

SCHEDULE 2

Regulation 44(1)

Steps to be taken before applying for leave to sell an aircraft

1. The steps in this Schedule apply where the regulator proposes to apply to the court for leave to sell an aircraft under regulation 44.

2.—(1) At least 21 days before applying to the court the regulator must, unless it is impracticable to do so, serve a notice in accordance with paragraph 4 on—

- (a) the person in whose name the aircraft is registered;
- (b) the person, if any, who appears to the regulator to be the owner of the aircraft;
- (c) any person who appears to the regulator to be a charterer of the aircraft whether or not by demise;
- (d) any person who appears to the regulator 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 regulator 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 regulator to have a proprietary interest in the aircraft or any part of it.

(2) Where a person who has been served with a notice in accordance with sub-paragraph (1) informs the regulator within 14 days of the service of the notice of the person's desire to become a party to the proceedings the regulator must make that person a party to the application.

3. At the same time as serving any notice under paragraph 2(1), the regulator must publish a copy of that notice—

- (a) 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
- (b) in one or more local newspapers circulating in the locality in which the aircraft is detained.

4. A notice under paragraph 2(1) must—

- (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 civil penalty under these Regulations, the regulator, on a date which is specified in the notice, detained the aircraft under these Regulations;
- (d) state that, unless payment of the sum so due is made within—
 - (i) a period of 56 days from the date when the detention began, or
 - (ii) if later, 21 days of the date of service of the notice,the regulator will apply to the court for leave to sell the aircraft;
- (e) invite the person to whom the notice is given to inform the regulator within 14 days of the service of the notice if the person wishes to become a party to the proceedings on the application.

5.—(1) A notice under paragraph 2(1) must be served by the regulator—

- (a) by delivering it to the person to whom it is to be sent;
- (b) by leaving it at that person's usual or last known place of business or abode;

(1) 1982 c. 16.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) by sending it, addressed to that person at that person's 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.
- (2) Any notice which is sent by a postal service in accordance with the preceding paragraph to a place outside the United Kingdom must be sent by air mail or by some other equally expeditious means.
- (3) In this Schedule "registered post service" and "postal service" have the meaning given in section 125(1) of the Postal Services Act 2000⁽²⁾.

(2) 2000 c. 26.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2012/3038 reg. 85\(d\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 para. 1(1) Sch. 4 para. 1 renumbered as Sch. 4 para. 1(1) by [S.I. 2011/765 reg. 4\(6\)\(b\)](#)
- Sch. 4 para. 1(2) inserted by [S.I. 2011/765 reg. 4\(6\)\(b\)](#)
- reg. 2A2B inserted by [S.I. 2011/765 reg. 3\(2\)](#)
- reg. 36(6) applied (with modifications) by SI 2012/3038 reg. 87(1A) (as amended) by [S.I. 2013/755 Sch. 4 para. 425](#)
- reg. 52(5A) inserted by [S.I. 2011/765 reg. 4\(2\)\(a\)](#)
- reg. 53(2A) inserted by [S.I. 2011/765 reg. 4\(3\)\(b\)](#)
- reg. 53(5) inserted by [S.I. 2011/765 reg. 4\(3\)\(d\)](#)
- reg. 55(1) reg. 55 renumbered as reg. 55(1) by [S.I. 2011/765 reg. 4\(4\)](#)
- reg. 55(2) inserted by [S.I. 2011/765 reg. 4\(4\)](#)
- reg. 60(5A) inserted by [S.I. 2011/765 reg. 4\(5\)\(b\)](#)