STATUTORY INSTRUMENTS

# 1980 No. 356

## CIVIL AVIATION

# The Civil Aviation (Route Charges for Navigation Services) Regulations 1980

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| *Made* - - - - | 10*th March* 1980 |
| *Laid before Parliament* | 11*th March* 1980 |
| *Coming into Operation* | 1*st April* 1980 |

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 international agreements 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 1980 and shall come into operation on 1st April 1980.

*Revocation*

**2.** The Regulations specified in Schedule 1 hereto are hereby revoked.

*Interpretation*

**3.**—(1) In these Regulations—

"AIP" in relation to a country other than the United Kingdom means a document in force at the date of the making of these Regulations, entitled "Aeronautical Information Publication" or "AIP" and published by a public authority of that country;

"FIR" means "Flight Information Region";

**(a)** Cmnd. 2114. **(b)** Cmnd. 4916. **(c)** 1962 c. 8.
**(d)** 1968 c. 61. **(e)** 1971 c. 75.

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

A "specified airspace" means the airspace of a FIR described as set forth in columns 1 and 2 of Schedule 2 hereto;

"United Kingdom Air Pilot" means a document so entitled in force at the date of the making of these regulations and published by the Civil Aviation Authority.

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1976(a).

*Charge to be paid to Eurocontrol*

**4.**—(1) Subject to the provisions of these Regulations the operator of any aircraft (in whatsoever State it is registered) for which navigation services (not being navigation services provided in connection with the use of an aerodrome) are made available in a specified airspace 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, whichever shall apply in the circumstances.

(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) The operator of an aircraft shall not be required to pay any charge to the Organisation under these Regulations in respect of a flight if he has previously paid to the Organisation in respect of that flight a charge of the same or a greater amount under the law of a country specified in Column 1 of Schedule 2 hereto.

*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.

(a) S.I. 1976/1783; to which there are amendments not relevant to these regulations.

*Calculation of the Charge*

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

$$r = N \times U$$

where r is the charge for the flight, N is the number of service units relating to that flight and U is the appropriate unit rate specified in Column 3 of Schedule 2 hereto in relation to the specified airspace through which the flight is made.

(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 in the specified airspace in question 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 specified airspace in question, 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 specified airspace in question 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 specified airspace in question or, if there is no such aerodrome, the point of exit from that 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 or relevant AIP as the case may be, where the median line of the appropriate airway or upper Air Traffic Service route so described crosses the boundary of the airspace.

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 of 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 3 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 that airspace as described in the United Kingdom Air Pilot or relevant AIP as the case may be.

(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 weight authorised of all his aircraft of that type so indicated to the Organisation.

**7.** The charge in relation to a flight which enters a specified airspace 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 3 hereto 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 in United States dollars 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 6(6) of these Regulations.

*Exempt flights*

**8.** 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 instructions 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;

(x) flights between points within the specified airspace of Austria;
(xi) flights between points within the specified airspace of France.

*Norman Tebbit*,
Parliamentary Under-Secretary of State,
Department of Trade.

10th March 1980.

*Regulation 2*

## SCHEDULE 1

REVOCATION

| (1) Regulations Revoked | (2) References |
|---|---|
| The Civil Aviation (Route Charges for Navigation Services) Regulations 1978. | S.I. 1978/693 |
| The Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1978. | S.I. 1978/837 |
| The Civil Aviation (Route Charges for Navigation Services) (Second Amendment) Regulations 1979. | S.I. 1979/154 |

*Regulations 3(1) and 6(1)*

## SCHEDULE 2

SPECIFIED AIRSPACES

| (1) Country | (2) Publication in which FIRs are described | (3) Unit Rate in US $ |
|---|---|---|
| Austria | AIP Austria | 43·1470 |
| Belgium | AIP Belgique et Luxembourg | 55·0833 |
| France | AIP France (France Metropolitaine) | 22·7143 |
| Germany, Federal Republic of | AIP Germany | 62·6713 |
| Ireland, Republic of | AIP Ireland | 19·6874 |
| Luxembourg, Grand Duchy of | AIP Belgique et Luxembourg | 55·0833 |
| Netherlands | AIP Netherlands | 44·1704 |
| Portugal | AIP Portugal* | 14·4802 |
| Spain | AIP Espana | Madrid and Barcelona FIRS 21·5145<br>Canaries FIR— 28·1362 |
| Switzerland | AIP Switzerland | 49·7956 |
| United Kingdom | United Kingdom Air Pilot† | 46·7303 |

*excluding Santa Maria FIR

†excluding Shanwick FIR

*Regulation 7*

SCHEDULE 3

| Aerodromes of departure (or of first destination) situated | Aerodromes of first destination (or of departure) | Amount of the charge in US $ |
|---|---|---|
| 1 | 2 | 3 |
| ZONE I<br>—between 14°W & 110°W and North of 55°N with the exception of Iceland | Frankfurt<br>Copenhagen<br>Prestwick | 785·01<br>176·17<br>239·73 |
| ZONE II<br>—between 30°W & 110°W and 28°N & 55°N | Amman<br>Amsterdam<br>Athens<br>Bahrain<br>Basle-Mulhouse<br>Barcelona<br>Belfast<br>Belgrade<br>Bergen-Flesland<br>Berlin-Schonefeld<br>Berlin-Tegel<br>Bordeaux<br>Brussels<br>Bucharest<br>Budapest<br>Cardiff<br>Casablanca<br>Dhahran<br>Dublin<br>Dubrovnik<br>Dusseldorf<br>Frankfurt<br>Geneva<br>Glasgow<br>Gothenburg<br>Hamburg<br>Hannover<br>Helsinki<br>Kiev<br>Copenhagen<br>Cologne-Bonn<br>Lahr<br>Las Palmas (Canary Islands)<br>Lisbon<br>Liverpool<br>Ljubljana<br>London<br>Luxembourg<br>Lyon<br>Madrid<br>Malaga<br>Manchester<br>Milan<br>Moscow<br>Munich | 837·35<br>464·36<br>476·98<br>785·31<br>396·51<br>249·97<br>105·73<br>926·85<br>252·81<br>452·29<br>621·61<br>171·02<br>471·52<br>1,035·84<br>1,009·43<br>202·26<br>50·25<br>626·21<br>107·22<br>968·43<br>571·30<br>658·33<br>362·82<br>164·58<br>320·43<br>638·14<br>619·21<br>327·77<br>420·70<br>403·04<br>592·74<br>515·54<br>148·00<br>75·01<br>226·10<br>853·32<br>304·63<br>548·62<br>307·84<br>176·29<br>169·49<br>226·10<br>414·78<br>316·49<br>811·84 |

| Aerodromes of depature (or of first destination) situated | Aerodromes of first destination (or of departure | Amount of the charge in US $ |
|---|---|---|
| 1 | 2 | 3 |
| ZONE II (continued) | Newcastle | 247·04 |
| | Nice | 383·53 |
| | Oslo | 262·16 |
| | Ostend | 406·76 |
| | Palermo | 380·39 |
| | Palma (Majorca) | 280·88 |
| | Paris | 324·57 |
| | Prague | 827·80 |
| | Ramstein | 643·17 |
| | Rome | 439·06 |
| | Santiago | 80·68 |
| | Shannon | 74·22 |
| | Stuttgart | 623·09 |
| | Tel-Aviv | 602·28 |
| | Tenerife | 95·10 |
| | Venice | 472·58 |
| | Vienna | 955·35 |
| | Warsaw | 416·37 |
| | Zagreb | 926·85 |
| | Zurich | 463·96 |
| ZONE III —West of 110°W and between 28°N & 55°N | Amsterdam | 532·91 |
| | Frankfurt | 735·62 |
| | Copenhagen | 302·81 |
| | Liverpool | 360·07 |
| | London | 443·84 |
| | Manchester | 360·07 |
| | Paris | 537·53 |
| | Prestwick | 227·11 |
| | Shannon | 71·27 |
| ZONE IV —West of 30°W and between the equator & 28°N | Amsterdam | 438·61 |
| | Basle-Mulhouse | 327·74 |
| | Bordeaux | 203·48 |
| | Brussels | 370·54 |
| | Frankfurt | 490·92 |
| | Geneva | 307·29 |
| | Las Palmas (Canary Islands) | 263·92 |
| | Lisbon | 80·37 |
| | London | 268·93 |
| | Lyons | 294·46 |
| | Luxembourg | 316·44 |
| | Madrid | 169·01 |
| | Milan | 322·81 |
| | Paris | 204·42 |
| | Porto Santo (Madeira) | 23·89 |
| | Rabat | 50·39 |
| | Rome | 395·43 |
| | Shannon | 79·34 |
| | Tenerife | 234·66 |
| | Zurich | 373·89 |

## EXPLANATORY NOTE

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

These Regulations revoke and replace the Civil Aviation (Route Charges for Navigation Services) Regulations 1978, as amended.

The following changes of substance are made—

(1) The power for Eurocontrol to recover charges for navigation services is extended to include services made available for flights in Flight Information Regions allocated by the International Civil Aviation Organisation to ten other States parties to the Eurocontrol Convention of 1960 or participating in Eurocontrol's charging scheme. Previously the power to charge was limited to services made available for flights in the Flight Information Regions allocated to the United Kingdom. (Regulation 4).

The United Kingdom Air Pilot and the foreign Aeronautical Information Publications referred to in the Regulations can be purchased from the Civil Aviation Authority and can be inspected at major aerodromes in the United Kingdom.

(2) Increased charges are introduced reflecting the 1978 costs of providing navigation services as agreed internationally under the Eurocontrol Convention and the Multilateral Agreement relating to the collection of route charges (Regulations 6 and 7).