STATUTORY INSTRUMENTS

1964 No. 1071

CIVIL AVIATION

The Civil Aviation (Navigation Services Charges) Regulations 1964

Made - - - -	*9th July* 1964
Laid before Parliament	16*th July* 1964
Coming into Operation	1*st November* 1964

The Minister of Aviation in exercise of the powers conferred on him by sections 4, 5 and 7 of the Civil Aviation (Eurocontrol) Act 1962(a) and of all other powers enabling him in that behalf, and with the consent of the Treasury in respect of Regulations 4, 5 and 6, hereby makes the following Regulations:—

Citation and Operation

1. These Regulations may be cited as the Civil Aviation (Navigation Services Charges) Regulations 1964 and shall come into operation on 1st November 1964.

Interpretation

2.—(1) In these Regulations

"the Act" means the Civil Aviation (Eurocontrol) Act 1962;

"maximum total weight authorised" means, in relation to an aircraft, the maximum total weight of the aircraft and its contents at which the aircraft may take off in the United Kingdom in the most favourable circumstances in accordance with the certificate of airworthiness for the time being in force in respect of the aircraft; however, if that certificate indicates a maximum total weight at which the aircraft may taxi, that weight shall be taken to be the maximum total weight authorised;

"the specified amount" means, in relation to a landing or take-off, the additional cost incurred by the Minister in providing navigation services by reason of the landing or take-off, as the case may be, being made outside hours;

"the standard charge" means in the case of aircraft other than helicopters a charge of three shillings for each complete 1,000 lb. of the maximum total weight authorised of the aircraft in respect of which the charge is made, and three shillings for each fraction of 1,000 lb. not being less than 500 lb. and in the case of helicopters a charge equal to one half of those amounts;

"within hours" means within the notified hours of watch of the air traffic control unit at the aerodrome, and "outside hours" shall be construed accordingly.

(2) Expressions used in these Regulations shall unless the context otherwise requires have the same respective meanings as in the Air Navigation Order 1960(b) as amended(c).

(a) 10 & 11 Eliz. 2. c. 8. (b) S.I. 1960/972 (1960 I, p. 599).
(c) The relevant amendments are S.I. 1960/2410, 1962/1332, 1963/608, 1488 (1960 I, p. 680; 1962 II, p. 1423; 1963 I, p. 724; II, p. 2620).

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

Application of Regulations

3. These Regulations shall apply in respect of the following aerodromes, namely, London (Heathrow), London (Gatwick), Stansted, Prestwick, Aberdeen (Dyce), Belfast (Aldergrove), Bournemouth (Hurn), Cardiff (Rhoose), Edinburgh (Turnhouse), Glasgow (Renfrew), Manchester (Ringway), Birmingham (Elmdon) and Liverpool (Speke).

Charges for navigation services

4.—(1) Subject to the provisions of these Regulations, the operator of every aircraft for which navigation services are provided by the Minister in connection with the use of an aerodrome in respect of which these Regulations apply (whether or not the services are actually used or could be used with the equipment installed in the aircraft) shall pay to the Minister for those services on the occasion specified in the first column of the following table the charges specified in relation to those occasions in the second column thereof:—

TABLE

(1) Upon the landing of the aircraft at that aerodrome within hours	the standard charge.
(2) Upon the landing of the aircraft at that aerodrome outside hours	the standard charge surcharged by 75%, (in the case of a helicopter by 150%) or by the specified amount, whichever is the greater.
(3) Upon the take-off of the aircraft at that aerodrome outside hours, being either (i) a take-off which does not take place within 1 hour of landing or (ii) a take-off which takes place within 1 hour of a landing made within hours	the specified amount or 75% of the standard charge (in the case of a helicopter 150%) whichever is the greater.

(2) Where on the occasion of any landing or take-off (as the case may be) the distance in the case of a landing between the point of take-off and the point of landing and in the case of a take-off between the point of take-off and the point of intended landing does not exceed 115 miles measured along the great circle, for the references to "the standard charge" in the Table in sub-paragraph (1) of this paragraph there shall be substituted references to "half the standard charge".

(a) 52 & 53 Vict. c. 63.

Services provided outside hours where the intention to land or take-off is not carried out

5. Whenever, by reason of his having received from the operator or commander of an aircraft notice of intention to make use outside hours of an aerodrome in respect of which these Regulations apply for landing or take-off or as an alternate aerodrome, the Minister provides navigation services outside hours but the aircraft does not land or take off there on the occasion specified in the notice, the operator of the aircraft shall pay, in respect of each such aerodrome—

(*a*) in the case of an intended landing or intended use of the aerodrome as an alternate aerodrome: an amount equal to the surcharge payable under Regulation 4 of these Regulations on the landing of the aircraft outside hours;

(*b*) in the case of an intended take-off an amount equal to the charge, if any, which would have been payable under Regulation 4 of these Regulations if the aircraft had actually taken off outside hours at the intended time:

Provided that a charge shall not be payable under this Regulation if the notice of intention is cancelled not less than 30 minutes before the end of the last period of watch within hours before the time specified in the notice for landing or for the intended use of the aerodrome as an alternate aerodrome or for take-off as the case may be.

Dispensations

6. The Minister may dispense wholly or in part with any charge payable under Regulations 4 and 5 of these Regulations, if he is satisfied that it is proper to do so in the particular case.

Use of certain records as evidence

7. For the purposes of section 5(1) of the Act (which provides that certain records made by an authority or person designated by the Regulations for the purposes of that subsection shall, if produced from the custody of that authority or person be evidence, and in Scotland sufficient evidence, of the matters appearing from the record), the Minister of Aviation is hereby designated in relation to proceedings to which the said section 5 applies.

Detention of aircraft

8. In the case of default in the payment of any charge payable by an operator under these Regulations, the Minister or an authorised person may take such steps as are necessary to detain, pending payment, the aircraft in respect of which the charge was incurred or any other aircraft of which the person in default is the operator at the time when the detention begins.

Julian Amery,
Minister of Aviation.

9th July 1964.

We consent to the making of these Regulations.

John Peel,
M. A. Hamilton,
Lords Commissioners of Her Majesty's Treasury.

9th July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations for the first time require separate charges (which are specified in the Regulations) to be paid by operators of aircraft using the aerodromes specified in Regulation 3 in respect of navigation services provided by the Minister of Aviation for such aircraft. The charges will be payable from 1st November 1964. Provision is made for detention of aircraft for non-payment of charges.