

**SUPPLEMENT to the Solomon Islands Gazette**

Wednesday 22nd July 1998

S.I. No. 18

[Legal Notice No. 64]

THE CIVIL AVIATION ACT 1986  
(No. 7 of 1986)THE AIR NAVIGATION (AIRWORTHINESS) REGULATIONS  
1998

IN exercise of the powers contained in section 6 of the Civil Aviation Act, 1986, the Minister hereby makes the following Regulations -

1. These Regulations may be cited as the Air Navigation (Airworthiness) Regulations 1998. Citation.

2. In these Regulations unless the context requires otherwise - Interpretation.

“Act” means the Civil Aviation Act 1986;

“BCAR” means the British Civil Aviation Regulations issued by the Aviation Authority of the United Kingdom;

“Director” means the officer in charge of the Civil Aviation Division of the Solomon Islands Government;

“FAR” means the Federal Aviation Regulations issued by the Federal Aviation Authority of the United States of America;

“JAR” means the Federal Aviation Regulations issued by the Joint Aviation Authority of the United States of America;

“Minister” means the Minister responsible for Civil Aviation;

“MTOW” means the certificated Maximum Take Off Weight of an aircraft; and

“Order” means the Air Navigation (Overseas Territories) Order 1977.

Certification  
of type.

3. To qualify for the issue of a Certificate of  
Airworthiness -

(a) a newly manufactured aircraft with a MTOW  
above 5,700 kilograms shall be of a type certificated to either  
FAR 25 or JAR 25;

(b) a newly manufactured aircraft with a MTOW  
of 5,700 kilograms or less shall be of a type certificated to  
either FAR 23 or JAR 23;

(c) a used aircraft shall be of a type certificated  
to the appropriate FAR, JAR or BCAR in force at the air-  
craft's date of manufacture.

Modifications.

4. Any modifications made to aircraft since the time of  
manufacture shall be declared at the time of application for a  
Certificate of Airworthiness and shall include all relevant data so as to  
enable an engineering assessment of the effect of the modification  
upon the aircraft's airworthiness and performance to be carried out.

Aircraft main-  
tenance.

5. An Aircraft shall only be maintained by an organisa-  
tion holding an approval issued by the Director to conduct such main-  
tenance.

Certificates of  
Approval.

6. (1) The Director may where an organisation has  
demonstrated that it can meet the requirements of JAR 145 issue to  
such organisation a Certificate of Approval to perform maintenance  
of aircraft.

(2) An organisation holding a Certificate of Approval  
issued under subregulation (1) shall be identified as a SI 145 Approved  
Organisation.

(3) The Certificate of Approval issued under subregula-  
tion (1) shall specify the types of aircraft and the aircraft equipment the  
organisation is approved to maintain.

Suspension,  
variation or  
cancellation of  
Certificates of  
Approval.

7. The Director may suspend, vary or cancel a Certificate  
of Approval at any time if there is evidence to the effect that the organ-  
isation is unable to or cannot continue to meet the requirements of JAR  
145.

8. Unless suspended, varied or cancellation under regulation 7, a Certificate of Approval issued under regulation 6(1) shall remain in force for the period specified in the Certificate but shall not exceed twelve months.

Duration of  
Certificates of  
Approval.

9. A Certificate of Release to Service, as defined in JAR 145, issued by a SI 145 Approved Organisation shall fulfil the requirements for a Certificate of Release specified in Article 10 of the Order.

Certificate of  
Release.

10. To permit an orderly transition to the requirements of these Regulations, all approvals to organisations to perform maintenance of aircraft issued by the Director and in force at the date of entry into force of these Regulations, shall remain in force for a period of twelve months from the said date of entry.

Transitional  
arrangements.

Dated this eighth day of June 1998.

SIR BADDELEY DEVESI  
Minister of Transport, Works, Aviation & Communications.

[Legal Notice No. 65]

## THE CIVIL AVIATION ACT 1986

(No. 7 of 1986)

THE AIR NAVIGATION (AIRPORT SAFETY ZONE)  
REGULATIONS 1998)

IN exercise of the powers conferred by section 6 of the Civil Aviation Act, 1986, the Minister hereby makes the following Regulations -

- Citation.                   1.       These Regulations may be cited as the Air Navigation (Airport Safety Zone) Regulations 1998.
- Interpretation.           2.       In these Regulations unless the context requires otherwise -
- “Act” means the Civil Aviation 1986;
- “Annex” means any Annex or amendment thereto adopted under Article 90 of the Convention;
- “Convention” means the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944 and to which Solomon Islands is a signatory;
- “Director” means the officer in charge of the Civil Aviation Division of the Solomon Islands Government.
- “Minister” means the Minister responsible for Civil Aviation;
- “person” means an individual, firm, partnership, corporation, company, association or government entity, including a trustee, a receiver, an assignee or similar representative of any of them; and
- “tree” means any object of natural growth.
- Airport Safety Zone.       3.       In order to prevent land usage which would be inconsistent with the need to ensure the safety of aircraft operations, an area contained within a circle of five kilometres radius, centred on the Aerodrome Reference Point at Henderson International Airport at coordinates Latitude 09 degrees 25 minutes 04 seconds South, Longitude 160 degrees 03 minutes 13 seconds East, is designated an Airport Safety Zone.

4. (1) Except as permitted under regulation 7, no structure or object may be erected or tree planted within the Airport Safety Zone which infringes the obstacle limitation surfaces specified in Annex 14 (Aerodromes to the Convention).

Obstacle limitation surfaces.

(2) In applying the obstacle limitation surfaces criteria of subregulation (1) above, the runway at Henderson International Airport is classified as Precision Approach Category I, Code Number 4.

5. Except as permitted under regulation 7, no ground light that may endanger the safety of aircraft may be illuminated in the Airport Safety Zone.

Ground light.

6. Except as permitted under regulation 7, and land usage or private or commercial activity that would result in the attraction of concentrations of birds is prohibited.

Attraction of birds.

7. (1) The Director may issue permits that exempt a person from the requirements of regulations 4, 5 and 6.

Exemption permits.

(2) In issuing a permit under subregulation (1), the Director may specify such conditions and requirements as is considered necessary to ensure the safety of aircraft operations.

8. An application for a permit under regulation 7 shall indicate the purpose for which the permit is desired and provide sufficient detailed information for it to be determined to what extent the safety of aircraft operations may be affected by the non-conformity of structure, object, tree, light or bird attracting activity.

Application for permits.

9. If, within the Airport Safety Zone, a structure or object is erected or a tree is planted, or subsequently grows, that infringes the obstacle limitation surfaces, or a ground light illuminated that may endanger the safety of aircraft or land used or an activity carried out which attracts concentrations of birds, then the Director may, in writing to the person concerned, direct that such action be taken, within a specified time, as is necessary for the structure, object, tree, light, land usage or activity to fully comply with these Regulations.

Directions to comply.

10. Where there exists a conflict between any of these regulations and any other regulations or ordinances applicable to the same area and subject, be it with respect to the height of structures, the use of land or any other matter, the more stringent requirement or limitation shall govern and prevail.

Conflicting regulations.

Violations.

11. A failure to comply with a direction issued under regulation 9 within the time limitation specified in that direction is a violation of these regulations and shall be punished by a fine not exceeding one thousand dollars or imprisonment for not more than thirty days or both.

Dated this eighth day of June 1998.

**SIR BADDELEY DEVESI**  
**Minister of Transport, Works, Aviation & Communications.**

[Legal Notice No. 66 ]

THE CUSTOMS AND EXCISE ACT  
 (CAP. 58)

CUSTOMS (AMENDMENT) RULES 1998

IN exercise of the powers conferred by section 276 of the Customs and Excise Act, I, MANASSEH SOGAVARE, Minister of Finance, do hereby make the following Rules-

Short title.

1. These Rules may be cited as the Customs & Excise (Amendment) Rules 1998 and shall come into operation on the date of publication in the Gazette;

Amendment of  
 Customs Rules  
 Cap. 58 Sub.  
 Leg. p2064

2. The Customs Rules are amended in the manner set out in the Schedule hereto-

SCHEDULE

(1) Rule 121 -

Omit "Sixteen dollars", insert instead "twenty dollars";

(2) Rule 173 -

Fees for Special Services which are required under Rule 173 shall be forty dollars per hours.

## (3) Rule 191 -

Omit "twenty-five dollars", insert instead "eighty dollars";

## (4) Third Schedule -

## (a) Paragraph 1 -

Omit "Fifteen dollars and twenty dollars, insert instead "thirty dollars and forty dollars" respectively;

## (b) Paragraph 5 -

(i) Omit "One dollar and fifty cents" wherever appearing insert instead "two dollars";

(ii) Omit "two dollars" wherever appearing and insert instead "five dollars";

(iii) Omit "two dollars and fifty cents" wherever appearing, insert instead "five dollars and fifty cents";

(iv) Omit "three dollars wherever appearing, insert instead "six dollars";

## (c) Paragraph 7 -

Omit "eighteen dollars", "twenty-two dollars" and "twenty-six dollars", insert instead "twenty-five dollars", "thirty-dollars" and "thirty-five dollars" respectively;

## (d) Paragraph 8 -

Omit "sixty dollars", "eighty dollars" and "one hundred dollars", insert instead "Seventy dollars", "ninety

dollars” and “one hundred and twenty dollars respectively;

(c) Paragraph 8 A -

Omit “two dollars, insert instead “ten dollars”;

Made at Honiara this tenth day of June 1998.

MANASSEH D. SOGAVARE  
Minister of Finance

[Legal Notice No. 67 ]

THE CUSTOMS AND EXCISE ACT  
(CAP. 58)

THE CUSTOMS AND EXCISE (DUTIES) (AMENDMENT)  
(NO. 4 ORDER 1998)

IN exercise of the powers conferred by 7 of the Customs and Excise Act, I, MANASSEH SOGAVARE, Minister of Finance do hereby make the following Order:-

1. This Order may be cited as the Customs and Excise (Duties) (Amendments) (No. 4) Order 1998 and shall come into force on the date of publication in the Gazette;
2. That part of the First Schedule to the Customs and Excise Act entitled:-
  - (a) “IMPORT CLASSIFICATION AND TARIFF”  
is hereby amended in the following respects:-
    - (i) by deleting the rate of 70% which appears in respect of tariff item No. 3401.1100 and substituting therefore 5%;

- (ii) by deleting the duty rate of 70% which appears in respect of tariff item No. 0407.0010 and substituting therefore 5%;
  - (iii) by deleting the rate of 20% which appears in respect of tariff item No. 5601.1010 and substituting therefore 10%;
  - (iv) by deleting 25HP which appears in respect of tariff items No. 8407.2110 and 8407.2120 and substituting therefore in each case 40HP;
  - (v) by deleting the rate of 20% which appears in respect of tariff item No. 8907.0000 and substituting therefore 5%;
- (b) "IMPORTS" EXEMPTIONS FROM CUSTOMS DUTIES ON IMPORTATION OR TAKING OUT OF BOND" is hereby amended in the following respects:-
- (i) by deleting all the words that appear after the word "Unmerchantable" in paragraph 13 and substituting therefore the following words, "Cargo Manifests, Airway Bills, Tags of all kinds and Printed Commercial document (excluding advertising magazines and books)";
  - (ii) by adding immediately after Clause (f) in paragraph 14 the following new clause as clause (g) "Bibles, Prayer Books, Hymn Books and other religious books imported by legally registered religious denomination in the Solomon Islands";
  - (iii) by adding immediately after the word motor vehicles that appears paragraph 20, the following words, "office equipment, kitchen-ware and linen";
  - (iv) by deleting the word TOURISM and substituting the word "TOURISM";

Made at Honiara this tenth day of June 1998.

MANASSEH D. SOGAVARE  
Minister of Finance

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[Legal Notice No. 68 ]

THE IMMIGRATION ACT 1978  
(No. 27 of 1978)

PROHIBITION ORDER

IN exercise of the powers conferred by section 11 (2) (f) of the Immigration Act 1978, the Minister of Commerce, Employment and Tourism hereby declares -

MICHAEL DAVID STEEL  
MARK BRAYAN BOTTRIL

to be prohibited immigrants and are hereby prohibited from entering Solomon Islands.

Dated at Honiara this fifth day of June 1998.

DANIEL ENELE KWANAIRARA  
Minister of Commerce, Employment and Tourism

[Legal Notice No. 69 ]

THE SOLOMON ISLANDS INDEPENDENCE ORDER 1978  
(L.N. No. 43 of 1978)

APPOINTMENT OF MEMBERS TO THE COMMITTEE  
ON THE PREROGATIVE OF MERCY

IN exercise of the powers conferred by section 115(1) of the  
Constitution, and acting in accordance with the advice of the Prime  
Minister as required under subsection (7) of the said section 115, I,  
PAUL J. TOVUA, Acting Governor-General, do hereby appoint -

PAUL FIA

to be a member of the committee on the Prerogative of Mercy for a  
period of two years with effect from the date hereto.

Dated at Honiara this fourth day of June 1998.

PAUL J. TOVUA  
Acting Governor-General