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CIVIL AVIATION AUTHORITY OF SINGAPORE ACT 2009
(ACT 17 OF 2009)

CIVIL AVIATION AUTHORITY OF SINGAPORE (AVIATION LEVY) ORDER 2009

In exercise of the powers conferred by section 86 of the Civil Aviation Authority of Singapore Act 2009, the Minister for Transport, after consulting the Civil Aviation Authority of Singapore, hereby makes the following Order:

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In exercise of the powers conferred by section 86 of the Civil Aviation Authority of Singapore Act 2009, the Minister for Transport, after consulting the Civil Aviation Authority of Singapore, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Civil Aviation Authority of Singapore (Aviation Levy) Order 2009 and shall come into operation on 1st October 2009.

Definitions

2. In this Order, unless the context otherwise requires —

"aircraft operator" , in relation to a flight, means the person who conducts, or offers to conduct, an air service by the use of an aircraft for that flight;

"airport licensee" means the holder of an airport licence for an airport;

"aviation levy" means the levy payable under this Order;

"Changi Airport" means the airport declared under the Civil Aviation Authority of Singapore (Changi Airport) Notification 2009 (G.N. No. S 293/2009);

"passenger" means a person embarking or intending to embark on an aircraft for the purpose of travelling therein as a passenger therein;

"passenger ticket" means a ticket, or an electronic record, on the basis of which a person is treated as being entitled to travel as a passenger on a particular flight or flights;

"prime lending rate" means the average of the prime lending rates at any particular time of the Development Bank of Singapore Ltd, the Oversea-Chinese Banking Corporation Limited and the United Overseas Bank Limited;

"Seletar Airport" means the airport declared under the Civil Aviation Authority of Singapore (Seletar Airport) Notification 2009 (G.N. No. S 294/2009).

Aviation levy payable by passengers

3.—(1) Subject to paragraph 4, a levy (referred to as the aviation levy) shall be payable in respect of each passenger embarking on an aircraft from Changi Airport or Seletar Airport.

(2) The aviation levy payable in respect of each passenger embarking on an aircraft from Changi Airport shall be —

- (a) if embarking from the Changi Airport Budget Terminal — \$2.20; and
- (b) if embarking from any other terminal — \$6.10.

(3) Subject to paragraph 4, an aviation levy of \$3.10 shall be payable in respect of each passenger embarking on an aircraft from the terminal at Seletar Airport.

Exempt passengers

4.—(1) Notwithstanding paragraph 3, no aviation levy shall be payable in respect of any of the following passengers embarking on an aircraft from Changi Airport or Seletar Airport:

(a) operating crew required to perform duties on an aircraft or travelling on an aircraft in order to commence duties on an aircraft from another destination but not employees of an aircraft operator travelling on its aircraft other than as part of the operating crew;

(b) any passenger embarking on —

- (i) a military aircraft;
- (ii) a foreign diplomatic aircraft engaged on diplomatic or consular missions to Singapore;
- (iii) an aircraft used for Government ceremonial purposes; or
- (iv) an aircraft which is owned or operated by or on behalf of any person approved by the Chief Executive under the Air Navigation Order (Cap. 6, O 2) to provide any course of flight training or instruction and which is operated for such purpose;

(c) any passenger who does not leave the transit area, or who leaves the transit area because of interruption to a flight at the aerodrome of the airport caused by the unavailability of an aircraft or the unavailability of an essential facility or caused by delay beyond the control of the passenger or the aircraft operator concerned;

(d) any passenger who, as evidenced by his passenger ticket, is scheduled to depart from Singapore by an aircraft within 24 hours of his scheduled time of arrival for a destination in another country other than the country from which he embarked on the aircraft by which he arrived in Singapore;

(e) infants below the age of 2 years;

(f) service personnel and their dependants embarking on aircraft operating on charter flights on behalf of the Joint Services Movement Control of the United Kingdom;

(g) Republic of Singapore military personnel travelling for military purposes on an aircraft that is not a military aircraft;

(h) any person —

- (i) who is accredited as a diplomatic or consular representative of the government of any foreign territory, or is a staff member of any such diplomatic or consular representative;
- (ii) who holds a valid diplomatic passport, official passport, service passport or public affairs passport issued by the government of that foreign territory; and
- (iii) who is the subject of a request by the Ministry of Foreign Affairs in Singapore to be treated as an exempt passenger;

(i) any head of state or head of government of a foreign territory who is recognised by Singapore (whether or not a guest of the Government) whom the Ministry of Foreign Affairs in Singapore requests to be treated as an exempt passenger;

(j) any person whom the Ministry of Foreign Affairs in Singapore recognises as a representative of an international organisation (whether or not a guest of the Government) and whom that Ministry requests to be treated as an exempt passenger;

(k) every member of the delegation travelling with a person referred to in sub-paragraph (h), (i) or (j);

- (l) any employee or volunteer of an association, authority, body or institution (whether incorporated or unincorporated) lawfully established for charitable objects travelling to any place outside Singapore —
- (i) to combat the effects of any emergency at that place;
 - (ii) to provide emergency medical or other assistance for casualties or survivors in that place;
 - (iii) to reduce further damage in that place; or
 - (iv) to support emergency affected communities in the reconstruction and restoration of the physical infrastructure, the environment and community, psychosocial and economic well-being;
- (m) any employee or volunteer of an association, authority, body or institution (whether incorporated or unincorporated) lawfully established for charitable objects accompanying any beneficiary thereof, and that beneficiary, travelling on a flight originating from and ending in Singapore without landing in any place outside Singapore.

(2) In sub-paragraph (1), “emergency” means —

- (a) a storm, an earthquake, a flood, a tsunami or an occurrence of a similar kind;
- (b) a fire;
- (c) a plague or an epidemic; or
- (d) a road, rail or an air crash, or a shipping or other accident.

When aviation levy is payable by passengers

5.—(1) The aviation levy payable in respect of a passenger embarking on an aircraft from Changi Airport or Seletar Airport shall be payable —

- (a) upon the purchase of the passenger ticket for that passenger;
- (b) at such rate or amount as is prescribed in paragraph 3(2) or (3) (whichever is applicable) at the time of purchase of the passenger ticket; and
- (c) by the person who purchases the passenger ticket.

(2) On or after 1st April 2010, upon payment of the aviation levy, the purchaser of a passenger ticket shall be furnished with a receipt or other record showing the aviation levy which has been paid.

(2A) A person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 if —

- (a) the person issues a passenger ticket to a purchaser upon the purchase of the passenger ticket for a passenger from the person;
- (b) an aviation levy that is payable in respect of that passenger upon that purchase is collected by or on behalf of the person; and
- (c) the person does not furnish the purchaser of the passenger ticket with a receipt or other record showing the aviation levy which has been paid.

(3) Between 1st October 2009 and 31st March 2010 (both dates inclusive), the aviation levy shall be payable in respect of a passenger embarking on an aircraft from Changi Airport or Seletar Airport, as the case may be, notwithstanding that during that period neither the purchaser of the passenger’s ticket nor the passenger is not furnished with a receipt or other record showing the aviation levy which has been paid.

Airport licensee, etc., designated to collect aviation levy

6. For the purposes of section 86(2)(d) of the Act —

- (a) the airport licensee for Changi Airport, and such employees thereof as are approved by the Authority, are designated to collect, on behalf of the Authority, the aviation levy payable in respect of passengers embarking on aircraft from Changi Airport; and
- (b) the airport licensee for Seletar Airport, and such employees thereof as are approved by the Authority, are designated to collect, on behalf of the Authority, the aviation levy payable in respect of passengers embarking on aircraft from Seletar Airport.

Returns on collection of aviation levy

7.—(1) The airport licensee for Changi Airport and the airport licensee for Seletar Airport must, within a period of 5 weeks after the end of every month, submit to the Authority a monthly return stating the total amount of aviation levy that has been collected in respect of passengers embarking on aircraft in that month from Changi Airport or Seletar Airport, as the case may be, and such other amounts of aviation levy collected in respect of such passengers embarking in any of the preceding months.

(2) In addition to sub-paragraph (1), the airport licensee for Changi Airport and the airport licensee for Seletar Airport must, before the end of 3 weeks after the airport licensee concerned has submitted a monthly return under sub-paragraph (1), ensure that the total amount of aviation levy that is stated in that monthly return as having been collected in respect of passengers embarking on aircraft from Changi Airport or Seletar Airport, as the case may be, is paid to the Authority.

Interest for late payment of aviation levy

8.—(1) Where any aviation levy or part thereof due to the Authority is unpaid on the due date according to paragraph 7(2), the Authority shall be entitled to impose interest on the airport licensee concerned for the amount in arrears, at the rate of 3% per annum above the prime lending rate on the date the aviation levy or part thereof in arrears is payable to the Authority under paragraph 7(2).

(2) Such interest shall —

(a) be payable from the day immediately following the date the aviation levy or part thereof is payable to the Authority under paragraph 7(2) until all of the aviation levy in arrears is paid to the Authority; and

(b) be calculated on the first day of each month on the amount of aviation levy or part thereof from time to time outstanding (together with interest) at the end of the immediately preceding month.

Penalty for deficiency in collection

9. If it appears to the Authority that any airport licensee, or any of its employees or former employees so approved under paragraph 6 —

(a) has failed to collect any aviation levy or part thereof the collection of which he is or was responsible; or

(b) is or was responsible for any deficiency in the aviation levy the payment of which to the Authority he is or was responsible,

and if a satisfactory explanation is not, within a period specified by the Authority, furnished to the Authority, with regard to such failure to collect or deficiency, the Authority may impose on the airport licensee, in addition to any interest under paragraph 8, a penalty of the whole of any such amount of aviation levy not collected or the deficiency, as the case may be.

Application of payments

10. The Authority may, in its discretion, apply any moneys paid by an airport licensee firstly towards the payment of any penalty or interest payable under this Order and subsequently apply any balance thereof towards payment of any amount of outstanding aviation levy.

Remission

11. The Chief Executive may waive or remit wholly or in part any aviation levy, penalty or interest payable under this Order.

Refunds

12.—(1) An amount of the aviation levy overpaid on a passenger ticket must be refunded to the purchaser of the ticket.

(2) The aviation levy on a passenger ticket must be refunded to the purchaser thereof if the ticket is cancelled without being used by the passenger entitled to travel on the basis of that ticket.

Made this 1st day of October 2009.

CHOI SHING KWOK
*Permanent Secretary,
Ministry of Transport,
Singapore.*