

Status: Point in time view as at 26/11/2018. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Space Industry Act 2018, SCHEDULE 11 is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 11 U.K.

Section 62

CHARGING SCHEMES

Definitions

- 1 In this Schedule—
- “charging scheme” means—
- (a) a scheme made by the CAA under paragraph 2;
 - (b) a scheme made by regulations under paragraph 3;
- “charging authority”, in relation to a charging scheme, means the person to whom the scheme provides for payments to be made.

Commencement Information

11 Sch. 11 para. 1 in force at 26.11.2018 by S.I. 2018/1224, reg. 2(fff)(i)

Charging by the CAA

- 2 (1) The CAA may make a scheme providing for payment to it of charges in respect of the performance by the CAA of functions that are—
- (a) conferred on it by or under this Act, and
 - (b) specified in the scheme.
- (2) The CAA may vary or revoke a scheme made under this paragraph.
- (3) The CAA must publish—
- (a) any scheme made under this paragraph;
 - (b) any variation or revocation of such a scheme;
 - (c) the date on which any such scheme, variation or revocation takes effect.

A date published under paragraph (c) must be at least 14 days after the day on which it is published.

Commencement Information

12 Sch. 11 para. 2(1) in force at 26.11.2018 by S.I. 2018/1224, reg. 2(fff)(ii)

Charging by persons other than the CAA

- 3 (1) Regulations may make a scheme providing for payment to the Secretary of State, or to an appointed person other than the CAA, of charges in respect of the performance by the Secretary of State or the appointed person of functions that are—

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- (a) conferred on the Secretary of State or the appointed person by or under this Act, and
 - (b) specified in the scheme.
- (2) If an appointed person other than the CAA makes a proposal to the Secretary of State for a scheme under this paragraph, the Secretary of State must consider whether to make such a scheme (either in the terms proposed or with modifications).
- (3) A scheme made by regulations under this paragraph may make provision as to the retention or remission of amounts received by an appointed person under the scheme.

Commencement Information

I3 Sch. 11 para. 3(1)(3) in force at 26.11.2018 by S.I. 2018/1224, reg. 2(ff)(iii)

VALID FROM 29/07/2021

Content of charging schemes

- 4
- (1) A charging scheme may—
 - (a) specify the amount of a charge or a scale of charges by reference to which the amount is to be ascertained, or
 - (b) provide that a charge is to be of an amount determined by the scheme or by the charging authority under the scheme.
 - (2) A charging scheme may provide that the charge for the performance of a particular function must not exceed an amount specified in the scheme.
 - (3) A charging scheme may specify factors to which the charging authority may or must have regard when ascertaining or determining the amount of a particular charge.
 - (4) A charging scheme may, in relation to each charge specified in it, specify—
 - (a) the manner in which the charge is to be paid;
 - (b) the time at which the charge is to be paid;
 - (c) the person by whom the charge is to be paid.
 - (5) A charging scheme may specify different charges for different cases.

Consultation

- 5
- (1) Before making a scheme under paragraph 2, the CAA—
 - (a) must consult the persons who, in the CAA's opinion, are likely to be affected by the scheme or any of those persons that it thinks fit, and
 - (b) must then consult the Secretary of State.
 - (2) Before making a proposal for a scheme under paragraph 3, an appointed person must consult the persons who, in the appointed person's opinion, are likely to be affected by the scheme or any of those persons that it thinks fit.
 - (3) Before making regulations under paragraph 3, the Secretary of State must consult—

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- (a) the persons who, in the Secretary of State's opinion, are likely to be affected by the scheme or any of those persons that the Secretary of State thinks fit, and
 - (b) the charging authority (if it is not the Secretary of State).
- (4) But sub-paragraph (3) does not apply if the regulations give effect without modification to a proposal made by an appointed person.

Commencement Information

I4 Sch. 11 para. 5(1)-(3) in force at 26.11.2018 by S.I. 2018/1224, reg. 2(ff)(iv)

VALID FROM 29/07/2021

Effect of licence conditions

- 6 The inclusion in a licence under this Act of a condition as to payment of charges determined under a charging scheme does not prevent the charging authority from recovering such charges as a debt due to the charging authority.

VALID FROM 29/07/2021

Duty to charge

- 7
- (1) Where provision is made in a charging scheme for a charge to be paid in connection with the performance of a function by a charging authority, it is the duty of the charging authority to charge accordingly.
 - (2) But the charging authority may waive a charge (in whole or in part) if it thinks fit to do so in a particular case.
 - (3) This paragraph does not affect a charging authority's power to enter into an agreement for the payment to it of charges in respect of the performance of functions in respect of which a charging scheme does not provide for the making of a charge.

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