
STATUTORY INSTRUMENTS

1996 No. 22

CIVIL AVIATION

The Civil Aviation (Canadian Navigation Services) (Third Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>9th January 1996</i>
<i>Laid before Parliament</i>		<i>11th January 1996</i>
<i>Coming into force</i>	- -	<i>1st February 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 73(1)(a), (4) and (6) 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) (Third Amendment) Regulations 1996 and shall come into force on 1st February 1996.

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

for regulation 4 there shall be substituted the following regulation—

“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

(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 and S.I. 1995/2713.

- (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.

(3) If the amount of the charge payable under regulation 4(1) is not paid by the operator of the aircraft within 30 days of the date payment is demanded by the CAA, interest calculated in accordance with paragraph (4) below on the unpaid amount shall be paid from that day until the date when payment is made.

(4) Interest payable under paragraph (3) shall be simple interest calculated from day to day at the rate of 10.28%”.

Signed by authority of the Secretary of State for Transport

20th December 1995

Goschen
Parliamentary Under-Secretary of State,
Department of Transport

We consent to the making of these Regulations

9th January 1996

Michael Bates
Derek Conway
Two of the Lords Commissioners of Her
Majesty’s Treasury

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:

Regulations 4(3) and 4(4) are introduced whereby if the amount of the charge described in regulation 4(1) of the Principal Regulations is not paid by the operator of the aircraft within 30 days of the date payment is demanded by the CAA interest at the rate of 10.28% shall be paid from that day until the date when payment is made (regulation 2).

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