

- (a) fakahoko hono tokanga'i fakalukufua mo pule'i 'o e ngaahi me'a kotoa, felave'i mo e fefolau'aki vakapuna sivile 'i Tonga;
 - (b) pule'i hono ngaue'aki 'a e konga 'o e 'ataa 'i 'olunga 'i Tonga mo e tahi hoko mai ki ai pea mo tu'utu'uni ki he ngaahi ngaue sivile mo fakakautau ki he konga 'o e 'ataa ko ia 'i he mahu'inga'ia 'i he malu mo e lelei 'o e ongo me'a ko ia fakatou'osi;
 - (c) fakahoko 'a e Lao ni, ngaahi tu'utu'uni kuo fa'u ai, mo ha lao kehe pe 'a ia kuo tuku hono pule'i fakangaue kiate ia; mo
 - (d) fakahoko 'a e ngaahi fatongia kehe kuo foaki fakalao kiate ia, mei he taimi ki he taimi.
- (2) Kuo pau ke ngaue'aki 'e he Minisita hono ngaahi mafai 'o fakatatau ki he Lao ni, mo ha ngaahi tu'utu'uni kuo fa'u ai, pea 'i he ngaue'aki 'a hono ngaahi mafai, kuo pau te ne feinga ke fakapapau'i ke fakahoko lelei ha konivesio fakavaha'a pule'anga pe alepau ki he fefolau'aki vakapuna sivile 'a ia 'oku kau ki ai 'a Tonga pe hoko ko ha fa'ahi ki ai.
- (3) 'I he ngaue'aki 'o hono ngaahi fatongia 'i he kupu si'i (1) (b), kuo pau ki he Minisita, felave'i mo e konga 'o e 'ataa ko ia 'oku 'i 'olunga 'i he potu tahi 'o Tonga ni, ke fai fakatatau ki he ngaahi tu'utu'uni 'o e lao fakavaha'a pule'anga maheni pea mo ha talite pe konivesio 'a ia 'oku fa'ahi pe kau ki ai 'a Tonga ni 'o fekau'aki mo hono ngaue'aki 'o e konga 'o e 'ataa ko ia."
4. 'Oku fakapekia 'a e kupu 4 'o e Tefito'i Lao.
5. 'Oku tamate'i 'a e kupu 16 'o e Tefito'i Lao pea fetongi'aki 'eni-
- "16. Ngaue Malu'i Fefolau'aki Vakapuna**

Kuo pau ke 'i ai ha Ngaue Malu'i Fefolau'aki Vakapuna pea ko e taha 'o e memipa 'i ai kuo pau ko e 'ofisa malu'i fefolau'aki vakapuna."

Na'e tali 'i he Fale Alea 'i he 'aho ni 9 'o 'Okatopa, 2008.



I assent,

GEORGE TUPOU V,

13th February, 2009.

AN ACT

TO AMEND THE CIVIL AVIATION ACT 1990 TO TRANSFER MINISTERIAL AND ADMINISTRATIVE POWERS TO THE MINISTER OF TRANSPORT AND THE MINISTRY OF TRANSPORT

BE IT ENACTED by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1. (1) This Act may be cited as the Civil Aviation (Amendment) Act 2008.
- (2) The Civil Aviation Act 1990, as amended, is in this Act referred to as the Principal Act.
2. Section 2 of the Principal Act is amended by inserting in the appropriate places the following words and definitions -
 - "Minister" means the Minister for Transport;
 - "Ministry" means the Ministry of Transport;".
3. The Principal Act is amended by deleting section 3 and substituting the following -
 - "3. Minister for Transport**
 - (1) The functions of the Minister for Transport with regard to civil aviation matters shall be to-
 - (a) exercise a general superintendence and control over all matters relating to civil aviation in the Kingdom;

- (b) control the use of the airspace over the Kingdom and the waters adjacent thereto and to regulate both civil and military operations in such airspace in the interest of the safety and efficiency of both;
- (c) administer this Act, the regulations made thereunder and any other enactment the administration of which is assigned to him; and
- (d) exercise such other functions as from time to time be lawfully conferred upon him.

(2) The Minister shall exercise his powers in accordance with this Act and any regulations made thereunder and in the exercise of such powers he shall endeavour to ensure the proper implementation of any international convention or agreement to civil aviation to which the Kingdom is or becomes a party.

(3) In the exercise of functions under subsection (1)(b) the Minister shall, in relation to the airspace above the waters adjacent to the Kingdom, have regard to the rules of customary international law and any treaty or convention to which the Kingdom is or becomes a party affecting the use of such airspace."

- 4. Section 4 of the Principapl Act is repealed.
- 5. Section 16 of the Principapl Act is deleted and substituted by the following –

"16. Aviation Security Service

There shall be an Aviation Security Service and a member thereof shall be an aviation security officer."

Passed in the Legislative Assembly this 9th day of October, 2008.

Tonga.

Fika 11 'o e 2008.



'Oku ou loto ki ai,

SIAOSI TUPOU V,

13 'o Fepueli, 2009.

KO E LAO

KE FAKATONUTONU 'A E LAO FEFOLAU'AKI VAKAPUNA SIVILE 1990 KE HIKI 'A E NGA'HI MAFAI FAKAMINISITA MO E PULE'I KI HE MINISITA 'O E FEFONONGA'AKI MO E POTUNGAUE KI HE FEFONONGA'AKI

'OKU TU'UTU'UNI 'e he Tu'i mo e Fale Alea 'o Tonga 'i he Fakataha Alea 'o e Pule'anga 'o pehe:

1. (1) 'E ui 'a e Lao ni ko e Lao (Fakatonutonu) ki he Fefolau'aki Vakapuna Sivile 2008.
- (2) 'Oku ui heni 'a e Lao ki he Fefolau'aki Vakapuna Sivile 1990, 'i hono fakatonutonu, ko e Tefito'i Lao.
2. 'Oku fakatonutonu 'a e kupu 2 'o e Tefito'i Lao 'aki 'a hono fakahu atu 'i he feitu'u totonu 'a e lea mo e 'uhinga'i lea fo'ou ko 'eni:
"Minisita" 'oku 'uhinga ki he Minisita 'o e Fefononga'aki;
"Potungaue" 'oku 'uhinga ki he Potungaue ki he Fefononga'aki;".
3. 'Oku fakatonutonu 'a e kupu 3 'o e Tefito'i Lao 'aki hono tamate'i 'a e kupu 3 pea fetongi'aki eni -

"3. Minisita 'o e Fefononga'aki

- (1) Ko e fatongia 'a e Minisita 'o e Fefononga'aki felave'i mo e ngaahi me'a ki he Fefolau'aki Vakapuna Sivile 'oku pehe ke -