STATUTORY INSTRUMENTS

1978 No. 693

CIVIL AVIATION

The Civil Aviation (Route Charges for Navigation Services) Regulations 1978

Made - - - -	10*th May* 1978
Laid before Parliament	18*th May* 1978
Coming into Operation	12*th June* 1978

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 1978 and shall come into operation on 12th June 1978.

Interpretation

2.—(1) In these Regulations—

"Offshore installation" means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration;

"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 1976**(f)** as amended **(g)**.

(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 and section 38(2) of that Act (which relates to the effect of repeals) shall apply to these Regulations as if the Regulations revoked by Regulation 3 of these Regulations were Acts of Parliament thereby repealed.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. 1976/1783.
(g) There is no relevant amending instrument. **(h)** 1889 c. 63.

Revocation

3. Subject to the provisions of Regulation 2(3) above, the Regulations contained in Schedule 1 hereto are hereby revoked.

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

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

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

$$r = N \times 31{\cdot}1190 \text{ United States dollars}$$

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 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 of 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 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 April and 31st March 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 April of that year to be the most frequently used such airway or route; or

(*b*) if the Organisation is unable to ascertain on 1st April 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 2 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 or 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 weight authorised of all his aircraft of that type so indicated to the Organisation.

8. The charge in relation to a flight which enters the airspace defined in Regulation 6 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 2 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.

(ix) flights made by helicopters between any point in the United Kingdom and an offshore installation within the area bounded by straight lines joining successively the following points—62°00′N 04°00′W; 62°00′N 04°00′E; 56°00′N 04°00′E; 56°00′N 01°00′W; 57°40′N 01°00′W; 57°40′N 04°00′W; 62°00′N 04°00′W.

Stanley Clinton Davis,
Parliamentary Under Secretary of State,
Department of Trade.

10th May 1978.

SCHEDULE 1

Column 1 Regulations Revoked	Column 2 References
The Civil Aviation (Route Charges for Navigation Services) Regulations 1973.	S.I. 1973/1678
The Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1973.	S.I. 1973/2070
The Civil Aviation (Route Charges for Navigation Services) (Second Amendment) Regulations 1975.	S.I. 1975/1393
The Civil Aviation (Route Charges for Navigation Services) (Third Amendment) Regulations 1976.	S.I. 1976/1396
The Civil Aviation (Route Charges for Navigation Services) (Fourth Amendment) Regulations 1978.	S.I. 1978/241

SCHEDULE 2

(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, but not including aerodromes situated in Iceland (ZONE I)	Copenhagen	117·32
West of 110°W and North of 55°N	Amsterdam	325·63
	Brussels	338·74
	Frankfurt/Main	221·51
	Hamburg	43·32
	London	353·82
(ZONE II)	Paris	419·72
between 30°W and 110°W and between 28°N and 55°N	Amsterdam	305·02
	Athens	350·93
	Belfast	61·09
	Belgrade	581·26
	Bergen/Flesland	111·41
	Berlin-Schonefeld	288·78
	Brussels	299·82
	Budapest	622·62
	Casablanca	33·91
	Cologne-Bonn	376·18
	Copenhagen	244·89
	Dublin	50·70
	Dusseldorf	372·56
	Frankfurt/Main	419·66
	Geneva	243·74
	Glasgow	107·41
	Hamburg	407·48
	Helsinki	140·66
	Lahr	318·34
	Lisbon	55·90
	London	192·23
(ZONE III)	Luton	192·25
	Luxembourg	328·09
	Madrid	114·95
	Malaga	115·65
	Manchester	146·74
	Milan	276·06
	Moscow	228·89
	Munich	409·54
	Palma (Majorca)	186·14
	Paris	219·51
	Prague	515·45
	Prestwick	107·41
	Ramstein	407·30
	Rome	290·51
	Santiago	51·46
	Shannon	36·17
	Stavanger	193·25
	Stockholm	122·30

(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 30°W and 110°W and between 28°N and 55°N	Stuttgart	322·96
	Tangiers	68·40
	Tel Aviv	289·15
	Vienna	570·72
(ZONE III)	Warsaw	267·69
	Zagreb	581·26
	Zurich	298·31
West of 110°W and between 28°N and 55°N	Amsterdam	563·72
	Frankfurt/Main	503·44
	Lisbon	57·83
	London	288·57
(ZONE IV)	Manchester	247·58
	Paris	345·43
	Prestwick	140·04
	Shannon	35·97
West of 30°W and between the equator and 28°N	Amsterdam	315·13
	Frankfurt/Main	285·78
	Las Palmas (Canary Islands)	168·41
	Lisbon	58·69
(ZONE V)	London	176·30
	Luxembourg	246·73
	Madrid	116·78
	Milan	250·84
	Paris	131·13
	Porto Santo (Madeira)	17·70
	Rabat	37·66
	Rome	266·84
	Shannon	36·76
	Zurich	262·73

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with minor and drafting amendments, the Civil Aviation (Route Charges for Navigation Services) Regulations 1973, as amended. The only amendment of substance is that, for the dates 1st November and 31st October which formerly appeared in Regulation 7(5) as the dates of the period for determination of the airways or routes most frequently used, there have now been substituted 1st April and 31st March, which dates accord with the current practice of Eurocontrol.

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