STATUTORY INSTRUMENTS

1989 No. 1613

HOVERCRAFT

The Hovercraft (Fees) Regulations 1989

Made - - - - *4th September 1989*

Coming into force *1st October 1989*

The Secretary of State for Transport, in exercise of powers conferred on him by article 35 of the Hovercraft (General) Order 1972(a) and of all other powers enabling him in that behalf, and with the approval of the Treasury, hereby makes the following Regulations:

Citation and Commencement

1. The Regulations may be cited as the Hovercraft (Fees) Regulations 1989 and shall come into force on 1st October 1989.

Interpretation and Revocation

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

"costs of making an 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) The Hovercraft (Fees) Regulations 1987(b) 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) S.I. 1987/1637.

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.

Signed by authority of
the Secretary of State
29th August 1989

Michael Portillo
Minister of State,
Department of Transport

We approve the making of these Regulations.

Kenneth Carlisle
Nigel Lawson
Two of the Lords Commissioners of
Her Majesty's Treasury

4th September 1989

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 £20.

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, £16,350 or 34p 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 £39,250 or 80.5p 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 required for carrying out the investigations, £19,600 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	£6.75
For the next 10 tonnes	£5.15
For the next 10 tonnes	£3.40
For the next 10 tonnes	£1.70
For any excess over 40 tonnes	£1.30

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 £19,600 or 38p 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	£6.75
For the next 10 tonnes	£5.15
For the next 10 tonnes	£3.50
For the next 10 tonnes	£1.70
For any excess over 40 tonnes	£1.30

(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 £19,600 or 38p 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 £39,250 or 80.5p 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	£3.40	£100

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	£1.70	£50

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	17p	£100

*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.

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 £50 will be charged in place of any fees which might otherwise be payable in accordance with Tables 2, 4 or 5.

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	9p	£50

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 ..... Maintenance, overhaul and repair of such items	£100 £50

Table 6

Purpose of approval	*Fee*
Design and construction of hoverplatforms	An amount equal to the cost of inspection of his organisation: Provided that the fee shall not exceed £3,400

(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 £340 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:

†No fee is payable under Table 4 by an organisation or branch approved for the purpose 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.

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 £340 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 pursuant to Article 18(2) of the Order shall be determined by the amount of work involved (including any investigations carried out preparatory to the issue of the Permit) charged at an hourly rate of £42.00 for each type of hovercraft.

(2) The fee to be paid for amending, at the request of the operator:

(a) the area of operation of a type of hovercraft specified in an existing Operating Permit,

(b) a condition under which an existing Operating Permit has been issued other than that referred to in (a) above,

shall also be determined by the amount of work involved (including any investigations carried out preparatory to the amendment of the Permit) charged at an hourly rate of £42.00.

(3) 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 1985(a) or having effect as if made thereunder.

11. The fees to be paid for an exemption granted under Article 32 of the Order shall be determined by the amount of work involved, charged at an hourly rate of £42.00.

Payment of Fees

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

(a) S.I. 1985/1643, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Hovercraft (Fees) Regulations 1987.

These Regulations prescribe an average increase of 7½% in the 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, and a decrease of about 7.6% in the fees to be paid to the Department of Transport for the issue of operating permits and other matters under Part III (Duties of Operator and Captain) of the Hovercraft (General) Order 1972.