STATUTORY INSTRUMENTS

1978 No. 483

HOVERCRAFT

The Hovercraft (Fees) Regulations 1978

Made - - - - *22nd March* 1978

Coming into Operation *20th April* 1978

The Secretary of State, with the approval of the Treasury and in exercise of his powers under Article 35 of the Hovercraft (General) Order 1972(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. The Regulations may be cited as the Hovercraft (Fees) Regulations 1978 and shall come into operation on 20th April 1978.

Interpretation and Revocation

2.—(1) In these Regulations, unless the context otherwise requires—

"Costs of making any investigation" means any costs incurred by the CAA in making an investigation;

"Hoverplatform" means a hovercraft with no installed means of propulsion or directional control and where any external agency providing propulsion or directional control is not itself a hovercraft;

"Item" means an engine, propeller, fan, instrument, component, radio apparatus or equipment;

"Maximum weight of the hovercraft" means the maximum total weight specified in the relevant application;

"The Order" means the Hovercraft (General) Order 1972;

"The weight of the type of hovercraft" means the maximum permissible weight specified in the Type Certificate.

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same meaning as in the Order.

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(4) The Hovercraft (Fees) Regulations 1972(**c**) and the Hovercraft (Fees) (Amendment) Regulations 1972(**d**) are hereby revoked.

3. The provisions of the Schedule to these Regulations shall have effect with respect to the fees to be paid in connection with the Certificates and other documents and with tests, inspections, investigations, permissions and approvals, required by or for the purposes of the Order.

(**a**) S.I. 1972/674. (**b**) 1889 c. 63. (**c**) S.I. 1972/852. (**d**) S.I. 1972/1741.

4. For the purposes of these Regulations a variation of a document incorporated by reference in a Certificate shall be treated as variation of the Certificate itself.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
22nd March 1978. Department of Trade.

We approve the making of these Regulations.

J. Dormand,
T. E. Graham,
Two of the Lords Commissioners of
21st March 1978. Her Majesty's Treasury.

THE SCHEDULE

Certificate of registration

1. The fee to be paid for the issue of a certificate of registration pursuant to Article 5(7) of the Order shall be £10.

Experimental Certificate

2. Where an application is made for the issue, variation, or renewal of an Experimental Certificate in respect of a hovercraft there shall be paid for any investigations required by the CAA in pursuance of Article 9 of the Order, a fee of an amount equal to the cost of making the investigations:

Provided that the fee shall not exceed, for the first period of 6 months, or part thereof required for carrying out the investigations, £10,000 or 20p per kg. of the maximum weight of the hovercraft, whichever is the greater amount, and thereafter pro rata for every month or part thereof.

Type Certificates for types of hovercraft

3. Where an application is made for the issue or variation of a Type Certificate in respect of a type of hovercraft, there shall be paid for any investigations required by the CAA in pursuance of Article 10 of the Order, a fee of an amount equal to the cost of making the investigations:

Provided that

(*a*) the fee shall not exceed, for the first period of 12 months or part thereof required for carrying out the investigations, £25,000 or 50p per kg. of the maximum weight of the hovercraft, whichever is the greater amount, and thereafter pro rata for every month or part thereof;

(*b*) the cost of the investigations shall not include the cost of investigating any items for which the CAA requires separate type approval;

(*c*) the cost of the investigations shall not include the cost of any inspection of a craft which also serves as evidence leading to the first issue of a Safety Certificate for that craft.

Type Certificates for items

4. Where an application is made for the issue or variation of a Type Certificate in respect of a type of item, there shall be paid for any investigations required by the CAA in pursuance of Article 10 of the Order, a fee of an amount equal to the cost of making the investigations:

Provided that the fee shall not exceed, for the first period of 12 months or part thereof required for carrying out the investigations, £12,000 and thereafter pro rata for every month or part thereof.

Safety Certificates (Issue)

5.—(1) Where an application is made for the issue of a Safety Certificate, in pursuance of Article 11 of the Order, in respect of a hovercraft which has been used solely in accordance with the conditions of an Experimental Certificate issued by the CAA, the fee to be paid in respect thereof (including any investigations undertaken by the CAA in connection with the application) shall be, for each month or part thereof for which the Safety Certificate is to be in force, on the following scale:—

Maximum weight of the hovercraft	Fee per tonne or part thereof
For the first 10 tonnes	£4·00
For the next 10 tonnes	£3·00
For the next 10 tonnes	£2·00
For the next 10 tonnes	£1·00
For any excess over 40 tonnes	70p

plus in each case an amount equal to the fee for an additional 3 months.

(2) Where an application is made for the issue of a Safety Certificate, in pursuance of Article 11 of the Order, in respect of a hovercraft which has not been used solely in accordance with the conditions of an Experimental Certificate issued by the CAA, the fee to be paid in respect thereof shall be in accordance with the scale of sub-paragraph (1) of this paragraph together with a fee equal to the cost of any additional investigations deemed necessary in the circumstances by the CAA:

Provided that the total fee shall not exceed £12,000 or 25p per kg. of the maximum weight of the hovercraft, whichever is the greater amount, for the first period of 12 months or part thereof.

Safety Certificates (Renewal)

6.—(1) Where an application is made for the renewal of a Safety Certificate in pursuance of Article 12 of the Order in respect of a hovercraft, within a period of 7 days from the date of expiry of the previous Certificate and where there has been no

change in the conditions affecting maintenance during that period, the fee to be paid in respect thereof (including any investigations undertaken by the CAA in connection with the application) shall be, for each month, or part thereof, for which the Certificate is to be renewed, on the following scale:—

Maximum weight of the hovercraft	Fee per tonne or part thereof
For the first 10 tonnes	£4·00
For the next 10 tonnes	£3·00
For the next 10 tonnes	£2·00
For the next 10 tonnes	£1·00
For any excess over 40 tonnes	70p

(2) Where an application for the renewal of a Safety Certificate is not in accordance with the conditions of sub-paragraph (1) of this paragraph or where the storage of the hovercraft has not been in accordance with arrangements having prior CAA approval, the fee to be paid shall be that specified in the scale of sub-paragraph (1) together with the cost of any additional investigations deemed necessary by the CAA:

Provided that the total fee shall not exceed for the first period of 12 months or part thereof £12,000 or 25p per kg. of the maximum weight of the hovercraft, whichever is the greater amount.

Variation of Safety Certificates

7. Where an application is made for the variation of a Safety Certificate there shall be paid for the investigations required by the CAA a fee equal to the cost of making the investigations:

Provided that the fee shall not exceed for any period of 12 months, or part thereof, required for carrying out the investigations £25,000 or 50p per kg. of the maximum weight of the hovercraft, whichever is the greater amount, and thereafter pro rata for every month or part of a month.

Approval of Persons

8.—(1) Subject to sub-paragraph (2) of this paragraph, the fee to be paid per annum by a person for the inspection of his organisation for the purposes of Article 14 of the Order, shall, for each branch of the organisation which is separately inspected, be in accordance with the following tables—

A: HOVERCRAFT (EXCLUDING HOVERPLATFORMS)

TABLE 1: Design and construction

Purpose of approval	Fee per tonne of maximum weight of hovercraft for which approval is applied for and granted	Minimum Fee
Either or both of the following: Design and construction of hovercraft	£2	£60

TABLE 2: Maintenance, overhaul and repair

Purpose of approval	Fee per tonne of the weight of the type of hovercraft having the greatest weight of any types of hovercraft for which approval is applied for and granted	Minimum Fee
Any or all of the following: *Maintenance, overhaul and repair of hovercraft	£1	£30

*1. No fee is payable under Table 2 by an organisation or branch approved for the purposes of construction in respect of approval for the purpose of maintenance, overhaul or repair of hovercraft constructed by that organisation or branch as the case may be.

2. For approval for the purposes of maintenance, overhaul or repair of hovercraft of which the applicant is the sole operator a fixed fee of £30 will be charged in place of any fees which might otherwise be payable in accordance with Tables 2, 4 or 5.

B: ENGINES, PROPELLERS AND FANS

TABLE 3: Design and manufacture

Purpose of approval	Fee per maximum shaft h.p. of engine, propeller or fan for which approval is applied for and granted	Minimum Fee
Any or all of the following: Design and manufacture of engines, propellers or fans	10p	£60

TABLE 4: Maintenance, overhaul and repair

Purpose of approval	Fee per shaft h.p. of the type of engine, propeller or fan having the greatest shaft h.p. of a type of engine propeller or fan for which approval is applied for and granted	Minimum Fee
Any or all of the following: †Maintenance, overhaul and repair of engines, propellers or fans	5p	£30

†No fee is payable under Table 4 by an organisation or branch approved for the purposes of manufacture in respect of approval for the purpose of maintenance, overhaul or repair of engines, propellers or fans manufactured by that organisation or branch as the case may be.

C: OTHER ITEMS

TABLE 5

Purpose of approval	Fee
Any or all of the following:	
Manufacture and design of items not referred to in Table 3 ...	£60
Maintenance, overhaul and repair of such items	£30

TABLE 6

Purpose of approval	Fee
Design and construction of hover-platforms	An amount equal to the cost of inspection of his organisation: Provided that the fee shall not exceed £2,000

(2) In the application of sub-paragraph (1) of this paragraph:

(*a*) Where a fee would otherwise be payable in respect of an organisation or branch under Table 1, and also under Tables 3 or 5 or both, a fee shall only be payable in accordance with Table 1.

(*b*) Where a fee would otherwise be payable in respect of an organisation or branch under Table 2, and also under Tables 4 or 5 or both, a fee shall only be payable in accordance with Table 2.

(*c*) Where a fee would be payable in respect of a branch or organisation under Table 3, and also under Table 5, a fee shall only be payable in accordance with Table 3.

(*d*) Where a fee would be payable in respect of a branch or organisation under Table 4, and also under Table 5, a fee shall only be payable in accordance with Table 4.

Maintenance

9.—(1)(*a*) Where an operator's organisation is not approved for maintenance, there shall be paid for any visits of inspection pursuant to Article 13 of the Order in excess of one per month made by the CAA to the said operator, a fee equal to the cost of making such visits:

Provided that such fee in no case exceed £200 per visit.

(*b*) Where the said unapproved operator obtains for the purpose of maintenance either goods or services or both from an organisation which is not approved by the CAA for such purpose, there shall be paid by the operator for any visits of inspection made to the suppliers of such goods or services or both, a fee equal to the cost of making such visits:

Provided that

(i) a total of one visit per month to the said operator or such suppliers shall not be subject to charges;

(ii) such fee shall in no case exceed £200 per visit.

(2) In this paragraph the term "maintenance" shall be deemed to include the installation of a modification covered by a variation of a document incorporated by reference in a Type Certificate.

(3) In sub-paragraph (1) above "visits of inspection" means visits made to an organisation for the purpose of investigating and approving maintenance arrangements. A visit shall be any visit of twenty-four hours or less.

Operating Permits

10.—(1) The fees to be paid for the issue of an Operating Permit shall be in accordance with the following scale for each type of hovercraft in relation to an area of operation pursuant to Article 18(2) of the Order:

Where the weight of the type of hovercraft to which the Operating Permit applies—

	£
(*a*) does not exceed 5 tonnes	20
(*b*) exceeds 5 tonnes but does not exceed 50 tonnes	60
(*c*) exceeds 50 tonnes but does not exceed 100 tonnes	120
(*d*) exceeds 100 tonnes	200

(2) The fee to be paid for amending at the request of the operator the area of operation of a type of hovercraft specified in an existing Operating Permit pursuant to Article 18(2) of the Order shall be one half the fee for the issue of the Operating Permit.

(3) The fee to be paid for amending at the request of the operator a condition under which an existing Operating Permit has been issued, other than one relating to the type of hovercraft or the area of operation, in accordance with Article 18(2) of the Order, shall be £10 in respect of each type of hovercraft.

(4) Notwithstanding sub-paragraph (1) of this paragraph, no fee shall be payable for the issue of an Operating Permit in respect of hovercraft of a type and operating in an area specified in a permit to fly issued to the applicant pursuant to Article 7 of the Air Navigation Order 1976.

Payment of Fees

11.—(1) The fees specified in paragraphs 1 and 10 of this Schedule shall be payable to the Secretary of State; and the fees specified in paragraphs 2 to 9 shall be payable to the CAA.

(2) The fees specified in these Regulations shall be payable upon application being made for the certificate, other document or approval, as the case may be:

Provided that where the amount of the fee depends on the actual costs incurred by the CAA—

(i) they may require that the application shall be accompanied by payment of an amount up to 5 per cent. of the maximum of such fee;

(ii) the fee in respect of the investigations made during any month shall be payable at the end of that month, and any amount paid on application shall be deducted from the fee payable at the end of the final month of investigations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Hovercraft (Fees) Regulations 1972 as amended.

These Regulations prescribe:

(*a*) increased fees to be paid to the Civil Aviation Authority for the issue of Type and Safety Certificates, and other matters under Part II (Certification and Maintenance) of the Hovercraft (General) Order 1972;

(*b*) where an operator's organisation is not approved for maintenance, a charge will be made for each visit of inspection in excess of one per month (formerly two per month) made by the CAA either to the operator or to the supplier to such an operator of goods or services or both (Schedule, paragraph 9).

Fees payable to the Secretary of State for the issue of certificates of registration of hovercraft and for Operating Permits are not increased.

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