

NORMAL FIRST CLASS TARIFFS BETWEEN NEW ZEALAND AND KUWAIT NOTICE 1984

Pursuant to Section 29A(2) of the Civil Aviation Act 1964, the Minister of Civil Aviation and Meteorological Services hereby gives the following notice.

NOTICE

1. Title, commencement and application—(1) This notice may be cited as the Normal First Class Tariffs between New Zealand and Kuwait Notice 1984.

(2) This notice shall come into force on the day after the date of its publication in the "Gazette".

(3) This notice shall apply to all airlines.

2. Interpretation—(1) In this notice, unless the context otherwise requires,—

"The Act" means the Civil Aviation Act 1964;

"AP" means a route between Area 2 and Area 3 via—

(a) Area 1; or

(b) A polar service between Europe and Japan; or

(c) Both;

"Commission Regime" means the Civil Aviation (Passenger Agents' Commission Regime) Notice 1983*;

"EH" means any route between Area 2 and Area 3 other than AP;

"General Tariff Conditions" means the Civil Aviation (General Passenger Conditions) Order 1984†;

"Involuntary rerouting" means rerouting that arises out of the inability of a carrier to provide the travel originally arranged because that carrier—

(a) Cancels a flight; or

(b) Fails to operate a flight reasonably to schedule; or

(c) Omits a scheduled stop that is a destination, stopover, or transfer point, of the passenger concerned; or

(d) Fails to provide travel previously confirmed by or on behalf of that carrier; or

(e) Causes the passenger concerned to miss a connecting flight in respect of which that passenger has a confirmed reservation;

"KUD" means Kuwait Dinars;

"NZD" means New Zealand dollars;

"Specified fare" means a fare specified in the Fourth or Fifth Schedule to this notice.

(2) Every expression defined in section 2 or section 29A(12) of the Act or in clause 2 of the General Tariff Conditions shall have the meaning so defined.

(3) This notice shall be read as if every clause of the General Tariff Conditions expressed in this notice to be imported into this notice forms part of this notice; and for the purposes of this notice every reference in any such clause so expressed to "this notice" shall be read as a reference to this notice.

(4) Where in any provision of this notice it is provided that a fare may apply, that provision shall be read as if it were provided in that provision that—

(a) Subject to subclause (5) of this clause, travel to which that fare relates may be arranged, provided, and sold, or any of them, at that fare; and

(b) Subject to subclause (5) of this clause, any person may undertake, or advertise his ability or willingness, to arrange, provide, and sell, or any of them, travel to which that fare relates;—

and "application" shall have a corresponding meaning.

(5) Where in any provision of this notice it is provided that a fare shall not apply, that provision shall be read as if it were provided in that provision that—

(a) No person shall arrange, provide, or sell, at that fare travel to which that fare relates; and

(b) No person shall undertake, or advertise his ability or willingness, to arrange, provide, or sell, at that fare travel to which that fare relates;—

and "application" shall have a corresponding meaning.

3. Fares—(1) A fare specified in the first or second column of the Fourth Schedule to this notice may apply to first class one-way travel (including travel in a first class sleeper seat), via the route specified opposite that fare in the third column of that Schedule, from a point in New Zealand specified opposite that fare in the fourth column of that Schedule to a point in Kuwait specified opposite that fare in the fifth column of that Schedule; and when in respect of any travel or any sector of any travel to which a specified fare relates a first class sleeper seat is or is to be provided, a surcharge may, at the discretion of the carrier concerned, apply in addition to that fare of—

(a) Not less than 10 percent of that fare; or

(b) Not less than 10 percent of the normal first class fare lawful for travel on that sector on which that sleeper seat is or is to be provided.

(2) A fare specified in the first or second column of the Fifth Schedule to this notice may apply to first class one-way travel (including travel in a first class sleeper seat), via the route specified opposite that fare in the third column of that Schedule, from a point in Kuwait specified opposite that fare in the fourth column of that Schedule to a point in New Zealand specified opposite that fare in the fifth column of that Schedule; and when in respect of any travel or any sector of any travel to which a specified fare relates a first class sleeper seat is or is to be provided, a surcharge may, at the discretion of the carrier concerned, apply in addition to that fare of—

(a) Not less than 10 percent of that fare; or

(b) Not less than 10 percent of the normal first class fare lawful for travel on that sector on which that sleeper seat is or is to be provided.

(3) For the purposes of this notice, it is hereby declared that the travel for which it is stated in this notice that any specified fare may apply is the only travel to which that fare relates.

(4) Subject to clause 124(1) of the General Tariff Conditions (as imported into this notice) a specified fare shall not apply unless all calculations relating to that fare and the adjustments, charges and surcharges (if any) payable in respect of the travel to which that fare relates, are made in accordance with subclause (5) or subclause (6) (as the case requires) of this clause.

(5) In respect of any travel commencing in New Zealand to which a specified fare relates, the following provisions shall apply to the conversion of that fare as specified in FCUs to New Zealand dollars—

(a) The total fare in FCUs (including all appropriate adjustments, charges, and surcharges other than excess baggage charges) shall be added together;

(b) There shall be added to the resulting figure the percentage of that figure specified in the second column of the Second Schedule to this notice (rounded up to the next highest tenth);

(c) The resulting figure in FCUs shall be multiplied by the conversion factor specified in the third column of that Schedule;

(d) The resulting figure shall be rounded up to the next whole number;

(e) The resulting figure is hereby declared to be that fare in New Zealand dollars.

(6) In respect of any travel commencing in Kuwait to which a specified fare relates, the following provisions shall apply to the conversion of that fare as specified in FCUs to Kuwait Dinars—

(a) The total fare in FCUs (including all appropriate adjustments, charges, and surcharges other than excess baggage charges) shall be added together;

(b) There shall be subtracted from the resulting figure the percentage of that figure specified in the second column of the Third Schedule to this notice (rounded down to the next lowest tenth);

(c) The resulting figure in FCUs shall be multiplied by the conversion factor specified in the third column of that Schedule;

(d) The resulting figure shall be rounded up to the next highest tenth;

(e) The resulting figure is hereby declared to be that fare in Kuwait Dinars.

(7) For the purposes of this notice, the distance specified in the first column of the First Schedule to this notice shall be the maximum permitted mileage for first class one-way travel (including travel in a first class sleeper seat) in either direction, via the route specified opposite that distance in the second column of that Schedule, between a point specified opposite that distance in the third column of that Schedule and a point specified opposite that distance in the fourth column of that Schedule.

4. Conditions—The application of every specified fare shall be subject to the following provisions:

(1) **APPLICATION—**Clause 4 of the General Tariff Conditions shall be imported into this notice; and except to the extent specified in that clause or elsewhere in this notice, a specified fare shall not apply except for first class one-way travel (including travel in a first class sleeper seat):

(2) **PERIOD OF APPLICATION—**Clause 5 of the General Tariff Conditions shall be imported into this notice:

(3) **FARES—**Clause 6 of the General Tariff Conditions shall be imported into this notice; but after the commencement of any travel for which any other fare has lawfully been paid, a specified fare shall not apply—

(a) To any rerouting of that travel; or

(b) For the purposes of calculating any refund in relation to any rerouting of that travel, or the cancellation of any unused portion of that travel,—

* Gazette, 1983 p. 3043

† Gazette, 1984 p. 1021