2000 No. 599

CIVIL AVIATION

The Civil Aviation (Navigation Services Charges) Regulations 2000

Made - - - -	*6th March 2000*
Laid before Parliament	*8th March 2000*
Coming into force	*1st April 2000*

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by sections 73(1)(a), (3), (4) and (6)(a) and 74(4)(a) and (5) of the Civil Aviation Act 1982**(a)** and of all other powers enabling him in that behalf, and with the consent of the Treasury in respect of regulations 4 to 10 inclusive, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Navigation Services Charges) Regulations 2000 and shall come into force on 1st April 2000.

Interpretation

2.—(1) In these Regulations–

"aircraft documents", in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

"airport charges" means charges payable to a person owning or managing an aerodrome in the United Kingdom to which section 88 of the Civil Aviation Act 1982**(b)** or any enactment having the force of law in Northern Ireland containing provisions corresponding to that section for the time being applies for the use of, or for services provided at, the aerodrome but does not include charges payable by virtue of these Regulations;

"authorised person" means–

(a) any constable; and

(b) any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"the court" means, as respects England and Wales, the High Court, as respects Scotland, the Court of Session and, as respects Northern Ireland, the High Court of Justice in Northern Ireland;

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

(a) 1982 c. 16; section 73(4) was amended by section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 (c. 11). The expression "prescribed" is defined in section 105(1).

(b) Section 88(10) was amended by section 83(5) and Part I of Schedule 6 to the Airports Act 1986 (c. 31) and by section 180 of, paragraph 126(1) and (4) of Schedule 13 to and Schedule 14 to the Local Government etc. (Scotland) Act 1994 (c. 39).

"the specified amount" means, in relation to a landing or take-off, the additional cost incurred by the CAA 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, for each complete metric tonne of the maximum total weight authorised of the aircraft in respect of which the charge is made, and for each fraction of a metric tonne, a charge for services provided in connection with the use of any one of the aerodromes specified in column 1 of the following Table in respect of an aircraft engaged on any flight, of the amount specified in relation to that aerodrome in column 2 of the said Table;

TABLE

(1)	(2)
Heathrow-London	£1.08
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes	
For each additional metric tonne, and for each fraction of a metric tonne, over 100 metric tonnes	£0.44
Gatwick-London	
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes	£1.08
For each additional metric tonne, and for each fraction of a metric tonne, over 100 metric tonnes	£0.44
Stansted-London	
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes	£1.08
For each additional metric tonne, and for each fraction of a metric tonne, over 100 metric tonnes	£0.44
Aberdeen (Dyce)	£3.38
Edinburgh	£1.78
Glasgow	£2.05

"United Kingdom Air Pilot" means a document published by the CAA and so entitled;

"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) Unless otherwise defined in this regulation and unless the context otherwise requires, expressions used in these Regulations shall have the same respective meanings as in the Air Navigation (No. 2) Order 1995**(a)**.

Revocation

3. The Regulations specified in Schedule 1 hereto are hereby revoked.

Charges for navigation services at aerodromes

4.—(1) Subject to the provisions of these Regulations, the operator of every aircraft for which navigation services are provided by the CAA in connection with the use of an aerodrome referred

(a) S.I. 1995/1970, to which there are amendments not relevant to these Regulations.

to in the Table in regulation 2(1) of these Regulations (whether or not the services are actually used or could be used with the equipment installed in the aircraft) shall pay to the CAA 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

(a) Upon each landing of the aircraft at that aerodrome within hours	the standard charge.
(b) Upon each landing of the aircraft at that aerodrome outside hours	the standard charge surcharged by 75% or by the specified amount whichever is the greater.
(c) Upon each 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	the specified amount or 75% of the standard charge whichever is the greater.
(ii) a take-off which takes place within 1 hour of a landing made within hours	

(2) Where on the occasion of any landing or take-off (as the case may be) other than one to which paragraph (4) applies in connection with a flight which is not for the purpose of public transport the shortest distance in the case of a landing between the aerodrome of departure and the aerodrome of landing and in the case of a take-off between the aerodrome of departure and the aerodrome of intended landing does not exceed 185 kilometres measured along the great circle, for the references to "the standard charge" in the Table in paragraph (1) of this regulation there shall be substituted references to "50% of the standard charge".

(3) Subject to paragraph (6) below, where on the occasion of any landing or take-off (as the case may be) at Aberdeen (Dyce), Edinburgh or Glasgow aerodrome by an aircraft on a scheduled journey the shortest distance in the case of a landing between the aerodrome of departure and the aerodrome of landing and in the case of a take-off between the aerodrome of departure and the aerodrome of intended landing does not exceed 185 kilometres measured along the great circle, for the references to "the standard charge" in the Table in paragraph (1) of this regulation there shall be substituted references to "50% of the standard charge".

(4) Where on the occasion of any landing or take-off (as the case may be) in connection with a flight made exclusively for the purpose of instruction or testing of flight crew, for the references to "the standard charge" in the Table in paragraph (1) of this regulation there shall be substituted references to "50% of the standard charge" in the case of any aerodrome referred to in the Table in regulation 2(1) of these Regulations.

(5) The minimum charge payable under this regulation shall be £10.00.

(6) Paragraph (3) above shall not apply to any flight to which regulation 7 applies.

Charges for approach services provided from an aerodrome to aircraft which do not land at that aerodrome

5.—(1) Subject to the provisions of these Regulations, the operator of every aircraft engaged on a flight which is not for the purpose of public transport for which navigation services are provided by the CAA in connection with an approach to an aerodrome referred to in the Table in regulation 2(1) of these Regulations, not being the aerodrome of intended landing of the aircraft (whether or not the services are actually used or could be used with the equipment installed in the aircraft), shall pay to the CAA for those services for each approach to any aerodrome referred to in the said Table 25% of the standard charge.

(2) The minimum charge payable under this regulation shall be £10.00.

Charges for services provided in the Shanwick Oceanic Control Area

6. Subject to the provisions of these Regulations, the operator of every aircraft (whether or not registered in the United Kingdom) which flies within the Shanwick Oceanic Control Area, as

described in the United Kingdom Air Pilot on the date these Regulations are made, and in respect of which a flight plan is communicated to the appropriate air traffic control unit in relation to its flight in that Area shall pay to the CAA, for the navigation services made available by it in relation to that flight, a charge of £55.00.

Charges for services provided for North Sea helicopters

7.—(1) Subject to the provisions of these Regulations, the operator of every helicopter (whether or not registered in the United Kingdom) which flies within the area specified in paragraph (2) of this regulation while on a flight from any place in the United Kingdom to a vessel or an off-shore installation within the said area shall pay to the CAA, for the navigation services made available by it in relation to that flight, a charge of £189.00.

(2) The area referred to in paragraph (1) of this regulation is the area bounded by straight lines joining successively the following points–

6300N 00500W; 632833N 000000EW; thence south along the UK Median Line to 5500N 00302E; 5500N 00100W; 5600N 00230W; 5740N 00230W; 5740N 00400W; 5830N 00400W; 5830N 00500W; 6300N 00500W.

(3) Subject to the provisions of these Regulations, the operator of every helicopter (whether or not registered in the United Kingdom) which flies within the area specified in paragraph (4) of this regulation while on a flight from any place in the United Kingdom to a vessel or an off-shore installation within the said area shall pay to the CAA for the navigation services made available by it in relation to that flight, a charge of £74.00.

(4) The area referred to in paragraph (3) of this regulation is the area bounded by straight lines joining successively the following points–

5500N 00100W; 5500N 00300E; 5423N 00245E; 5256N 00309E; 5230N 00247E; 5226N 00137E; 5238N 00140E; 5251N 00124E; 5319N 00010E; 5500N 00100W.

Value Added Tax charge

8. For the purpose of reimbursing the CAA in respect of value added tax payable on the provision of navigation services for which a charge is payable pursuant to these Regulations there shall be charged an additional charge equal to the amount of such tax and the incidence of the first mentioned charge shall determine the incidence of the additional charge.

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

9.—(1) Subject to paragraph (2), whenever, by reason of its having received from the operator or commander of an aircraft notice of intention to make use outside hours of an aerodrome referred to in the Table in regulation 2(1) of these Regulations for landing or take-off or as an alternate aerodrome, the CAA provides navigation services outside hours but the aircraft does not land or take-off 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 paragraph (b) of the Table in regulation 4(1) 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 paragraph (c) of the Table in regulation 4(1) of these Regulations if the aircraft had actually taken off outside hours at the intended time.

(2) 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

10. The CAA may dispense wholly or in part with any charge payable by virtue of these Regulations if it determines that it is proper to do so having regard to all the circumstances of the case.

Detention and sale of aircraft for unpaid charges

11. Where default is made in the payment of charges incurred in respect of any aircraft under these Regulations, the CAA or an authorised person may, subject to the provisions of this and the following regulations, take such steps as are necessary to detain, pending payment, either–

(a) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins); or

(b) any other aircraft of which the person in default is the operator at the time when the detention begins;

and if the charges are not paid within 56 days of the date when the detention begins, the CAA may, subject to the following regulations, sell the aircraft in order to satisfy the charges.

12. The CAA or authorised person concerned shall not detain, or continue to detain, an aircraft under these Regulations by reason of any alleged default in the payment of charges payable under these Regulations if the operator of the aircraft or any other person claiming an interest therein–

(a) disputes that the charges, or any of them, are due or, if the aircraft is detained under regulation 11(a) of these Regulations, that the charges in question were incurred in respect of that aircraft; and

(b) gives to the CAA, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

13. The CAA shall not sell an aircraft under these Regulations without the leave of the court; and the court shall not give leave except on proof that a sum is due to the CAA for charges under these Regulations, that default has been made in the payment thereof and that the aircraft which the CAA seeks leave to sell is liable to sale under these Regulations by reason of the default.

14. The CAA shall, before applying to the court for leave to sell an aircraft under these Regulations, take such steps for bringing the proposed application to the notice of interested persons and for affording them an opportunity of becoming a party to the proceedings as are set forth in Schedule 2 to these Regulations. If such leave is given, the CAA shall secure that the aircraft is sold for the best price that can be reasonably obtained; but failure to comply with any requirement of this regulation or of the said Schedule in respect of any sale, while actionable as against the CAA at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.

15. The proceeds of any sale under these Regulations shall be applied as follows, and in the following order, that is to say–

(a) in payment of any customs duty which is due in consequence of the aircraft having been brought into the United Kingdom;

(b) in payment of the expenses incurred by the CAA in detaining, keeping and selling the aircraft, including its expenses in connection with the application to the court;

(c) in payment of the charges in respect of any aircraft which the Court has found to be due by virtue of these or any other Regulations under section 73**(a)** of the Civil Aviation Act 1982;

(d) in payment of any airport charges incurred in respect of the aircraft which are due from the operator of the aircraft to the person owning or managing the aerodrome at which the aircraft was detained under these Regulations;

and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

16. The power of detention and sale conferred by these Regulations in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in regulations 12 to 15 of these Regulations include, except where the context otherwise requires, references to any such equipment and stores.

(a) Section 73 was also amended by section 1 of the Civil Aviation (Air Navigation Charges) Act 1989 (c. 9).

17. The power of detention conferred by these Regulations in respect of an aircraft extends to any aircraft documents carried in it, and any such documents may, if the aircraft is sold under these Regulations, be transferred by the CAA to the purchaser.

18. The power conferred by these Regulations to detain an aircraft may be exercised on any occasion when the aircraft is on any aerodrome referred to in the Table in regulation 2(1) of these Regulations or to which section 88 of the Civil Aviation Act 1982 for the time being applies and to Belfast International Airport, Belfast City Airport and Eglinton Airport.

19. Nothing in these Regulations shall prejudice any right of the CAA to recover any charges, or any part thereof, by action.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Chris Mullin
Parliamentary Under Secretary of State,
1st March 2000 Department of the Environment, Transport and the Regions

We consent to the making of these Regulations

Bob Ainsworth
Greg Pope
Two of the Lords Commissioners
6th March 2000 of Her Majesty's Treasury

SCHEDULE 1

(Regulation 3)

(1) *Regulations revoked*	(2) *References*
The Civil Aviation (Navigation Services Charges) Regulations 1998	S.I. 1998/532
The Civil Aviation (Navigation Services Charges) (Amendment) Regulations 1998	S.I. 1998/2975
The Civil Aviation (Navigation Services Charges) (Second Amendment) Regulations 1999	S.I. 1999/618
The Civil Aviation (Navigation Services Charges) (Third Amendment) Regulations 1999	S.I. 1999/1412
The Civil Aviation (Navigation Services Charges) (Fourth Amendment) Regulations 1999	S.I. 1999/3227

SCHEDULE 2

(Regulation 14)

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

1. The CAA, if it proposes to apply to the court for leave to sell an aircraft under these Regulations, 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 CAA shall publish–

(i) in the London Gazette and also, if the aircraft is detained in Scotland, the Edinburgh Gazette, or, if it is detained in Northern Ireland, in the Belfast Gazette; and

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

such a notice as is prescribed by paragraph 2 of this Schedule, and shall also, unless in that case it is impracticable to so do, 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 CAA to be the owner of the aircraft;

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

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

(e) any person who is registered as a mortgagee of the aircraft under an Order in Council made under section 86 of the Civil Aviation Act 1982**(a)** or who appears to the CAA to be a mortgagee of the aircraft under the law of any country other than the United Kingdom;

(a) 1982 c. 16; section 86 was amended by section 314(2) of and paragraph 64(b) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21).

(f) any other person who appears to the CAA to have a proprietary interest in the aircraft.

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

Content and service of the notice under paragraph 1

2.—(1) A notice under paragraph 1 of this Schedule 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 CAA for charges imposed by these Regulations, the CAA, on a date which shall be specified in the notice, detained the aircraft under these Regulations 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 CAA 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 paragraph 1 of this Schedule 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

(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 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Civil Aviation (Navigation Services Charges) Regulations 1998, as amended.

In addition to some minor and drafting amendments the following changes of substance are made:–

(1) The charges payable to the CAA for navigation services provided in connection with the use of aerodromes specified in the Table in regulation 2(1) have been changed as follows:–

The standard charge at Aberdeen (Dyce) is increased from £2.92 per metric tonne to £3.38. The standard charge at Edinburgh is increased from £1.67 per metric tonne to £1.78. The standard charge at Glasgow is increased from £1.90 per metric tonne to £2.05.

(2) The charge payable to the CAA by the operator of an aircraft which flies within the Shanwick Oceanic Control Area and in respect of which a flight plan is communicated to the appropriate air traffic control unit is reduced from £62 to £55 (regulation 6).

(3) The charge payable to the CAA by the operator of a helicopter which flies from any place in the United Kingdom to a vessel or an off-shore installation within the area of the Northern North Sea described in regulation 7(2) is increased from £147 to £189 (regulation 7(1)).

(4) The charge payable to the CAA by an operator of a helicopter which flies from any place in the United Kingdom to a vessel or an off-shore installation within the area of the Southern North Sea described in regulation 7(4) is increased from £55 to £74 (regulation 7(3)).

STATUTORY INSTRUMENTS

2000 No. 599

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