

Civil Aviation Charges Amendment Regulations 2002

Pursuant to section 38 of the Civil Aviation Act 1990, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

- (1) These regulations are the Civil Aviation Charges Amendment Regulations 2002.
- (2) In these regulations, the Civil Aviation Charges Regulations (No 2) 1991¹ are called “the principal regulations”.

2 Commencement

These regulations come into force on 1 April 2002.

¹ SR 1991/143

3 Interpretation

Regulation 2(1) of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following definitions:

“**air operator certificate** means a certificate issued by the Director under the Civil Aviation Act 1990 that authorises the holder to carry passengers or goods by air for hire or reward

“**domestic sector** means the flight sector or leg within New Zealand that is between an aircraft’s take-off and its next landing (other than an in-flight emergency)”.

4 New regulations 20A and 20B inserted

The principal regulations are amended by inserting, after regulation 20, the following regulations:

“20A Domestic passenger security charges

“(1) For the purpose of providing funds for the maintenance and operation of the Aviation Security Service, a holder of an air operator certificate, in respect of an air operation conducted in New Zealand on an aircraft with a passenger seating capacity of 90 or more passengers, must pay to the Authority a domestic passenger security charge of \$2.80 for each passenger carried on each domestic sector of the operation.

“(2) However, the charge imposed by subclause (1) is not payable in respect of the following:

“(a) any member of the crew of that aircraft:

“(b) any member of the crew of an aircraft who is being carried on that aircraft solely for the purposes of positioning that crew member to carry out his or her duties as an employee of the operator:

“(c) any child under the age of 2 years:

“(d) any person who is carried from an aerodrome outside New Zealand to an aerodrome in New Zealand and who is then carried in the same aircraft to another aerodrome within New Zealand:

“(e) any person who is carried from an aerodrome within New Zealand to another aerodrome in New Zealand and who is then carried in the same aircraft to an aerodrome outside New Zealand:

- “(f) any other persons or classes of persons that the Minister may specify by notice in the *Gazette*.

“20B Returns and payment arrangements for domestic passenger security charges

- “(1) On the 20th day of each month, an operator who is liable to pay domestic passenger security charges under regulation 20A must—
 - “(a) submit precise details to the Authority of the number of domestic sectors flown, and the domestic passenger security charges payable, by that operator for the preceding month; and
 - “(b) pay the amount (if any) equal to the difference between the domestic passenger security charges payable by the operator for the preceding month and the amount paid by the operator under subclause (2) for that month.
- “(2) On the first day of each month, an operator who is liable to pay domestic passenger security charges under regulation 20A must make a lump sum payment to the Authority of an amount agreed between that operator and the Authority that reflects that operator’s best estimate of the domestic passenger security charges payable under regulation 20A for the preceding month.
- “(3) If the amount paid by the operator under subclause (2) for the preceding month exceeds the domestic passenger security charges payable by the operator for that month, the operator must deduct from the next amount to be paid by the operator under that subclause the amount that has been overpaid.
- “(4) An operator who is liable to pay domestic passenger security charges under regulation 20A must maintain, and make available to the Authority on request, records of the domestic air passenger operations conducted by that operator that show, separately,—
 - “(a) the number of passengers carried on domestic sectors flown by the operator; and
 - “(b) the number of passengers in each of the categories specified in regulation 20A(2) for whom domestic passenger security charges are not payable; and

“(c) the number of passengers for whom domestic passenger security charges are payable.”

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 April 2002, amend the Civil Aviation Charges Regulations (No 2) 1991 to provide that every holder of an air operator certificate must pay the Aviation Security Service a domestic passenger security charge of \$2.80 (GST inclusive) for certain passengers travelling a domestic sector on an air operation conducted by that operator using an aircraft with a passenger seating capacity of 90 or more.

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