



Tuvalu

**AIR TRANSPORT (LICENSING OF AIR
SERVICES) REGULATIONS 1964**

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AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964¹

MADE UNDER SECTION 13 OF THE CIVIL AVIATION ACT 1949

1 Citation

These Regulations may be cited as the Air Transport (Licensing of Air Services) Regulations 1964.

PART I - INTERPRETATION

2 Interpretation

In these Regulations and the Schedules thereto, unless the context otherwise requires —

“**air service**” means any service performed by any aircraft for hire or reward:

Provided that a member of a club carried in an aircraft belonging to the club for the purpose of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;

“**the Convention on International Civil Aviation**” and “**the International Air Services Transit Agreement**” mean, respectively, the Convention and Agreement so styled which were signed at Chicago on behalf of the Government of the United Kingdom on the 7th December 1944;

“**licence**” means a licence granted under regulation 6;

“**the Licensing Authority**” means the Air Transport Licensing Authority constituted by regulation 5;

“**permit**” means a permit granted under regulation 24;

“**provisional licence**” means a licence granted under regulation 14 or 15;

“**scheduled journey**” means one of a series of journeys which are undertaken between the same 2 places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of them;

“**Tuvalu**” includes national waters and shall be deemed to include territorial waters.

PART II - LICENCES FOR SCHEDULED JOURNEYS

3 Application of Part

This Part shall not apply to the carriage of passengers, mail or freight by air for hire or reward upon journeys other than scheduled journeys.

4 Licence required: penalty

- (1) Subject to the provisions of the Regulations, it shall not be lawful for any person to use any aircraft for the carriage in Tuvalu of passengers, mail or freight for hire or reward upon any scheduled journey between 2 places, of which at least 1 is in Tuvalu, except under, and in accordance with the provisions of, a licence or a provisional licence granted by the Licensing Authority.
- (2) Any person who uses any aircraft in contravention of the provision of this regulation shall be liable on conviction in the case of a first offence to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment and in the case of a second or subsequent offence to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both such fine and such imprisonment.
- (3) The provisions of this regulation shall not apply in respect of the aircraft of any State which is a party to the International Air Services Transit Agreement, which fly across Tuvalu without landing or land in Tuvalu in accordance with the provisions of that Agreement.

5 Constitution of Licensing Authority

- (1) The Licensing Authority for the purposes of this Part shall consist of such number of members, not being less than 3, as the Minister may from time to time determine, and shall be known as the “Air Transport Licensing Authority”.

- (2) Every member of the Licensing Authority shall be appointed by the Minister and, unless he shall earlier resign his office by writing under his hand addressed to the Minister, shall hold office for such term as the Minister shall at the time of making the appointment determine but shall be eligible for reappointment from time to time on the expiration of his term of office. The Minister shall nominate one of the members to be Chairman.
- (3) The Minister may from time to time appoint deputy members to act in the place of members who are ill or absent. Such deputy members may be appointed either for a specified term or to act in the place of a specified member during his illness or absence.
- (4) The Minister may remove any member or deputy member from his office for inability or misbehaviour.
- (5) When the Minister proposes to appoint a person to be a member or deputy member of the Licensing Authority, he shall before making the appointment require that person to declare whether he has any, and if so what, financial interest in any undertaking which provides transport for passengers or goods or which owns or operates aerodromes, manufactures aircraft, aircraft engines or accessories, or supplies aircraft fuel or lubricants. If any member or deputy member of the Licensing Authority acquires any such financial interest he shall, within 4 weeks after so doing, give notice thereof in writing to the Minister specifying the interest so acquired, and the Minister after taking the matter into consideration may, if he thinks fit, declare that the member or deputy member has vacated his office and the seat of such member or deputy member shall thereupon become vacant.
- (6)
 - (a) The Minister may appoint a person to be secretary to the Licensing Authority.
 - (b) The Licensing Authority may appoint such other officers and servants as may in the opinion of the Minister be necessary to enable them to discharge their duties.
 - (c) The number of members which shall form a quorum of the Licensing Authority for the despatch of business and the way in which the licensing authority shall determine questions for their decision shall be such as the Minister may prescribe.²

6 Power to grant licence

- (1) The Licensing Authority may grant to any person applying therefor a licence to carry passengers, mail or freight by air for hire or reward on such scheduled journeys, and subject to such conditions as may be specified in the licence.

- (2) The Licensing Authority may attach such conditions to any licence as they may think fit having regard to the nature and circumstances of the application therefor.
- (3) It shall be a condition of every licence that —
 - (a) the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall —
 - (i) refuse booking facilities to any other holder of a licence;
 - (ii) grant such facilities to such other holder only on onerous terms; and
 - (b) the holder of the licence shall perform all such reasonable services as the Postmaster may from time to time require in regard to the conveyance of mails (and of any persons who may be in charge thereof) upon journeys made under the licence. The remuneration for any such services shall be such as may be from time to time determined by agreement between the Postmaster and the holder of the licence. Any dispute, difference or question which may arise as to remuneration to be paid to the holder of the licence in respect of such services or as to the rights, duties or liabilities of such holder or of the Postmaster hereunder or otherwise in relation to any of the matters aforesaid shall, in default of agreement, be referred to a single arbitrator to be appointed jointly by the holder of the licence and the Postmaster, if they are unable to agree, by the Senior Magistrate. The arbitration shall take place at such place within Tuvalu as the single arbitrator shall decide and shall be governed by the Arbitration Act.³

7 Application for licence Schedule 1

Applications for licences shall be made in the form and manner and shall contain the particulars prescribed in Schedule 1 hereto. Every applicant shall furnish to the Licensing Authority such further information as the Licensing Authority may reasonably require for the discharge of their duties in relation to the application.

8 Notice of application Schedule 2

The Licensing Authority shall cause to be published in the manner prescribed in Schedule 2 hereto, such particulars of any applications for licences received by them as are prescribed in the said Schedule.

9 Objections

Any person providing transport for passengers or goods, any owner of an aerodrome and any public department may, in the form and manner, and within the time, prescribed in Schedule 3 hereto, make representations or objections with regard to any application for a licence.

10 Inquiry

The Licensing Authority may, if they think fit for the purpose of determining applications for licences, hold inquiries in public or in private and shall hold an inquiry in public if the applicant, or any person who has duly made an objection, requires the Licensing Authority, by such notice, in such form, as is prescribed in Schedule 4 hereto so to do. Before holding any such inquiry the Licensing Authority shall give to the applicant and to any person who has duly made representations or objections with regard to the application such notice, in such form, as is prescribed in the said Schedule and shall give the applicant and any such person an opportunity of being heard at the inquiry.

11 Procedure in regard to licences not exceeding 30 days

Where an application is made to the Licensing Authority for a licence to remain in force for a period not exceeding 30 days and they are satisfied that it is in the public interest that the application should be determined with expedition, they may determine the application and grant a licence accordingly, and the provisions of this Part as to the publication of particulars of applications, the making of objections and representations, and the holding of inquiries at the instance of the applicant or an objector shall not in that case apply.

12 Matters to be considered by Licensing Authority when granting licence

In exercising their discretion to grant, or to refuse, a licence and their discretion to attach conditions to any licence the Licensing Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public, including those of persons requiring or likely to require facilities for air transport, as well as those of persons providing such facilities. In particular the Licensing Authority shall have regard to the following matters —

- (a) the existence of other air services in the area through which the proposed services are to be operated;
- (b) the demand for air transport in that area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which such services have been operated by the applicant or by other operators;
- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect to safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges, and general efficiency;

- (f) the financial resources of the applicant;
- (g) the type and number of aircraft proposed to be used;
- (h) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant;
- (i) the ground facilities available for the proposed services;

and the Licensing Authority shall take into consideration any objections or representations duly made in accordance with the provisions of these Regulations.

13 Duration of licence

The Licensing Authority may grant licences to remain in force for such period, not exceeding 7 years, as they may in each case determine, commencing on the date on which the licence is expressed to take effect:

Provided that if, on the date of the expiration of a licence, an application to the Licensing Authority is pending for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

14 Provisional licence

The Licensing Authority may, if they think fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

15 Where applicant operating air service

Where a person has, within 1 month of the date when the provisions of these Regulations as to applications for licences come into operation, duly applied for a licence authorising him to perform such journeys as may be necessary to enable him to continue to operate any air service and satisfies the Licensing Authority that he was immediately before the date operating that service the Licensing Authority shall grant to the applicant a provisional licence authorising him to continue to operate that service, and such provisional licence shall remain in force —

- (a) if the application is granted, until the date from which the licence is expressed to take effect; or
- (b) if the application is refused, for a period of 3 months from the date of the decision of the Licensing Authority.

16 Publication of decisions Schedule 5

The Licensing Authority shall cause to be published in the manner prescribed in Schedule 5 hereto such particulars of their decisions on applications for licences and of their decisions to revoke or suspend a licence as are prescribed in Schedule 5.

17 Power to revoke or suspend

- (1) Subject to the provisions of paragraph (2), the Licensing Authority may revoke or suspend a licence if —
 - (a) the holder of the licence has, since the licence was granted, been convicted of an offence against regulation 4 or 23 of these Regulations; or
 - (b) where the holder of the licence is a body corporate, any officer of that body corporate has, since the licence was granted, been convicted, in his capacity as such officer, of an offence against regulation 4 or 23 of these Regulations; or
 - (c) the holder of the licence has failed to comply with any condition subject to which the licence was granted.
- (2) Before revoking or suspending any licence under sub-paragraph (c) of paragraph (1) of this regulation, the Licensing Authority shall give to the holder such notice as is prescribed in Schedule 6 hereto specifying the grounds upon which it is proposed to revoke or suspend the licence, and shall not revoke or suspend the licence unless they are satisfied, after holding a public inquiry if the holder of the licence (by such notice, in such form as is prescribed in Schedule 6) requires them so to do, that, owing to the frequency of the failure on the part of the holder to comply with conditions or to the failure having been wilful, the licence should be revoked or suspended.
- (3) The expression “officer” in paragraph (1) (b) means a director, general manager, secretary or other similar officer and includes any person, who with the authority of the body corporate, acts as such officer.

18 Surrender of licence

A licence may at any time be surrendered by the holder to the Licensing Authority for cancellation. If, during the currency of a licence, the holder applies to the Licensing Authority for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

19 Fees

- (1) There shall be paid to the Minister in respect of every licence a fee of \$20 in respect of each year or part of a year of the term for which the licence is expressed to remain in force.
- (2) There shall be paid to the Minister in respect of any provisional licence granted under regulation 15 a fee of \$4.

- (3) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, save where a licence is surrendered before its normal date of expiry upon the grant of a new licence authorising a service over the same route, in which case there shall be refunded the sum of \$20 for each full year of the unexpired period of the licence but the holder shall in addition to the normal fee for the new licence pay the special additional fee of \$4.

20 Returns by licensee

- (1) Every holder of a licence shall make a monthly return in writing to the Licensing Authority giving, in respect of the month to which the return relates, the particulars set out in Schedule 7 hereto with regard to all air services authorised by the licence.
- (2) Such return shall be sent to the Licensing Authority not later than 14 days after the expiration of the month to which the return relates.

21 Annual Report

The Licensing Authority shall make an annual report to the Minister to the exercise of the functions during the year.

PART III - PERMITS FOR JOURNEYS OTHER THAN SCHEDULED JOURNEYS

22 Application of Part III

This Part shall not apply to the carriage of passengers, mail or freight by air for hire or reward on scheduled journeys.

23 Licence required: penalty

- (1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the provision in Tuvalu of any air service except under, and in accordance with the conditions of, a permit granted by the Minister.
- (2) Any person who uses any aircraft in contravention of the provisions of this regulation shall be liable on conviction in the case of a first offence to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment and in the case of a second or subsequent offence to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 2 years or to both such fine and such imprisonment.
- (3) The provisions of this regulation shall not apply in respect of any journey performed on the authority of Article 5 of the Convention on International

Civil Aviation if the aircraft performing the journey flies across Tuvalu without landing or lands in Tuvalu for non-traffic purposes only, but shall apply in respect of any such journey if the aircraft performing the journey takes on or discharges passengers, freight or mail in Tuvalu.

24 Power to grant permits

- (1) The Minister may grant to any person applying therefor a permit to use aircraft for the provision in Tuvalu of such air services (other than such a service as is referred to in paragraph (1) of regulation 4) for such period and on such conditions as may be specified in the permit.
- (2) The Minister may attach such conditions to any permit as he may think fit having regard to the nature and circumstances of the application therefor.

25 Applications

Applications for permits shall be made in such form and shall contain such information as the Minister may require.

26 Power to revoke or suspend

- (1) The Minister may revoke or suspend any permit if—
 - (a) the holder of the permit has, since the permit was granted, been convicted of an offence against regulation 4 or 23; or
 - (b) where the holder of the permit is a body corporate any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against regulation 4 or 23; or
 - (c) the holder of the permit has failed to comply with any condition subject to which the permit was granted.
- (2) The expression “officer” in paragraph (1) means a director, general manager, secretary or other similar officer and includes any person, who with the authority of the body corporate, acts as such officer.

PART IV - GENERAL PROVISIONS

27 General conditions

It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force in Tuvalu, relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit.

28 Restriction on transfer of licences and permits

- (1) Save as provided by paragraph (2) no licence or permit shall be capable of being transferred or assigned:

Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of the licence or permit, or of the appointment of a receiver, manager or trustee of the business of the said holder, the person carrying on that business shall, for a period of 1 month from the date of such death, incapacity, sequestration, liquidation or appointment, as the case may be, be deemed to be the holder of the licence or permit; and if within the aforesaid period of 1 month application for a new permit or licence is made by the person carrying on the business, he shall continue to be deemed to be the holder of the licence or permit until his application has been determined.

- (2) Where in any case it considers there are special circumstances, the Licensing Authority, with the approval of the Minister, may in writing endorsed upon a licence authorise its assignment to such person and for such period as it shall specify in the written endorsement:

Provided that the Licensing Authority shall not authorise any such assignment, or, having already authorised such an assignment, shall revoke such authorisation, if at any time, after considering the several matters specified in regulation 12, it is of the opinion that it would not be in the interest of the development of air transport or in the public interest to authorise or permit the continuance of any such assignment.

- (3) Where the holder of any licence informs the Licensing Authority that he wishes to terminate the assignment of any licence authorised under the preceding paragraph, the Licensing Authority shall forthwith by notice in writing served upon the assignee revoke the authorisation of the assignment, and the assignee shall thereupon cease to be authorised to provide any air service under the licence.

29 Information as to financial resources

Nothing in these Regulations shall require the disclosure by any applicant for a licence or permit to any person other than the Licensing Authority or the Minister, as the case may be, of information as to the financial resources of the applicant, and any such information received by the Licensing Authority or the Minister from any such applicant shall be treated as confidential.

30 Particular definition of licence

Any reference to a licence in paragraphs (2) and (3) of regulation 6, regulations 20, 27, 28 and 31 shall be construed as including reference to a provisional licence.

31 Rights not conferred by licence

Nothing in these Regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these Regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

32 Legal proceedings

- (1) Proceedings for an offence against these Regulations shall not be instituted except with the consent of the Attorney-General.
- (2) Where an offence against these Regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

PART V - EXEMPTIONS

33 Exemptions

Subject to the provisions of paragraph (3) or regulation 23, nothing in these Regulations shall apply to —

- (a) the British Airways Board in respect of such journeys, on such routes, as the Minister may from time to time specify;
- (b) any air transport operator, whose principal place of business is in a country other than —
 - (i) the United Kingdom; or
 - (ii) a territory for whose foreign relations Her Majesty's Government in the United Kingdom is responsible;

in respect of journeys performed by such operator in accordance with the provisions of any agreement for the time being in force between Her Majesty's Government in the United Kingdom and the Government of that country.

SCHEDULE 1**THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964****APPLICATION FOR A LICENCE**

(Regulation 7)

AN application for a licence under regulation 7 of the above Regulations shall be in the form hereunder set out and shall be addressed to the Licensing Authority by registered post.

I hereby make application for a licence to operate an air service, and declare that the particulars concerning my application are hereunder truly set out —

PARTICULARS**A**

1. Name and address of applicant.
2. Places between which passengers or goods are to be carried.
3. Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
4. Frequency of the service (including proposed time-tables).
5. Number and types of aircraft proposed to be used on the service.
6. Whether the service is to carry passengers or goods or both.
7. Maximum fares to be charged to passengers in respect of any journey or portion of a journey for which separate fares are charged.
8. Charges to be made in respect of goods and excess baggage.
9. Date on which service is to commence.
10. Period for which the licence is desired.

B

[To be furnished where the service for which a licence is sought is already in operation by the applicant.]

11. The period for which the service has been operated.
12. Number of passengers and weight of goods carried on each stage of the service in the past 12 months.

13. Number and types of aircraft employed on the service during the past 12 months.
14. Percentage of scheduled journeys commenced but not completed during the past 12 months (1) on account of weather; (2) for other causes.
[To be furnished where other services are operated by the applicant at the time of the application or immediately prior to that time.]
15. Particulars of working arrangements with other companies.
16. Particulars of any financial interest which any other person providing passenger transport facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant.
17. Particulars of any financial interest which the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities.
18. The nature of the person making the application whether an individual, partnership firm or corporate body, public or private, with or without limited liability.

If a company, public or private-

The nominal and issued capital.

The names of the directors.

The names of any other companies holding shares in the applicant's business.

The names of any subsidiary companies of the applicant. Signature of the applicant.

SCHEDULE 2**THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964***(Regulation 8)***NOTICE**

Notice is hereby given that an application for a licence to operate an air service has been received by the Licensing Authority in accordance with the provisions of regulation 7 of the above Regulations, particulars concerning which are hereunder set out.

PARTICULARS OF APPLICATION

- (a) Name and address of applicant.
- (b) Places between which passengers or goods are to be carried.
- (c) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
- (d) Times and frequency of the service.
- (e) Date on which the service is to commence.
- (f) Period for which the licence is applied for.

2. Any representation or objection with regard to the above application should be made in the form and manner prescribed and shall be sent to the Licensing Authority within 21 days from the date of publication of this notice.

NOTE-This notice shall be published at the Public Office of the Government and in such other manner as the Licensing Authority may deem appropriate to bring it to the attention of the persons likely to be concerned.

SCHEDULE 3

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964

REPRESENTATIONS AND OBJECTIONS WITH REGARD TO APPLICATION FOR A LICENCE

(Regulation 9)

1. Every representation or objection with regard to an application for a licence shall be in writing and shall state the specific ground on which it is based and shall specify any conditions which it may be desired should be attached to the licence if granted.
2. The representation and objection shall be made to the Licensing Authority not more than 21 days after the publication of the notice specified in Schedule 2 to these Regulations.
3. Where the representation or objection is made by any body corporate or partnership firm it shall be signed by a person duly authorised in that behalf by the body corporate or a partner of the partnership firm, as the case may be.
4. A copy of every representation or objection made shall be sent by the person making the same to the applicant for the licence at the same time as it is sent to the Licensing Authority.

SCHEDULE 4

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964

FORM I

**NOTICE OF APPLICATION REQUIRING THE LICENSING AUTHORITY TO
HOLD AN INQUIRY IN PUBLIC**

(Regulation 10)

I, [A. B.] having on the [date] made an application for a licence, a representation/objection with regard to the application for a licence made by [CD.]* do hereby, in accordance with regulation 10 of the above Regulations, require the Licensing Authority to hold a public inquiry for the purpose of determining the aforesaid application.

Signature.

** Strike out words which do not apply.*

FORM II

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964

**NOTICE BY THE LICENSING AUTHORITY THAT AN INQUIRY WILL BE HELD
IN PUBLIC**

(Regulation 10)

To Applicant for a licence/Persons making representations or objection.

You are hereby notified that an application has been made on the [date] by [A. B.] requiring the Licensing Authority to hold a public inquiry for the purpose of determining the application for a licence made by [C. D.] on the [date] and that the Licensing Authority has fixed theday of....., 19 , at [hour) as the time and hour at which such public inquiry shall be held.

SCHEDULE 5

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964

NOTIFICATION BY THE LICENSING AUTHORITY OF THEIR DECISIONS ON APPLICATIONS FOR LICENCES AND OF THEIR DECISIONS TO REVOKE OR SUSPEND A LICENCE

(Regulation 16)

1. The notice shall contain the particulars of the decision given and shall be published at the Public Office of the Government and in such other manner as the Licensing Authority may deem to be best calculated to bring the subject matter of the notice to the attention of persons concerned or likely to be concerned.
2. In the case of a decision to refuse an application, the following particulars shall be inserted in the notice, in addition to those specified in the preceding paragraph —
 - (a) name and address of applicant;
 - (b) date on which the application was made.
3. In the case of a decision to grant an application, the following particulars shall be inserted in the notice, in addition to those specified in the preceding paragraph —
 - (c) places at which landings are to be made for the purpose of loading or landing passengers or goods;
 - (d) such other information as will enable the licensee to be identified.
4. In the case of a decision to revoke or suspend a licence, the grounds on which the licence is suspended or revoked shall be inserted in the notice, in addition to the particulars specified in the 2 preceding paragraphs.

SCHEDULE 6

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964

FORM I

**NOTICE ISSUED BY THE LICENSING AUTHORITY WITH REGARD TO
REVOCATION OR SUSPENSION OF A LICENCE**

(Regulation 17)

To [A. B.]

Take notice that the Licensing Authority proposes to revoke/suspend the licence issued to you under the provisions of the above Regulations, on the following grounds —

- 2. Any representation which you may wish to make in this connection to the Licensing Authority should reach this office not later than the

for Licensing Authority.

FORM II

**NOTICE BY THE HOLDER OF A LICENCE REQUIRING THE LICENSING
AUTHORITY TO HOLD A PUBLIC INQUIRY BEFORE REVOKING OR
SUSPENDING THE LICENCE**

(Regulation 17)

To the Licensing Authority

With reference to the notice which has been served upon me on theinforming me that the Licensing Authority proposes to revoke/suspend the licence issued to me under the provisions of the Air Transport (Licensing of Air Services) Regulations 1964, I do hereby require you, the Licensing Authority, to hold a public inquiry before a final decision is taken in the matter.

Signature.

SCHEDULE 7

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS 1964

PARTICULARS TO BE GIVEN BY LICENCE HOLDERS IN MONTHLY RETURNS

(Regulation 20)

1. The names of the places between which the services authorised by the licence are operated.
2. The names of regular stage stopping places en route and of places where stops are made on request.
3. In respect of each stage (distinguishing wherever applicable under each head between journeys on licensed services and other journeys) —
 - (a) Length of stage in miles.
 - (b) Number of paying passengers carried. (c) Weight of freight carried.
 - (d) Weight of mails carried.
 - (e) Total paying load, weight.
 - (f) Pay load capacity (weight) on flights commenced.
 - (g) Period of month during which services were scheduled during the month.
 - (h) Frequency of scheduled services, e.g. once daily each way week days.
 - (i) Number of flights scheduled.
 - (j) Number of flights commenced.
 - (k) Number of flights completed without interruption.
 - (l) Number of flights completed after interruption en route.
 - (m) Number of flights interrupted en route and not completed.
 - (n) Number of flights not commenced —
 - (i) because no passengers, goods or mails required transport;
 - (ii) because no aircraft was available;
 - (iii) because of weather conditions;
 - (iv) for other reasons which should be stated.
 - (o) Number of unpremeditated landings-
 - (i) for fuel;
 - (ii) on account of weather conditions;

- (iii) on account of mechanical failure of aircraft or engines;
 - (iv) on account of wireless equipment failure;
 - (v) for other causes.
 - (p) Particulars of the type and characteristics of aircraft used, e.g. landplanes or seaplanes-number, power, and makes of engines; maximum total weight authorised; tare weight; and seating capacity.
4. Number of paying passengers, weight of goods and weight of mails carried during the month —
 - (a) on licensed services; and
 - (b) on other journeys over the same routes.
 5. Number of pilots, number of wireless operators, number of navigators and number of other personnel employed on flying duties during the month.

ENDNOTES

¹ LN 47/1964, LN 4/1965

These regulations continue in force under section 54(3) of the Civil Aviation Act, Cap. 49.20

² The Air Transport Licensing Authority Regulations 1964, LN 17/1964 provide as follows —

“2 Quorum

No business except that of adjournment shall be transacted by the Air Transport Licensing Authority (hereinafter in these Regulations referred to as the Authority) if there are less than 2 members present besides the Chairman.

3 Voting

All questions proposed for decision by the Authority shall be determined by a majority of the votes of the members present and voting:

Provided that the Chairman shall, if the votes be equally divided, have a casting vote in addition to his original vote.”

³ Cap. 7.04