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STATUTORY INSTRUMENTS

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**1989 No. 1349**

**CIVIL AVIATION**

**The Air Navigation (Fifth Amendment) Order 1989**

*Made* - - - - *2nd August 1989*  
*Laid before Parliament* *10th August 1989*  
*Coming into force* - - *31st August 1989*

At the Court at Buckingham Palace, the 2nd day of August 1989

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 20, 60 (other than sub-section (3)(r)), 61 and 102 of the Civil Aviation Act 1982(1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

1. This Order may be cited as the Air Navigation (Fifth Amendment) Order 1989 and shall come into force on 31st August 1989.

**Amendment of the Air Navigation Order 1985**

2. The following new article shall be inserted immediately after article 83 of the Air Navigation Order 1985(2)–

**“Filing and approval of tariffs**

**83A.**—(1) Where a permission granted under article 83(1) of this Order contains a tariff provision, the operator or charterer of the aircraft concerned shall file with the Authority the tariff which it proposes to apply on flights to which the said permission relates and the Authority shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it.

(2) For the purposes of this article, “tariff provision” means a condition as to any of the following matters–

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(1) 1982 c. 16.

(2) S.I.1985/1643, amended by S.I. 1986/2238, 1987/2062, 1988/251 and 2250.

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- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 83(1) of this Order relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

(3) The Authority shall act on behalf of the Crown in performing the functions conferred on it by this article.”

*G. I. de Deney*  
Clerk of the Privy Council

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Air Navigation Order 1985 to require operators or charterers of foreign registered aircraft to file proposed tariffs with the Civil Aviation Authority and to confer on the Authority the function of considering and approving such tariffs.