

**NOTICE OF MAKING OF A RULE BY ADOPTION BY REFERENCE
PURSUANT TO SECTION 42 OF THE CIVIL AVIATION ACT 2008 (Act
No.7 of 2008)**

Pursuant to the Civil Aviation Act 2008 section 42, I, Honourable Varian Lonamei, Minister responsible for Aviation, hereby give notice of the making of a Civil Aviation Rule by adoption

Solomon Islands Civil Aviation Rules Part 140

Aviation Security Service Organisations - Certification

Adoption Statement

The rule part which shall be cited as Solomon Islands Civil Aviation Rule Part 140 comprises an adoption of the New Zealand Civil Aviation Rules Part 140 as modified hereunder and which Rule Part shall read subject to the following Interpretation Statement.

Interpretation Statement

- (i) Any words (including place names) and numbers (including section numbers of Solomon Islands Acts of Parliament) to be substituted*

Throughout

1. For “New Zealand” read “Solomon Islands”
2. “the Act” means the Civil Aviation Act, 2008
3. “Director” refers to the Director of Civil Aviation
4. “Minister” refers to the minister for the time being responsible for Civil Aviation in Solomon Islands
5. For “section 81(2) of the Act” read “Section 99 of the Act”
6. For “section 82 of the Act” read “Section 103 of the Act”
7. For “section 79A of the Act” read “section 55 of the Act”
8. For “section 80 of the Act” read “section 97 of the Act”
9. For all forms beginning with “CAA” read “CAASI”

Delete:

“In service has the same meaning as in section 2(3) of the Aviation Crimes Act 1972:”

And replace with:

“In Service means the time when pre-flight preparation of the aircraft by ground personnel or by the aircraft’s crew begins for a specific flight until either—

- (a) The flight is cancelled; or
 - (b) Twenty-four hours after the aircraft, having commenced the flight, lands; or
 - (c) The aircraft, having commenced the flight, makes a forced landing and any competent authority assumes responsibility for the aircraft and for persons and property on board the aircraft; or
 - (d) The aircraft, having commenced the flight, ceases to be in flight,—
- whichever is the latest.”

Delete:

“Unauthorised article means those articles referred to in section 11(1)(a), (b), (c), and (d) of the Aviation Crimes Act 1972.”

And replace with:

Unauthorised article means

- (a) Any firearm; or
- (b) Any other dangerous or offensive weapon or instrument of any kind whatsoever; or
- (c) Any ammunition
- (d) Any explosive substance or device, or
- (e) Any other injurious substance or device of any kind whatsoever which could be used to endanger the safety of the aircraft of the persons on board the aircraft

A12

Delete:

- (c)

Where the Aviation Security Service is providing aviation security services at an aerodrome, other than at Auckland, Wellington, or Christchurch International Airports, its aviation security officers may maintain mobile patrols at that aerodrome less than 24 hours daily, without complying with paragraph (b)(8), if—

- (1) the aerodrome operator is providing its own 24 hour daily security presence; and
- (2) its aviation security officers patrol the period from 90 minutes prior to each international departure until 15 minutes after departure.

A18

Delete:

(b)

“Where the Aviation Security Service is providing aviation security services at an aerodrome, other than at Auckland, Wellington, and Christchurch International Airports, its aviation security officers may maintain patrols of aircraft that are in service for international destinations at that aerodrome for periods less than that required by paragraph (a)(2), if—

- (1) the aerodrome operator is providing its own 24 hour daily security presence; and
- (2) its aviation security officers patrol each of those aircraft from 90 minutes prior to its scheduled departure time and remain at that aerodrome until 15 minutes after its departure.”

And replace with:

“Where the Aviation Security Service is providing aviation security services at an aerodrome other than at Honiara International Airport, its aviation security officers may maintain patrols of aircraft that are in service for international destinations at that aerodrome for periods less than that required by paragraph (a)(2), if—

- (1) the aerodrome operator is providing its own 24 hour daily security presence; and
- (2) its aviation security officers patrol each of those aircraft from 90 minutes prior to its scheduled departure time and remain at that aerodrome until 15 minutes after its departure.”

A23

Delete:

(c)

“Paragraph (a) are required to be trained and assessed on are as follows:

(1) **Legislation relating to aviation security:**

(i) **Aviation Crimes Act 1972** to examine the powers of an aviation security officer, aircraft commander, and the police and study the crimes that are provided for under the Aviation Crimes Act 1972, to grade 4:

(ii) **New Zealand Bill of Rights Act 1990** to examine the rights of an individual to be secure against unreasonable search or seizure, to grade 3:

- (iii) **Civil Aviation Act 1990 and Civil Aviation Rules** to examine the responsibilities, functions, and powers of an aviation security officer and offences applicable to aviation security, to grade 5:
- (iv) **Part 19** to examine the provisions of rules 19.353, 19.355, 19.357, and 19.359, to grade 3:
- (v) **Civil Aviation (Offences) Regulations 1997** to examine the offence provisions and penalties for breaches of rules 19.353, 19.355, 19.357, and 19.359, to grade 3:
- (vi) **Crimes Act 1961** to examine sections 157, 203, 300, 301, and 303 of the Crimes Act dealing with endangering transport, to grade 3:
- (vii) **Arrest and use of force** to examine the sections of the Crimes Act dealing with arrest and use of force, to grade 5:”

And replace with:

- (i) “Solomon Islands Penal Code
- (ii) Civil Aviation Act, 2008”

(ii) any part or parts of the adopted rule which shall not apply in Solomon Islands

140.17 – Implementation

140.63 – Transitional Arrangements

(iii) any general exemptions which will apply in Solomon Islands

Nil

(iv) any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Solomon Islands

Nil

(v) any amendment to, or repeal of, any rule previously adopted in accordance with the provisions and procedures of this section

Nil

(vi) any forms to be used in Solomon Islands

CAASI 24140/01 - Issue or renewal of an Aviation Security Service Certificate

(vii) any equivalent documents to be substituted for documents referred to in the adopted rule part

Not applicable

(viii) any direction as to the application or non application to Solomon Islands of any amendment or repeal of an adopted rule part by its country of origin

This rule shall adopt any New Zealand amendments unless otherwise stated

(ix) any standards, requirements, recommended practices, rules or other written material or document incorporated by reference under section 40

Not applicable

(x) any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted rule in Solomon Islands.

This Rules Adoption Statement comes into force on 8th June 2009

Dated this 8th day of June 2009