
STATUTORY INSTRUMENTS

1991 No. 470

CIVIL AVIATION

**The Civil Aviation (Navigation
Services Charges) Regulations 1991**

<i>Made</i>	- - - -	<i>5th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State in exercise of his powers under sections 73(1)(a), (3), (4) and (6)(a) and 74(4) and (5) of the Civil Aviation Act 1982(1) and of all other powers enabling him in that behalf, and with the consent of the Treasury in respect of regulations 4 to 10 inclusive, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Navigation Services Charges) Regulations 1991 and shall come into force on 1st April 1991.

Interpretation

2.—(1) In these Regulations—

“aircraft documents”, in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

“airport charges” means charges payable to a person owning or managing an aerodrome in the United Kingdom to which section 88 of the Civil Aviation Act 1982(2) or any enactment having the force of law in Northern Ireland containing provisions corresponding to that section for the time being applies for the use of, or for services provided at, the aerodrome but does not include charges payable by virtue of these Regulations;

“authorised person” means—

- (a) any constable; and
- (b) any person authorised by the (CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

(1) 1982 c. 16; section 73(4) was amended by section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 (c. 11).
(2) Section 88(10) was amended by section 83(5) and Part I of Schedule 6 to the Airports Act 1986 (c. 31).

“the court” means, as respects England and Wales, the High Court, as respects Scotland, the Court of Session and, as respects Northern Ireland, the High Court of Justice in Northern Ireland;

“international flight” means a flight to or from a place outside the United Kingdom, Channel Islands and the Isle of Man;

“maximum total weight authorised” means, in relation to an aircraft, the maximum total weight of the aircraft and its contents at which the aircraft may take off in the United Kingdom in the most favourable circumstances in accordance with the certificate of airworthiness for the time being in force in respect of the aircraft; however, if that certificate indicates a maximum total weight at which the aircraft may taxi, that weight shall be taken to be the maximum total weight authorised;

“operator”, in relation to an aircraft, means the person who, at the relevant time, has the management of that aircraft;

“the specified amount” means, in relation to a landing or take-off, the additional cost incurred by the CAA in providing navigation services by reason of the landing or take-off, as the case may be, being made outside hours;

“the standard charge” means, for each complete metric tonne of the maximum total weight authorised of the aircraft in respect of which the charge is made, and for each fraction of a metric tonne, a charge—

- (i) for services provided in connection with the use of any one of the aerodromes specified in Column 1 of the following Table in respect of an aircraft engaged on an international flight, of the amount specified in relation to that aerodrome in Column 2 of the said Table;
- (ii) for services provided in connection with the use of any one of the said aerodromes in respect of an aircraft engaged on a flight other than an international flight, of the amount specified in relation to that aerodrome in Column 3 of the said Table;

TABLE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Heathrow-London		
For each metric tonne and each fraction of a metric tonne up to 100 metric tonnes.	£1.74	£1.58
For each additional metric tonne and for each fraction of a metric tonne, over 100 metric tonnes.	£0.74	£0.65
Gatwick-London		
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes.	£1.74	£1.58
For each additional metric tonne and for each fraction of a metric tonne, over 100 metric tonnes.	£0.74	£0.65
Stansted-London		

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes.	£1.74	£1.58
For each additional metric tonne and for each fraction of a metric tonne, over 100 metric tonnes.	£0.74	£0.65
Aberdeen (Dyce)	£4.70	£4.27
Edinburgh	£4.06	£3.69
Glasgow	£3.00	£2.73
Prestwick	£4.24	£3.85

“United Kingdom Air Pilot” means a document published by the CAA and so entitled;

“within hours” means within the notified hours of watch of the air traffic control unit at the aerodrome, and “outside hours” shall be construed accordingly.

(2) Unless otherwise defined in this regulation and unless the context otherwise requires, expressions used in these Regulations shall have the same respective meanings as in the Air Navigation Order(3).

Revocation

3. The Regulations specified in Schedule 1 hereto are hereby revoked.

Charges for navigation services at aerodromes

4.—(1) Subject to the provisions of these Regulations, the operator of every aircraft for which navigation services are provided by the CAA in connection with the use of an aerodrome referred to in the Table in regulation 2(1) of these Regulations (whether or not the services are actually used or could be used with the equipment installed in the aircraft) shall pay to the CAA for those services on the occasion specified in the first column of the following Table the charges specified in relation to those occasions in the second column thereof—

TABLE

(a)	Upon each landing of the aircraft at that aerodrome within hours	the standard charge.
(b)	Upon each landing of the aircraft at that aerodrome outside hours	the standard charge surcharged by 75% or by the specified amount whichever is the greater.
(c)	Upon each take-off of the aircraft at that aerodrome outside hours, being either—	

(3) S.I. 1989/2004, amended by S.I. 1990/2154.

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- (i) a take-off which does not take place within 1 hour of landing or } the specified amount or 75% of the standard charge whichever is the greater.
 - (ii) a take-off which takes place within 1 hour of a landing made within hours
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(2) Where on the occasion of any landing or take-off (as the case may be) other than one to which paragraph (4) applies in connection with a flight which is not for the purpose of public transport the shortest distance in the case of a landing between the aerodrome of departure and the aerodrome of landing and in the case of a take-off between the aerodrome of departure and the aerodrome of intended landing does not exceed 185 kilometres measured along the great circle, for the references to “the standard charge” in the Table in paragraph (1) of this regulation there shall be substituted references to “50% of the standard charge”.

(3) Subject to paragraph (6) below, where on the occasion of any landing or take-off (as the case may be) at Aberdeen (Dyce), Edinburgh, Glasgow or Prestwick aerodrome by an aircraft on a scheduled journey the shortest distance in the case of a landing between the aerodrome of departure and the aerodrome of landing and in the case of a take-off between the aerodrome of departure and the aerodrome of intended landing does not exceed 185 kilometres measured along the great circle, for the references to “the standard charge” in the Table in paragraph (1) of this regulation there shall be substituted references to “50% of the standard charge”.

(4) Where on the occasion of any landing or take-off (as the case may be) in connection with a flight made exclusively for the purpose of instruction or testing of flight crew, for the references to “the standard charge” in the Table in paragraph (1) of this regulation there shall be substituted references to “25 of the standard charge” in the case of Prestwick aerodrome and “50% of the standard charge” in the case of any other aerodrome referred to in the Table in regulation 2(1) of these Regulations.

(5) The minimum charge payable under this regulation shall be £10.00.

(6) Paragraph (3) above shall not apply to any flight to which regulation 7 applies.

Charges for approach services provided from an aerodrome to aircraft which do not land at that aerodrome

5.—(1) Subject to the provisions of these Regulations, the operator of every aircraft engaged on a flight which is not for the purpose of public transport for which navigation by the CAA in connection with an approach to an aerodrome referred to in the Table in regulation 2 of these Regulations, not being the aerodrome of intended landing of the aircraft (whether or not the services are actually used or could be used with the equipment installed in the aircraft), shall pay to the CAA for those services—

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- (a) (a) for each approach to Prestwick 15% of the standard charge
 - (b) (b) for each approach to any other aerodrome referred to in the said Table 25% of the standard charge.
-

(2) The minimum charge payable under this regulation shall be £10.00.

Charges for services provided in the Shanwick Oceanic Control Area

6. Subject to the provisions of these Regulations, the operator of every aircraft (whether or not registered in the United Kingdom) which flies within the Shanwick Oceanic Control Area, as described in the United Kingdom Air Pilot on the date of coming into force of these Regulations, and in respect of which a flight plan is communicated to the appropriate air traffic control unit in relation to its flight in that Area shall pay to the CAA, for the navigation services made available by it in relation to that flight, a charge of ninety-three pounds.

Charges for services provided for North Sea helicopters

7.—(1) Subject to the provisions of these Regulations, the operator of every helicopter (whether or not registered in the United Kingdom) which flies within the area specified in paragraph (2) of this regulation while on a flight from any place in the United Kingdom to a vessel or an offshore installation within the said area shall pay to the CAA, for the navigation services made available by it in relation to that flight, a charge of one hundred and fifteen pounds.

(2) The area referred to in paragraph (1) of this regulation is the area bounded by straight lines joining successively the the following points—

N6200 W00400; N6200 E00400; N5600 E00400; N5600 W00100; N5740 W00100, N5740 W00400; N6200 W00400.

(3) Subject to the provisions of these Regulations, the operator of every helicopter (whether or not registered in the United Kingdom) which flies within the area specified in paragraph (4) of this regulation while on a flight from any place in the United Kingdom to a vessel or an off-shore installation within the said area shall pay to the CAA for the navigation services made available by it in relation to the flight, a charge of forty-six pounds.

(4) The area referred to in paragraph (3) of this regulation is the area bounded by straight lines joining successively the following points—

N5500 W00100; N5500 E00300; N5423 E00245; N5256 E00309; N5230 E00247; N5226 E00137; N5238 E,00140; N5251 E00124; N5319 E00010; N5500 W00100.

Value Added Tax charge

8. For the purpose of reimbursing the CAA in respect of value added tax payable on the provision of navigation services for which a charge is payable pursuant to these Regulations there shall be charged an additional charge equal to the amount of such tax and the incidence of the first mentioned charge shall determine the incidence of the additional charge.

Services provided outside hours where the intention to land or take-off is not carried out

9. Whenever, by reason of its having received from the operator or commander of an aircraft notice of intention to make use outside hours of an aerodrome referred to in the Table in regulation 2(1) of these Regulations for landing or take-off or as an alternate aerodrome, the CAA provides navigation services outside hours but the aircraft does not land or take-off there on the occasion specified in the notice, the operator of the aircraft shall pay, in respect of each such aerodrome—

- (a) in the case of an intended landing or intended use of the aerodrome as an alternate aerodrome, an amount equal to the surcharge payable under regulation 4(1)(b) of these Regulations on the landing of the aircraft outside hours;
- (b) in the case of an intended take-off, an amount equal to the charge, if any, which would have been payable under regulation 4(1)(c) of these Regulations if the aircraft had actually taken off outside hours at the intended time:

Provided that a charge shall not be payable under this regulation if the notice of intention is cancelled not less than 30 minutes before the end of the last period of watch within hours before the time specified in the notice for the intended use of the aerodrome as an alternative aerodrome or for take-off, as the case may be.

Dispensations

10. The CAA may dispense wholly or in part with any charge payable by virtue of these Regulations if it determines that it is proper to do so having regard to all the circumstances of the case.

Detention and sale of aircraft for unpaid charges

11. Where default is made in the payment of charges incurred in respect of any aircraft under these Regulations, the CAA or an authorised person may, subject to the provisions of this and the following regulations, take such steps as are necessary to detain, pending payment, either—

- (a) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins); or
- (b) any other aircraft of which the person in default is the operator at the time when the detention begins;

and if the charges are not paid within 56 days of the date when the detention begins, the CAA may sell the aircraft in order to satisfy the charges.

12. The CAA or authorised person concerned shall not detain, or continue to detain, an aircraft under these Regulations by reason of any alleged default in the payment of charges payable under these Regulations if the operator of the aircraft or any other person claiming an interest therein—

- (a) disputes that the charges, or any of them, are due or, if the aircraft is detained under regulation 11(a) of these Regulations, that the charges in question were incurred in respect of that aircraft; and
- (b) gives to the CAA, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

13. The CAA shall not sell an aircraft under these Regulations without the leave of the court; and the court shall not give leave except on proof that a sum is due to the CAA for charges under these Regulations, that default has been made in the payment thereof and that the aircraft which the CAA seeks leave to sell is liable to sale under these Regulations by reason of the default.

14. The CAA shall, before applying to the court for leave to sell an aircraft under these Regulations, take such steps for bringing the proposed application to the notice of interested persons and for affording them an opportunity of becoming a party to the proceedings as are set forth in Schedule 2 to these Regulations. If such leave is given, the CAA shall secure that the aircraft is sold for the best price that can be reasonably obtained; but failure to comply with any requirement of this regulation or of the said Schedule in respect of any sale, while actionable as against the CAA at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.

15. The proceeds of any sale under these Regulations shall be applied as follows, and in the following order, that is to say—

- (a) in payment of any customs duty which is due in consequence of the aircraft having been brought into the United Kingdom;
- (b) in payment of the expenses incurred by the CAA in detaining, keeping and selling the aircraft, including its expenses in connection with the application to the court;

- (c) in payment of the charges in respect of any aircraft which the Court has found to be due by virtue of these or any other Regulations under section 73 of the Civil Aviation Act 1982;
- (d) in payment of any airport charges incurred in respect of the aircraft which are due from the operator of the aircraft to the person owning or managing the aerodrome at which the aircraft was detained under these Regulations;

and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

16. The power of detention and sale conferred by these Regulations in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in regulations 12 to 15 of these Regulations include, except where the context otherwise requires, references to any such equipment and stores.

17. The power of detention conferred by these Regulations in respect of an aircraft extends to any aircraft documents carried in it, and any such documents may, if the aircraft is sold under these Regulations, be transferred by the CAA to the purchaser.

18. The power conferred by these Regulations to detain an aircraft may be exercised on any occasion when the aircraft is on any aerodrome referred to in the Table in regulation 2(1) of these Regulations or to which Section 88 of the Civil Aviation Act 1982 for the time being applies.

19. Nothing in these Regulations shall prejudice any right of the CAA to recover any charges, or any part thereof, by action.

Signed by authority of the Secretary of State for Transport

28th February 1991

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

We consent to the making of these Regulations.

5th March 1991

Sydney Chapman
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE 1

(Regulation 3)

Column 1 <i>Regulations revoked</i>	Column 2 <i>References</i>
The Civil Aviation (Navigation Services Charges) Regulations 1986	S.I.1986/403
The Civil Aviation (Navigation Services Charges) (Amendment) Regulations 1986	S.I. 1986/2170
The Civil Aviation (Navigation Services Charges) (Second Amendment) Regulations 1987	S.I. 1987/269
The Civil Aviation (Navigation Services Charges) (Third Amendment) Regulations 1988	S.I. 1988/388
The Civil Aviation (Navigation Services Charges) (Fourth Amendment) Regulations 1989	S.I. 1989/349
The Civil Aviation (Navigation Services Charges) (Fifth Amendment) Regulations 1990	S.I. 1990/458

SCHEDULE 2

(Regulation 14)

Steps to be taken to bring proposed application to court to notice of interested persons and afford them an opportunity of becoming a party to the proceedings.

1.—(1) The CAA if it proposes to apply to the court for leave to sell an aircraft under these Regulations, shall take such of the following steps set out in this paragraph for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon and for affording to any such person an opportunity of becoming a party to the proceedings on the application as are applicable to the aircraft.

(2) At least 21 days before applying to the court, the CAA shall publish

(i) in the London Gazette and also, if the aircraft is detained in Scotland, the Edinburgh Gazette, or, if it is detained in Northern Ireland, in the Belfast Gazette; and

(ii) in one or more local newspapers circulating in the locality in which the aircraft is detained; such a notice as is prescribed by paragraph 2 of this Schedule, and shall also, unless in that case it is impracticable to so do, serve such a notice, in the manner so prescribed, on each of the following persons—

- (a) the person in whose name the aircraft is registered;
- (b) the person, if any, who appears to the CAA to be the owner of the aircraft;
- (c) any person who appears to the CAA to be a charterer of the aircraft whether or not by demise;
- (d) any person who appears to the CAA to be the operator of the aircraft;
- (e) any person who is registered as a mortgagee of the aircraft under an Order in Council made under section 86 of the Civil Aviation Act 1982 or who appears to the CAA to be a mortgagee of the aircraft under the law of any country other than the United Kingdom;

- (f) any other person who appears to the CAA to have a proprietary interest in the aircraft.
- (3) If any person who has been served with a notice in accordance with sub-paragraph (2) of this paragraph informs the CAA within 14 days of the service of the notice of his desire to become a party to the proceedings the CAA shall make that person a defendant to the application.

Content and service of the notice under paragraph 1

- 2.—(1) A notice under paragraph 1 of this Schedule shall—
 - (a) state the nationality and registration marks of the aircraft;
 - (b) state the type of aircraft;
 - (c) state that by reason of default in the payment of a sum due to the CAA for charges imposed by these Regulations, the CAA, on a date which shall be specified in the notice, detained the aircraft under these Regulations and, unless payment of the sum so due is made within a period of 56 days from the date when the detention began, or within 21 days of the date of service of the notice, whichever shall be the later, will apply to the court for leave to sell the aircraft;
 - (d) invite the person to whom the notice is given to inform the CAA within 14 days of the service of the notice if he wishes to become a party to the proceedings on the application.
- (2) A notice under paragraph 1 of this Schedule shall be served—
 - (a) by delivering it to the person to whom it is to be sent; or
 - (b) by leaving it at his usual or last known place of business or abode; or
 - (c) by sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to him at his usual or last known place of business or abode; or
 - (d) if the person to whom it is to be sent is an incorporated company or body, by delivering it to the secretary, clerk or other appropriate officer of the company or body at their registered or principal office, or sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary, clerk or officer of the company or body at that office.
- (3) Any notice which is sent by post in accordance with the preceding sub-paragraph to a place outside the United Kingdom shall be sent by air mail or by some other equally expeditious means.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate the Civil Aviation (Navigation Services (Charges) Regulations 1986, as amended.

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

- (1) The charges payable to the CAA for navigation services provided in connection with the use of aerodromes specified in the Table in regulation 2(1) have been changed as follows:—
 - (a) In respect of the three London Airports, the standard charge for the first 100 metric tonnes maximum total weight authorised of an aircraft, or part thereof, is reduced from £1.80 per

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metric tonne to £1.74 for aircraft engaged on international flights and increased from £1.52 per metric tonne to £1.58 for aircraft engaged on flights other than international flights (referred to hereafter in this Explanatory Note as “domestic flights”). For each additional metric tonne, or part thereof, in excess of 100 metric tonnes, the charge is reduced from £0.77 per metric tonne to £0.74 for aircraft engaged on international flights and increased from £0.62 per metric tonne to £0.65 for aircraft engaged on domestic flights.

- (b) Charges at Aberdeen (Dyce) are increased by 8.9 per cent for domestic flights and 1.1 per cent for international flights, charges at Edinburgh are unchanged for domestic flights and reduced by 7.3 per cent for international flights, charges at Glasgow are unchanged for domestic flights and reduced by 7.4 per cent for international flights and charges at Prestwick are increased by 11 per cent for domestic flights and by 3.7 per cent for international flights (regulations 2 and 4(1)).

(2) The minimum charge payable for navigation services at aerodromes and for approach services provided from an aerodrome to aircraft which do not land at that aerodrome is increased from £5 to £10 in respect of an aircraft engaged on a domestic flight (regulations 4(5) and 5(2)).

(3) The charge payable to the CAA on the occasion of a landing or take-off in connection with a flight made exclusively for the purpose of instruction or testing of flight crew is set at 25% of the standard charge in the case of Prestwick and 50% of the standard charge at the three London airports, Aberdeen (Dyce), Edinburgh and Glasgow (regulation 4(4)).

(4) The charge payable to the CAA by the operator of an aircraft which flies within the Shanwick Oceanic Control Area and in respect of which a flight plan is communicated to the appropriate air traffic control unit is increased from £86 to £93 (regulation 6).