

INDIA



Treaty Series No. 12 (1989)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of India

further amending the Air Services Agreement
of 1951, as amended

New Delhi, 28 October 1988

[The Exchange of Notes entered into force on 28 October 1988]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
May 1989*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF INDIA
FURTHER AMENDING THE AIR SERVICES AGREEMENT
OF 1951, AS AMENDED**

No. 1

*The United Kingdom High Commissioner at New Delhi to the Secretary of the Ministry of
Tourism and Civil Aviation of India*

*British High Commission
New Delhi
28 October 1988*

Sir,

I have the honour to refer to the Air Services Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of India signed at New Delhi on 1 December 1951¹ as amended, (hereinafter called "the Agreement"), and to discussions which took place between official delegations in London in December 1987 to review the implementation of the Agreement.

In accordance with the decisions arrived at in those discussions, the Government of the United Kingdom of Great Britain and Northern Ireland propose that the Agreement should be further amended:

- (i) by the insertion, after Article X of the Agreement, of an additional Article X *bis*, in the terms set out in the Schedule to this Note;
- (ii) by the addition, after the words "or Calcutta" in Column 4 of Route I in Schedule I to the Agreement, of the words "or Madras"; and
- (iii) by the substitution, for the words "A point in Canada" in Column 5 of Route I in Schedule II to the Agreement, of the words "Toronto or Montreal".

If the above proposals are acceptable to the Government of India, I have the honour to suggest that this Note and your Excellency's reply in this matter shall constitute an Agreement between our two Governments which shall enter into force on today's date.

A. D. S. GOODALL

¹ Cmnd. 8451 as amended by Cmd. 8890, Cmd. 9286, Cmnd. 275, Cmnd. 837, Treaty Series No. 58 (1967), Cmnd. 3317 and Treaty Series No. 52 (1984), Cmnd. 9273.

SCHEDULE

Aviation Security

ARTICLE X *bis*.

1. The assurance of safety for civil aircraft, their passengers and crew being a fundamental pre-condition for the operation of international air services, the Contracting Parties reaffirm that their obligations to each other to provide for the security of civil aviation against acts of unlawful interference (and in particular their obligations under the Chicago Convention¹, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963², the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970³ and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971⁴) form an integral part of this Agreement.
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 airport navigation facilities, and any other threat to the security of civil aviation.
3. 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 Convention to the extent that such security provisions are applicable to the Contracting Parties; they shall require that operators of aircraft of their registry or operators who have their principal place of business or permanent residence in their territory, and the operators of airports in their territory, act in conformity with such aviation security provisions.
4. Each Contracting Party agrees that its airlines may be required to observe the aviation security provisions referred to in paragraph 3 required by the other Contracting Party, for entrance into, departure from, or while within, the territory of that other Contracting Party. Each Contracting Party shall ensure that effective measures are taken within its territory to protect aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and aircraft stores prior to and during boarding or loading. 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.
5. 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.

¹ Treaty Series No. 8 (1953), Cmd. 8742.

² Treaty Series No. 126 (1969), Cmnd. 4230.

³ Treaty Series No. 39 (1972), Cmnd. 4956.

⁴ Treaty Series No. 10 (1974), Cmnd. 5524.

No. 2

*The Secretary of the Ministry of Tourism and Civil Aviation of India to the United Kingdom
High Commissioner at New Delhi*

*Ministry of Tourism and Civil Aviation
New Delhi*

28 October 1988

Sir,

I have the honour to acknowledge the receipt of your Note of today's date, the text of which is as follows:—

[As in No. 1]

In reply, I have the honour to inform your Excellency that these proposals are acceptable to the Government of India and that your Excellency's Note together with the present Note, therefore, constitute an Agreement between our two Governments in this matter which shall enter into force on today's date.

Please accept, Sir, the assurances of my highest consideration.

S. K. MISRA

[Schedule as in No. 1]