

IN THE HIGH COURT OF FIJI
AT LAUTOKA

JUDICIAL REVIEW NO. HBJ 5 OF 2018

IN THE MATTER of CIVIL AVIATION
AUTHORITY OF FIJI

AND

IN THE MATTER of an application by TIMOTHY JOHN JOYCE, SUNFLOWER AVIATION LIMITED, JOYCE AVIATION (FIJI) LIMITED t/a HELI TOURS FIJI, JOYCE AVIATION (FIJI) LIMITED, TALL PINES LIMITED t/a PACIFIC FLYING SCHOOL and TANDEM SKYDIVE (FIJI) LIMITED for a Judicial Review and with other reliefs including an Order of Certiorari to quash the decision made by the Civil Aviation Authority of Fiji (CAAF) and Mr Ajai Kumar, the Manager Corporate Services of CAAF made on 27th December 2017 on an apparent review of the Applicants failure to comply with Safety of Aircraft Operation contrary to section 70(1) of the Air Navigation Regulation (ANR) 1981 and deeming the Applicant no longer a fit and proper person to hold or be issued an aviation document under Regulation 53 of the ANR and revoking his Fiji Commercial Pilots Licences for aeroplanes and helicopters; deeming him no longer a fit and proper person to hold and nominated post holder position under the provisions of CAAF Standards Document and revoking the same; that he no longer be deemed to be a fit and proper person to hold any aviation document for a period of 10 years to commence from the date of the

Applicants conviction by the Nadi Magistrates Court as per section 6(1) of the Rehabilitation Act.

STATE v CIVIL AVIATION AUTHORITY OF FIJI situated at CAAF Compound, Nadi Airport, Nadi.

FIRST RESPONDENT

AJAI KUMAR, Manager Corporate Services of the Civil Aviation Authority of Fiji of CAAF Compound, Nadi Airport, Nadi.

SECOND RESPONDENT

EX-PARTE

TIMOTHY JOHN JOYCE Lot 28, Sovereign Quays, Denarau Island, and Sunflower Hanger, Nadi, Fiji, Businessman, SUNFLOWER AVIATION LIMITED, JOYCE AVIATION (FIJI) LIMITED t/a HELI TOURS FIJI, JOYCE AVIATION (FIJI) LIMITED, TALL PINES LIMITED t/a PACIFIC FLYING SCHOOL and TANDEM SKYDIVE (FIJI) LIMITED all limited liability companies having their registered office at HLB Crosby & Associates, HLB House, 3 Cruickshank Road, Nadi Airport.

APPLICANTS

Appearances : Mr R. Singh for the applicants/original respondents
Non-appearance for the respondents/original applicants

Date of Hearing : 20 July 2018

Date of Ruling : 20 July 2018

R U L I N G

[01] This is an application to seek clarification of the stay the court granted on the application to apply for Judicial Review on 05 July 2018. By its ruling, the court

granted leave to the applicants to apply for judicial review and while granting such leave the court also ordered that the granting of leave will operate as a stay of the execution of the impugned decision of the respondents.

- [02] The stay in effect allows the respondents to consider any application the applicants would make as there was no restriction on the applicants since the decision that prevents the applicants from applying for aeroplane documents is stayed.
- [03] The respondents may consider any applications that would be made by the applicant according to the relevant regulation except the conviction point that is the issue in respect of which the application for judicial review has been made.
- [04] These are my clarifications relating to the stay that was granted by the court.

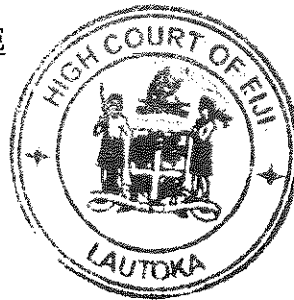
The Result

1. The stay order clarified.
2. No order as to costs.

M.H. Mohamed Ajmeer
20/7/18
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M.H. Mohamed Ajmeer

JUDGE



At Lautoka

20 July 2018

Solicitors:

For the respondents: M/s Patel & Sharma, Barristers & Solicitors