flight, on landing and in emergency situations.

(2) A flight check system shall be subject to the prior approval of the Authority and the Authority may at any time require the system to be revised in such manner as the Authority specifies.

(3) The check lists of the procedures shall be carried in the aircraft and shall be located where they will be available instantly to the crew member concerned.

(4) The pilot in command shall ensure that the flight check system is carried out in detail.

196 Responsibility of pilot in command before flight

(1) An aircraft shall not commence a flight unless evidence has been furnished to the pilot in command and he or she has taken such action as is necessary to ensure that:

(a) the instruments and equipment required for the particular type of operation to be undertaken are installed in the aircraft and are functioning properly;

(b) the gross weight of the aircraft does not exceed the limitations fixed by or under Regulation 198 and is such that flight performance in accordance with the standards specified by the Authority for the type of operation to be undertaken is possible under the prevailing conditions;

(c) any directions of the Authority with respect to the loading of the aircraft given under Regulation 198 have been complied with;

(d) the fuel supplies are adequate for the particular flight and the required reserves of fuel are carried;

(e) the required operating and other crew members are on board and in a fit state to perform their duties;

(f) the air traffic control instructions have been complied with;

(g) the aircraft is safe for flight in all respects; and

(h) the aeronautical maps and charts applicable to the route to be flown and any alternative route which may be flown on the particular flight are carried in the aircraft and are readily accessible to the flight crew.

(2) An aircraft engaged in international air navigation shall not commence a flight, unless the pilot in command has completed an approved flight preparation form, certifying that he or she has satisfied himself or herself in respect of the matters specified in subregulation (1).

(3) Each completed flight preparation form shall be kept by an operator for a period of 6 months.

197 Fuel requirements

An aircraft shall not commence a flight within Naoero or to or from Naoero if the quantity of fuel and oil on board is less than the quantity which the Authority, having regard to the circumstances of the proposed flight and the safety of the aircraft, considers necessary and directs.

[reg 197 am Act 21 of 2026 s 5, opn 12 May 2026]

198 Take-off and landing of aircraft

(1) The Authority may, for the purposes of these Regulations, give directions setting out the method of estimating, with respect to an aircraft at any time:
(a) the weight of the aircraft, together with the weight of all persons and goods, including fuel, on board the aircraft, at that time; and
(b) the centre of gravity of the aircraft at that time.

(2) The Authority may, for the purpose of ensuring the safety of air navigation, give directions setting out the manner of determining, with respect to a proposed flight of an aircraft:
(a) a maximum weight, being a weight less than the maximum take-off weight of the aircraft; or
(b) a maximum weight, being a weight less than the maximum landing weight of the aircraft,

that the gross weight of the aircraft at take-off or landing, as the case may be, is not to exceed.

(3) A manner of determining a maximum weight referred to in subregulation (2) shall be such as to take into account such of the following considerations as the Authority considers appropriate:
(a) the type of aircraft;
(b) the kind of operations to be carried out during the flight;
(c) the performance of the aircraft in configurations in which it is likely to be flown and with faults that are likely to occur;
(d) the meteorological conditions at the aerodrome at which the aircraft is to take off or land;
(e) the altitude of the aerodrome at which the aircraft is to take-off or land;
(f) the aerodrome dimensions in the direction in which the aircraft is to take off or land;
(g) the material of which the surface of the aerodrome in the direction in which the aircraft is to take off or land is constituted and the condition and slope of that surface;
(h) the presence of obstacles in the vicinity of the flight path along which the aircraft is to take off, approach or land;
(i) the anticipated meteorological conditions over the intended route to be flown by the aircraft after take-off and over planned divergencies from that route; and
(j) the altitude of the terrain along and on either side of the intended route to be flown by the aircraft after take-off and of planned divergencies from that route.

(4) An aircraft shall not take off, or attempt to take off, if its gross weight exceeds its maximum take-off weight or, if a lesser weight determined in accordance with a direction under subregulation (2) is applicable to the take-off, that lesser weight.

(5) An aircraft shall not take off, or attempt to take off, if its gross weight exceeds, by more than the weight of fuel that would normally be used in flying to its next landing place or planned alternative aerodrome, its maximum landing weight or, if a lesser weight determined in accordance with a direction under subregulation (2) is applicable to the landing at that place or aerodrome, that lesser weight.

(6) Except in an emergency an aircraft shall not land if its gross weight exceeds

its maximum landing weight or, if a lesser weight determined in accordance with a direction under subregulation (2) is applicable to the landing, that lesser weight.

(7) The Authority may, for the purpose of ensuring the safety of air navigation, give directions with respect to the method of loading of persons and goods, including fuel, on aircraft.

(8) An aircraft shall not take off, or attempt to take off, unless any directions with respect to the loading of the aircraft given under this Regulation have been complied with.

(9) The load of an aircraft throughout a flight shall be so distributed that the centre of gravity of the aircraft falls within the limitations specified in its certificate of airworthiness or its flight manual.

(10) A direction given under this regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

(11) The Authority may exempt an aircraft from any of the requirements imposed by this Regulation.

199 Flights under visual flight rules

An aircraft shall not take off for the purpose of making a flight under the Visual Flight Rules unless current meteorological reports, or a combination of current meteorological reports and forecasts, show that the meteorological conditions along the route to be flown are and will be such that the flight will be conducted under the Visual Flight Rules and will be completed before night after making any allowance specified by the Authority in Aeronautical Information Publications:

Provided that, until the provisions of Division 4 of Part 9 come into force, an aircraft may take off for the purpose of flying under the Visual Flight Rules but subject to such conditions as the Authority may impose, notwithstanding that the meteorological conditions along the route to be flown are not as required by this Regulation if:

(a) the aircraft will be flown under the Instrument Flight Rules before it reaches the first place at which it is intended that it should land; and

(b) the Authority approves.

200 Flights under instrument flight rules

(1) Where a flight cannot be conducted in accordance with the provisions of Regulation 199, the flight shall be classified as an instrument flight and shall be conducted in accordance with the Instrument Flight Rules.

(2) Flights under Instrument Flight Rules shall be planned and conducted so as to provide an alternative course of action, including provision for the use of alternate aerodromes which may be required, having regard to the forecast and the actual meteorological conditions appertaining to such flights.

(3) The particular requirements in relation to the conduct of instrument flight rules flights under the various meteorological conditions on the various air routes shall be as the Authority from time to time directs.

(4) The provisions of this Regulation shall not come into force or have effect until the provisions of Division 4 of Part 9 comes into effect.

201 Icing conditions

An aircraft shall not take off for the purpose of making a flight during which the aircraft may fly into known or expected icing conditions unless the aircraft is adequately equipped with de-icing or anti-icing equipment of such type and in such quantities as the Authority directs.

202 Planning of flight by pilot in command

(1) Before beginning a flight, the pilot in command shall study all available information appropriate to the intended operation, and, in the cases of flights away from the vicinity of an aerodrome and all I.F.R. flights, shall make a careful study of:

(a) current weather reports and forecasts for the route to be followed and at aerodromes to, be used;

(b) the airways facilities available on the route to be followed and the condition of those facilities;

(c) the condition of aerodromes to be used and their suitability for the aircraft to be used; and

(d) the air traffic control rules and procedure appertaining to the particular flight,

and he or she shall plan the flight in relation to the information obtained.

(2) When meteorological conditions at the aerodromes of intended landing are forecast to be less than the minima specified by the Authority, the pilot in command shall make provision for an alternative course of action and shall arrange for the aircraft to carry the necessary additional fuel.

203 Flight plans: approval by air traffic control unit

(1) The Authority may, by notice published in Aeronautical Information Publications, declare that flights included in specified classes of flights are flights in respect of which flight plans are required, in the interests of safety and to ensure compliance with the *Chicago Convention*, to be submitted to, and approved by, the air traffic control unit.

(2) Subject to subregulation (3), an aircraft shall not be flown on a flight included in a class of flights specified in a notice under subregulation (1) unless the flight plans for the flight have been approved by the air traffic control unit.

(3) The Authority may, in a notice under subregulation (1), specify the circumstances in which, and the conditions subject to which, a flight included in a class of flights specified in the notice may be commenced and carried on before the air traffic control unit has approved the flight plans for the flight, and subregulation (2) does not apply to and in relation to the flight of an aircraft that has been commenced in those circumstances and so long as those conditions are complied with.

(4) An aircraft that is flying on a flight in respect of which flight plans have been approved by the air traffic control unit shall not deviate from the flight specified in the flight plan unless the deviation is necessary in the interests of safety or the air traffic control unit has directed or approved the deviation.

204 Flight plans: submission to air traffic control unit

(1) The Authority may, by notice published in Aeronautical Information Publications, declare that flights included in specified classes of flights are

flights in respect of which flight plans are required, in the interests of safety and to ensure compliance with the *Chicago Convention*, to be submitted to the air traffic control unit.

(2) Subject to the subregulation (3), an aircraft shall not be flown on a flight included in a class of flights specified in a notice under subregulation (1) of this regulation unless the flight plan has been submitted to the air traffic control unit.

(3) The Authority may, in a notice under subregulation (1), specify the circumstances in which, and the conditions subject to which, a flight included in a class of flights specified in the notice may be commenced and carried on before the flight plans for the flight are submitted to the air traffic control unit and subregulation (2) does not apply to and in relation to the flight of an aircraft that has been commenced in those circumstances and so long as the conditions so specified are complied with.

(4) The pilot in command of an aircraft that deviates from a flight as specified in the flight plan that has been submitted under this regulation shall report the fact as soon as possible to the air traffic control unit.

205 Testing of radio apparatus

(1) Before an aircraft is taxied on the manoeuvring area of an aerodrome for the purpose of moving to the take-off position, the pilot in command shall check that the radio apparatus fitted to the aircraft and to be used in flight is functioning correctly.

(2) Where the check indicates any malfunctioning of any portion of the radio apparatus the aircraft shall not be flown until the apparatus has been certified by a person licenced or approved for the purpose as being in proper working order.

206 Listening watch

(1) When an aircraft is equipped with radio apparatus for use during flight, a listening watch shall be maintained at all times commencing immediately prior to the time at which the aircraft commences to move on the manoeuvring area prior to flight and lasting until the aircraft is brought to a stop at the apron or other point of termination of the flight.

(2) When an aircraft is under the control of an air traffic control unit which issues instructions and information directly to aircraft by a voice communication channel, the pilot in command and any other pilot for the time being operating the controls of the aircraft shall personally maintain a listening watch on the appropriate radio frequency.

207 Safety precautions before take-off

(1) Immediately before taking off on any flight, the pilot in command of an aircraft shall:

(a) test the flight controls on the ground to the full limit of their travel and make such other tests as are necessary to ensure that those controls are functioning correctly; and

(b) ensure that locking and safety devices are removed and that hatches, doors and tank caps are secured.

(2) The Authority may give such directions as it considers necessary in the interests of safety in respect of the duties and responsibilities of the pilot in command and other persons for tests, checks and other precautions before the despatch of an aircraft on any flight.

208 Tests before and during the take-off run

(1) The Authority may give directions specifying the tests to be carried out by the pilot in command of an aircraft before the commencement of, and during, a take-off run to satisfy himself or herself that the engine and associated items of equipment are functioning correctly within the permissible limits of performance.

(2) Before the commencement of, and during, a take-off run, the pilot in command of an aircraft shall:

(a) carry out all tests required to be carried out in relation to the aircraft under subregulation (1);

(b) test all flight instruments, and in particular all gyroscopic flight instruments, that it is possible to test so as to ensure that they are functioning correctly;

(c) ensure that all gyroscopic flight instruments are correctly set and uncaged; and

(d) perform such checks and tests as are required by the flight manual for, or the operations manual of the aircraft.

(3) Where an inspection, check or test made under subregulation (2) indicates any departure from the permissible limits or any malfunctioning in any particular, not being a departure or malfunctioning that is a permissible unserviceability, the pilot in command shall not commence the take-off or, if he or she has commenced the take-off, shall abandon the take-off or take such other action as he or she considers appropriate to ensure the safety of the aircraft and of persons on board the aircraft.

209 Movement on manoeuvring area

Immediately prior to take-off, the pilot in command shall manoeuvre his or her aircraft so that he or she is able to observe traffic on the manoeuvring area of the aerodrome and incoming and outgoing traffic in order that he or she may avoid collision with other aircraft during the take-off.

210 Meteorological conditions observed en route

(1) The pilot in command shall report, in such form and at such times as the Authority may direct in Aeronautical Information Publications, the meteorological conditions observed en route.

(2) When any meteorological condition hazardous to flight is encountered en route, the pilot in command shall report the condition as soon as possible, giving such details as appear pertinent to the safety of other aircraft.

211 Reporting of defects

(1) At the termination of each flight, or in any urgent case during the currency of the flight, the pilot in command shall report, in the manner and to the persons specified by the Authority, all defects in the aircraft, aerodromes, air routes, air route facilities or airway facilities which have come to his or her notice.

(2) Where a defect in the aircraft is reported in accordance with subregulation (1), the operator of the aircraft shall take such action in relation thereto as is required under these Regulations.

DIVISION 4 — GENERAL PROVISIONS RELATING TO THE OPERATION OF AIR CRAFT

212 Prohibition of carriage of passengers on certain flights

(1) Subject to subregulations (2) and (3), an aircraft that carries a passenger shall not engage in any of the following types of flying:
  (a) practice for the issue of a private pilot licence;
  (b) practice for the purpose of obtaining an endorsement of the aircraft type in a pilot licence;
  (c) low flying practice; and
  (d) testing an aircraft or its components, power plant or equipment.

(2) For the purposes of subregulation (1), ***"passenger"*** does not include an approved person or a person engaged in instructing personnel or testing the aircraft in flight.

(3) An aircraft while engaged in flying of the type specified in subregulation (1)(d) may carry engineering and maintenance personnel who are required, as part of their duties, to be present in the aircraft during the flight for the purpose of flight observation or of maintenance of the aircraft, including any aircraft component installed in the aircraft.

213 Carriage on wings, undercarriage etc

A person shall not be carried on the wings or undercarriage of any aircraft or on or in any other part of the aircraft which is not designed for the accommodation of the crew or passengers, or on or in anything attached to the aircraft:

Provided that nothing in this Regulation shall prevent a member of the crew having temporary access to:

(a) any part of the aircraft for the purpose of executing repairs or adjustments to the aircraft or its equipment or for the purpose of doing anything which may be necessary for the safety of the aircraft or of any persons or cargo carried therein; or

(b) any part of the aircraft in which goods or stores are being carried and to which proper means of access is provided.

214 Seat belts and safety harness

(1) Subject to this Regulation seat belts shall be worn by all crew members and passengers:
  (a) during take-off and landing;
  (b) during an instrument approach;
  (c) when the aircraft is flying at a height of less than 1,000 feet above the terrain; and
  (d) at all times in turbulent conditions.

(2) Subregulation (1) does not apply in relation to an authorised person undertaking examinations, inspections or checks of the work of an aircraft's crew or the operation of an aircraft or its equipment under Regulation 222.

(3) The Authority may direct that a type of safety harness specified in the direction shall be worn in place of a seat belt in the circumstances set out in the direction.

(4) The pilot in command shall ensure that a seat belt or safety harness is worn at all times during flight by at least one of the pilot crew members.

(5) Subject to subregulation (6), the operator of an aircraft shall detail a member of the crew to ensure that a safety belt or safety harness is worn by each occupant of the aircraft during the times specified in subregulation (1) of this regulation and to ensure that each belt or harness is adjusted to fit the wearer without slack.

(6) The Authority may, for the purpose of ensuring the safety of air navigation, give directions requiring the owner or operator of an aircraft to install in the aircraft an approved communications system to enable the pilot in command to notify passengers when a seat belt or safety harness is to be worn.

(7) A direction given under this regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

215 Provision of emergency systems, etc

(1) The Authority may give directions with respect to the provision in Naoero aircraft of such emergency systems and equipment, and such life-saving equipment, as the Authority considers necessary to safeguard the aircraft and persons on board the aircraft.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) In giving a direction under subregulation (1), the Authority shall have regard to the type of operation in which the aircraft is to be used.

(3) A direction given under this Regulation does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention.

216 Emergency and life-saving equipment

(1) An operator shall not assign a person to act as a crew member of an aircraft, and a person shall not act as a crew member of an aircraft, unless the person is competent in the use of the emergency and life-saving equipment carried in the aircraft.

(2) An operator shall ensure that crew members are periodically tested as to competency in the use of the emergency and life-saving equipment carried in the aircraft to which they are assigned.

(3) The operator of an aircraft which is used in over-water flights shall ensure that each crew member is instructed in "ditching" and "abandon ship" procedures in so far as is practicable and that he or she is periodically tested as to his or her knowledge of those procedures.

(4) The operator of an aircraft shall detail a crew member to ensure that passengers are made familiar with the location of emergency exits in the aircraft in which they are travelling and the location and use of emergency equipment carried in the aircraft.

(5) The training and testing of crew members and the familiarisation of passengers as required under the provisions of this Regulation shall be carried out in such manner as the Authority specifies to be satisfactory.

(6) The Authority may issue directions as to the carriage in aircraft, and the use in such circumstances and subject to such conditions as it specifies, of medicinal preparations and drugs, including morphine and compounds of morphine or other opium alkaloids.

(7) Any medicinal preparations or drugs may be carried and used in aircraft in accordance with a direction given by the Authority in pursuance of subregulation (6) without any licence, authority or other permission prescribed or required by or under the laws of the Republic.

217 Exits and passageways not to be obstructed

(1) Unless the Authority otherwise approves, this Regulation applies to all passageways and exits in an aircraft that are for use by passengers or crew.

(2) All passageways and exits to which this Regulation applies shall be kept free from obstruction when the aircraft is in flight.

(3) All exits to which this Regulation applies shall, when the aircraft is in flight, be so fastened as to permit their immediate use in an emergency.

218 Smoking in aircraft

(1) A person shall not smoke:
- (a) in a part of an aircraft in which a notice is permanently displayed indicating that smoking is prohibited at all times or without specifying a period during which smoking is prohibited; or
- (b) anywhere in any aircraft during take-off, landing or refuelling or during a period:
  - (i) in which a notice is temporarily displayed indicating that smoking is prohibited; or
  - (ii) which is specified in a permanently displayed notice as a period during which smoking is prohibited.

(2) The owner or operator of an aircraft and the pilot in command shall ensure:
- (a) that provision is made in the aircraft by which a notice indicating that smoking is prohibited may be displayed during the periods when smoking is prohibited or, where the permission of the Authority has been obtained, that a notice is permanently displayed in the aircraft specifying the periods during which smoking is prohibited; and
- (b) that a notice indicating that smoking is prohibited at all times or without specifying a period during which smoking is prohibited is displayed in such parts of the aircraft as are specified for the purpose in the aircraft's certificate of airworthiness or flight manual.

(3) The pilot in command of an aircraft shall, except where the permission of the Authority has been obtained under subregulation (2)(a) for the display of a permanent notice, ensure that the notice indicating that smoking is prohibited is displayed:
- (a) during take-off, landing and refuelling;
- (b) during such periods as are specified for the purpose in the aircraft's certificate of airworthiness or flight manual; and

(c) during a period in which he or she considers that smoking should be prohibited in the interests of safety.

(4) A notice required to be displayed in accordance with this Regulation shall be:
(a) legible;
(b) displayed in a conspicuous place; and
(c) clearly indicate that the prohibition applies to all forms of smoking tobacco products including e-cigarette.

[subreg (4) subst SL 19 of 2026 reg 31, opn 30 Apr 2026]

(5) The pilot in command, or a crew member acting under the pilot in command's authority, shall make an announcement to passengers:
(a) before or at the commencement of each flight, advising that smoking of any kind is prohibited on the aircraft at all times; and
(b) advise passengers that contravention of the smoking prohibition is an offence under the laws of the Republic and may result in criminal charges and prosecution.

[subreg (5) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

(6) A person who contravenes subregulation (1) commits an offence and upon conviction is liable to a fine not exceeding $6,000.

[subreg (6) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

(7) A person who contravenes subregulations (2) to (5) commits an offence and upon conviction is liable:
(a) in the case of an individual to a fine not exceeding $6,000; or
(b) in the case of a body corporate, to a fine not exceeding $30,000.

[subreg (7) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

(8) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subregulation (7)(a) where the following is deemed to have occurred:
(a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and
(b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.

[subreg (8) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

(9) It is a defence to a prosecution for contravention of subregulation (1) where the person establishes that:
(a) he or she used a medically prescribed nicotine inhaler device that does not produce visible vapour or aerosol, and the use was in accordance with the directions of a registered medical practitioner; or
(b) he or she was a flight maintenance engineer at the time and was acting in the course of his or her duty to test smoke detection equipment in accordance with approved maintenance procedures.

[subreg (9) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

(10) It is a defence to a prosecution for contravention of subregulations (2) to (5) where the operator, pilot in command or crew member establishes that he or she undertook all reasonable steps to comply with subregulations (2) to (5).

[subreg (10) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

218A Disposal of smoking materials

(1) A person shall not dispose any ignited or recently extinguished tobacco product, e-cigarette component or any other smoking material:
  (a) in any waste receptacle, rubbish bin, or container that is not specifically designed for the safe disposal of smoking materials;
  (b) on the floor, seat or any surface of the aircraft; or
  (c) in any lavatory waste receptacle on the aircraft.

(2) A person who contravenes subregulation (1) commits an offence and upon conviction is liable to a fine not exceeding $6,000.

[reg 218A insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

218B Duty to take action on detection of smoking

(1) Where the pilot in command or a crew member detects or is informed that a person is smoking on the aircraft, the pilot in command shall ensure that:
  (a) the person is immediately:
    (i) directed to cease smoking and to safely extinguish and surrender any smoking materials; and
    (ii) to issue any such direction or carry out any necessary action to ensure the safety of the aircraft, the crew and passengers;
  (b) a written record of the incident is made which shall include the following information:
    (i) name of the person, other personal and contact details including travel document details;
    (ii) the date, time and flight details;
    (iii) a description of the smoking incident, including the type of smoking;
    (iv) the location of the aircraft where the smoking incident occurred; and
    (v) the action taken; and
  (c) the incident is reported to the Director within 24 hours of the aircraft arriving at its next port of landing in the Republic.

(2) A crew member acting under the authority of the pilot in command may exercise the power provided under subregulation (1)(a).

(3) An operator of an aircraft shall report a contravention or the suspected contravention of Regulation 218, to the Director in writing within 48 hours of the aircraft arriving at its next port of landing in the Republic.

(4) The report by an operator of an aircraft under subregulation (2) shall include all of the information provided under subregulation (1) and statements from the pilot in command, crew members and any witnesses.

[reg 218B insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

219 Intoxicated persons

(1) A person shall not, while in a state of intoxication, enter any aircraft.

(2) A person acting as a member of the operating crew of an aircraft, or carried in the aircraft for the purpose of so acting, shall not while so acting or carried be in a state in which, by reason of his or her having taken or used

any sedative, any alcoholic or spirituous liquor or any narcotic or stimulant drug or preparation, his or her capacity so to act is impaired.

(3) A person shall not act as, or perform any duties or functions preparatory to acting as, a member of the operating crew of an aircraft engaged in a public transport service if he or she has, during the period of 12 hours immediately preceding the departure of the aircraft consumed any alcoholic or spirituous liquor.

220 Aerodrome meteorological minima

(1) The Authority may determine meteorological minima in respect of aerodromes.

(2) An aircraft shall not take off from an aerodrome when any of the elements constituting the meteorological minima for take-off is less than that determined for that aerodrome.

(3) An aircraft shall not:

(a) land or make an approach for the purpose of landing at an aerodrome when any of the elements constituting the meteorological minima for landing is less than that determined for that aerodrome, except in the case of an emergency; or

(b) continue to fly towards the aerodrome of intended landing specified in the flight plan, unless the latest available meteorological report indicates that at the time of arrival the conditions at that aerodrome, or at least one alternative aerodrome, will be at or above the aerodrome meteorological minima determined for that aerodrome or alternative aerodrome.

221 Flights over water

An aircraft shall not fly over water at a distance from land greater than the distance from which the aircraft could reach land if the engine, or, in the case of a multi-engined aircraft, the critical engine, being the engine the non-operation of which when the other engines are in operation gives the highest minimum speed at which the aircraft can be controlled, were inoperative, except:

(a) with the prior approval of the Authority; or

(b) in the course of departing from or landing at an aerodrome in accordance with a normal navigational procedure for departing from or landing at that aerodrome.

222 Carriage of examiners

(1) The Authority may authorise a person whom it considers to be suitably qualified to undertake examinations, inspections or checks of the work of an aircraft's crew, the operation of an aircraft or its equipment or of the ground organisation provided by the operator of an aircraft for use by his or her or its aircraft.

(2) A person authorised under this Regulation shall be provided with accommodation on aircraft in the following circumstances:

(a) on receipt of 7 days' notice prior to a flight from such person of his or her intention to travel on that flight;

(b) on immediate demand by such person to travel, if his or her carriage in the aircraft does not mean the off-loading of a passenger or of cargo being carried in the aircraft on the particular flight concerned; and

(c) on immediate demand by such person to travel, irrespective of whether his or her carriage in the aircraft means the off-loading of a passenger or of cargo, if such person considers the circumstances of the case so warrant.

(3) In every case where the carriage of an authorised person in the circumstances specified in subregulation 2(a) or (c) entails a loss of revenue to the owner of the aircraft due to the necessity of providing accommodation which would otherwise have been used for the carriage of a paying passenger or of cargo for which freight would have been charged, the owner shall be paid by the Authority an amount equivalent to the loss of revenue.

[The next page is 251,801]

PART 12 — REFUSAL TO GRANT, AND SUSPENSION AND CANCELLATION OF, LICENCES AND CERTIFICATES

223 Interpretation

(1) In this Part:

'certificate' means a certificate under Division 4 of Part 3; and

'licence' means:

(a) a licence under Division 4 of Part 3;

(b) a licence or rating under Part 4;

(c) a licence under Regulation 91, or a rating under Regulation 92; and

(d) in Regulations 227, 228, 229, 230 and 231, an aerial work licence.

(2) A reference in this Part to a licence shall be read as including a reference to a rating or other endorsement on a licence by virtue of which the holder of a licence so endorsed has under these Regulations specific privileges or authority to exercise or perform specific functions or duties in relation to the operation or maintenance of aircraft.

(3) A reference in this Part to variation of a licence shall be read as including a reference to the inclusion, deletion or alteration of an endorsement on a licence.

224 Refusal to grant licence or certificate

(1) The Authority shall not refuse to grant a licence or certificate except on one or more of the following grounds, namely:

(a) that the applicant has failed to satisfy a requirement prescribed by or specified under these Regulations in relation to the grant of the licence or certificate;

(b) that the applicant has made in, or in connection with, his or her application a statement that was false or misleading in a material particular; or

(c) in relation to the initial issue of a licence or certificate:

(i) that the applicant was the holder of a licence or certificate that was previously cancelled; or

(ii) that the applicant is not a fit and proper person to have the responsibilities and exercise and perform the functions and duties of a holder of the licence or certificate for which the application was made.

(2) Whenever the Authority so refuses, it shall forthwith furnish to the applicant notification in writing of the refusal, specifying the ground of the refusal and the facts or circumstances that constitute that ground.

225 Suspension of licence for purpose of examination

(1) Where the Authority requires the holder of a licence to undergo an examination under any of Regulations 32, 72 and 96, the Authority may, by notice in writing served on the holder of the licence, suspend the licence until the result of the examination is known.

(2) Where the result of the examination does not show any ground on which the

licence may be suspended or cancelled, the Authority shall forthwith, by notice in writing served on the holder of the suspended licence, notify the holder that the suspension has been terminated.

226 Cancellation at request of holder

Where the holder of a licence or certificate advises the Authority that he or she no longer wishes to hold the licence or certificate, the Authority shall cancel the licence or certificate.

227 Suspension of licence or certificate pending investigation

(1) Where the Authority has reason to think that there may exist facts or circumstances that would justify the variation, suspension or cancellation of a licence or certificate on the ground specified in Regulation 228, the Authority may, by notice in writing served on the holder of the licence or certificate, suspend the licence or certificate for the purpose of an investigation under this Regulation.

(2) Where the Authority suspends a licence or certificate in pursuance of subregulation (1), it shall forthwith investigate the matter, and the suspension shall cease upon the completion of the investigation or at the expiration of 28 days from and including the date on which the suspension took effect whichever is the earlier, but without prejudice to the powers of the Authority under Regulation 228.

228 Variation, suspension or cancellation of licence, etc

(1) The Authority may, by notice in writing served on the holder of a licence or certificate, vary, suspend or cancel the licence or certificate where the Authority is satisfied that one or more of the following grounds exists, namely:

(a) that the holder of the licence or certificate has contravened, or failed to comply with, a provision of the Act or these Regulations;

(b) that the holder of the licence or certificate fails to satisfy, or to continue to satisfy, any requirement prescribed by, or specified under, these Regulations in relation to the obtaining or holding of such a licence or certificate;

(c) that the holder of the licence or certificate has failed in his or her duty with respect to any matter affecting the safe or efficient navigation or operation of an aircraft; or

(d) that the holder of the licence or certificate is not a fit and proper person to have the responsibilities and exercise and perform the functions and duties of a holder of such a licence or certificate.

(2) A notice under subregulation (1) shall contain full particulars of the facts or circumstances that constituted the ground or grounds for the variation, suspension or cancellation of the licence or certificate, as the case may be.

(3) Before taking action under this regulation to vary, suspend or cancel a licence or certificate, the Authority shall:

(a) give to the holder of the licence or certificate notice in writing of the facts and circumstances that, in the opinion of the Authority, warrant consideration being given to the variation, suspension or cancellation of the licence or certificate under this Regulation; and

(b) give to the holder of the licence or certificate an opportunity to show cause why the licence or certificate should not be varied, suspended or cancelled under this Regulation.

229 Effect of effluxion of time on suspended or cancelled licence, etc

(1) Where a licence or certificate is suspended, the licence or certificate has no force or effect for the duration of the suspension but the period of currency of the licence or certificate continues to run.

(2) Where the period for which a licence or certificate is suspended is a period expiring after the expiration of the current period of the licence or certificate, the holder of the licence or certificate is not eligible for renewal of the licence or certificate until the period of suspension has expired.

(3) Where a licence or certificate is suspended or cancelled by the Authority and the period of currency of the licence or certificate expires before the determination of an appeal against the decision of the Authority, the Cabinet shall decide the matter on its merits notwithstanding the expiration of the period of currency of the licence or certificate and may, if it thinks just to do so, direct or order that the renewal of the licence or certificate shall not take effect before such date as it specifies.

230 Entries relating to suspensions and cancellations

(1) Where:
(a) a licence or certificate has been suspended or cancelled; and
(b) the suspension or cancellation has not been annulled by the Cabinet on appeal,

an appropriate entry shall be made in the register in which particulars relating to the licence or certificate are entered.

(2) A notice of the suspension or cancellation and the reasons for that action shall be recorded on:
(a) the licence or certificate;
(b) the licence or certificate as renewed from time to time; and
(c) a fresh licence or certificate issued to a person who has permitted a licence or certificate for the same or a similar purpose to expire while a note of the suspension or cancellation is recorded on the expired licence or certificate.

(3) The Authority may expunge a note of a suspension or cancellation recorded in pursuance of subregulation (2) after a period of not less than 3 years has elapsed after the date of the first recording if, in the opinion of the Authority, the conduct of the holder of the licence or certificate during that period justifies its doing so.

231 Liability for expense arising out of cancellation or suspension of licence, etc

Neither the Republic, the Cabinet, any Minister, any public officer nor the Authority shall be liable for any expense, loss or damage incurred because of or arising out of the cancellation or suspension of a licence or certificate granted under the Act or these Regulations.

232 Giving of notice

(1) Notice required to be given under this Part shall be given by delivering it personally to the person to whom it is given or by sending it by prepaid letter addressed to him or her at his or her last known place of abode or business, or by leaving it with some person apparently an inmate of that place and apparently not less than 16 years of age.

(2) Where the summons or notice is sent by letter, service shall be deemed to have been effected at the time at which the letter would have been delivered or placed in the addressee's post-box in the ordinary course of the post, unless the contrary is proved.

[The next page is 252,001]

PART 13 — ACCIDENT INQUIRY

DIVISION 1 — PRELIMINARY

233 Interpretation

In this Part:

'accident', in relation to an aircraft, means an occurrence associated with the operation of the aircraft which takes place between the time a person boards the aircraft with the intention of flight until such time as all those persons have disembarked, in which:

(a) a person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached to the aircraft; or

(b) the aircraft suffers substantial damage;

'country of registration' means the country in whose register the aircraft is entered; and

'incident', in relation to an aircraft, means an occurrence which takes place either on the ground or in flight, in which:

(a) the aircraft suffers damage or a person suffers injury in circumstances other than those specified in the definition of ***'accident'***;

(b) the aircraft has a forced landing;

(c) the aircraft lands at a scheduled aerodrome in an unairworthy condition;

(d) the aircraft is compelled to land at the aerodrome of departure without completing the scheduled flight;

(e) the aircraft lands owing to conditions which make continuance of the flight inadvisable;

(f) the position of the aircraft becomes unknown for any period; or

(g) the safety of the aircraft or its occupants or of any other person or property is jeopardised.

DIVISION 2 — NOTIFICATION

234 Accidents to be reported

Where an accident occurs:

(a) to a Naoero aircraft; or

(b) to any other aircraft in Naoero,

the pilot in command, the owner, the operator and the hirer, if any, shall each be responsible for ensuring that a notification of the accident is furnished, by telephone or telegram immediately after the accident, and a written report as soon as practicable after the accident, to the Authority.

[reg 234 am Act 21 of 2026 s 5, opn 12 May 2026]

235 Particulars to be given

(1) The written report referred to in Regulation 234 shall, subject to subregulation (2), contain the following particulars:

(a) the type, nationality and registration marks of the aircraft;

(b) the name of the owner, operator and hirer if any, of the aircraft;
(c) the name of the pilot in command of the aircraft;
(d) the date and time when the accident occurred;
(e) the last point of departure and the point of intended landing of the aircraft and the nature of the flight;
(f) the location of the accident with reference to some easily defined geographical point;
(g) the number of persons killed, if any, and the number seriously injured, and where possible the names of such persons;
(h) the nature and cause of the accident as far as is known; and
(i) the nature and extent of damage to the aircraft.

(2) Where all the particulars specified in subregulation (1) are not immediately available, the report shall so state and a supplementary report containing the particulars not included in the first report shall be furnished at the earliest possible date.

236 Country of registration to be notified of accident

(1) Where the aircraft to which the accident has occurred is registered in a country other than Naoero, the Authority shall forward to the country of registration a notification containing the particulars supplied in the report, or reports, furnished in accordance with this Division and indicating the nature of the investigation or inquiry being conducted in respect of the accident.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Whenever any of the particulars referred to in Regulation 235 are not available at the time of the notification, the Authority shall despatch to the country of registration the particulars omitted from the notification and any other relevant information as soon as it becomes available.

237 Incidents to be reported

(1) Where an incident occurs to a Naoero aircraft, the pilot in command, the owner, the operator and the hirer, if any, shall each be responsible for ensuring that a written notification of the incident is furnished to the Authority within 48 hours after the occurrence.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The notification referred to in subregulation (1) shall contain the same particulars, *mutatis mutandis*, in relation to the incident as are specified in relation to an accident in Regulation 235.

(3) The Authority may direct that this Regulation does not apply in relation to incidents included in a class of incidents set out in the direction.

DIVISION 3 — CUSTODY PROTECTION AND REMOVAL OF AIRCRAFT

238 Removal of, or interference with, aircraft

(1) Where an accident occurs to an aircraft in Naoero, the aircraft shall be deemed to be in the custody of the Authority and it shall not be removed or otherwise interfered with except with the permission of the Authority or as provided by subregulations (2) and (3).

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Nothing in this Regulation shall prevent any action necessary for:

(a) the extrication of persons, animals and mails from the wreckage of an aircraft;
(b) the protection of the wreckage from destruction by fire or other cause;
(c) the prevention of danger, or removal of obstruction, to air navigation, to other transport or to the public;
(d) the removal of the aircraft and its contents to a place of safety when the aircraft is wrecked on water; or
(e) the removal of cargo or baggage under the supervision of a police officer.

(3) The Authority may authorise a person, so far as is necessary for the purpose of any investigation or inquiry under this Part:
(a) to take measures for the preservation of the aircraft;
(b) to have access to, examine, remove or otherwise deal with the aircraft; and
(c) to make records by photographic or other adequate means of any material evidence which can be removed, effaced, lost or destroyed.

239 Aircraft, etc, of other countries to remain undisturbed if requested

Upon receipt of notification from the country of registration of an aircraft to which Regulation 236 applies of its intention to send an accredited representative, together with a request by that country that the aircraft, its contents and any other evidence remain undisturbed pending inspection by the accredited representative, the Authority shall, subject to any directions given by the Cabinet, take such steps as are reasonably necessary and practicable to comply with the request, including the facilitation of access to the aircraft, contents or evidence, as the case may be.

240 Release of aircraft, etc, from custody of the Authority

When the retention of an aircraft, any parts or the contents thereof is no longer necessary for the purposes of an investigation or an inquiry under this Part, the Authority shall release custody of the aircraft, parts or contents, as the case may be, to the owner of the aircraft or, in the case of an aircraft other than a Naoero aircraft, to the person or persons duly designated by the country of registration.

[reg 240 am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 4 — ACCIDENT INVESTIGATION

241 Authorisation of investigation

The Authority may authorise, either generally or specially, one or more investigators to conduct an investigation into any matter connected with any accident or incident occurring in Naoero.

[reg 241 am Act 21 of 2026 s 5, opn 12 May 2026]

242 Powers of investigator

(1) For the purposes of an investigation authorised in pursuance of Regulation 241, an investigator may:
(a) summon a person as a witness;
(b) take evidence on oath or affirmation; and

(c) require the production of documents, or any part or component of an aircraft, relevant to the investigation.

(2) Where an investigator has required the production of a document or a part or component of an aircraft relevant to the investigation, he or she may retain the document, part or component of the aircraft, as the case may be, for such reasonable period as is necessary for the purpose of the investigation and may make copies of or take extracts from the document so produced or retained.

(3) A summons under this Regulation shall be in writing under the hand of the investigator and shall specify the time and the place for the taking of evidence and the documents and the parts or components of an aircraft, if any, required to be produced.

(4) A summons under this Regulation may be served either personally on the person to be served or by prepaid registered letter addressed to the person at his or her last known place of abode or business or by leaving it at his or her last known place of abode or business with some other person apparently an inmate thereof and apparently not less than 16 years of age.

243 Persons who may be charged, etc, to be permitted to give evidence, etc

Where it appears to the investigator that the investigation may result in a charge of an offence against these Regulations being laid against a person or in the suspension or cancellation of any licence or certificate issued under the Act or these Regulations or of a rating or other endorsement endorsed in a licence or certificate issued under the Act or these Regulations, the investigator shall give that person, or the holder of that licence or certificate an opportunity of making any statement or giving any evidence and calling witnesses on his or her behalf.

244 Witnesses

(1) A person summoned as a witness at an investigation who:

(a) disobeys the summons;

(b) refuses to be sworn or to make an affirmation as a witness;

(c) fails to answer any question which he or she is lawfully required by the investigator to answer; or

(d) refuses or fails to produce any document or part or component of an aircraft which he or she is lawfully required to produce,

is guilty of an offence and is liable to imprisonment for 3 months and a fine of $200.

(2) Where a person objects to answering a question asked of him or her as a witness at an investigation on the ground that the answer might tend to incriminate him or her or make him or her liable to any penalty and the investigator informs that person of his or her obligation to answer that question, the person shall not refuse to answer the question but the answer given shall not be admissible in evidence in any proceedings against him or her other than proceedings in respect of the falsity of the answer or in respect of the refusal or failure to answer the question.

(3) A person summoned as a witness shall be paid fees and travelling expenses in accordance with the scale of fees payable to witnesses in the Supreme Court:

Provided that, where a public officer or an employee of any statutory corporation or body is summoned as a witness, no fees shall be paid to him or her but he or she shall be granted leave of absence without loss of salary or wages for such time as he or she is required to attend to give evidence.

245 Report by investigator

Upon conclusion of an investigation, the investigator shall forward a report in writing to the Authority covering the whole of the investigation, and shall forward with the report all signed statements or other documents which have come into his or her possession in the course of the investigation.

246 Report, etc, to be tabled in Parliament

(1) Upon receipt of a report by an investigator, the Authority shall transmit a copy forthwith to the Minister, who shall, within 14 days of such transmission, cause it to be placed on the table in Parliament, together with such comments thereon, if any, as he or she thinks fit to make, and to remain thereon for 14 days thereafter.

(2) The Authority may, for the guidance of persons engaged in air navigation, publish such comments and recommendations relating to the causes or circumstances of any accident or incident, the subject of an investigation, as he or she considers necessary or desirable for the purpose of eliminating the likelihood of any similar occurrence in the future.

DIVISION 5 — ACCIDENTS TO AIRCRAFT REGISTERED IN OTHER COUNTRIES

247 Investigation and inquiries into accidents to aircraft registered in other countries

(1) Where an accident occurs in Naoero to an aircraft registered in a country other than Naoero or a country other than Naoero, on request by the investigator or Board of Accident Inquiry conducting an investigation or inquiry under this Part, has furnished to the investigator or Board of Accident Inquiry, as the case may be, relevant information:

(a) the country of registration and the country which has furnished the relevant information may, unless the Cabinet orders otherwise on the ground of lack of reciprocity or for reasons of State, each appoint an accredited representative, who may be accompanied by technical and other advisers, to take part in all or any portion of the investigation, and of the inquiry, if any, by a Board of Accident Inquiry, conducted in Naoero;

(b) an accredited representative may examine witnesses and shall be given access to all information and evidence;

(c) in the case of an investigation, the Authority may delegate any part of the investigation to an investigator appointed by the country of registration and, in relation to any part of the investigation so delegated, such investigator shall have and may exercise all the powers and functions of an investigator appointed in pursuance of Regulation 241;

(d) where any part of the investigation is delegated in pursuance of paragraph (c), the investigator shall furnish a report in accordance with the requirements of Regulation 245; and

(e) upon the request of the country of registration or of any country which has been represented at the investigation, the investigation may be re-opened if new and material evidence becomes available.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Minister shall, as soon as possible, send to the country of registration a copy of the report of the investigation or inquiry, and to any other country which furnished information on request, a copy of the report or that part of the report which he or she considers affects, or is likely to affect, it.

DIVISION 6 — ACCIDENTS AND INCIDENTS OUTSIDE THE REPUBLIC

248 Investigation of accidents to Naoero aircraft outside Naoero

(1) Where an accident occurs to a Naoero aircraft outside Naoero, the Minister may appoint an accredited representative or investigator, or both, to participate in such investigation or inquiry as is conducted by the country where the accident has occurred.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) Where an accident occurs to a Naoero aircraft outside Naoero, the Minister may appoint an accredited representative or investigator, or both, to conduct an investigation into any matter connected with the accident.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where an incident occurs outside Naoero to a Naoero aircraft, the Minister may authorise an investigator to conduct an investigation into any matter connected with the incident.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

[reg 248 am Act 21 of 2026 s 5, opn 12 May 2026]

249 Furnishing information to another country conducting investigation

Where an accident occurs in a country other than Naoero and that country conducts an investigation or inquiry, the Authority shall, on request by the appropriate authority of that country, furnish that authority with all the relevant information in its possession.

[reg 249 am Act 21 of 2026 s 5, opn 12 May 2026]

DIVISION 7 — BOARDS OF ACCIDENT INQUIRY

250 Minister may appoint Board of Accident Inquiry to inquire into accident

(1) Where an accident has been investigated under any of Divisions 4, 5 and 6 of this Part, the Minister may, whenever he or she considers it desirable to do so in the public interest, appoint a Board of Accident Inquiry to inquire into the causes of the accident and such other matters relating to the accident as are referred to it by the Minister.

(2) Where an accident occurs in Naoero to an aircraft of another country and that country requests that an inquiry be held into the causes of the accident,

the Minister shall, unless the Cabinet directs him or her not to do so on the ground of lack of reciprocity or for reasons of State, appoint a Board of Accident Inquiry to inquire into the causes of the accident and such other matters relating to the accident as are referred to it by the Minister.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

251 Constitution of Board of Accident Inquiry

(1) A Board of Accident Inquiry shall be constituted by a Chairperson and such assessors as the Minister considers necessary.

(2) The Chairperson shall be a Judge or Resident Magistrate.

(3) The assessors shall be persons possessing aeronautical or engineering knowledge or experience or other special knowledge or experience of air navigation.

252 Secretary of Board of Accident Inquiry

The Chief Secretary shall appoint a public officer to be the secretary of a Board of Accident Inquiry.

253 Proceedings before Board of Accident Inquiry

(1) A Board of Accident Inquiry appointed under Regulation 250 shall conduct an inquiry into the causes of the accident and into the other matters referred to it.

(2) The Minister shall forward a report of the result of the investigation conducted under any of Divisions 4, 5 and 6 of this Part to the Chairperson of the Board of Accident Inquiry.

(3) A Board of Accident Inquiry may conduct the inquiry in such manner as it thinks fit without being bound by legal rules of evidence.

(4) The time and place for conducting the inquiry shall be fixed by the Chairperson of the Board of Accident Inquiry, the date being not less than 14 days after receipt by the Chairperson of the report referred to in subregulation (2).

(5) The Chairperson of a Board of Accident Inquiry may grant leave to appear before the Board to a person who is:

(a) a person whom the Chairperson considers may be affected or prejudiced by the inquiry;

(b) the representative of an association a member of which the Chairperson considers may be affected or prejudiced by the inquiry; and

(c) in the case of an accident to an aircraft of another country, the accredited representative of that country.

(6) A person who is granted leave under subregulation (5) may be represented by a barrister and solicitor or an agent, who may examine witnesses and address the Board of Accident Inquiry on that person's behalf.

(7) Unless the Chairperson of a Board of Accident Inquiry otherwise directs, the sittings of the Board shall be open to the public.

(8) The Chairperson of a Board of Accident Inquiry may:

(a) direct that a witness be excluded from the sittings of the Board while another witness is giving evidence; and

(b) direct that the whole or a specified part of the evidence not be published if, in his or her opinion, this course is in the public interest.

254 Chairperson may summon witnesses

(1) The Chairperson of a Board of Accident Inquiry may, by writing under his or her hand, summon a person to attend before the Board at a time and place specified in the summons to give evidence and to produce books, documents and writings or a part or component of an aircraft in the custody or control of the person which the person is required by the summons to produce.

(2) A Board of Accident Inquiry may inspect books, documents or writings or a part or component of an aircraft produced before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such portions of the books, documents or writings as are relevant to the inquiry.

(3) A Board of Accident Inquiry may examine on oath a person appearing as a witness before it, whether the witness has been summoned or appears without being summoned, and for this purpose may administer an oath to the witness.

(4) Where a witness conscientiously objects to taking an oath, the witness may make an affirmation instead of taking an oath, and an affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

(5) A person served with a summons to attend before a Board of Accident Inquiry shall not, after payment to him or her of reasonable expenses, fail, without reasonable excuse:

(a) to attend before the Board and to continue in attendance from day to day, unless excused by the Chairperson of the Board, until he or she is released from further attendance by the Chairperson of the Board; or

(b) to produce the books, documents or writings or the part or component of an aircraft in his or her custody or control which he or she is required to produce.

(6) A person appearing as a witness before a Board of Accident Inquiry shall not refuse to be sworn or to make an affirmation instead of taking an oath, or to answer a question relevant to the proceedings put to him or her as a witness.

(7) A statement or disclosure made by a witness to a Board of Accident Inquiry is not admissible in evidence against him or her in civil or criminal proceedings in a court except in a prosecution for giving false testimony in proceedings before the Board.

(8) A witness summoned to attend before a Board of Accident Inquiry shall be paid fees and travelling expenses in accordance with the scale of fees payable to witnesses in the Supreme Court:

Provided that, where a public officer or an employee of any statutory corporation or body is summoned as a witness, no fees shall be paid to him or her but he or she shall be granted leave of absence without loss of salary or wages for such time as he or she is required to attend to give evidence.

(9) The owner or occupier of any place in which is situated any aircraft or equipment or in which is carried out any process, which the Chairperson of the Board of Accident Inquiry considers is relevant to the inquiry shall

permit the Chairperson and any assessor appointed under this Division to enter that place and examine the aircraft, equipment or process.

(10) A person shall not:

(a) wilfully insult, or disturb or interrupt the proceedings of a Board of Accident Inquiry;

(b) by writing or speech use words which are false and defamatory of a Board of Accident Inquiry; or

(c) commit a wilful contempt of a Board of Accident Inquiry.

255 Report of Board of Accident Inquiry

(1) As soon as is convenient after conducting the Inquiry, the Chairperson of a Board of Accident Inquiry shall forward to the Minister a written report stating the Board's findings, together with notes of the evidence taken, and adding any observations and recommendations which he or she thinks fit to make with a view to the preservation of life and the avoidance of future accidents.

(2) The Chairperson and each assessor appointed to constitute the Board of Accident Inquiry shall sign the report.

(3) Where an assessor disagrees with a finding of the Board or a recommendation of the Chairperson, the assessor shall state in writing his or her reasons for the disagreement and those reasons shall be forwarded to the Minister with the report and shall be deemed to be part of the report.

256 Inquiry may be extended or reopened

The Minister may at any stage in an inquiry conducted under this Division request the Board of Accident Inquiry to inquire into such further matters relating to the accident as the Minister thinks fit, and may, where an inquiry has been concluded, direct the Board to inquire further into such matters relating to the accident as he or she thinks fit.

257 Report to be tabled in Parliament and may be published

(1) The Minister shall within 14 days of receiving a report of a Board of Accident Inquiry, cause a copy of the report to be placed on the table in Parliament, together with such comments, if any, on the report as he or she thinks fit to make, and to remain thereon for 14 days thereafter.

(2) The Minister may, if he or she thinks fit, cause the whole or a part of the report of a Board of Accident Inquiry to be made public in such manner as he or she thinks fit.

258 Protection of Chairperson and assessors

(1) The Chairperson of a Board of Accident Inquiry shall, in the exercise of his or her duties under this Division, have the same protection and immunity as a Judge.

(2) An assessor appointed under this Division shall not be liable for any expense incurred, or claims made, because of or arising out of proceedings of the Board of Accident Inquiry or a report of the Board.

259 Service of summons, etc

A summons or other document required to be served under this Division shall be served by delivering it personally to the person to be served or by sending it by prepaid letter addressed to him or her at his or her last known place of abode or business, or by leaving it with some person apparently an inmate of that place and apparently not less than 16 years of age.

[The next page is 252,201]

260 Offences in relation to licences and certificates

(1) A person shall not, unless specially permitted by or under these Regulation, perform any duty or exercise any function or do any act for which:
  (a) a licence;
  (b) a certificate; or
  (c) a rating or other endorsement on a licence or certificate,
  is required under these Regulations, without holding:
  (i) the appropriate licence or certificate; or
  (ii) a licence or certificate containing the appropriate rating or other endorsement.

(2) Where a licence or certificate is suspended, or a rating or other endorsement on a licence or certificate is suspended or cancelled, under these Regulations, the person to whom the licence or certificate was granted shall not, for the purposes of subregulation (1), be deemed to be the holder of the licence or certificate or a licence or certificate containing the rating or other endorsement, as the case may be, during the period of suspension or cancellation.

(3) A person shall not purport to give a certificate, or to issue a document, for the purposes of these Regulations unless he or she is authorised under these Regulations to do so.

(4) The holder of a licence or certificate shall not:
  (a) negligently perform a duty that he or she is qualified to perform under the terms of his or her licence or certificate; or
  (b) issue a certificate that he or she is required or empowered to issue under these Regulations without ensuring that all matters certified therein are true and correct in every material particular.

261 False statements

A person shall not make, either orally or in writing, a statement that is false or misleading in a material particular in or in connection with:
(a) an application for the grant, issue, renewal or endorsement of a licence, rating, certificate, permit, permission, authority or approval under these Regulations; or
(b) a return, report, notice, form or other document furnished in accordance with these Regulations.

262 Interference with crew or aircraft

(1) A person shall not obstruct or impede any other person from lawfully exercising a power or performing a duty conferred on that other person by or under these Regulations.

(2) A person shall not, while in an aircraft:
  (a) interfere with a crew member;
  (b) behave in a disorderly or offensive manner; or

(c) do any act that threatens the safety of the aircraft or of persons on board the aircraft.

(3) A person shall not tamper with an aircraft or an aircraft component or item of equipment.

263 Stowaways

A person shall not secrete himself or herself in an aircraft, or travel in an aircraft, without the consent of the operator or pilot in command.

264 Power of court to order returns, etc, to be furnished

Where a person is convicted of an offence under these Regulations for failure to furnish any return or to comply with a notice to surrender a document, the Court before which he or she is convicted may, in addition to imposing any pecuniary or other penalty, order the defendant to furnish the return or surrender the document, as the case may be.

265 Detention of aircraft

(1) Where it appears to the Authority that any aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, he or she may take such action by way of detention of the aircraft or such other action as is necessary for the purpose of causing the circumstances relating to the flight to be investigated or the aircraft to be inspected.

(2) Where an aircraft has been detained in pursuance of subregulation (1), the aircraft shall not be used until the Authority, being satisfied that the Regulations are being complied with, approves, or until such alterations or repairs as the Authority considers necessary to render the aircraft fit for flight have been made.

266 Creation of fire hazard

(1) Subject to these Regulations, a person shall not smoke or do any act to procure a naked flame within 50 feet of an aircraft or in any part of an aerodrome in which a notice indicates that smoking is prohibited.

(2) A person shall not do any act likely to create a fire hazard endangering an aircraft or an aerodrome.

(3) A person who contravenes subregulation (1) or (2) commits an offence and upon conviction is liable to a fine not exceeding $6,000.

[subreg (3) insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

266A Duties of aerodrome operator

The aerodrome operator shall ensure that:

(a) no-smoking notices are prominently and legibly displayed throughout all enclosed areas of the aerodrome terminal and in all areas within 50 metres of aircraft parking positions, fuel installations and fuel storage facilities;

(b) any designated smoking area is clearly marked and is not located within 50 metres of any aircraft, fuel installations or fuel storage facilities; and

(c) steps are taken to monitor compliance with the smoking prohibition within the aerodrome area.

[reg 266A insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

267 Stationary aircraft within precincts of aerodrome

(1) A stationary aircraft shall not, without the permission of an air traffic control unit, be left standing within the precincts of an aerodrome except in an area that the Authority designates as an area for the parking of aircraft.

(2) An aircraft which is not certified as airworthy shall not, without the permission in writing of the Authority, be left standing for a period exceeding 12 weeks in an area that the Authority designates as an area for the parking of aircraft.

(3) Where the Authority designates an area for the parking of aircraft, it shall:
(a) specify the area by reference to its boundaries; or
(b) indicate the area and its boundaries by means of such signs and notices placed about the area as it considers necessary.

(4) Where an aircraft has been left standing in contravention of this Regulation, the Authority may, by notice in writing served on the owner of the aircraft, direct the owner:
(a) to remove the aircraft from the aerodrome; or
(b) except in the case of a contravention of subregulation (2), to remove the aircraft to an area designated by the Authority for the parking of aircraft,

within such time as is specified in the notice.

(5) A notice under subregulation (4) may be served:
(a) by leaving it with or tendering it to the owner;
(b) by posting it to the owner in a prepaid letter; or
(c) if the owner cannot be found or his or her address is not known, by affixing it to the aircraft to which it relates.

(6) An owner shall comply with the directions contained in a notice served on him or her under this Regulation.

(7) Where an owner fails to comply with the directions contained in a notice served on him or her under this Regulation, the Authority may authorise a public officer, with such assistance, if any, as he or she requires, to carry out the directions contained in the notice.

(8) Where an aircraft is left standing in contravention of this Regulation for more than one day, the owner, operator and hirer are guilty of a separate contravention on each day on which the aircraft is so left standing.

268 Damaged aircraft on movement area to be reported

(1) Where, as a result of damage sustained by an aircraft, the aircraft is left standing on the movement area of an aerodrome, the pilot in command shall forthwith report the fact that the aircraft is standing on the movement area of the aerodrome to the air traffic control unit or radio communication station.

(2) A report under subregulation (1) shall be in addition to a notification or report required under Division 2 of Part 13.

(3) In this Regulation, ***"radio communication station"*** means a radio station established or authorised for the purpose of radio communication with aircraft and designated by the Authority as a radio communication station in Aeronautical Information Publications.

269 Removal of aircraft from movement area

(1) Where, in the opinion of the Authority, it is necessary, in the interests of safety or to expedite or maintain an orderly flow of air traffic, to remove an aircraft from the movement area of an aerodrome, the Authority may authorise a public officer, with such assistance, if any, as he or she requires, to remove the aircraft from the movement area, and the officer shall remove the aircraft accordingly.

(2) The Authority or a person who assists in the removal of an aircraft under subregulation (1) shall not be liable for any damage which occurs to the aircraft or its cargo by reason of its removal in pursuance of an authorisation given under that subregulation.

270 Posters, signs and advertisements within precincts of aerodrome

(1) A person shall not paint, place or affix any sign, poster or advertisement upon any building or other property within the precincts of an aerodrome except in accordance with the permission in writing of the Authority.

(2) Where a poster, sign or advertisement has been painted, placed or affixed upon any building or other property in contravention of subregulation (1), the Authority may, by notice in writing served upon the occupier of the building or other property, direct the occupier to remove or obliterate the poster, sign or advertisement within such time as is specified in the notice.

(3) A notice under subregulation (2) may be served:
- (a) by leaving it with or tendering it to the occupier;
- (b) by posting it to the occupier in a prepaid letter; or
- (c) if the occupier cannot be found or his or her address is not known, by affixing it to the sign, poster or advertisement to which it relates.

(4) An occupier shall comply with the directions contained in a notice served upon him or her under this Regulation.

(5) Where an occupier fails to comply with the directions contained in a notice served upon him or her under this Regulation, the Authority may authorise a public officer, with such assistance, if any, as he or she requires, to enter the building or property and to carry out the directions contained in the notice.

271 Prohibition of entry, etc, to aerodrome without Authority

(1) A person shall not, without lawful authority or excuse:
- (a) enter or remain within the boundary of an aerodrome;
- (b) bring or leave any property on an aerodrome;
- (c) operate any vehicle on an aerodrome;
- (d) bring any animal or bird onto an aerodrome; or
- (e) permit any animal or bird under his or her possession or control to trespass on an aerodrome.

(2) Where:
(a) a person contravenes subregulation (1)(a), (b), (c) and (d); or
(b) any property, vehicle, animal, or bird is found in contravention of subregulation (1)(b), (c), (d) and (e),

any authorised person may apprehend and remove that person, property, vehicle, animal or bird, as the case may be, without being deemed guilty of any act of trespass.

(3) For the purposes of this Regulation, an ***"authorised person"*** includes a police officer, a member of the staff of the Authority or a person authorised by the Authority.

271A General penalties

(1) A person who contravenes or fails to comply with any provision of these Regulations where there is no penalty provided is upon conviction liable:
(a) in the case of an individual to a fine not exceeding $6,000; or
(b) in the case of a body corporate, to a fine not exceeding $30,000.

(2) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subregulation (2)(a) where the following is deemed to have occurred:
(a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and
(b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.

[reg 271A insrt SL 19 of 2026 reg 31, opn 30 Apr 2026]

272 No offence if required notice not given

Notwithstanding the provisions of Section 32 of the Act and the other provisions of this Part, a person is not guilty of an offence by reason only of a contravention of, or a failure to comply with, a direction, or a condition or requirement set out in a direction under these Regulations if:
(a) the direction is of a kind that, by virtue of these Regulations, does not have effect in relation to a person until it has been served on him or her or has otherwise been brought to his or her attention; and
(b) at the time of the alleged contravention or failure to comply, the direction had not been served on him or her and had not otherwise been brought to his or her attention.

273 Limit on time for commencing prosecution

(1) A prosecution in respect of any offence against these Regulations may be commenced at any time within one year after the commission of the offence.

(2) For the purposes of subregulation (1), time shall be deemed not to run during any period after the commission of an offence and before the institution of proceedings in respect thereof for which the accused person is outside Naoero.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 252,401]

274 Certificates as to certain facts

(1) The Authority may, by writing under the hand of the Minister, certify that:
  (a) a notification of an accident, or a written report, required by Regulation 234 has not been received by the Authority;
  (b) a notification of an incident required by Regulation 237 has not been received by the Authority;
  (c) a document required to be surrendered to the Authority in accordance with a notice in writing under Regulation 277 has not been so surrendered;
  (d) a document annexed to the certificate is a true copy of the text of the *Chicago Convention* or of an annex adopted in pursuance of the *Convention*; or
  (e) a document annexed to the certificate is a true copy of an Air Navigation Order, AIP, NOTAM, licence, certificate, permit, direction, authority, notice, order, approval or other document published, given or issued under these Regulations.

(2) The Authority, in a certificate under subregulation (1)(e), may certify that the document of which the document annexed to the certificate is certified to be a true copy was, on a specified date or between specified dates, posted to:
  (a) the defendant in a prosecution for an offence against these Regulations or in any proceedings for the recovery of monies under these Regulations; or
  (b) the applicant or other specified person in any appeal, investigation or inquiry conducted or made under the Act or these Regulations.

(3) The Authority, or the public officer having custody of the appropriate records of the Authority, may, by writing under the hand of the Minister or of that public officer, certify that, during a specified period or on a specified date:
  (a) a person was or was not licenced;
  (b) an aircraft was or was not registered;
  (c) a certificate of airworthiness of an aircraft had or had not been issued, was valid or invalid for the purposes of these Regulations or was subject to specified conditions;
  (d) an aerodrome was established, altered or abolished in accordance with Part 4 of the Act;
  (e) a permit, direction, authority, notice, order or approval required under these Regulations had or had not been issued under these Regulations; or
  (f) a licence or certificate issued under these Regulations was or was not suspended, cancelled or endorsed with a specified endorsement.

(4) In all courts and in any appeal, investigation or inquiry conducted or made under the Act or these Regulations, a certificate purporting to have been given under this Regulation:

(a) shall, unless the contrary is proved, be deemed to be a certificate given by a person empowered by this Regulation to give the certificate; and
(b) is evidence of the facts stated in the certificate, and, in the case of a certificate certifying that a document was posted to the person charged with an offence against these Regulations, or to the defendant in any proceedings for the recovery of monies payable under these Regulations, or to an appellant or a specified person in any appeal, investigation or inquiry conducted or made under the Act or these Regulations, is evidence that the document was received by the defendant, applicant or specified person on or about the time at which it would have been received in the ordinary course of post.

[The next page is 252,601]

275 Application for licences, etc

Every application for the issue or renewal of a licence, certificate, permit, authority or other document under these Regulations shall be made in the approved form to the Authority, and shall be accompanied by the fee or payment required in connection therewith and by notification of the applicant's place of abode, his or her place of business and the address to which any communication to him or her under the Act or these Regulations may be sent.

276 Change of address

Where the holder of a licence, certificate, permit or authority under these Regulations changes his or her place of abode or business or the address notified in accordance with Regulation 275, he or she shall forthwith furnish to the Authority notice in writing of the change.

277 Surrender of documents

(1) The holder of a licence, certificate or other document issued under these Regulations, or a person having the custody of a licence, certificate or other document issued under these Regulations, shall, if the Authority by notice in writing so requires, surrender the licence, certificate or document to the Authority within such time as is specified in the notice.

(2) A person shall not, with intent to evade the requirements of this Regulation, destroy, mutilate or deface any document which he or she is required to surrender to the Authority.

278 Production of licences, etc

(1) A person required under these Regulations to be the holder of a licence shall, on demand by an authorised person, produce his or her licence and, in the case of a member of an operating crew, his or her log book, for inspection by the authorised person.

(2) The owner or pilot in command of any aircraft shall, on demand, produce or cause to be produced for inspection by an authorised person, any certificates, licences, log books or other documents relating to the aircraft and, if it carries passengers or cargo, the list of names of the passengers or the bills of lading and the manifest, as the case may be.

279 Licences, etc, subject to conditions

Wherever the Authority is empowered under these Regulations to grant or issue a licence or certificate upon or subject to conditions, it may, unless the contrary intention appears, specify and notify in Air Navigation Orders any such conditions that are to be of general application to a specified class of licences or certificates, which may include licences or certificates granted or issued before the notification, and any conditions so notified shall be deemed to be conditions of every licence or certificate of that class.

280 Liability for damage to aircraft during official tests

Neither the Republic, the Authority nor any public officer shall be liable for any loss or damage to an aircraft which occurs while the aircraft is in the custody of the Authority for the purpose of official flying trials or other official tests, or in the course of transit to and from the place fixed for those trials or tests, or during any inspection by a person in pursuance of these Regulations.

281 Breach of statutory duty by the Authority not to be actionable per se

The breach of any statutory duty imposed on the Authority by the Act, or by these Regulations or by any other regulations made under the Act, shall not be actionable unless such breach affords a cause of action independently of the provisions of the Act or regulations imposing the duty.

282 Military aircraft

A military aircraft permitted under Section 12 of the Act to fly over or land in Naoero shall be exempt from the provisions of Parts 2, 3, 4, 5, 6 and 11 of these Regulations.

[reg 282 am Act 21 of 2026 s 5, opn 12 May 2026]

283 No flying school to be established in the Republic

No flying school shall be established in Naoero.

[reg 283 am Act 21 of 2026 s 5, opn 12 May 2026]

284 Procedure and evidence in appeals to the Cabinet

(1) An appeal to the Cabinet under Section 37 of the Act shall be in the form of a petition addressed to the Cabinet the petition shall be delivered or sent to the Secretary to the Cabinet.

(2) Where a petition is not delivered at, or sent in such a manner and by such a date that it can reasonably be expected to reach, the office of the Secretary to the Cabinet in Naoero before expiration of the period fixed by Section 37 of the Act or prescribed by any regulation as the period within which the appeal may be brought, the appeal shall be deemed not to have been brought within such period.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Every petition of appeal shall include a postal address for service of documents on the appellant and shall state clearly the subject-matter of the decision of the Authority against which the appeal is brought and shall be accompanied by:

(a) a statement of the grounds of the appeal;

(b) an affidavit or affidavits as to the facts relied upon by the appellant;

(c) if the appellant wishes, reasoned arguments in support of the grounds of appeal; and

(d) a clearly legible carbon or photographic copy of the petition and every statement, affidavit and set of reasoned arguments by which it is accompanied.

(4) Any petition which does not comply with the provisions of subregulation (3) or, subject to subregulation (5), is not accompanied by all the documents referred to therein shall not be effective to commence the appeal, unless the Cabinet orders otherwise.

(5) Where the appellant is unable, within the period allowed for appealing, to obtain an affidavit from a person as to any fact relied upon by him or her, he or she may annex to his or her petition a statement giving details of the fact to be proved by such affidavit, the reasons why he or she has been unable to obtain it and the date by which he or she expects to be able to obtain it; unless the Authority notifies the Cabinet that it admits every fact sought to be proved by such affidavit, the Cabinet shall, if it is satisfied that the affidavit would be evidence of a fact relevant to the issues to be decided in the appeal and that the failure to obtain it within the period allowed for the appeal was not due to any neglect or delay by the appellant, allow such further period as it considers reasonable for the affidavit, and a copy thereof, to be sent or delivered to the Secretary to the Cabinet.

(6) Any period allowed under subregulation (5) may be extended by the Cabinet from time to time for good cause.

(7) A notice of any period allowed under subregulation (5), and of every extension thereof, shall be delivered or sent by prepaid letter by the Secretary to the Cabinet to the appellant and the Authority.

(8) Immediately upon receipt of the petition, the Secretary to the Cabinet shall cause the copy thereof and of the documents accompanying it received therewith to be delivered to the Authority; similarly immediately upon receipt of any affidavit from the appellant thereafter, he or she shall cause the copy thereof received with it to be delivered to the Authority.

(9) The Authority shall, within 21 days of the copy of the petition and the documents having been delivered to it under subregulation (8) or, where the appellant has been allowed any period to obtain an affidavit, within 21 days of the copy or of the last such affidavit having been delivered to it under subregulation (8) or, if all such periods have expired without every affidavit having been received, of the last day of all such periods, cause an answer to the petition to be delivered to the Secretary to the Cabinet.

(10) The Authority's answer shall state clearly which facts, if any, relied upon by the appellant it admits and the reasons for its decision against which the appeal has been brought, and shall be accompanied by:
- (a) an affidavit or affidavits as to any facts relied upon by the Authority and as to any facts relied upon by the appellant which it does not admit;
- (b) if it wishes, reasoned arguments in support of its decision;
- (c) if the petition has been accompanied by reasoned arguments, the Authority's answers to those arguments; and
- (d) a clearly legible carbon or photographic copy of the answer and of all statements, affidavits, reasoned arguments and answers to the appellant's reasoned arguments accompanying it.

(11) The provisions of subregulation (5) shall apply *mutatis mutandis* to affidavits which the Authority is unable to obtain.

(12) Immediately upon receipt of the answer, the Secretary to the Cabinet shall cause the copy thereof and of the documents accompanying the answer received therewith to be delivered or sent by prepaid letter to the appellant; similarly immediately upon receipt of an affidavit from the Authority thereafter, he or she shall cause it to be delivered or sent to the appellant: Provided that where the appellant's address is outside Naoero, the letter shall be marked and prepaid so that it is carried by air mail.

[subreg (12) am Act 21 of 2026 s 5, opn 12 May 2026]

(13) The appellant may, within 28 days of the date on which the Authority's answer was delivered or posted to him or her under subregulation (12) or, where the Authority has been allowed any period to obtain an affidavit, within 28 days of the copy of the last such affidavit having been delivered or posted to him or her under subregulation (12) or, if all such periods have expired without every affidavit having been delivered or posted to him or her, of the last day of all such periods, whichever is the later, deliver or send to the Secretary to the Cabinet a reply to the Authority's answer.

(14) The appellant's answer shall state clearly which, if any, of the facts relied upon by the Authority he or she does not admit and may be accompanied by:

(a) an affidavit or affidavits as to those facts and facts relevant to them;

(b) reasoned arguments; and

(c) a copy of the reply and of all affidavits and the reasoned arguments accompanying it.

(15) The provisions of subregulations (5) and (8) shall apply *mutatis mutandis* to any reply of the appellant.

(16) The Secretary to the Cabinet shall not accept from the appellant or the Authority any petition, answer, affidavit, reasoned argument or statement other than such as are authorised by this regulation or the Cabinet.

(17) Where any document in respect of any appeal is accepted from any party by the Secretary to the Cabinet on the authority of the Cabinet, he or she shall cause a copy of the document to be delivered or sent to the other party forthwith and, if natural justice requires that other party be permitted to reply to or rebut the arguments contained, or facts stated, in the document, the Cabinet shall authorise him or her to do so in documentary form.

(18) When all the documents which the parties deliver or send and which the Secretary to the Cabinet is authorised to accept in respect of any appeal are complete, he or she shall place them before the Cabinet in such form as the Cabinet may direct and the Cabinet shall decide the appeal on the evidence given in the affidavits and shall have regard to the arguments presented.

(19) The Minister shall be entitled to take part as a member of the Cabinet in deciding an appeal, if he or she thinks fit.

(20) No appeal shall lie against the decision of the Cabinet in respect of any appeal.

285 Fees

The fees specified in the third column of the Schedule to these Regulations are payable in respect of the respective matters specified in the second column of that Schedule opposite to which they are specified.

286 Powers of pilots in command

(1) The pilot in command of an aircraft, with such assistance as he or she requires, may:

(a) take such action, including the removal of a person from the aircraft or the placing of a person under restraint or in custody by force, as he or

she considers reasonably necessary to ensure compliance with the Act or these Regulations in or in relation to the aircraft; and

(b) detain the passengers, crew and cargo for such period as he or she considers reasonably necessary to ensure compliance with the Act or these Regulations in or in relation to the aircraft.

(2) A person who, on an aircraft in flight, whether within or outside Naoero, is found committing, or is reasonably suspected of having committed, or of having attempted to commit, or of being about to commit, an offence against the Act or these Regulations, an offence against any other law of Naoero punishable, if committed by an adult, with imprisonment for 12 months or longer or an offence involving violence or indecent behaviour may be arrested without warrant by a member of the crew of the aircraft in the same manner as a person who is found committing an offence which is a felony or is designated by any written law as a cognisable offence may, under the laws in force for the time being in Naoero, be arrested by a police officer and shall be dealt with in the same manner as a person so arrested by a police officer.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

287 Certain licences, etc, to be deemed to have been issued under these Regulations

(1) Where under these Regulations:

(a) a person is required for any purpose:

(i) to hold a licence or certificate issued by the Authority or endorsed by the Authority in any way;

(ii) to be authorised by the Authority; or

(iii) to possess qualifications which are recognised by the Authority; or

(b) anything is required to be done by a person qualified in the manner referred to in paragraph (a),

subject to subregulation (2), a licence or certificate issued or endorsed, authority given or qualifications recognised by the Director-General of Civil Aviation of the Commonwealth of Australia, by a person lawfully acting as such or by any other person with the authority of the Director-General, or a person acting as such, on his or her behalf under the provisions of the Australian Air Navigation Regulations in Australia or in respect of Australian aircraft shall be deemed, for the purpose of the Act and these Regulations, to be a licence or certificate issued or endorsed, authority given or qualifications recognised, as the case may be, by the Authority for a similar purpose under these Regulations and anything done by a person to whom any such licence or certificate has been issued, such authority given or such recognition granted shall be deemed, for the purpose of the Act and these Regulations, to have been done by a person to whom a licence or certificate has been issued, authority given or recognition granted by the Authority in accordance with the relevant provisions of these Regulations.

(2) The provisions of this Regulation shall not apply to licences and certificates, and endorsements thereof, under Part 2, Division 2 of Part 3 or Part 11 of these Regulations.

288 Existing licences, etc, to continue in force

Every licence and certificate issued, and every approval, exemption, direction or maintenance release given, under the Australian Air Navigation Regulations in their application to Naoero by virtue of an order of the Cabinet made under Section 34(4) of the Act shall, if it was in force on the day before the commencement of these Regulations, continue in force under these Regulations until the date on which it would have expired under those applied Regulations and shall be deemed for the purposes of the Act and these Regulations to have been issued or given under these Regulations.

[reg 288 am Act 21 of 2026 s 5, opn 12 May 2026]

289 Interpretation

In Regulations 287 and 288, ***'the Australian Air Navigation Regulations'*** means the Air Navigation Regulations made by the Govenor-General of the Commonwealth of Australia under the *Air Navigation Act 1920-1971* of the Commonwealth of Australia.

[The next page is 252,801]

SCHEDULE

[Regulation 285]

FEES

[Sch subst GN No 291/1991 item 2, opn 17 July 1991]

Item No	Matter	Fee
1.	For each certificate given under these Regulations where the applicant is other than the Republic or a person or body, corporate or unincorporated, acting on behalf of the Republic	$10
2.	For each theoretical examination or practical test of skill for the purpose of qualifying for a licence, certificate or rating under Division 4 of Part 3, or under Part 4, of these Regulations	Such amount, if any not exceeding $100 as Authority specified by Air Navigation Order.

[The next page is 256,001]

Air Navigation (Departure Tax) Regulations 2008

TABLE OF PROVISIONS

Regulation	*Title*
1	Citation and commencement
2	Interpretation
3	Departure Tax
4	Exemptions
5	Collection and remittance of airport fees
6	Repeal of Air Navigation (Airport Fee) Regulations 1999

[The next page is 256,201]

Air Navigation (Departure Tax) Regulations 2008

TABLE OF AMENDMENTS

The Air Navigation (Departure Tax) Regulations 2008 were notified and commenced on 19 September 2008 (GN No 365/2008; Gaz 105/2008).[*]

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[*] These Regulations were made under the *Air Navigation Act 1971*, but continue in force under the *Civil Aviation Act 2011* as if made under that Act until replaced or repealed (see *Civil Aviation Act 2011* s 188).

[The next page is 256,401]

IN EXERCISE of the powers conferred upon it by Section 35 of the *Air Navigation Act 1971*, the Cabinet has made the following Regulations:

1 Citation and commencement

These Regulations may be cited as the *Air Navigation (Departure Tax) Regulation 2008* and shall come into operation as at the date of agreement by the Cabinet.

2 Interpretation

In these Regulations:

'Director' means the Director of Civil Aviation;

'Minister' means the Minister responsible for Civil Aviation; and

'transit passenger' means a person who:
(a) arrives in Naoero on an aircraft; and
(b) does not complete immigration formalities to enter Naoero; and
(c) does not leave the restricted area of the airport into which he or she arrives except to continue his or her onward journey.

[def am Act 21 of 2026 s 5, opn 12 May 2026]

3 Departure Tax

Subject to exemptions in Regulation 4, every passenger departing from Naoero on an aircraft shall pay, before boarding the aircraft, a departure tax of A$50.

[reg 3 am Act 21 of 2026 s 5, opn 12 May 2026]

4 Exemptions

The following persons shall be exempt from the payment of the departure tax imposed by these Regulations:
(a) a child under the age of 12 years;
(b) a transit passenger;
(c) an aircrew member operating the aircraft departing from Naoero, or travelling on the aircraft in the course of his or her employment for the purposes of operating an aircraft;
(d) a person travelling on a diplomatic passport; and
(e) such other persons as the Minister may from time to time by order in writing specify, or as the Government may specify in an agreement with another Government.

[reg 4 am Act 21 of 2026 s 5, opn 12 May 2026]

5 Collection and remittance of airport fees

Collection and remittance of the departure tax shall be as specified in the *Our Airline (Departure Tax) Regulations 2008*.

6 Repeal of Air Navigation (Airport Fee) Regulations 1999

The *Air Navigation (Airport Fee) Regulations 1999* are repealed.

[The next page is 262,001]

Civil Aviation (Fees) Regulations 2016

TABLE OF PROVISIONS

Regulation	*Title*
	PART 1 — PRELIMINARY
1	Citation
2	Commencement
3	Definitions
4	Aircraft mass
	PART 2 — FEES
5	Fees
6	Collection of air navigation fee
7	Waiver of fee
	PART 3 — REPEAL
8	Repeal
9	Transitional and savings provision in relation to the *Civil Aviation (Fees) (Amendment) Regulations 2025*
	SCHEDULE — PRESCRIBED FEES

[The next page is 262,201]

Civil Aviation (Fees) Regulations 2016

TABLE OF AMENDMENTS

The Civil Aviation (Fees) Regulations 2016 SL 15 were notified and commenced on 10 June 2016 (GN No 452/2016; Gaz 106/2016).

Amending Legislation	Notified	Date of Commencement
Civil Aviation (Fees) (Amendment) Regulations 2025 SL 12	24 April 2025	24 April 2025

[The next page is 262,401]

The Cabinet makes the following Regulations under Section 171 of the *Civil Aviation Act 2011*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Civil Aviation (Fees) Regulations 2016*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Definitions

In these Regulations:

'aircraft mass' means as is defined in Regulation 4(1);

'hour' includes a part hour; and

'working hours' means 9am to 5pm on a day that is not Saturday, Sunday or public holiday.

4 Aircraft mass

(1) An aircraft's ***'aircraft mass'*** is the mass of the aircraft measured in tonnes.

(2) For the calculation of a fee under these Regulations, an aircraft's aircraft mass shall be rounded up to the nearest whole number.

[Example for Regulation 4(2) — If an aircraft weighs 15.4 tonnes, it is taken to weigh 16 tonnes for the calculation of a fee that is based on aircraft mass].

[The next page is 262,601]

PART 2 — FEES

5 Fees

For Section 171(2)(a) of the Act, the fee payable for a matter specified in the Schedule, column 1, is specified opposite the matter in column 2.

6 Collection of air navigation fee

The fee mentioned in the Schedule, item 5 (air navigation by an aircraft through the Naoero Flight Information Region) may be collected directly by a person (other than the Authority or the Republic) who is authorised under the Act to provide the air navigation service.

[reg 6 am Act 21 of 2026 s 5, opn 12 May 2026]

7 Waiver of fee

On application by a person required to pay the fee mentioned in the Schedule, the Cabinet may waive the fee.

[The next page is 262,801]

PART 3 — REPEAL

8 Repeal

The following Regulations are repealed:

(a) The *Air Navigation (Fees) Regulations 1999*;

(b) The *Air Navigation (Fees and Charges) Regulations 2006*; and

(c) The *Air Navigation (Fees and Charges) Regulations 2011*.

9 Transitional and savings provision in relation to the *Civil Aviation (Fees) (Amendment) Regulations 2025*

Any fee paid or collected before the commencement of the *Civil Aviation (Fees) (Amendment) Regulations 2025* that corresponds to the fee provided under the *Civil Aviation (Fees) (Amendment) Regulations 2025* is validated and deemed to have been made pursuant to the *Civil Aviation (Fees) (Amendment) Regulations 2025*.

[reg 9 insrt SL 12 of 2025 reg 5, opn 24 Apr 2025]

[The next page is 263,001]

SCHEDULE

[Regulation 5]

PRESCRIBED FEES

[Sch subst SL 12 of 2025 reg 4, opn 24 Apr 2025; am Act 21 of 2026 s 5, opn 12 May 2026]

ITEM	Column 1	Column 2
	Matter	Fee ($)
1	Application for scheduled international air service licence under Section 57	$3,000
2	Application for renewal of scheduled international air service licence under Section 62	$1,500
3	Issue of replacement copy of scheduled international air service licence	$375
4	Application for Cabinet authorisation to operate non-scheduled international flight between Naoero and one or more points in a foreign country *Note for item 4:* *Under Section 54 of the Act, Cabinet authorisation is required to operate a non-scheduled international flight between Naoero and one or more points in a foreign country unless the flight is authorised under an open aviation market licence*	$1,500
5	Application for Cabinet or Minister's authorisation to land under Section 73(2)(d) (unless the flight is a non-scheduled international flight authorised by Cabinet):	
	(a) if application is made more than 48 hours before estimated time of arrival	$750
	(b) if application is made within 48 hours before estimated time of arrival	$3,750
6	Air navigation by an aircraft through the Naoero Flight Information Region	$3 x 0.01 x square root of MTOW in kg x D. In this formula: **'D'** is the great circle distance travelled by the aircraft (in kilometres) **'MTOW'** is the maximum take-off weight of the aircraft (in metric tonnes)
7	Landing aircraft at aerodrome:	
	(a) if aircraft mass is less than 15 tonnes	$300
	(b) if aircraft mass is more than 15 tonnes but less than 25 tonnes	$300 + ($7.50 x aircraft mass)
	(c) if aircraft mass is more than 25 tonnes but less than 50 tonnes	$300 + ($15 x aircraft mass)
	(d) if aircraft mass is more than 50 tonnes	$300 + $22.50 x aircraft mass)

	Additional charge for freighter aircraft	$15 x maximum take-off weight of the aircraft per movement
	Additional charge for non-scheduled flight landing or departing outside working hours	$75
8	Parking aircraft at aerodrome for over 2 hours	$3 x aircraft mass for each 24 hour period (beginning with the 3rd hour of parking), with a minimum charge of $150
9	Departure of aircraft after scheduled time of departure	$75 for the first hour of delay
		$37.50 for each hour of delay after the first hour of delay
10	Application for aerodrome identity card	$30
11	Application for renewal of aerodrome identity card	$15
12	Issue of replacement aerodrome identity card:	
	(a) if original card has been lost or stolen	$75
	(b) if original card has been damaged	$15
13	Application for Cabinet approval to land military aircraft under Section 72:	
	(a) if application is made more than 48 hours before estimated time of arrival	$750
	(b) if application is made within 48 hours before estimated time of arrival	$3,750

[The next page is 265,001]

Airport Runway (Security Restricted Area) Notice 2014

TABLE OF PROVISIONS

Clause

1 Citation
2 Commencement
3 Notice

[The next page is 265,201]

Airport Runway (Security Restricted Area) Notice 2014

TABLE OF AMENDMENTS

The Airport Runway (Security Restricted Area) Notice 2014 SL 9 was notified on 15 September 2014 and commenced on 1 August 2014 (cl 2).

Amending Legislation	Notified	Date of Commencement
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 265,401]

IN EXERCISE of the powers conferred upon me by Section 106(1) and (2) of the *Civil Aviation Act 2011* of the Republic of Naoero, I, MELANEY BILL, hereby make the following Notice:

[cl am Act 21 of 2026 s 5, opn 12 May 2026]

1 Citation

This Notice shall be cited as the *Airport Runway (Security Restricted Area) Notice 2014*.

2 Commencement

This Notice shall commence on the 1st Day of August, 2014.

3 Notice

(1) The Airport Runway is a security restricted area at all times.

(2) Any unauthorised person attempting to access, cross or conduct any sporting and other activities on the Runway will be reported to the relevant authorities and subsequently fined.

(3) A person fined under the Act may be liable to a maximum fine of $10,000 and a 12 month imprisonment term.

[The next page is 266,001]

Civil Aviation (Offences) Regulations 2026

TABLE OF PROVISIONS

Regulation *Title*

PART 1 — PRELIMINARY

1 Citation
2 Commencement
3 Interpretation

PART 2 — FIXED PENALTY OFFENCES

DIVISION 1 — MINOR OFFENCES

4 Obligation to wear high visibility vest in security restricted areas
5 Obligation to wear safety footwear in operational areas
6 Obligation to display an authorised ID card while on airport premises
7 Unauthorised parking of vehicles in designated restricted zones
8 Prohibition of the use of mobile phones in the apron area

DIVISION 2 — MODERATE OFFENCES

9 Operating a vehicle without proper clearance or authorisation in the airside areas
10 Obligation to comply with direction by the authorised personnel within a security restricted area
11 Tampering with or unauthorised use of airport equipment or resources
12 Obligation to comply with mandatory safety training or briefing requirements

DIVISION 3 — SERIOUS OFFENCES

13 Throwing or placing FOD on the airside
14 Unauthorised use of restricted communication channels or frequencies
15 Driving on the runway or taxiway without clearance from air traffic control
16 Obstruction of airport operations or equipment
17 Endangering safety by ignoring critical safety protocols

PART 3 — PENALTIES

18 General penalties
19 Fixed penalty offence
20 Prescribed penalty
21 Reoffending

Regulation *Title*

PART 4 — APPOINTMENT OF AUTHORISED OFFICERS

22 Appointment of authorised officers
23 Powers of authorised officers
24 Offences against authorised officer

PART 5 — FIXED PENALTY NOTICE

25 Fixed penalty notice
26 Requirements for a fixed penalty notice
27 Failure to pay fixed penalty
28 Fixed penalty notice court appearances
29 Evidence of acceptance of a fixed penalty notice
30 Application of Criminal Procedure Act 1972
31 Consequential amendments to Air Navigation Regulations 1973

SCHEDULE 1 — PRESCRIBED FIXED PENALTY OFFENCES AND FIXED PENALTIES

SCHEDULE 2

FORM — FIXED PENALTY NOTICE FOR OFFENCES UNDER THE CIVIL AVIATION (OFFENCES) REGULATIONS 2026

[The next page is 266,101]

Civil Aviation (Offences) Regulations 2026

TABLE OF AMENDMENTS

The Civil Aviation (Offences) Regulations 2026 SL 19 were notified and commenced on 30 April 2026 (GN No 432/2026; Gaz 145/2026).

Amending Legislation	Notified	Date of Commencement
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 266,201]

The Cabinet makes the following Regulations under Section 171 of the *Civil Aviation Act 2011*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Civil Aviation (Offences) Regulations 2026*.

2 Commencement

These Regulations commence on the date they are notified in the Gazette.

3 Interpretation

In these Regulations:

'airside' means the movement area of the aerodrome and the adjacent terrain and buildings or portions thereof where access is controlled;

'authorised officer' means a person appointed under Regulation 22 for the purposes of these Regulations;

'authorised personnel' means a staff, border control personnel, operational personnel carrying out duties in relation to civil aviation matters or contractors carrying out any work anywhere within the aerodrome;

'designated smoking area' means an area within the aerodrome that is designated by the Director, by written notice, as an area in which smoking is permitted;

'designated restricted zone' means any area designated by the Director within the aerodrome to which access is controlled and limited to authorised personnel only for reasons of safety or security, and includes the airside, landside, security restricted area, and sterile area;

'fixed penalty notice' means the fixed penalty notice issued in accordance with these Regulations;

'Foreign Object Debris' or ***'FOD'*** means any object, substance, debris or article, whether live or inanimate, that is found in an inappropriate location at an aerodrome which has the potential to injure personnel or damage aircraft;

'landside' means the public area of the aerodrome including the terminal building and its surrounds, not subject to access control for aviation safety purposes;

'no-smoking notice' means a sign, placard, or other notice that clearly and legibly indicates that smoking is prohibited;

'operational area' means:

(a) any part of an aerodrome used or intended to be used for the landing, take-off, taxiing, parking, fuelling, loading, unloading, or maintenance of an aircraft, including the movement area, apron, aircraft stands, cargo areas, fuel storage and dispensing areas, and any other areas to which access is controlled; or

(b) security restricted area;

'runway' has the meaning given to it under the ICAO;

'staff' means:
(a) staff of the Authority appointed under Section 21 of the Act; or
(b) staff of the Commission appointed under Section 86 of the Act;

'sterile area' means the area between the passenger inspection checkpoint and the aircraft, where access is strictly controlled; and

'taxiway' has the meaning given to it under the ICAO.

[The next page is 266,401]

PART 2 — FIXED PENALTY OFFENCES

DIVISION 1 — MINOR OFFENCES

4 Obligation to wear high visibility vest in security restricted areas

An authorised personnel shall wear high visibility vest in security restricted areas.

5 Obligation to wear safety footwear in operational areas

An authorised personnel shall wear safety footwear in operational areas.

6 Obligation to display an authorised ID card while on airport premises

An authorised personnel shall display his or her identification card at all times while in the aerodrome.

7 Unauthorised parking of vehicles in designated restricted zones

A person shall not park his or her vehicle in a designated restricted zone, unless he or she is authorised to park his or her vehicle in such designated restricted zone.

8 Prohibition of the use of mobile phones in the apron area

A person shall not use his or her mobile phone in the apron area of the aerodrome.

DIVISION 2 — MODERATE OFFENCES

9 Operating a vehicle without proper clearance or authorisation in the airside areas

A person shall not use or operate a vehicle in an airside area, unless he or she has proper clearance and authorisation.

10 Obligation to comply with direction by the authorised personnel within a security restricted area

A person shall comply with any direction as directed by an authorised personnel within a security restricted area.

11 Tampering with or unauthorised use of airport equipment or resources

A person shall not tamper or use any airport equipment or resources, unless he or she is authorised to tamper or use such airport equipment or resources.

12 Obligation to comply with mandatory safety training or briefing requirements

A person shall comply with mandatory safety training or briefing requirements.

DIVISION 3 — SERIOUS OFFENCES

13 Throwing or placing FOD on the airside

A person shall not intentionally throw or place a FOD on the airside, runways, taxiways, or apron areas.

14 Unauthorised use of restricted communication channels or frequencies

A person shall not use restricted communication channels or frequencies, unless he or she is authorised to use such restricted communication channels or frequencies.

15 Driving on the runway or taxiway without clearance from air traffic control

A person shall not drive on the runway or taxiway, unless he or she is cleared from air traffic control and is authorised to drive on the runway or taxiway.

16 Obstruction of airport operations or equipment

A person shall not intentionally obstruct airport operations or equipment.

17 Endangering safety by ignoring critical safety protocols

A person shall comply with the following critical safety protocols:

(a) shall not enter security restricted areas without authorisation during live operations;

(b) shall not intentionally obstruct airport operations or equipment;

(c) shall not interfere with, tamper with, or damage any aeronautical equipment, navigational aid, or safety device;

(d) shall not introduce or carry any weapon, explosive, or dangerous article into the aerodrome without proper authorisation;

(e) shall not operate any vehicle or equipment on the movement area without a valid aerodrome driving permit;

(f) shall not approach or board any aircraft without the authority of the aircraft commander or aerodrome operator;

(g) shall not engage in any act that creates a hazard or risk to persons, aircraft or aerodrome infrastructure;

(h) shall not ignore or override safety instructions, signals or directions issued by aerodrome personnel or air traffic services;

(i) shall not introduce FOD into any operational area or fail to report FOD when observed;

(j) shall not operate drones, unmanned aerial vehicles, or any remote-controlled device within the aerodrome vicinity without prior authorisation from the Director;

(k) shall not smoke or use open flames within designated fuel storage, fuelling or other fire sensitive areas;

(l) shall not remain in any operational area during an aircraft emergency, declared or otherwise, unless authorised as part of the emergency response; or

(m) any other critical safety protocols as determined by the Director or provided under these Regulations, the Act or other written laws of the Republic.

[The next page is 267,001]

PART 3 — PENALTIES

18 General penalties

(1) A person who contravenes Regulations 4 to 8 commits an offence and upon conviction shall be liable to a fine not exceeding $1,000.

(2) A person who contravenes Regulations 9 to 17 commits an offence and upon conviction is liable:
   (a) in the case of an individual to a fine not exceeding $6,000; and
   (b) in the case of a body corporate, to a fine not exceeding $30,000.

(3) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subregulation (2)(a) where the following is deemed to have occurred:
   (a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and
   (b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.

19 Fixed penalty offence

For the purpose of Section 171(2)(h) of the Act, the prescribed fixed penalty offences are set out in Columns 1 and 2 of Schedule 1.

20 Prescribed penalty

(1) For the purpose of Section 171(2)(h) the corresponding prescribed fixed penalties for the prescribed fixed penalty offences under Regulation 19 are set out in Column 3 of Schedule 1.

(2) The amount of the fixed penalty fines provided in Column 3 of Schedule 1 is specific to an individual.

(3) Where a body corporate contravenes any fixed penalty offence, it will be liable to an amount equal to 5 times the fixed penalty fine imposed for an individual.

21 Reoffending

A person who commits the same offence for which he or she was previously issued with a fixed penalty notice within 12 months from the date of the previously issued fixed penalty notice, is liable to pay the amount in Column 4 of Schedule 1.

[The next page is 267,201]

PART 4 — APPOINTMENT OF AUTHORISED OFFICERS

22 Appointment of authorised officers

(1) The Minister may appoint any persons to be authorised officers for the purposes of these Regulations.

(2) An authorised officer appointed under this Regulation shall act under the directions or instructions of the Minister.

(3) An authorised officer shall be issued with an identification card signed by the Director.

(4) An authorised officer appointed under this Regulation shall produce his or her identification card on request.

(5) Where an authorised officer fails to produce his or her identification card as required under subregulation (4), he or she shall not exercise any powers under these Regulations.

(6) Police officers shall be deemed authorised officers for the purposes of these Regulations.

(7) For the purpose of Section 73(1)(i) of the *Naoero Police Force 2025*, police officers shall provide identifying details for the enforcement of these Regulations.

[subreg (7) am Act 21 of 2026 s 5, opn 12 May 2026]

23 Powers of authorised officers

An authorised officer:

(a) who has reasonable cause to believe that there has been a contravention of these Regulations, may issue a fixed penalty notice in the Form in Schedule 2; and

(b) may exercise such power in the performance of his or her functions under these Regulations.

24 Offences against authorised officer

(1) A person shall not:

(a) hinder or obstruct an authorised officer in the performance of his or her duties or the exercise of any powers under these Regulations;

(b) induce or incite any other person to hinder or obstruct an authorised officer acting in accordance with these Regulations;

(c) by words or conduct falsely represent that he or she is an authorised officer or impersonate an authorised officer;

(d) fail to provide information to an authorised officer in the course of the duties of the authorised officer under these Regulations;

(e) refuse to give access to records to an authorised officer in accordance with these Regulations;

(f) refuse to give assistance to an authorised officer in accordance with these Regulations; or

(g) provide false or misleading information to an authorised officer in the course of the duties of the authorised officer under these Regulations.

(2) A person who contravenes subregulation (1), commits an offence and is liable upon conviction:
  (a) for an individual, to a fine not exceeding $6,000; or
  (b) for a corporation, to a fine not exceeding $30,000.

(3) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subregulation (2)(a) where the following is deemed to have occurred:
  (a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and
  (b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.

[The next page is 267,401]

PART 5 — FIXED PENALTY NOTICE

25 Fixed penalty notice

A fixed penalty notice shall be in the Form in Schedule 2 providing the following information:

(a) state the place, date and time of alleged offence;

(b) state the name and address of the person to whom the notice is issued;

(c) notify the person to whom the notice is issued when and where the fixed penalty may be paid;

(d) require the person to whom the notice is issued to pay the amount due within 21 days and in the event of failure to pay the fixed penalty, legal proceedings shall be instituted within the next 14 days and the person may have legal representation to represent them or appear on his or her own behalf to enter a plea;

(e) notify the person to whom the notice is issued that, in case of default in payment within the time specified in the notice, the court may, if the person is found guilty by the court, impose a penalty which is more than the fixed penalty for the offence; and

(f) shall bear the date on which it was served on the person charged as the case requires.

26 Requirements for a fixed penalty notice

(1) A fixed penalty notice shall not be served more than 14 days after the day on which the offence is alleged to have been committed.

(2) The authorised officer who issues a fixed penalty notice shall cause a signed copy of the notice to be placed before the Naoero Revenue Office and District Court as specified in the notice not later than 7 days after the notice is issued.

[subreg (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where a fixed penalty notice served upon a person has not been accepted by payment of the fixed penalty within 21 days of the date of the fixed penalty notice, the notice shall be regarded for all purposes as a summons issued under the *Criminal Procedure Act 1972*.

(4) A person who is issued a fixed penalty notice by an authorised officer shall accept its service by signing for the service of the fixed penalty notice.

(5) A person who contravenes subregulation (4), commits an offence and is liable upon conviction to a fine not exceeding $5,000.

(6) The issuance of a fixed penalty notice shall not be taken to prevent the institution of proceedings under any other provision of the Act and these Regulations.

(7) Where a fixed penalty notice served upon a person is not complied with and is placed before the court, the court may impose a penalty higher than the fixed penalty stipulated for the offence and such penalty shall:

(a) be commensurate with the seriousness of the offence; and

(b) deprive the offender of any benefits arising from the commission of the offence.

27 Failure to pay fixed penalty

A person, who has been issued a fixed penalty notice and fails to pay the fixed penalty as required by the Act and these Regulations shall be summoned to attend court.

28 Fixed penalty notice court appearances

(1) Where a person who is summoned to attend court, pleads guilty on the date of the hearing to the fixed penalty offence in which he or she was issued a fixed penalty notice, the court shall:
  (a) impose a penalty for the offence as provided under these Regulations or the Act for the offence;
  (b) order court costs of $100; and
  (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

(2) Where the person is not present and is unrepresented in court, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court and the court shall:
  (a) impose a penalty for the offence as provided under these Regulations or the Act for the offence;
  (b) order court costs of $100; and
  (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

(3) Where the person is present or represented by a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.

(4) Where the person is found guilty after the hearing of a fixed penalty offence under subregulation (3), the court shall:
  (a) impose a penalty for that offence as provided under these Regulations or the Act for the offence;
  (b) order court costs of $200; and
  (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

29 Evidence of acceptance of a fixed penalty notice

In any proceedings, a certificate signed by the Registrar of Courts, Naoero Revenue Officer or an authorised officer that the fixed penalty is or is not paid shall, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

[reg 29 am Act 21 of 2026 s 5, opn 12 May 2026]

30 Application of Criminal Procedure Act 1972

The *Criminal Procedure Act 1972* applies mutatis mutandis to any matter or proceedings under these Regulations.

31 Consequential amendments to Air Navigation Regulations 1973

(1) Regulation 218 of the *Air Navigation Regulations 1973* is amended by deleting subregulation (4) and substituting it with the following:

'(4) A notice required to be displayed in accordance with this Regulation shall be:

(a) legible;

(b) displayed in a conspicuous place; and

(c) clearly indicate that the prohibition applies to all forms of smoking tobacco products including e-cigarette.

(5) The pilot in command, or a crew member acting under the pilot in command's authority, shall make an announcement to passengers:

(a) before or at the commencement of each flight, advising that smoking of any kind is prohibited on the aircraft at all times; and

(b) advise passengers that contravention of the smoking prohibition is an offence under the laws of the Republic and may result in criminal charges and prosecution.

(6) A person who contravenes subregulation (1) commits an offence and upon conviction is liable to a fine not exceeding $6,000.

(7) A person who contravenes subregulations (2) to (5) commits an offence and upon conviction is liable:

(a) in the case of an individual to a fine not exceeding $6,000; or

(b) in the case of a body corporate, to a fine not exceeding $30,000.

(8) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subregulation (7)(a) where the following is deemed to have occurred:

(a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and

(b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.

(9) It is a defence to a prosecution for contravention of subregulation(1) where the person establishes that:

(a) he or she used a medically prescribed nicotine inhaler device that does not produce visible vapour or aerosol, and the use was in accordance with the directions of a registered medical practitioner; or

(b) he or she was a flight maintenance engineer at the time and was acting in the course of his or her duty to test smoke detection equipment in accordance with approved maintenance procedures.

(10) It is a defence to a prosecution for contravention of subregulations (2) to (5) where the operator, pilot in command or crew member establishes that he or she undertook all reasonable steps to comply with subregulations (2) to (5).'.

(2) Insert new Regulations 218A and 218B after Regulation 218(11) as follows:

‘218A Disposal of smoking materials

(1) A person shall not dispose any ignited or recently extinguished tobacco product, e-cigarette component or any other smoking material:

(a) in any waste receptacle, rubbish bin, or container that is not specifically designed for the safe disposal of smoking materials;

(b) on the floor, seat or any surface of the aircraft; or

(c) in any lavatory waste receptacle on the aircraft.

(2) A person who contravenes subregulation (1) commits an offence and upon conviction is liable to a fine not exceeding $6,000.

218B Duty to take action on detection of smoking

(1) Where the pilot in command or a crew member detects or is informed that a person is smoking on the aircraft, the pilot in command shall ensure that:

(a) the person is immediately:

(i) directed to cease smoking and to safely extinguish and surrender any smoking materials; and

(ii) to issue any such direction or carry out any necessary action to ensure the safety of the aircraft, the crew and passengers;

(b) a written record of the incident is made which shall include the following information:

(i) name of the person, other personal and contact details including travel document details;

(ii) the date, time and flight details;

(iii) a description of the smoking incident, including the type of smoking;

(iv) the location of the aircraft where the smoking incident occurred; and

(v) the action taken; and

(c) the incident is reported to the Director within 24 hours of the aircraft arriving at its next port of landing in the Republic.

(2) A crew member acting under the authority of the pilot in command may exercise the power provided under subregulation (1)(a).

(3) An operator of an aircraft shall report a contravention or the suspected contravention of Regulation 218, to the Director in writing within 48 hours of the aircraft arriving at its next port of landing in the Republic.

(4) The report by an operator of an aircraft under subregulation (2) shall include all of the information provided under subregulation (1) and statements from the pilot in command, crew members and any witnesses.’.

(3) Regulation 266 of the *Air Navigation Regulations 1973* is amended by inserting the following subregulation after subregulation (2):

'(3) A person who contravenes subregulation (1) or (2) commits an offence and upon conviction is liable to a fine not exceeding $6,000.'.

(4) Insert a new Regulation 266A after Regulation 266 as follows:

'266A Duties of aerodrome operator

The aerodrome operator shall ensure that:

(a) no-smoking notices are prominently and legibly displayed throughout all enclosed areas of the aerodrome terminal and in all areas within 50 metres of aircraft parking positions, fuel installations and fuel storage facilities;

(b) any designated smoking area is clearly marked and is not located within 50 metres of any aircraft, fuel installations or fuel storage facilities; and

(c) steps are taken to monitor compliance with the smoking prohibition within the aerodrome area.'.

(5) Insert a new Regulation 271A after Regulation 271 as follows:

'271A General penalties

(1) A person who contravenes or fails to comply with any provision of these Regulations where there is no penalty provided is upon conviction liable:

(a) in the case of an individual to a fine not exceeding $6,000; or

(b) in the case of a body corporate, to a fine not exceeding $30,000.

(2) Where an offence has been committed by a body corporate, a person who at the time of the commission of the offence was a director, manager, secretary, officer or partner of a body corporate or was purporting to act in such capacity, commits an offence and is liable under subregulation (2)(a) where the following is deemed to have occurred:

(a) the act or omission constituting the offence took place with the actual knowledge or reckless disregard of the director, manager, secretary, officer or partner; and

(b) the director, manager, secretary, officer or partner, by act or omission, gave his or her authority, permission or consent to the act or omission constituting the offence.'.

[The next page is 268,001]

SCHEDULE 1

[Regulations 19, 20 and 21]

PRESCRIBED FIXED PENALTY OFFENCES AND FIXED PENALTIES

Provision	Fixed Penalty Offences	Fixed Penalty (AUD)	Fixed Penalty for subsequent offence within 12 months
Civil Aviation Act 2011			
Section 107	Unauthorised access to security restricted areas	$1,000	$2,000
Section 136	Tampering with aircraft, part of aircraft and smoke detectors	$1,000	$2,000
Civil Aviation (Offences) Regulations 2026			
Regulations 4 & 18	Failure to wear high visibility vest in security restricted areas	$50	$100
Regulations 5 & 18	Failure to wear safety footwear in security restricted areas and operational areas	$50	$100
Regulations 6 & 18	Failure to display an authorised ID card while on airport premises	$100	$200
Regulations 7 & 18	Unauthorised parking of vehicles in designated restricted zones	$150	$300
Regulations 8 & 18	Use of mobile phones in security restricted areas or operational areas	$200	$400
Regulations 9 & 18	Operating a vehicle without proper clearance or authorisation in the airside areas	$500	$1,000
Regulations 10 & 18	Failure to comply with direction by the authorised personnel within a security restricted area	$1,500	$3,000
Regulations 11 & 18	Tampering with or unauthorised use of airport equipment or resources	$2,000	$4,000

Regulations 12 & 18	Failure to comply with mandatory safety training or briefing requirements	$2,500	$5,000
Regulations 13 & 18	Intentionally throwing or placing FOD on the airside	$2,500	$5,000
Regulations 14 & 18	Unauthorised use of restricted communication channels or frequencies	$2,500	$5,000
Regulations 15 & 18	Driving on the runway or taxiway without clearance from air traffic control	$2,500	$5,000
Regulations 16 & 18	Obstruction of airport operations or equipment	$2,500	$5,000
Regulations 17 & 18	Endangering safety by ignoring critical safety protocols	$2,500	$5,000
Air Navigation Regulations 1973			
Regulation 218(1)	Smoking on the aircraft	$300	$600
Regulations 218(2)(3)(4) or (5)	(a) Failure to provide sufficient notice display for no smoking on aircraft;	$1,000	$2,000
	(b) No display of permanent notice during any time of flight;	$1,000	$2,000
	(c) Notice is not displayed in the prescribed manner, that is should be legible, in a conspicuous place and clearly indicate prohibition applies to all form of smoking	$1,000	$2,000
	(d) No announcement of smoking prohibition on aircraft	$1,000	$2,000
Regulation 218A	Failure to dispose of smoking materials	$300	$600
Regulation 218B(1)	Failure by pilot or crew member to take action on detection of smoking and report	$1,000	$2,000

Regulation 218B(3) and (4)	Failure by operator of an aircraft to report the smoking incident	$1,000	$2,000
Regulation 266	Creation of fire hazard	$300	$600
Regulation 266A	Failure of aerodrome operator to have no-smoking notices and to have reasonable steps to monitor compliance with smoking prohibition	$1,000	$2,000
A body corporate who contravenes any fixed penalty offence will be subject to 5 times the amount of the fixed penalty fines provided under this Schedule.			

[The next page is 268,101]

SCHEDULE 2

FORM

REPUBLIC OF NAOERO
CIVIL AVIATION ACT 2011
Civil Aviation (Offences) Regulations 2026

[Section 171(2) and Regulations 23, 25 and 26]

FIXED PENALTY NOTICE FOR OFFENCES UNDER THE CIVIL AVIATION (OFFENCES) REGULATIONS 2026

This Fixed Penalty Notice is issued pursuant to the powers given to authorised officers under the *Civil Aviation (Offences) Regulations 2026*.	Fixed Penalty Notice No:	
	Date of Issue:	
	Penalty:	
	Due Date:	
	Payment shall be made at the Naoero Revenue Office within 14 days from the date of service of this Fixed Penalty Notice	

PART 1: OFFENCE DETAILS	
Offender Full Name: Address	
Nature of offence: (specify particular offence under the Regulations)	Location: Date: Time: Details of circumstances alleged to constitute the offence:

Penalty: *(tick the appropriate penalty)*

- □ Contravention of Section 107 of the *Civil Aviation Act 2011* — First offence — $1,000
- □ Contravention of Section 107 of the *Civil Aviation Act 2011* — Subsequent offence with 12 months — $2,000

- □ Contravention of Section 136 of the *Civil Aviation Act 2011* — First offence — $1,000
- □ Contravention of Section 136 of the *Civil Aviation Act 2011* — Subsequent offence with 12 months — $2,000
- □ Contravention of Regulations 4 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $50
- □ Contravention of Regulations 4 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $100
- □ Contravention of Regulations 5 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $50
- □ Contravention of Regulations 5 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $100
- □ Contravention of Regulations 6 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $100
- □ Contravention of Regulations 6 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $200
- □ Contravention of Regulations 7 & 18 Civil Aviation (Offences) Regulations 2026 — First offence — $150
- □ Contravention of Regulations 7 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $300
- □ Contravention of Regulations 8 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $200
- □ Contravention of Regulations 8 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $400
- □ Contravention of Regulations 9 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $500
- □ Contravention of Regulations 9 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $1000
- □ Contravention of Regulations 10 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $1,500
- □ Contravention of Regulations 10 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $3,000
- □ Contravention of Regulations 11 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,000
- □ Contravention of Regulations 11 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $4,000
- □ Contravention of Regulations 12 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,500
- □ Contravention of Regulations 12 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $5,000
- □ Contravention of Regulations 13 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,500
- □ Contravention of Regulations 13 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $5,000
- □ Contravention of Regulations 14 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,500
- □ Contravention of Regulations 14 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $5,000
- □ Contravention of Regulations 15 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,500

□	Contravention of Regulations 15 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $5,000
□	Contravention of Regulations 16 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,500
□	Contravention of Regulations 16 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $5,000
□	Contravention of Regulations 17 & 18 *Civil Aviation (Offences) Regulations 2026* — First offence — $2,500
□	Contravention of Regulations 17 & 18 *Civil Aviation (Offences) Regulations 2026* — Subsequent offence within 12 months — $5,000
□	Contravention of Regulation 218(1) *Air Navigation Regulations 1973* — First offence — $300
□	Contravention of Regulation 218(1) *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $600
□	Contravention of Regulation 218(2)(3)(4) or (5) *Air Navigation Regulations 1973* — First offence — $1,000
□	Contravention of Regulation 218(2)(3)(4) or (5) *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $2,000
□	Contravention of Regulation 218A *Air Navigation Regulations 1973* — First offence — $300
□	Contravention of Regulation 218A *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $600
□	Contravention of Regulation 218B(1) *Air Navigation Regulations 1973* — First offence — $1,000
□	Contravention of Regulation 218B(1) *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $2,000
□	Contravention of Regulation 218B(3) or (4) *Air Navigation Regulations 1973* — First offence — $1,000
□	Contravention of Regulation 218B (3) or (4) *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $2,000
□	Contravention of Regulation 266 *Air Navigation Regulations 1973* — First offence — $300
□	Contravention of Regulation 266 *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $600
□	Contravention of Regulation 266A *Air Navigation Regulations 1973* — First offence — $1,000
□	Contravention of Regulation 266A *Air Navigation Regulations 1973* — Subsequent offence within 12 months — $2,000

Please note that where a body corporate contravenes any fixed penalty offence it will be subject to 5 times the amount of the fixed penalty fines above for the fixed penalty offence in which the body corporate is issued a fixed penalty notice.

Amount of the fine for a body corporate $_____

Authorised officer's name:	
Authorised officer's signature:	. . . . .
Date:	

Acknowledgement of Service of Fixed Penalty Notice by:

Name:

Signature: . . . . . .

(If a person refuses to accept Notice, an Authorised officer may note the refusal of acceptance)

Note:

1. This Notice shall only be served to the offender at the time of the offence or within 14 days after the occurrence of the alleged offence.

2. If the offender refuses to accept the Notice, he or she commits an offence under Regulation 26(5) for which he or she is liable to a penalty not exceeding $5,000.

PART 2 — TIME FOR PAYMENT OF PENALTY

A. Take Notice that the penalty must be paid to the Naoero Revenue Office within 21 days of the date of the issuance of this Fixed Penalty Notice.

B. Take Notice that if you intend to defend/contest this Notice, you are to appear in person or by legal representative in court on the date and time provided in Part 3 of this Notice.

PART 3 — NOTICE TO ATTEND TO COURT

Take Notice that if you fail to pay the fixed penalty or intend to contest or defend this Notice, you shall attend the District Court at Yaren on. . . . . day of. . . . . 20. . . . . .at . . .am/pm for the hearing.

Take Notice that if you are found guilty at the hearing you shall be liable to pay a fine higher than that provided in the Fixed Penalty Notice or may be imposed an imprisonment term as provided under Regulation 28 of the *Civil Aviation (Offences) Regulations 2026*.

If you fail to attend to the hearing, the Court shall proceed to the hearing of the Fixed Penalty Notice in your absence and may impose a fine and costs or imprisonment term in accordance with Regulation 28 of the *Civil Aviation (Offences) Regulations 2026*. If you fail to abide by any order of the Court, you shall be arrested under a committal warrant without any further notice.

AFFIDAVIT OF SERVICE

I. . . . . Authorised officer make oath/solemnly affirm that I did on the. . . . . day of. . . . . 20. . . . served the offender . . . . . the original copy of this Fixed Penalty Notice at. . . . . (time) on (date). . . . . AND he/she acknowledged service by affixing his/her signature to this Fixed Penalty Notice.

Authorised officer (signature): . . . . . .

Before me (Name):

. . . . . .

(Commissioner for Oaths)

[Form am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 270,001]