

2010 No. 25

AIRPORTS

**The Airports (Sale of Aircraft) Regulations (Northern Ireland)
2010**

Made - - - - - *2nd February 2010*

Coming into operation - - - - - *22nd March 2010*

The Department for Regional Development^(a) makes the following Regulations in exercise of the powers conferred by Article 23(5) of the Airports (Northern Ireland) Order 1994^(b).

Citation and commencement

1. These Regulations may be cited as the Airports (Sale of Aircraft) Regulations (Northern Ireland) 2010 and shall come into operation on 22nd March 2010.

Interpretation

2. In these Regulations—

“the Order” means the Airports (Northern Ireland) Order 1994;

“airport operator” has the meaning given by Article 2(2) of the Airports (Northern Ireland) Order 1994.

Application to the High Court for leave to sell an aircraft

3. Where an airport operator proposes to apply to the High Court for leave to sell an aircraft it shall take the steps set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department for Regional Development on 2nd February 2010.

(L.S.)

B.R.D. White
A senior officer of the Department for Regional Development

(a) S.I. 1999/283 (N.I. 1) Article 3(1)

(b) S.I. 1994/426 (N.I. 1)

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

1. Where an airport operator proposes to apply to the High Court for leave to sell an aircraft it shall take such of the following steps for bringing the proposed application to the notice of the persons whose interests may be affected by the determination of the High 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 High Court, the airport operator shall publish—

- (a) (i) 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 on each of the following persons—

- (b) the person in whose name the aircraft is registered;
- (c) the person, if any, who appears to the airport operator to be the owner of the aircraft;
- (d) any person who appears to the airport operator to be a charterer of the aircraft whether or not by demise;
- (e) any person who appears to the airport operator to be the operator of the aircraft;
- (f) 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^(a) or who appears to the airport operator to be a mortgagee of the aircraft under the law of any other country other than the United Kingdom;
- (g) any other person who appears to the airport operator 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 airport operator within 14 days of the service of notice of his desire to become a party to the proceedings the airport operator shall make that person a defendant to the application.

Content 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 airport operator on a date which shall be specified in the notice, the airport operator 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 of when the detention began, or within 21 days of the date of the service of the notice, whichever shall be later, will apply to the High Court for leave to sell the aircraft; and
- (d) invite the person to whom the notice is given to inform the airport operator within 14 days of the service of the notice if he wishes to become a party to the proceedings on the application.

(a) 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)

(2) Where a notice requires to be sent to a place outside the United Kingdom it shall be sent by air mail or by some other equally expeditious means.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the sale of aircraft by an airport operator where default is made in the payment to an airport operator of airport charges.

Article 23(4) of the 1994 Order prevents an airport operator from selling an aircraft without the leave of the High Court. These Regulations require the airport operator to take steps for bringing the proposed application to the notice of interested persons and affording them an opportunity of becoming a party to the proceedings.

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