STATUTORY INSTRUMENTS

1971 No. 1134

CIVIL AVIATION

The Civil Aviation (Airport Charges) (Sale of Detained Aircraft) Regulations 1971

Made - - -	13*th July* 1971
Coming into Operation	30*th July* 1971

The Secretary of State, in exercise of his powers under section 14(4) of the Civil Aviation Act 1968(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations.

Citation and operation

1. These Regulations may be cited as the Civil Aviation (Airport Charges) (Sale of Detained Aircraft) Regulations 1971 and shall come into operation on 30th July 1971.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Civil Aviation Act 1968;

"an authority" means an aerodrome authority which has detained an aircraft under section 14 of the Act;

"operator" in relation to an aircraft, means the person who, at the relevant time, has the management of that aircraft.

(2) The Interpretation Act 1889(b) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

Steps to be taken to bring proposed application to court to notice of interested persons and afford them an opportunity of becoming a party to the proceedings.

3. An authority proposing to apply to the court for leave to sell an aircraft under section 14 of the Act shall take such of the following steps for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon and for affording to any such person an opportunity of becoming a party to the proceedings on the application as are applicable to the aircraft:

(1) At least 21 days before applying to the court, the authority shall publish:

(i) in the London Gazette and also, if the aircraft is detained in Scotland, in the Edinburgh Gazette; and

(a) 1968 c. 61. (b) 1889 c. 63.

(ii) in one or more local newspapers circulating in the locality in which the aircraft is detained

such a notice as is prescribed by Regulation 4 of these Regulations, and shall also, unless in that case it is impracticable to do so, serve such a notice, in the manner so prescribed, on each of the following persons:

(*a*) the person in whose name the aircraft is registered;

(*b*) the person, if any, who appears to the authority to be the owner of the aircraft;

(*c*) any person who appears to the authority to be a charterer of the aircraft whether or not by demise;

(*d*) any person who appears to the authority to be the operator of the aircraft;

(*e*) H P Information Ltd being a company incorporated under the Companies Act 1948(**a**);

(*f*) any person who is registered as a mortgagee of the aircraft under an Order in Council made under section 16 of the Act or who appears to the authority to be a mortgagee of the aircraft under the law of any country other than the United Kingdom;

(*g*) any other person who appears to the authority to have a proprietary interest in the aircraft.

(2) If any person who has been served with a notice in accordance with paragraph (1) of this Regulation informs the authority in writing within 14 days of the service of the notice of his desire to become a party to the proceedings the authority shall make that person a defendant to the application.

Content and service of the notice under Regulation 3

4.—(1) A notice under Regulation 3 of these Regulations shall—

(*a*) state the nationality and registration marks of the aircraft;

(*b*) state the type of aircraft;

(*c*) state that, by reason of default in the payment of a sum due to the authority for airport charges, the authority, on a date which shall be specified in the notice, detained the aircraft under section 14 of the Act, and, unless payment of the sum so due is made within a period of 56 days from the date when the detention began, or within 21 days of the date of service of the notice, whichever shall be the later, will apply to the court for leave to sell the aircraft;

(*d*) invite the person to whom the notice is given to inform the authority in writing within 14 days of the service of the notice if he wishes to become a party to the proceedings on the application.

(2) A notice under Regulation 3 of these Regulations shall be served—

(*a*) by delivering it to the person to whom it is to be sent; or

(*b*) by leaving it at his usual or last known place of business or abode; or

(*c*) by sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to him at his usual or last known place of business or abode; or

(**a**) 1948 c. 38.

(*d*) if the person to whom it is to be sent is an incorporated company or body, by delivering it to the secretary, clerk or other appropriate officer of the company or body at their registered or principal office, or sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary, clerk or other officer of the company or body at that office.

(3) Any notice which is sent by post in accordance with the preceding paragraph, to a place outside the United Kingdom shall be sent by air mail or by some other equally expeditious means.

Michael Noble,
Minister for Trade,
Department of Trade and Industry.

13th July 1971.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe the steps to be taken by an aerodrome authority which has detained an aircraft in Great Britain under section 14 of the Civil Aviation Act 1968 for non-payment of airport charges, before applying to the court for leave to sell the aircraft under that section. By virtue of section 28(6) of the Civil Aviation Act 1968, section 14 of that Act ceased to extend to Northern Ireland on 13th July 1971, the date appointed under section 13(2) of that Act, by the Civil Aviation Act 1968 (Commencement) Order 1971 (S.I. 1971/1133 (C. 27)) for the repeal of specified provisions of the Civil Aviation Act 1968 relating to aerodromes in Northern Ireland.