

### SCHEDULE 3

Regulation 12

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

**1** The CAA, if it proposes to apply to the court for leave to sell an aircraft on behalf of Eurocontrol under these Regulations, shall take such of the following steps 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—

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

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

(ii) in one or more local newspapers circulating in the locality in which the aircraft is detained such notice as is prescribed in paragraph 2 of this Schedule, and shall also, unless in that case it is impracticable to do so, 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 the 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<sup>(1)</sup> 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.

(2) If any person who has been served with a notice in accordance with sub-paragraph (1) of this paragraph informs the CAA in writing 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 Eurocontrol 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 on whom it is to be served;

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(1) 1982 c. 16; section 86 was amended by section 314(2) of, and paragraph 64(b) of Schedule 13 to, the Merchant Shipping Act 1995 (c. 21).

**Status:** This is the original version (as it was originally made).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

- (b) by leaving it at his usual or last known place of business or abode;
  - (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 paragraph to a place outside the United Kingdom shall be sent by air mail or by some other equally expeditious means.