

**Reprint
as at 18 December 2013**



**Civil Aviation (Safety) Levies
Amendment Order 2012**
(SR 2012/306)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 1st day of October 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 42A of the Civil Aviation Act 1990, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made—
 - (i) at the request and with the concurrence of the Civil Aviation Authority; and
 - (ii) after being satisfied about the matters specified in subsection (3) of that section.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Transport.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 Clause 3 amended (Interpretation)	2
5 Clause 5 amended (Domestic air passenger operators must pay domestic passenger levy)	3
6 Clause 5A amended (Holder of Australian AOC with ANZA privileges must pay domestic passenger levy)	3
7 Clause 9 amended (International operators must pay departing international passenger levy)	3
8 Clause 10 amended (Aviation operators must pay participation levy)	3
9 Schedule replaced	4
10 Transitional provision	4
Schedule	5
Schedule replaced	

Order

- 1 Title**
This order is the Civil Aviation (Safety) Levies Amendment Order 2012.
- 2 Commencement**
This order comes into force on 1 November 2012.
Order: confirmed, on 18 December 2013, by section 8 of the Subordinate Legislation (Confirmation and Validation) Act 2013 (2013 No 142).
- 3 Principal order**
This order amends the Civil Aviation (Safety) Levies Order 2002 (the **principal order**).
- 4 Clause 3 amended (Interpretation)**
(1) In clause 3(1), replace the definition of **international operator** with:

“**international operator** means a person who—

“(a) is the holder of an aviation document issued under the Act; and

“(b) operates an aircraft in respect of journeys—

“(i) beginning in New Zealand and ending outside New Zealand; or

“(ii) beginning outside New Zealand and ending in New Zealand; or

“(iii) beginning and ending outside New Zealand with an intermediate stop in New Zealand; or

“(iv) beginning and ending in New Zealand with an intermediate stop outside New Zealand”.

(2) In clause 3(1), insert in its appropriate alphabetical order:

“**maximum certificated take-off weight**, in relation to an aircraft, means the weight specified as the maximum take-off weight of the aircraft in a flight manual or airworthiness certificate relating to the aircraft”.

5 Clause 5 amended (Domestic air passenger operators must pay domestic passenger levy)

In clause 5(1), replace “\$2” with “\$1.97”.

6 Clause 5A amended (Holder of Australian AOC with ANZA privileges must pay domestic passenger levy)

In clause 5A(2), replace “\$1.66” with “\$1.78”.

7 Clause 9 amended (International operators must pay departing international passenger levy)

In clause 9(1), replace “\$1” with “\$1.50”.

8 Clause 10 amended (Aviation operators must pay participation levy)

After clause 10(2), insert:

“(3) The annual participation levy is payable by an aviation operator in advance on 1 July every year in respect of the financial year beginning on 1 July and ending on 30 June the following year, unless the aviation operator

becomes liable to pay an annual participation levy after 1 July in a financial year.

- “(4) If an aviation operator becomes liable to pay an annual participation levy after 1 July in a financial year, a pro-rated levy is payable—
- “(a) in respect of the financial year; and
- “(b) within 30 days after the date on which the aviation operator becomes liable to pay an annual participation levy.
- “(5) The pro-rated levy must be determined in accordance with the following formula:

$$a \times \frac{b}{12} = c$$

where—

- a is the annual participation levy
- b is the number of whole months between the date on which the aviation operator becomes liable to pay an annual participation levy and the next occurrence of 1 July
- c is the amount payable within 30 days after the date on which the aviation operator becomes liable to pay an annual participation levy.

9 Schedule replaced

Replace the Schedule of the principal order with the Schedule set out in the Schedule of this order.

10 Transitional provision

- (1) Despite clause 8, an annual participation levy determined in accordance with this clause is payable by every aviation operator that—
- (a) was liable to pay an annual participation levy on 1 July 2012; or
- (b) became liable to pay an annual participation levy after 1 July 2012 and before 1 November 2012.
- (2) The levy is payable—

- (a) in respect of the financial year ending on 30 June 2013;
and
(b) on or before 30 November 2012.
- (3) The levy must be determined in accordance with the following formula:

$$\frac{(a \times b)}{12} + \frac{(c \times 8)}{12} = d$$

where—

- a is the annual participation levy that applied prior to the commencement of this order
b is the number of whole months between the date on which the aviation operator becomes liable to pay an annual participation levy and 31 October 2012
c is the annual participation levy that applies from the commencement of this order
d is the levy payable on or before 30 November 2012.

Schedule
Schedule replaced

cl 9

Schedule
Participation levies

cl 10(1)

Category (MCTOW)	Annual levy per aircraft (\$)
Heavy (exceeding 100 000 kg)	11,900
Medium heavy (exceeding 13 600 kg but not exceeding 100 000 kg)	2,900
Medium (exceeding 5 700 kg but not exceeding 13 600 kg)	1,200
Medium light (exceeding 2 730 kg but not exceeding 5 700 kg)	480
Light (exceeding 1 000 kg but not exceeding 2 730 kg)	100
Very light (not exceeding 1 000 kg)	70

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 November 2012, updates passenger levies and participation levies payable by aviation operators to the Civil Aviation Authority.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 4 October 2012.

Reprints notes

1 *General*

This is a reprint of the Civil Aviation (Safety) Levies Amendment Order 2012 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Subordinate Legislation (Confirmation and Validation) Act 2013 (2013 No 142): section 8
