STATUTORY INSTRUMENTS

1973 No. 1678

CIVIL AVIATION

The Civil Aviation (Route Charges for Navigation Services) Regulations 1973

Made - - - -	10*th October* 1973
Laid before Parliament	10*th October* 1973
Coming into Operation	1*st November* 1973

Whereas in pursuance of tariffs approved under the Eurocontrol Convention(**a**) and 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 a party), 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 1973 and shall come into operation on 1st November 1973.

Interpretation

2.—(1) In these Regulations—

"United Kingdom Air Pilot" means a document published by the Authority 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 1972(**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.

Revocation

3.—(1) Subject to the following provisions of this Article, the Regulations contained in Schedule 2 hereto are hereby revoked.

(2) Section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply to these Regulations as if these Regulations were an Act of Parliament and as if the Regulations revoked by paragraph (1) of this Regulation were Acts of Parliament thereby repealed.

(**a**) Cmnd. 2114.
(**b**) Cmnd. 4916.
(**c**) 1962 c. 8.
(**d**) 1968 c. 61.
(**e**) 1971 c. 75.
(**f**) S.I. 1972/129 (1972 I, p. 366).
(**g**) There is no relevant amending instrument.
(**h**) 1889 c. 63.

Charge to be paid to Eurocontrol

4.—(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 6 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 7 or 8 of these Regulations.

(2) 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 paragraph) shall apply to the owner of the aircraft as if he were the operator.

(3) No charge shall be made in respect of such a flight as is specified in Regulation 8 of these Regulations which enters the airspace defined in Regulation 6 if the operator is liable to a charge in respect of that flight (being a charge of an amount equivalent to the charge which but for this paragraph would have been imposed by virtue of Regulation 8) pursuant to the law of the State, other than the United Kingdom, first overflown during that flight, being a State which has agreed to entrust to the Organisation the collection of such charges.

Payment

5.—(1) The amount of the charge shall be payable to the Organisation at its principal office in Brussels and shall be paid in United States dollars.

(2) 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 may be recovered in any Court of competent jurisdiction in the United Kingdom.

(3) 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

6. The airspace referred to in Regulation 4 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 : Flights other than Transatlantic Flights

7.—(1) Except in the case of the flights specified in Regulation 8 of these Regulations, the charge shall, subject to the provisions of paragraph (7) of this Regulation, be calculated according to the following formula:—

$r = N \times 7.3639$ 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 unts 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 6 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 6 of these Regulations or, if there is no such aerodrome, 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, if there is no such aerodrome, 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 6 of these Regulations.

For the purposes of this paragraph, the appropriate airway or route, in the case of a flight made between 1st November and 31st October in any year, shall be—

(*a*) the airway or route between the aerodrome of departure and the aerodrome of first destination which appears to the Organisation on

1st November of that year to be the most frequently used such airway or route ; or

(*b*) if the Organisation is unable to ascertain on 1st November of that year which such airway or route is the most frequently used, 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 Schedule 1 to these Regulations but that aerodrome is not 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 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" on 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 one year 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 7(1) of these Regulations shall, in the case of flights made whether wholly or partly in accordance with the Instrument Flight Rules, be 3.7728 United States dollars instead of 7.3639 United States dollars.

Calculation of the Charge : Transatlantic Flights

8. The charge in relation to a flight which enters the airspace defined in Regulation 6 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 Schedule 1 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 the said 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 the said Schedule appropriate to a maximum total weight authorised of 50 metric tons and p is the weight factor of the aircraft concerned determined in accordance with Regulation 7 of these Regulations.

Exempt flights

9. 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 ;

(v) flights other than the flights referred to in 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 exclusively 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 purpose of instruction or testing of flight crew ;

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

Michael Heseltine,

Minister for Aerospace and Shipping,
Department of Trade and Industry.

10th October 1973.

SCHEDULE 1

(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)	Amsterdam	90·83
	Belfast	24·45
	Berlin	124·64
	Brussels	95·78
	Coventry	71·95
	Dusseldorf	107·53
	Edinburgh	42·42
	Frankfurt/Main	120·46
	Glasgow	34·46
	Gutersloh	112·97
	Hamburg	108·86
	Hanover	116·42
	Lahr	111·89
	London	74·45
	Luton	74·45
	Luxembourg	108·60
	Lyneham	77·17
	Manchester	56·55
	Mildenhall	76·95
	Ostend	90·38
	Paris	98·96
	Prestwick	42·27
	Ramstein	110·23
	Rotterdam	91·99
	Shannon	5·25
	Valkenburg	90·52
	Wiesbaden	119·70
	Woodbridge	75·77
	Zurich	141·62

(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 North of 55°N (ZONE II)	Amsterdam	27·14
	Hamburg	8·52
	London	83·21
	Ramstein	45·57
between 30°W and 110°W and between 28°N and 55°N. (ZONE III)	Albenga	65·53
	Amsterdam	72·21
	Ankara	77·10
	Athens	77·10
	Barcelona	38·57
	Basle-Mulhouse	66·40
	Beirut	77·10
	Belfast	21·70
	Bergen/Flesland	44·85
	Bordeaux	40·45
	Brize Norton	35·25
	Brussels	70·00
	Budapest	142·95
	Casablanca	13·02
	Cologne–Bonn	80·86
	Copenhagen	58·25
	Dublin	14·81
	Dusseldorf	79·18
	East Midlands	40·84
	Frankfurt/Main	88·41
	Geneva	66·38
	Glasgow	25·99
	Hamburg	98·70
	Hanover	102·14
	Helsinki	47·72
	Lahr	78·45
	Las Palmas (Canary Islands)	11·81
	Lisbon	14·23
	London	46·12
	Luton	46·12
	Luxembourg	71·48
	Lyneham	34·05
	Lyon	66·73
	Madrid	29·53
	Malaga	31·24
	Manchester	36·80
	Marham	53·49
	Milan	65·53
	Mildenhall	50·22
	Moscow	58·25
	Munich	112·07
	Naples	65·08
	Nice	46·23
	Northolt	46·12
	Ostend	64·36
	Oslo	44·85
	Palma (Majorca)	44·90
	Paris	52·94
	Pisa	65·53
	Prague	103·39
	Prestwick	25·99

(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
(ZONE III) *continued*	Rabat	13·02
	Rome	82·70
	Rota	26·31
	Seville	26·31
	Shannon	8·22
	Sollingen	74·77
	Stavanger	44·85
	St. Mawgan	28·04
	Stockholm	44·85
	Stuttgart	95·19
	Tel Aviv/Lod	77·10
	Thorney Island	40·85
	Turin	65·53
	Upper Heyford	43·21
	Venice	65·53
	Vienna	140·82
	Waddington	43·21
	Warsaw	69·66
	Zagreb	129·40
	Zurich	72·03
West of 110°W and between 28°N and 55°N. (ZONE IV)	Amsterdam	86·63
	Berlin	124·71
	Brussels	81·29
	Dusseldorf	102·74
	Frankfurt/Main	115·61
	London	72·36
	Luton	72·36
	Manchester	36·80
	Paris	74·12
	Prestwick	34·02
	Shannon	6·54
West of 30°W and between the equator and 28°N. (ZONE V)	Amsterdam	62·23
	Brussels	54·71
	Casablanca	8·57
	Charleroi	53·61
	Cologne–Bonn	65·31
	Copenhagen	99·48
	Dusseldorf	65·69
	Frankfurt/Main	70·82
	Las Palmas (Canary Islands)	25·37
	Lisbon	15·35
	London	41·17
	Luxembourg	58·74
	Madrid	31·93
	Manchester	41·17
	Milan	47·53
	Munich	65·24
	Paris	49·24
	Rabat	8·57
	Rome	43·79
	Shannon	9·55
	Zurich	56·91

SCHEDULE 2

Column 1 Regulations revoked	Column 2 References
The Civil Aviation (Route Charges for Navigation Services) Regulations 1971.	S.I. 1971/1715 (1971 III, p. 4666).
The Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1972.	S.I. 1972/108 (1972 I, p. 285).
The Civil Aviation (Route Charges for Navigation Services) (Amendment) (No. 2) Regulations 1972.	S.I. 1972/905 (1972 II, p. 2848).
The Civil Aviation (Route Charges for Navigation Services) (Amendment) (No. 3) Regulations 1973.	S.I. 1973/1196 (1973 II, p. 3576).

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations revoke and replace, with amendments, the Civil Aviation (Route Charges for Navigation Services) Regulations 1971, as amended.

The main changes, which have been agreed internationally under the Eurocontrol Convention and the Multilateral Agreement relating to the Collection of Route Charges, are that:—

1. A new tariff is provided in relation to flights which enter the airspace defined in Regulation 6 of the Regulations where the United Kingdom provides air navigation services. The tariff introduces a higher rate of cost recovery and also reflects recent changes in the effective parity relationships of currencies.

2. No provision is now made for payment of interest on overdue accounts.

3. The elements in the distance factor and the weight factor which are to be taken into account in calculating charges payable under the Regulations and which fall to be determined by Eurocontrol are now to be determined at yearly intervals.

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