
 STATUTORY INSTRUMENTS

1983 No. 1797

CIVIL AVIATION

**The Civil Aviation (Route Charges for Navigation Services)
Regulations 1983**

<i>Made</i>	- - - -	<i>5th December 1983</i>
<i>Laid before Parliament</i>		<i>9th December 1983</i>
<i>Coming into Operation</i>		<i>1st January 1984</i>

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 section 73 of the Civil Aviation Act 1982 (c) 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 1983 and shall come into operation on 1st January 1984.

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”;

“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.

(a) Cmnd. 2114.

(b) Cmnd. 4916.

(c) 1982 c.16; section 73(4) was amended by section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 (1983 c.11).

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1980 (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.

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, increased or decreased as the case may be by the same percentage as the relevant national currency has increased or decreased against the United States dollar as compared with the rate of exchange specified in column 4 of the said Schedule in relation to that airspace.

(a) S.I. 1980/1965, to which there are amendments not relevant to these Regulations.

(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 specified in paragraph (5) of this Regulation as the standard 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 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 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 total 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 the maximum total weight authorised of 50 metric tonnes) increased or decreased as the case may be by the same percentage as the relevant national currencies have increased or decreased against the United States dollar as compared with the rate of exchange specified in column 4 of Schedule 2 hereto in relation to that airspace and p is the weight factor of the aircraft concerned determined in accordance with Regulations 6(3)(b) and 6(6) of these Regulations.

8.—(1) For the purposes of Regulations 6 and 7 the rate of exchange of the United States dollar to a national currency shall be the average monthly rate of exchange of the United States dollar to that national currency established by the International Monetary Fund and publication in the International Financial Statistics of the International Monetary Fund for the month preceding the month during which the flight takes place shall be conclusive evidence of that matter; and a document purporting to be the International Financial Statistics published by the International Monetary Fund shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a document.

(2) In the event that the International Monetary Fund does not publish the International Financial Statistics for the month preceding the month during which the flight takes place, a certificate given by or on behalf of the Treasury stating the average monthly rate of exchange of the United States dollar to a national currency for the month preceding the month during which the flight takes place shall be conclusive evidence of that matter; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

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 by aircraft of which the maximum total weight authorised is 5700 kg or less made entirely in accordance with the Visual Flight Rules (a) ;
 - (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) flights made exclusively for the purpose of instruction or testing of flight crew;
 - (viii) flights made exclusively for the purpose of enabling an aircraft to qualify for the issue or renewal of a Certificate of Airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval as the case may be;
 - (ix) flights made by aircraft of which the maximum total weight authorised is less than two metric tonnes;
 - (x) 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'N04°00'W; 62°00'N04°00'E; 56°00'N04°00'E;
56°00'N01°00'W; 57°40'N01°00'W; 57°40'N04°00'W;
62°00'N04°00'W;
 - (xi) flights between points within the specified airspace of Austria;
 - (xii) flights between points within the specified airspace of France.

Nicholas Ridley,
Secretary of State
for Transport.

5th December 1983.

(a) S.I. 1981/34, to which there are amendments not relevant to these Regulations.

Regulation 2

SCHEDULE 1
REVOCATION

(1) Regulations revoked	(2) References
The Civil Aviation (Route Charges for Navigation Services) Regulations 1980.	S.I. 1980/356
The Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1981.	S.I. 1981/355
The Civil Aviation (Route Charges for Navigation Services) (Second Amendment) Regulations 1981.	S.I. 1981/1237
The Civil Aviation (Route Charges for Navigation Services) (Third Amendment) Regulations 1982.	S.I. 1982/261
The Civil Aviation (Route Charges for Navigation Services) (Fourth Amendment) Regulations 1982.	S.I. 1982/1261
The Civil Aviation (Route Charges for Navigation Services) (Fifth Amendment) Regulations 1983.	S.I. 1983/332

Regulations 3(1), 6(1) and 7

SCHEDULE 2
SPECIFIED AIRSPACES

(1) Country	(2) Publication in which FIRS are described	(3) Unit Rate in US\$	(4) Established at a Rate of exchange of
Austria	AIP Austria	39.53	1 US \$ = 18.8214 Sch
Belgium	AIP Belgique et Luxembourg	28.44	1 US \$ = 53.5720 BF
France	AIP France (France Metropolitaine)	33.57	1 US \$ = 8.0404 FF
Germany, Federal Republic of	AIP Germany	42.82	1 US \$ = 2.6741 DM
Ireland, Republic of	AIP Ireland	26.09	1 US \$ = 0.8472 £Ir
Netherlands	AIP Netherlands	48.68	1 US \$ = 2.9870 Hfl
Portugal	AIP Portugal*	26.49	1 US \$ = 122.8907 Esc
Spain	AIP España	Madrid & Barcelona FIRSs 24.89 Canaries FIRS 22.18	1 US \$ = 151.4878 Pts
Switzerland	AIP Switzerland	57.65	1 US \$ = 2.1634 SF
United Kingdom	United Kingdom Air Pilot†	54.60	1 US \$ = £0.6655

* excluding Santa Maria FIR

† excluding Shanwick FIR

SCHEDULE 3

Regulation 7

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		
-between 14°W & 110°W and North of 55°N with the exception of Iceland	Frankfurt	839.97
	Copenhagen	205.84
	London	535.29
	Prestwick	280.10
ZONE II		
-between 30°W & 110°W and 28°N & 55°N	Amsterdam	552.09
	Athens	624.72
	Belfast	134.55
	Belgrade	864.94
	Bergen-Flesland	318.86
	Berlin-Schonefeld	512.85
	Birmingham	347.67
	Bordeaux	295.40
	Brussels	511.96
	Cairo	659.62
	Casablanca	91.92
	Cologne-Bonn	646.42
	Copenhagen	477.91
	Dhahran	699.39
	Dublin	137.20
	Dusseldorf	632.00
	Frankfurt	664.07
	Geneva	489.66
	Glasgow	190.33
	Gothenburg	376.67
	Helsinki	330.88
	Jeddah	595.92
	Lagos	192.74
	Las Palmas (Canary Islands)	116.67
	Lisbon	141.05
	Ljubljana	789.25
	London	374.45
	Luxembourg	533.27
	Lyons	464.36
	Madrid	222.85
	Malaga	256.85
	Manchester	286.33
	Milan	546.59
Moscow	350.53	
Munich	718.97	
Newcastle	291.70	
Nice	513.16	
Oslo	366.55	
Palermo	581.18	
Paris	405.09	
Pisa	493.76	
Prague	787.80	
Prestwick	190.33	
Rome	562.66	

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 II (continued)	Santiago	93.34
	Shannon	98.36
	Stuttgart	637.40
	Tel-Aviv	724.43
	Tenerife	74.97
	Venice	732.06
	Vienna	871.29
	Warsaw	457.39
	Zagreb	864.94
	Zurich	588.06
ZONE III -West of 110°W and between 28°N & 55°N	Amsterdam	609.52
	Copenhagen	408.95
	Dusseldorf	719.80
	Frankfurt	727.72
	London	510.73
	Manchester	398.95
	Paris	591.76
	Prestwick	263.72
	Shannon	94.45
ZONE IV -West of 30°W and between the equator & 28°N	Amsterdam	463.04
	Basle-Mulhouse	422.73
	Berlin-Schonefeld	525.98
	Bordeaux	304.80
	Brussels	417.38
	Copenhagen	571.44
	Dusseldorf	585.30
	Frankfurt	543.34
	Las Palmas (Canary Islands)	208.05
	Lisbon	143.31
	London	337.74
	Lyons	387.08
	Madrid	260.47
	Milan	464.91
	Paris	311.97
	Porto Santo (Madeira)	43.71
	Prague	670.89
Rome	534.85	
Shannon	105.14	
Tenerife	184.98	
Zurich	474.75	

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the Civil Aviation (Route Charges for Navigation Services) Regulations 1980, as amended.

In addition to some minor and drafting amendments, the following changes of substance are made:—

- (1) The method of calculating the charges specified in Regulations 6 and 7 is amended to enable the charges to be increased or decreased as the case may be by the same percentage as the relevant national currency or currencies increase or decrease against the United States dollar as compared with the rate of exchange specified in column 4 of Schedule 2. The rate of exchange for this purpose is the average monthly rate of exchange of the United States dollar to the national currency established by the International Monetary Fund and published in the International Financial Statistics of the International Monetary Fund for the month preceding the month during which the flight takes place.
- (2) Revised charges are introduced reflecting forecasts of costs and traffic for 1984 and taking into account the balance of over and under recoveries of revenue as compared with costs experienced by the countries participating in the Eurocontrol charging system in 1982.

The unit rates in United States dollars set out in Schedule 2 and the amount of the charges in United States dollars set out in Schedule 3 are calculated by reference to the costs of provision of en route navigation services in the participating countries in the Eurocontrol charges system, the amount of the traffic using each country's airspace and the relationship of each country's currency to the United States dollar over a period agreed by Ministers of the participating countries. The inter-action of these elements varies in each country. In calculating the revised charges the average of the exchange rates between the United States dollar and the currencies of the participating countries obtaining in the month of August 1983 have been used.

The unit rate in United States dollars for France and the Netherlands has increased by an average of 3%.

The unit rate in United States dollars for Austria, Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg, Portugal, the Republic of Ireland, Spain and Switzerland has decreased by an average of 15.6%.

The unit rate in United States dollars for the United Kingdom has decreased by 14.9%.

The United Kingdom Air Pilot and the foreign Aeronautical Information Publications referred to in the Regulations can be purchased from the Civil Aviation Authority, Greville House, 37 Gratton Road, Cheltenham, Glos GL50 2BN and can be inspected at major aerodromes in the United Kingdom. The International Financial Statistics published by the International Monetary Fund can be inspected at the Civil Aviation Authority Central Library, CAA House, 45-59 Kingsway, London WC2B 6TE.

SI 1983/1797
ISBN 0-11-037797-4



780110377971