



Treaty Series No. 8 (2016)

Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand Concerning Air Services

London 27 October 2008

[The Exchange of Notes entered into force on 27 October 2008]

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Wellington 12 March 2013 and 2 September 2013

[The Exchange of Notes entered into force on 2 September 2013]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 2016*



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**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF NEW ZEALAND AMENDING THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF NEW ZEALAND
CONCERNING AIR SERVICES**

No.1

His Excellency Derek Leask, High Commissioner of New Zealand in London to James Fitzpatrick, MP Parliamentary Under-Secretary of State for Transport

27 October 2008

I have the honour to refer to the Agreement between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services, done at Wellington on the 26th day of July 2005¹ (“the Agreement”), and to the Memorandum of Understanding concluded between representatives of the Aeronautical Authorities of New Zealand and the United Kingdom at London on 10 July 2008 (“the Memorandum of Understanding”).

In accordance with the understandings recorded in the Memorandum of Understanding and in accordance with Article 21 of the Agreement, I have the honour to propose on behalf of the Government of New Zealand that the existing Article 3 of the Agreement be replaced by the following Article 3:

ARTICLE 3

Grant of Rights

(1) Each Contracting Party grants to the other Contracting Party the following rights in respect of its international air services:

- (a) the right to fly across its territory without landing;
- (b) the right to make stops in its territory for non-traffic purposes.

(2) The designated airlines of each Party shall be entitled to perform air services, whether for the carriage of passengers, cargo, mail or in combination, as follows:

Routes to be operated by the designated airline or airlines of the United Kingdom:

Behind Points – Points in the United Kingdom - Intermediate Points –
Points in New Zealand - Points Beyond

Routes to be operated by the designated airline or airlines of New Zealand:

Behind Points – Points in New Zealand - Intermediate Points – Points in the
United Kingdom - Points Beyond

These services and routes and hereinafter called “the agreed services” and “the specified routes” respectively.

¹ Treaty Series No. 033 (2005) Cm 6659

(3) While operating an agreed service on a specified route the airline or airlines designated by each Contracting Party may, in addition to the rights specified above, on any or all flights and at the option of each airline:

- (a) operate flights in either or both directions;
- (b) combine different flight numbers within one aircraft operation;
- (c) serve intermediate and beyond points and points in the territories of the Parties on the routes in any combination and in any order;
- (d) omit stops at any point or points, including points within the territory of the Party designating the airline;
- (e) transfer traffic from any of its aircraft to any of its other aircraft at any point on the routes; and
- (f) serve points behind any point in its territory with or without change of aircraft or flight number and hold out and advertise such services to the public as through services;

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement.

(4) The designated airlines of one Contracting Party may pick up traffic at any intermediate points to be set down in the territory of the other Contracting Party and/or pick up traffic in the territory of the other Contracting Party to be set down at any points beyond, and vice versa.

(5) Paragraph (2) of this Article shall be interpreted as conferring on the designated airline or airlines of each Contracting Party the right to take on board in the territory of the other Contracting Party passengers, their baggage, cargo or mail carried for remuneration or hire and destined for another point in the territory of the other Contracting Party.

If the above is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the further honour to propose that this letter, together with your confirmatory letter in reply, shall constitute an agreement amending the Agreement, which shall enter into force on the date of your confirmatory letter in reply in accordance with Article 21 of the Agreement.

I take this opportunity to renew to your Excellency the assurances of my highest consideration.

No.2

James Fitzpatrick, MP Parliamentary Under-Secretary of State for Transport to His Excellency Derek Leask, High Commissioner of New Zealand in London

27 October 2008

I have the honour to refer to your letter of 27/10/2008 which reads as follows:

[As in No.1]

I have the honour to inform you that the above proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and to confirm on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that your letter and this letter in reply constitute an agreement amending the Agreement, which shall enter into force on today's date in accordance with Article 21 of the Agreement.

I take this opportunity to renew to your Excellency the assurances of my highest consideration.

**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF NEW ZEALAND AMENDING THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF NEW ZEALAND
CONCERNING AIR SERVICES**

No.1

Her Excellency Vicki Treadell, British High Commissioner in Wellington to The Hon Gerry Brownlee, MP, Minister of Transport for New Zealand

12 March 2013

I have the honour to refer to the Agreement between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services, done at Wellington on the 26th day of July 2005² (“the Agreement”), and to the Agreed Record concluded between representatives of the Aeronautical Authorities of the United Kingdom and New Zealand at Jeddah on 11 December 2012 (“the Agreed Record”).

In accordance with the understandings recorded in the Agreed Record and in accordance with Article 21 of the Agreement, I have the honour to propose on behalf of the Government of the United Kingdom that the existing Article 9 of the Agreement be replaced by the following Article 9:

ARTICLE 9

Aviation Security

(1) Consistent with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to each other to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963³, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970⁴, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971⁵, the Montreal Supplementary Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988⁶, the Convention on the Marking of

² Treaty Series No. 033 (2005) Cm 6659

³ Treaty Series No. 126 (1969) Cmnd 4230

⁴ Treaty Series No. 039 (1972) Cmnd 4956

⁵ Treaty Section No. 010 (1974) Cmnd 5524

⁶ Treaty Series No. 020 (1991) Cmnd 1470

Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991⁷ and any aviation security agreement that becomes binding on both Contracting Parties.

(2) The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

(3) When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

(4) The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as Annexes to the Chicago Convention⁸ to the extent that such security provisions are applicable to the Contracting Parties. Each Contracting Party shall require that its airlines and the operators of airports in its territory act in conformity with such aviation security provisions.

(5) Each Contracting Party agrees that its airlines shall be required to observe the aviation security provisions referred to in paragraph (4) of this article required by the other Contracting Party for entry into the territory of that other Contracting Party. For departure from, or while within, the territory of the United Kingdom, airlines shall be required to observe aviation security provisions in conformity with European Union law. For departure from, or while within, the territory of New Zealand, airlines shall be required to observe aviation security provisions in conformity with the law in force in that country. Each Contracting Party shall ensure that adequate security measures are effectively applied within its territory to protect the aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and aircraft stores prior to and during boarding or loading; and that security measures are adjusted to meet any increased threat to the security of civil aviation where appropriate. Each Contracting Party agrees that security provisions required by the other Contracting Party for departure from and while within the territory of that other Contracting Party must be observed. Each Contracting Party shall also act favourably upon any request from the other Contracting Party for reasonable special security measures to meet a particular threat.

(6) With full regard and mutual respect for each other's sovereignty, a Contracting Party may adopt security measures for entry into its territory. Where possible, that Contracting Party shall take into account the security measures already applied by the other Contracting Party and any views that the other Contracting Party may offer. Each Contracting Party recognises, however, that nothing in this Article limits the right of a Contracting Party to refuse entry into its territory of any flight or flights that it deems to present a threat to its security.

⁷ Treaty Series No. 134 (2000) Cm 5018

⁸ Treaty Series No. 008 (1953) Cmd 8742

(7) A Contracting Party may take emergency measures to meet a specific security threat. Such measures shall be notified immediately to the other Contracting Party.

(8) Without prejudice to the need to take immediate action in order to protect transport security, the Contracting Parties affirm that when considering security measures, a Contracting Party shall evaluate possible adverse effects on international air transport and, unless constrained by law, shall take such factors into account when it determines what measures are necessary and appropriate to address those security concerns.

(9) Each Contracting Party may request consultations at any time concerning security standards adopted by the other Contracting Party. Such consultations shall take place within 30 days of that request. When a Contracting Party has reasonable grounds to believe that the other Contracting Party has departed from provisions of this Article, that Contracting Party may request immediate consultations with the other Contracting Party. Failure to reach a satisfactory resolution within 15 days from the date of such request, shall constitute grounds to revoke, suspend or limit the operating authorisation and technical permissions of an airline or airlines of the other Contracting Party. When required by an emergency, a Contracting Party may take interim action prior to the expiry of 15 days. Any action taken in accordance with this paragraph shall be discontinued upon compliance by the other Contracting Party with the security provisions of this Article.

(10) Each Contracting Party shall also give sympathetic consideration to a request from the other Contracting Party to enter into reciprocal administration arrangements whereby the aeronautical authorities of one Contracting Party could make in the territory of the other Contracting Party their own assessment of the security measures being carried out by aircraft operators in respect of flights destined for the territory of the Contracting Party making the request.

(11) Each Contracting Party shall take such measures as it may find practicable to ensure that an aircraft of the other Contracting Party which is subjected to an act of unlawful interference, and which lands in its territory, is detained on the ground unless its departure is necessitated by the overriding duty to protect human life. Wherever practicable, such measures shall be taken on the basis of mutual consultations.

If the above is acceptable to the Government of New Zealand, I have the further honour to propose that this letter, together with your confirmatory letter in reply, shall constitute an agreement amending the Agreement, which shall enter into force on the date of your confirmatory letter of reply in accordance with Article 21 of the Agreement.

I take this opportunity to renew to your Excellency the assurances of my highest consideration.

No.2

The Hon Gerry Brownlee, MP, Minister of Transport for New Zealand to Her Excellency Vicki Treadell, British High Commissioner in Wellington

2 September 2013

I have the honour to refer to your letter dated 12 March 2013 which reads as follows:

[As in No. 1]

I have the honour to inform you that the above proposals are acceptable to the Government of New Zealand and to confirm on behalf of the Government of New Zealand that your letter and this letter in reply constitute an agreement amending the Agreement, which shall enter into force on today's date in accordance with Article 21 of the Agreement

I take this opportunity to renew to your Excellency the assurances of my highest consideration.

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