
AN ACT

To make provision for the establishment of a Marshall Islands Civil Aviation Authority, and to regulate aviation within the Marshall Islands.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

1 Section 1. Short title.

2 This Act may be cited as the Civil Aviation Act 1981.

3 Section 2. Interpretation.

4 In this Act -

5 "aircraft" means a device that is used or intended to
6 be used for flight in the air;

7 "airport" means an area of land or water that is used
8 or intended to be used for the landing and take off of
9 aircraft, including associated buildings and facilities
10 (if any), but excluding military airports;

11 "the Authority" means the Marshall Islands Civil
12 Aviation Authority established by Section 4 and includes
13 a delegation of the Authority under Section 8;

14 "I.C.A.O." means the International Civil Aviation
15 Organization;

16 "I.C.A.O. country" means a country that is a member
17 of I.C.A.O.;

18 "the Marshall Islands" includes the territorial waters
19 of the Marshall Islands and the airspace over the Marshall
20 Islands and those waters;

1 "military aircraft" means an aircraft operated by the
2 armed forces of any country entering or being in the
3 Marshall Islands under an agreement or arrangement between
4 the Government of the Marshall Islands and the Government
5 of that country, or, in the case of a particular flight,
6 with the consent of the Minister.

7 "military airport" means an airport operated by the
8 armed forces of any country entering or being in the
9 Marshall Islands under an agreement or arrangement between
10 the Government of the Marshall Islands and the government
11 of that country;

12 "the Minister" means the Minister responsible for
13 civil aviation;

14 "the regulations" means the regulations promulgated
15 under Section 11 of this Act.

16 Section 3. Application of this Act.

17 (1) Except to the extent specifically provided in the
18 regulations, this Act and the regulations under Section 11 apply to
19 or in relation to military aircraft.

20 (2) It is hereby declared that nothing in this Act is
21 intended to affect the rights, obligations and responsibilities of
22 the United States as Administering Authority under the Trusteeship
23 Agreement or the International Civil Aviation Convention (Chicago,
24 1944), and this Act shall be construed accordingly.

1 Section 4. Establishment of the Authority.

2 (1) A Marshall Islands Civil Aviation Authority is hereby
3 established.

4 (2) The Authority shall consist of a Chairman and two
5 other members, appointed by the Minister for such respective periods
6 as are specified in the instruments of appointment.

7 (3) The members of the Authority shall be appointed with
8 due regard for their fitness for the efficient discharge of the powers
9 and duties vested in and imposed upon the Authority by this Act. At
10 the time of appointment, the Chairman shall have had experience in
11 a field directly related to aviation. The members of the Authority
12 shall have no pecuniary interest in or own any stock in or bonds of
13 or be employed by any commercial aeronautical enterprise.

14 (4) A member of the Authority may be removed from office,
15 with or without cause, by the Minister.

16 (5) The Authority is empowered to exchange with foreign
17 governments, through appropriate agencies of the Government of the
18 Marshall Islands, information pertaining to aeronautics.

19 Section 5. Administration of the Authority.

20 (1) Subject to any limitations which may be imposed by
21 Cabinet or the Minister, the Authority -

22 (a) in its own name, may enter into such contracts
23 as it deems necessary in the discharge of its
24 powers and functions; and

1 (b) for purposes of Article VIII, Section 5(1) of
2 the Constitution, may approve the expenditure
3 of public money, the withdrawal of which has
4 previously been authorized for the Authority by or pursuant to
5 the Constitution or Act.

6 (2) Subject to any directions of the Minister, the Authority
7 shall determine its own procedures, and the provisions of the Marshall
8 Islands Administrative Procedure Act of 1979; and of M.I. Code Sections
9 2.401 through 2.417, do not apply to or in relation to the Authority.

10 Section 6. Exemption from Public Service System.

11 Pursuant to Article VII, Section 1(3), of the Constitution,
12 the Authority and its members and its employees shall be excluded
13 from application of Article VII of the Constitution which provides
14 for the Public Service System of the Marshall Islands. Compensation
15 for the members and employees of the Authority shall be determined
16 by the Minister.

17 Section 7. Functions of the Authority.

18 (1) In the exercise and performance of its powers and
19 functions the Authority shall comply with any directions as to policy
20 given by the Cabinet.

21 (2) Subject to Subsection (3), the Authority is responsible,
22 in accordance with the regulations, for:

23 (a) ensuring the safe operation of aviation in the
24 Marshall Islands; and

1 (b) the licensing of pilots and other persons concerned
2 with the operation or maintenance of aircraft;
3 (c) the certification of airworthiness of aircraft
4 operating in the Marshall Islands;
5 (d) the maintenance of a Register of Marshall Islands
6 Aircraft, and the registration of aircraft; and
7 (e) the inspection and approval of airports, and
8 generally for the administration and enforcement
9 of this Act and the regulations, and for the
10 regulation and safe operation, to internationally
11 accepted standards, of aviation in the Marshall
12 Islands.

13 (3) For purposes of Subsections (2)(b) and (c), the
14 Authority shall accept licenses and certificates issued by an
15 appropriate aviation authority of any I.C.A.O. country.

16 Section 8. Delegation by the Authority.

17 (1) With the approval of the Minister, the Authority may,
18 in writing, delegate any of its powers and functions to any person or
19 organization. Such person or organization shall be delegated powers
20 and functions of the Authority with due regard for their fitness for
21 the efficient discharge of the powers and duties vested in or imposed
22 upon the Authority by this Act. At the time of delegation, the
23 delegee(s) shall have had experience in a field directly related to
24 aviation. Such delegee(s) shall have no pecuniary interest in or

1 own any stock or bonds of or be employed by any commercial aeronautical
2 enterprise.

3 (2) A delegation under Subsection (1) may be made subject
4 to conditions or restrictions, and may apply in respect of the whole
5 or a part of the Marshall Islands.

6 (3) A delegation under Subsection (1) is revocable, in
7 writing, at will, and no such delegation prevents the exercise of a
8 power or function by the Authority.

9 Section 9. Adoption by the Authority.

10 If in the opinion of the Authority, having due regard to
11 safety, the requirements of the maintenance, inspection or operation
12 of any type of aircraft would be properly met by complying manual or
13 other similar publication relating to that type, the Authority may,
14 with the approval of the Minister, declare that compliance with the
15 manual or publication shall, in relation to that type of aircraft, be
16 equivalent to compliance with the regulations under Section 11.

17 Section 10. Offences.

18 (1) A person who fails to comply with any provision of
19 this Act, the regulation, or any order, instruction or instrument
20 under those regulations is guilty of a misdemeanor, and is liable
21 on conviction to imprisonment for not more than 12 months or to a
22 fine not exceeding \$2,000.00, or both.

23 (2) If a person who is the holder of any license, permit,
24 certification or other authority under this Act or the regulations

1 under Section 11 is convicted of an offence against Subsection (1) -

2 (a) the court that convicts him; or

3 (b) the Authority,

4 may, by virtue of this section, cancel or suspend the license, permit,

5 certification or authority.

6 Section 11. Regulations.

7 (1) The Cabinet shall make regulations, not inconsistent
8 with this Act, prescribing all matters that are required or permitted
9 by this Act to be prescribed in the regulations, or that are necessary
10 or convenient to be so prescribed for carrying out or giving effect
11 to this Act, and in particular prescribing matters for or relation to -

12 (a) any of the functions of the Authority; and

13 (b) the regulation and safe operation, in conformity
14 with internationally accepted standards, of
15 aviation (including airports) in the Marshall
16 Islands.

17 (2) The regulations may -

18 (a) shall give effect to any relevant I.C.A.O.
19 requirements, standards or recommendations; and

20 (b) may adopt any regulations, standards, procedures,
21 requirements or recommendations of appropriate
22 aviation authorities of any I.C.A.O. country,
23 with or without modifications; and
24

1 Rules of the Nitijela.

2 I hereby place my signature before the Clerk of the Nitijela this

3 7th day of December, 1981.

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5

6 /s/ Henry Samuel
Henry Samuel, Vice Speaker
7 Nitijela of the Marshall Islands

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9 Attest:

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11 /s/ Donald F. Capelle
Donald F. Capelle, Clerk
12 Nitijela of the Marshall Islands

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15 Concurred by the High Commissioner

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