
STATUTORY INSTRUMENTS

1995 No. 2713

CIVIL AVIATION

The Civil Aviation (Canadian Navigation Services) (Second Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>16th October 1995</i>
<i>Laid before Parliament</i>		<i>18th October 1995</i>
<i>Coming into force</i>	- -	<i>1st November 1995</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 73(1)(a), (4) and (6)(a) of the Civil Aviation Act 1982⁽¹⁾ and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Civil Aviation (Canadian Navigation Services) (Second Amendment) Regulations 1995 and shall come into force on 1st November 1995.

2. The Civil Aviation (Canadian Navigation Services) Regulations 1994⁽²⁾, shall be amended as follows:

(a) for regulation 2 there shall be substituted the following regulation—

“2.—(1) In these Regulations—

“authorised person” means any constable or 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;

“specified airspace” means the airspace of Canada other than airspace within the Gander Oceanic Flight Information Region.

(2) Other expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation (No. 2) Order 1995⁽³⁾.”

(b) for regulation 4 there shall be substituted the following regulation—

(1) 1982 c. 16; section 73(4) was amended by section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 (c. 11). The expression “prescribed” is defined in section 105(1).
(2) S.I.1994/2325 as amended by S.I. 1995/2144.
(3) S.I. 1995/1970.

“4.—(1) The operator of an aircraft, wherever registered, shall pay to the CAA charges in respect of air navigation services provided by or on behalf of the Government of Canada as follows:

- (a) in respect of each flight between any point in North America and any point outside North America in the course of which the aircraft makes use of such services within the Gander Oceanic Flight Information Region other than a flight described in sub-paragraph (c) of this paragraph, a charge of \$90.24 Canadian; and
- (b) in respect of each flight in the course of which the aircraft makes use of international radio frequencies to obtain air navigation services by way of telecommunication services provided by or on behalf of the Government of Canada other than a flight described in sub-paragraph (c) of this paragraph, a charge of \$53.68 Canadian; and
- (c) in respect of each flight from or to an airport in Canada situated north of N6000 to or from an airport in Greenland in the course of which the aircraft makes use of one or more of the services described in sub-paragraphs (a) and (b) of this paragraph, a charge of 40 per cent of the charge specified in those sub-paragraphs for each of the services used; and
- (d) subject to sub-paragraph (e) of this paragraph, in respect of each flight which crosses specified airspace without landing or taking off in the course of which the aircraft makes use of air navigation services provided by or on behalf of the Government of Canada, a charge of \$0.026142 Canadian multiplied by the flight distance in kilometres through the specified airspace and multiplied by the square root of the maximum total weight authorised of the aircraft in metric tonnes;
- (e) sub-paragraph (d) of this paragraph shall not apply to any of the following flights—
 - (i) a flight by an aircraft in the service of a State which is not made for commercial purposes;
 - (ii) a flight by an aircraft between any two points both of which are in the United States of America other than a flight to or from an airport in Alaska by aircraft the maximum total weight authorised of which is more than 200 metric tonnes and a flight to or from Hawaii.

(2) The charges specified in sub-paragraphs (a), (b) and (d) of paragraph (1) of this regulation shall be cumulative and shall apply whether or not in the course of the flight the aircraft flies within the United Kingdom or Canada.”

Signed by authority of the Secretary of State for Transport

13th October 1995

Goschen
Parliamentary Under Secretary of State,
Department of Transport

We consent to the making of these Regulations

16th October 1995

Derek Conway
David Willets
Two of the Lord's Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Civil Aviation (Canadian Navigation Services) Regulations 1994 (“the Principal Regulations”) as follows:

1. A definition of “specified airspace” is introduced (regulation 2(a)).
2. In respect of each flight between any point in North America and any point outside North America in the course of which the aircraft makes use of air navigation services provided by or on behalf of the Government of Canada within the Gander Oceanic Flight Information Region, other than a flight described in regulation 4(1)(c) of the Principal Regulations as amended, the charge is reduced from \$142.10 Canadian to \$90.24 Canadian (regulation 2(b)).
3. A new charge is introduced in respect of flights which overfly Canada without landing or taking off in Canada in the course of which the aircraft makes use of air navigation services provided by or on behalf of the Government of Canada. The charge is \$0.026142 Canadian multiplied by the flight distance in kilometres through Canadian airspace other than airspace within the Gander Oceanic Flight Information Region and multiplied by the square root of the maximum total weight authorised of the aircraft in metric tonnes.

The charge does not apply to flights by aircraft which are used in the service of a State and which are not made for commercial purposes and does not apply to flights by aircraft between any two points both of which are in the United States of America other than flights to or from an airport in Alaska by aircraft of more than 200 metric tonnes maximum total weight authorised and flights to or from Hawaii (regulation 2(b)).

4. The charge in respect of each flight between any two points one of which is in Europe (including Iceland) or Greenland in the course of which the aircraft makes use of air navigation services provided by the Edmonton Area Control Centre is withdrawn.

Charges under the Regulations are payable to the Civil Aviation Authority which is required to remit them to the Government of Canada.