

SCHEDULE

Regulation 6

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. 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 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 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⁽¹⁾ 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 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 specified by the CAA under section 73(1) of the Transport Act 2000, 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; and

(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;

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

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- (b) by leaving it at his usual or last known place of business or abode;
 - (c) by sending it, addressed to him at his usual or last known place of business or abode, by a registered post service or by a postal service which provided for the delivery of the notice by post to be recorded; 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 its registered or principal office or sending it, addressed to the secretary, clerk or other officer of the company or body at that office, by a registered post service or by a postal service which provides for the delivery of the notice by post to be recorded.
- (3) Any notice which is sent by a postal service 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.
- (4) In this Schedule, the expressions “registered post service” and “postal service” have the meaning those expressions bear in section 125(1) of the Postal Services Act 2000⁽²⁾.

(2) 2000 c. 26.