STATUTORY INSTRUMENTS

1971 No. 1715

CIVIL AVIATION

The Civil Aviation (Route Charges for Navigation Services) Regulations 1971

Made - - -	*25th October* 1971
Laid before Parliament	*29th October* 1971
Coming into Operation	*1st November* 1971

Whereas in pursuance of tariffs approved under the Eurocontrol Convention(**a**) and in the opinion of the Secretary of State likely to be approved, before or within one month after the date when the following Regulations come into force, under the Multilateral Agreement relating to the Collection of Route Charges concluded at Brussels on 8th September 1970(**b**) (being an international agreement to which the United Kingdom is likely to be a party before or within one month after the date when the following Regulations come into force) (hereinafter referred to as "the Multilateral Agreement") the Secretary of State has determined rates of charges, as specified in the following Regulations, payable to the Eurocontrol Organisation in respect of navigation services provided for aircraft in the airspace hereinafter specified :

Now, therefore, the Secretary of State, in exercise of his powers under sections 4 and 7(1) of the Civil Aviation (Eurocontrol) Act 1962(**c**), section 15(3) of the Civil Aviation Act 1968(**d**), and paragraph 6 of Schedule 10 to the Civil Aviation Act 1971(**e**) 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 (Route Charges for Navigation Services) Regulations 1971 and shall come into operation on 1st November 1971.

Interpretation

2.—(1) In these Regulations—

"United Kingdom Air Pilot" means a document published by Her Majesty's Stationery Office and so entitled.

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1970(**f**) as amended (**g**) or in the Regulations made thereunder.

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

(**a**) Cmnd. 2114. (**b**) Cmnd. 4726. (**c**) 1962 c. 8.
(**d**) 1968 c. 61. (**e**) 1971 c. 75.
(**f**) S.I. 1970/954 (1970 II, p. 2964).
(**g**) There is no relevant amending instrument. (**h**) 1889 c. 63.

Charge to be paid to Eurocontrol

3.—(1) Subject to the provisions of these Regulations the operator of any aircraft (whether or not registered in the United Kingdom) for which navigation services (not being navigation services provided in connection with the use of an aerodrome) are made available in the airspace defined in Regulation 5 of these Regulations shall pay to the Organisation in respect of each flight by that aircraft in that airspace, a charge for those services (hereinafter referred to as "the charge") at the appropriate rate calculated in accordance with Regulation 6 or 7 of these Regulations:

Provided that if the Organisation is unable after taking reasonable steps to ascertain who is the operator, it may give notice to the owner of the aircraft that it will treat him as the operator until he establishes to the reasonable satisfaction of the Organisation that some other person is the operator: and from the time when the notice is given, the Organisation shall be entitled, for so long as the owner is unable to establish as aforesaid that some other person is the operator to treat the owner as if he were the operator, and for that purpose the provisions of these Regulations (other than this proviso) shall apply to the owner of the aircraft as if he were the operator.

(2) No charge shall be made in respect of such a flight as is specified in Regulation 7 of these Regulations which enters the airspace defined in Regulation 5 if the operator is liable to a charge in respect of that flight (being a charge of an amount equivalent to the charge in respect thereof which but for this paragraph would have been imposed by virtue of Regulation 7), pursuant to the law of the first State, other than the United Kingdom, overflown during that flight, which has agreed to entrust to the Organisation the collection of such charges.

Payment

4.—(1) The amount of the charge shall be payable to the Organisation at its principal office in Brussels.

(2) Any charge the amount of which has not been paid within a period of thirty days after the date of the despatch of the invoice therefor shall be liable to be increased by the addition thereto of interest from the date specified in paragraph (3) of this Regulation until the date of payment at the rate of nine per cent per annum.

(3) Such interest shall commence to run on the first day of the first month following the despatch by the Organisation, by recorded delivery, of a demand for payment, or on the first day of the fifth month following the termination of the flight, whichever is the earlier.

(4) Subject to paragraph (6) of this Regulation, the amount of the charge, increased where appropriate in accordance with paragraph (2) of this Regulation, shall be paid in United States dollars.

(5) Without prejudice to any existing rule of law relating to the payment, under an order of the court, of a debt expressed in foreign currency, the equivalent in sterling of the charge increased where appropriate as aforesaid, may be recovered in any court of competent jurisdiction in the United Kingdom.

(6) Nothing in this Regulation shall prevent the Organisation from accepting as a good discharge payment in currencies other than United States dollars or at places other than the principal office of the Organisation.

Limits of Airspace

5. The airspace referred to in Regulation 3 of these Regulations is the airspace comprised in the following regions, that is to say :—

London Flight Information Region
London Upper Flight Information Region
Preston Flight Information Region
Preston Upper Flight Information Region
Scottish Flight Information Region
Scottish Upper Flight Information Region

as described, on the date of coming into operation of these Regulations, in the "United Kingdom Air Pilot".

Calculation of the Charge

6.—(1) Except in the case of the flights specified in Regulation 7 of these Regulations, the charge shall subject to the provisions of paragraph (7) of this Regulation be calculated according to the following formula :—

$$r = N \times 2.4585 \text{ United States dollars}$$

where r is the charge for the flight and N is the number of service units relating to that flight.

(2) For the purpose of the preceding paragraph, the number of service units relating to a flight shall be calculated in accordance with the following formula :—

$$N = d \times p$$

where d is the distance factor for the flight and p is the weight factor for the aircraft concerned.

(3) For the purposes of the preceding paragraph—

(*a*) the distance factor shall be the number of kilometres in the great circle distance between the points specified in paragraph (4) of this Regulation minus 20 kilometres for each landing and take-off in the airspace defined in Regulation 5 of these Regulations, divided by 100 and expressed to two places of decimals, and

(*b*) the weight factor, subject to the provisions of paragraph (6) of this Regulation, shall be equal to the square root of the quotient obtained by dividing by 50 the number of metric tons in the maximum total weight authorised of the aircraft and shall be expressed to two places of decimals.

(4) The points referred to in paragraph (3) of this Regulation are :

(*a*) The aerodrome of departure within the airspace defined in Regulation 5 of these Regulations or, as the case may be, the point specified in paragraph (5) of this Regulation as the standard point of entry into that airspace for the route in question or, in the case specified in the proviso to that paragraph, the actual point of entry into that airspace ; and

(*b*) the aerodrome of first destination within the airspace so defined or, as the case may be, the point specified in paragraph (5) of this Regulation as the standard point of exit from the airspace for the route in question or, in the case specified in the proviso to that paragraph, the actual point of exit from that airspace.

(5) The standard points of entry and exit referred to in paragraph (4) of this Regulation are the points, as described in the "United Kingdom Air Pilot"

on the date of coming into operation of these Regulations, where the median line of the appropriate airway or upper ATS route so described crosses the boundary of the airspace defined in Regulation 5 of these Regulations.

For the purposes of this paragraph, the appropriate airway or route shall be—

(*a*) the airway or route between the aerodrome of departure and the aerodrome of first destination which appears to the Organisation at the time of the flight to be the most frequently used such airway or route ; or

(*b*) if the Organisation is unable to ascertain which such airway or route is the most frequently used at the relevant time, the shortest such airway or route ;

Provided that in the case of a flight in respect of which the aerodrome of departure or the aerodrome of first destination is situated in one of the zones specified in column 1 of the Schedule to these Regulations but no aerodrome is specified in column 2 of the said Schedule, the point of entry into or, as the case may be, of exit from the said airspace over the Atlantic Ocean shall be the actual point where the flight in question crosses the lateral limits of the said airspace as described in the "United Kingdom Air Pilot" at the date of coming into operation of these Regulations.

(6) The weight factor for an aircraft of any type shall be calculated by reference to the maximum total weight authorised of the heaviest aircraft of that type :

Provided that where an operator has indicated to the Organisation within the period of six months immediately preceding the flight, the composition of the fleet of aircraft of which he disposes and that it includes two or more aircraft which are different versions of the same type of aircraft, the weight factor shall be calculated by reference to the average of the maximum total weight authorised of all his aircraft of that type so indicated to the Organisation.

(7) In the case of an aircraft whose maximum total weight authorised is not less than two metric tons and does not exceed 5·7 metric tons, the sum referred to in the formula specified in Regulation 6(1) of these Regulations shall, in the case of flights made whether wholly or in part in accordance with the Instrument Flight Rules, be 1.2992 United States dollars instead of 2.4585 United States dollars.

Transatlantic flights

7. The charge in relation to a flight which enters the airspace defined in Regulation 5 of these Regulations and in respect of which the aerodrome of departure or the aerodrome of first destination, as the case may be, is specified in column 2 of the Schedule to these Regulations and the aerodrome of first destination or the aerodrome of departure, as the case may be, is situated in any one of the zones specified in column 1 of that Schedule shall be calculated according to the following formula :—

$$c = Z \times p$$

where c is the charge payable, Z is the charge specified in column 3 of that Schedule appropriate to a maximum total weight authorised of 50 metric tons and p is the weight factor of the aircraft in question determined in accordance with Regulation 6 of these Regulations.

Exempt flights

8.—(1) These Regulations shall not apply to the following flights:

(i) flights by military aircraft;

(ii) flights made for the purposes of search and rescue operations;

(iii) flights made entirely in accordance with the Visual Flight Rules;

(iv) flights terminating at the aerodrome from which the aircraft has taken off and during which an intermediate landing has not been made;

(v) flights other than the flights referred to in sub-paragraph (i) of this Regulation made by aircraft which are the property of a State (including customs and police aircraft) and which are not made for commercial purposes;

(vi) flights made for the purpose of checking or testing equipment used or intended to be used as aids to air navigation;

(vii) test flights and flights made exclusively for the purposes of instruction or training of flight crew;

(viii) flights made by aircraft of which the maximum total weight authorised is less than two metric tons.

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

25th October 1971.

SCHEDULE

(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in US dollars
between 14° W and 110° W and North of 55° N (ZONE I)	Belfast	8·16
	Berlin	42·63
	Coventry	24·01
	Dusseldorf	36·98
	Edinburgh	14·16
	Frankfurt/Main	41·26
	Glasgow	11·50
	Gutersloh	37·88
	Hanover	39·88
	Lahr	37·96
	London	24·85
	Luxembourg	37·27
	Mildenhall	25·69
	Prestwick	14·11
	Shannon	1·79
	Wiesbaden	41·01
	Wisley	27·41
West of 110° W and North of 55° N (ZONE II)	Amsterdam	9·72
	Hamburg	2·84
	London	27·78
between 30° W and 110° W and between 28° N and 55° N (ZONE III)	Amsterdam	24·63
	Belfast	7·25
	Brussels	23·55
	Copenhagen	19·44
	Cologne-Bonn	27·51
	Frankfurt/Main	29·91
	Geneva	23·85
	Hamburg	33·58
	Lahr	26·90
	London	15·57
	Lyneham	11·48
	Manchester	12·35
	Milan	20·83
	Mildenhall	16·82
	Munich	37·74
	Paris	18·49
	Prestwick	8·67
	Rome	25·22
	Shannon	2·80
	Stockholm	14·97
	Stuttgart	32·15
	Zurich	25·80

SCHEDULE—(*continued*)

(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in US dollars
West of 110° W and between 28° N and 55° N (ZONE IV)	Amsterdam	29·36
	Berlin	42·62
	Frankfurt/Main	39·41
	London	24·17
	Paris	25·43
	Prestwick	11·35
	Shannon	2·23
West of 30° W and between the equator and 28° N (ZONE V)	Amsterdam	24·63
	Frankfurt/Main	29·91
	London	13·66
	Luxembourg	15·33
	Paris	11·32
	Shannon	3·57

EXPLANATORY NOTE

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

These Regulations give effect to international arrangements made in accordance with the Eurocontrol Convention (Cmnd. 2114) and the Multilateral Agreement relating to the Collection of Route Charges (Cmnd. 4726) signed at Brussels on 8th September 1970. The Regulations provide for the payment of a single charge for air navigation services (other than aerodrome navigation services) made available to aircraft in relation to flights in the airspace, specified in the Regulations, where the United Kingdom provides such services.

The Regulations provide that payments shall be made to the Eurocontrol Organisation, which, by virtue of a bilateral agreement (Cmnd. 4722) made between the United Kingdom Government and Eurocontrol on 8th September 1970, has undertaken to pay the amount of the charges collected in respect of the specified airspace, less the costs of collection, to the United Kingdom Government. The charges are payable in United States dollars to the Eurocontrol Organisation in Brussels. The Organisation may, however, accept as a good discharge payment in other currencies and at other places.

The amount payable is calculated in the normal case according to a formula, specified in the Regulations, in which distance and the weight of the aircraft are elements, the distance factor being based upon the distance flown within the specified airspace of the United Kingdom. In the case of the transatlantic flights specified in the Schedule, however, the actual sum payable in respect of an aircraft of 50 metric tons weight is set out in the Schedule (aircraft of other weights being dealt with in accordance with Regulation 7). The sum payable in such cases is related to the whole distance flown within the relevant airspace of States participating in the Eurocontrol scheme and provision is therefore made for exemption from the charge for these flights where an equivalent charge is payable according to the law of the first State overflown during the flight which has agreed to entrust the collection of charges to Eurocontrol.