
STATUTORY INSTRUMENTS

1994 No. 3071

CIVIL AVIATION

The Civil Aviation (Route Charges for Navigation Services) Regulations 1994

Made - - - - *1st December 1994*
Laid before Parliament *9th December 1994*
Coming into force - - *1st January 1995*

Whereas in pursuance of tariffs approved under the Eurocontrol Convention⁽¹⁾ and under the Multilateral Agreement relating to Route Charges concluded at Brussels on 12th February 1981⁽¹⁾ (being international agreements to which the United Kingdom is a party), the Secretary of State for Transport has determined rates of charges, as specified in the following Regulations, payable to Eurocontrol in respect of navigation services provided for aircraft:

Now, therefore, the Secretary of State for Transport in exercise of his powers under sections 73(1) (a), (1A), (3), (4), (6), 74(4) and (5) and 102(2)(b) of the Civil Aviation Act 1982⁽²⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Route Charges for Navigation Services) Regulations 1994 and shall come into force on 1st January 1995.

Revocation

2. The Regulations specified in Schedule 1 hereto are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“AIP” in relation to a country other than the United Kingdom means a document in force at the date of the making of these Regulations, entitled “Aeronautical Information Publication” or “AIP” and published by a public authority of that country;

(1) Cmnd. 8662.

(1) Cmnd. 8662.

(2) 1982 c. 16; section 73(1A) was added by section 1 of the Civil Aviation (Air Navigation Charges) Act 1989 (c. 9); “prescribed” is defined in section 105(1); and see paragraph 2 of Part III of Schedule 13.

“authorised person” means any constable or any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

“ECUs” means European Currency Units being units of account defined by reference to more than one currency;

“FIR” means “Flight Information Region”;

“specified airspace” means the airspace of a FIR described as set forth in columns 1 and 2 of Schedule 2 hereto;

“United Kingdom Air Pilot” means the document so entitled in force at the date of the making of these Regulations and published by the CAA.

(2) Expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Order 1989(3).

Charge to be paid to Eurocontrol

4.—(1) Subject to the provisions of these Regulations the operator of any aircraft (in whatsoever State it is registered) for which navigation services (not being navigation services provided in connection with the use of an aerodrome) are made available in a specified airspace shall pay to Eurocontrol, in respect of each flight by that aircraft in that airspace, a charge for those services (hereinafter referred to as “the charge”) at the appropriate rate calculated in accordance with regulation 6 or 7 of these Regulations, whichever shall apply in the circumstances.

(2) If Eurocontrol is unable, after taking reasonable steps, to ascertain who is the operator, it may give notice to the owner of the aircraft that it will treat him as the operator until he establishes to the reasonable satisfaction of Eurocontrol that some other person is the operator; and from the time when the notice is given Eurocontrol shall be entitled, for so long as the owner is unable to establish as aforesaid that some other person is the operator, to treat the owner as if he were the operator, and for that purpose the provisions of these Regulations (other than this paragraph) shall apply to the owner of the aircraft as if he were the operator.

(3) The operator of an aircraft shall not be required to pay any charge to Eurocontrol under these Regulations in respect of a flight if he has previously paid to Eurocontrol in respect of that flight a charge of the same or a greater amount under the law of a country specified in column 1 of Schedule 2 hereto.

Payment

5.—(1) The amount of the charge shall be payable to Eurocontrol at its principal office in Brussels and shall be paid in ECUs.

(2) Without prejudice to any existing rule of law relating to the recovery of a debt expressed in ECUs, the equivalent in sterling of the charge may be recovered in any court of competent jurisdiction in the United Kingdom.

(3) If the amount of the charge payable under regulation 4(1) is not paid by the operator of the aircraft within 24 days of the date payment is demanded by Eurocontrol, interest calculated in accordance with paragraph (4) below on the unpaid amount shall be paid from that day until the date when payment is made.

(4) Interest payable under paragraph (3) shall be simple interest calculated from day to day at the rate of 9.25%.

(5) Nothing in this regulation shall prevent Eurocontrol from accepting as a good discharge payment other than in ECUs or at places other than the principal office of Eurocontrol.

(3) S.I. 1989/2004, to which there are amendments not relevant to these Regulations.

Calculation of the Charge

6.—(1) Except in the case of flights specified in regulation 7 of these Regulations, the charge shall be calculated in ECUs according to the following formula—

$$r = N \times U$$

where

r is the charge for the flight, N is the number of service units relating to that flight and U is the appropriate unit rate specified in column 3 of Schedule 2 hereto in relation to the specified airspace through which the flight is made, increased or decreased as the case may be by the same percentage as the relevant national currency has increased or decreased against the ECU as compared with the rate of exchange specified in column 4 of the said Schedule in relation to that airspace.

(2) For the purpose of the preceding paragraph, the number of service units relating to a flight shall be calculated in accordance with the following formula—

$$N = d \times p$$

where

d is the distance factor for the flight in the specified airspace in question and p is the weight factor for the aircraft concerned.

(3) For the purposes of the preceding paragraph—

- (a) the distance factor shall be the number of kilometres in the great circle distance between the points specified in paragraph (4) of this regulation minus 20 kilometres for each landing and take-off in the specified airspace in question, divided by 100 and expressed to two places of decimals, and
- (b) the weight factor, subject to the provisions of paragraph (6) of this regulation, shall be equal to the square root of the quotient obtained by dividing by 50 the number of metric tonnes of the maximum total weight authorised of the aircraft and shall be expressed to two places of decimals.

(4) The points referred to in paragraph (3) of this regulation are—

- (a) the aerodrome of departure within the specified airspace in question or, if there is no such aerodrome, the point specified in paragraph (5) of this regulation as the standard point of entry into that airspace for the route in question or, in the case specified in the proviso to that paragraph, the actual point of entry into that airspace; and
- (b) the aerodrome of first destination within the specified airspace in question or, if there is no such aerodrome, the point specified in paragraph (5) of this regulation as the standard point of exit from that airspace for the route in question or, in the case specified in the proviso to that paragraph, the actual point of exit from that airspace.

(5) The standard points of entry and exit referred to in paragraph (4) of this regulation are the points, as described in the United Kingdom Air Pilot or relevant AIP as the case may be, where the median line of the appropriate airway or upper Air Traffic Service route so described crosses the boundary of the airspace in question.

For the purposes of this paragraph, the appropriate airway or route, in the case of a flight made between 1st January and 31st December in any year, shall be—

- (a) the airway or route between the aerodrome of departure and the aerodrome of first destination which appears to Eurocontrol on 1st January of that year to be the most frequently used such airway or route; or
- (b) if Eurocontrol is unable to ascertain on 1st January of that year which such airway or route is the most frequently used, the shortest such airway or route;

Provided that in the case of a flight in respect of which the aerodrome of departure or the aerodrome of first destination is situated in one of the zones specified in column 1 of Schedule 3 to these Regulations but that aerodrome is not specified in column 2 of the said Schedule the point of entry into or, as the case may be, of exit from the said airspace shall be the actual point where the flight in question crosses the lateral limits of that airspace as described in the United Kingdom Air Pilot or relevant AIP as the case may be.

(6) The weight factor for an aircraft of any type shall be calculated by reference to the maximum total weight authorised of the heaviest aircraft of that type:

Provided that where an operator has indicated to Eurocontrol, within the period of one year immediately preceding the flight, the composition of the fleet of aircraft which he operates and which includes two or more aircraft which are different versions of the same type of aircraft, the weight factor shall be calculated by reference to the average of the maximum total weight authorised of all his aircraft of that type so indicated to Eurocontrol.

7. The charge in relation to a flight which enters a specified airspace and in respect of which the aerodrome of departure or the aerodrome of first destination, as the case may be, is specified in column 2 of Schedule 3 hereto and the aerodrome of the first destination or the aerodrome of departure, as the case may be, is situated in any one of the zones specified in column 1 of that Schedule shall be calculated in ECUs according to the following formula—

$$C = Z \times p$$

where

C is the charge payable, Z is the charge specified in column 3 of the said Schedule (appropriate to the maximum total weight authorised of 50 metric tonnes) increased or decreased as the case may be by the same percentage as the relevant national currencies have increased or decreased against the ECU as compared with the rate of exchange specified in column 4 of Schedule 2 hereto in relation to that airspace and p is the weight factor of the aircraft concerned determined in accordance with regulation 6(3)(b) and 6(6) of these Regulations.

8.—(1) For the purposes of regulations 6 and 7 the rate of exchange of the ECU to a national currency shall be—

(a) where the average monthly rate of exchange of the ECU to that national currency is established by the Commission of the European Communities, such rate of exchange, and publication in the Official Journal of the European Communities (Information and Notices) for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved, and

(b) where the average monthly rate of exchange of the ECU to that national currency is not established by the Commission of the European Communities, such rate of exchange as is calculated by reference to the rate of exchange between the ECU and the United States dollar and between the relevant national currency and the United States dollar established by the International Monetary Fund and publication in the International Financial Statistics of the International Monetary Fund for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved; and a document purporting to be the International Financial Statistics published by the International Monetary Fund shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a document.

(2) (a) Where the average monthly rate of exchange of the ECU to a national currency is established by the Commission of the European Communities, in the event that the Commission of the European Communities does not publish the Official Journal (Information and Notices) for the month preceding the month during which the flight takes place, a certificate given by or on behalf of the Treasury stating the average monthly rate

of exchange of the ECU to the relevant national currency for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

- (b) Where the average monthly rate of exchange of the ECU to a national currency is not established by the Commission of the European Communities, in the event that the International Monetary Fund does not publish the International Financial Statistics for the month during which the flight takes place, a certificate given by or on behalf of the Treasury stating the average monthly rate of exchange between the ECU and the United States dollar and between the relevant national currency and the United States dollar for the month preceding the month during which the flight takes place shall be sufficient evidence of that matter unless the contrary is proved, and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Exempt Flights

9. These Regulations shall not apply to the following flights—

- (i) flights by military aircraft;
- (ii) flights made for the purposes of search and rescue operations;
- (iii) flights by aircraft of which the maximum total weight authorised is 5,700 kg or less made entirely in accordance with the Visual Flight Rules in the Rules of the Air Regulations 1991(4);
- (iv) flights terminating at the aerodrome from which the aircraft has taken off;
- (v) flights other than the flights referred to in paragraph (i) of this regulation made by aircraft which are used in the service of a State (including for customs or police purposes) and which are not made for commercial purposes;
- (vi) flights made exclusively for the purpose of checking or testing equipment used or intended to be used as aids to air navigation;
- (vii) flights made exclusively for the purpose of the instruction or testing of flight crew;
- (viii) flights made by aircraft of which the maximum total weight authorised is less than two metric tonnes;
- (ix) flights between points within the specified airspace of Austria;
- (x) flights between points within the specified airspace of France;
- (xi) flights made by helicopters between any point in the United Kingdom to a vessel or an offshore installation within the area bounded by straight lines joining successively the following points—
 - N5500 E00302; N5500 W00100; N5600 W00230; N5740 W00230; N5740 W00400; N5830 W00400; N5830 W00500; N6300 W00500; N6300 E/W00000;
 - and thence south by the Median Line to N5500 E00302;
- (xii) flights made by helicopters between any point in the United Kingdom to a vessel or an offshore installation within the area bounded by straight lines joining successively the following points—

(4) S.I. 1991/2437, to which there are amendments not relevant to these Regulations.

N5500 W00100; N5500 E00300; N5423 E00245; N5256 E00309; N5230 E00247; N5226 E00137; N5238 E00140; N5251 E00124; N5319 E00010; N5500 W00100.

Detention and sale of aircraft for unpaid charges

10. Where default is made in the payment of the charges incurred in respect of any aircraft under these Regulations Eurocontrol may request the CAA to act on behalf of Eurocontrol in accordance with the provisions of regulations 11 to 14.

11. Where such a request has been made, the CAA or an authorised person may on behalf of Eurocontrol, subject to the provisions of this and the following regulations, take such steps as are necessary to detain, pending payment, either—

- (a) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins); or
- (b) any other aircraft of which the person in default is the operator at the time when the detention begins;

and if the charges are not paid within 56 days after the date when the detention begins, the CAA may, subject to the following regulations, sell the aircraft on behalf of Eurocontrol in order to satisfy the charges.

12. The CAA or the authorised person concerned shall not detain, or continue to detain, an aircraft on behalf of Eurocontrol under these Regulations by reason of any alleged default in the payment of the charges payable under these Regulations if the operator of the aircraft or any other person claiming an interest therein—

- (a) disputes that the charges, or any of them, are due or, if the aircraft is detained under regulation 11(a) of these Regulations, that the charges in question were incurred in respect of that aircraft; and
 - (b) gives to Eurocontrol, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.
- (a) (a) The CAA shall not sell an aircraft on behalf of Eurocontrol under these Regulations without the leave of the court; and the court shall not give leave except on proof that a sum is due to Eurocontrol for charges under these Regulations, that default has been made in the payment thereof and that the aircraft which the CAA seeks leave to sell on behalf of Eurocontrol is liable to sale under these Regulations by reason of default.
- (b) In this regulation, “the court” means, as respects England, Wales and Northern Ireland, the High Court, and as respects Scotland, the Court of Session.

14. The CAA shall, before applying to the court for leave to sell an aircraft on behalf of Eurocontrol under regulation 13 above, take such steps for bringing the proposed application to the notice of interested persons and for affording them an opportunity of becoming a party to the proceedings as are set forth in Schedule 4 to these Regulations. If such leave is given, the CAA shall secure that the aircraft is sold on behalf of Eurocontrol for the best price that can reasonably be obtained; but failure to comply with any requirement of this regulation or of the said Schedule in respect of any sale, while actionable as against the CAA at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.

15. The proceeds of any sale under these Regulations shall be applied as follows, and in the following order, that is to say—

- (a) in payment of any customs duty which is due in consequence of the aircraft having been brought into the United Kingdom;

- (b) in payment of the expenses incurred by the CAA in detaining, keeping and selling the aircraft, including its expenses in connection with the application to the court;
- (c) in payment of the charges in respect of any aircraft which the court has found to be due from the operator by virtue of these or any other Regulations under section 73 of the Civil Aviation Act 1982;
- (d) in payment of any interest on unpaid charges incurred in respect of any aircraft which the court has found to be due from the operator by virtue of these Regulations;
- (e) in payment of any airport charges incurred in respect of the aircraft which are due from the operator of the aircraft to the person owning or managing the aerodrome at which the aircraft was detained under these Regulations;

and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

16. The power of detention and sale conferred by these Regulations in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in regulations 11 to 15 of these Regulations include, except where the context otherwise requires, references to any such equipment and stores.

17. The power of detention conferred by these Regulations in respect of an aircraft extends to any aircraft documents carried in it, and any such documents may, if the aircraft is sold under these Regulations, be transferred by the CAA to the purchaser.

18. The power conferred by these Regulations to detain an aircraft may be exercised on any occasion when the aircraft is on an aerodrome to which section 88 of the Civil Aviation Act 1982 applies or at Belfast International Airport, Belfast City Airport or Londonderry (Eglinton) Airport.

19. Nothing in these Regulations shall prejudice any right of Eurocontrol to recover any charges, or any part thereof, or interest on unpaid charges, by action.

Signed by authority of the Secretary of State for Transport

1st December 1994

Goschen
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 2

REVOCATIONS

(1) Regulations Revoked	(2) References
The Civil Aviation (Route Charges for Navigation Services) Regulations 1993	S.I.1993/1965
The Civil Aviation (Route Charges for Navigation Services) (Second Amendment) Regulations 1993 (which revoked the Civil Aviation (Route Charges for Navigation Services) (Amendment) Regulations 1993 (SI 1993/2970))	S.I. 1993/3098
The Civil Aviation (Route Charges for Navigation Services) (Third Amendment) Regulations 1994	S.I. 1994/1468

SCHEDULE 2

Regulations 3(1), 6(1) and 7

SPECIFIED AIRSPACES

(1) Country	(2) Publication in which FIRS are described	(3) Unit Rate in ECUs	(4) Established at a Rate of Exchange of
Austria	AIP Austria	69.75	1 ECU=13.4948 Sch
Belgium	AIP Belgique	72.28	1 ECU=39.5323 BF
Cyprus	AIP Cyprus	24.63	1 ECU=0.585537 £Cy
Denmark	AIP Denmark	55.10	1 ECU=7.53595 Kr
France	AIP France (France Métropolitaine)	66.17	1 ECU=6.57349 FF
Germany	AIP Germany	79.84	1 ECU=1.91818 DM
Greece	AIP Greece	17.21	1 ECU=289.751 Dra
Hungary	AIP Hungary	18.87	1 ECU=122.810 Hf
Ireland, Republic of	AIP Ireland	27.95	1 ECU=0.800096 £Ir
Malta	AIP Malta	37.21	1 ECU=0.455484 Lm
Netherlands	AIP Netherlands	50.66	1 ECU=2.15151 G
Norway	AIP Norway	54.16	1 ECU=8.38725 KR
Portugal	AIP Portugal	40.21 Santa Maria FIRS — 14.28	1 ECU=158.232 Esc
Slovenia	AIP Slovenia	69.18	1 ECU=152.185 SIT

* Excluding Shanwick FIR.

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(1) Country	(2) Publication in which FIRS are described	(3) Unit Rate in ECUs	(4) Established at a Rate of Exchange of
Spain	AIP Espana	Madrid & Barcelona FIRS — 47.13	1 ECU=197.036 Pts
		Canaries FIRS — 50.23	
Switzerland	AIP Switzerland	83.63	1 ECU=1.61858 SF
Turkey	AIP Turkey	31.31	1 ECU=37876.5 LT
United Kingdom	United Kingdom Air Pilot*	81.42	1 ECU=£0.790531

* Excluding Shanwick FIR.

SCHEDULE 3

Regulation 7

(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in ECUs
ZONE I	Copenhagen	535.30
— between W01400 and W11000 and North of N5500 with the exception of Iceland		
	Frankfurt	1,232.15
	London	797.69
	Paris	1,067.67
	Prestwick	417.68
ZONE II	Abidjan	184.93
— between W04000 and W11000 and N2800 and N5500		
	Amman	1,707.75
	Amsterdam	773.08
	Athens	1,174.02
	Banjul	179.21
	Barcelona	760.43
	Basle	950.98
	Belfast	187.82
	Berlin	1,049.79

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(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in ECUs
	Birmingham	452.84
	Bordeaux	547.50
	Bristol	455.74
	Brussels	789.73
	Bucharest	1,676.62
	Budapest	1,453.89
	Cairo	1,149.21
	Cardiff	320.05
	Casablanca	397.71
	Cologne—Bonn	921.90
	Copenhagen	727.30
	Dakar	179.07
	Dublin	148.81
	Dusseldorf	916.46
	East Midlands	499.18
	Frankfurt	1,025.46
	Geneva	916.60
	Glasgow	272.59
	Hamburg	930.81
	Helsinki	547.21
	Istanbul	1,626.71
	Jeddah	1,171.61
	Johannesburg	179.50
	Kiev	984.77
	Lagos	180.07
	Las Palmas (Canary Islands)	539.92
	Leeds and Bradford	446.26
	Lille	696.58
	Lisbon	434.74
	London	539.91
	Luxembourg	910.47
	Lyons	804.14
	Maastricht	846.49

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(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in ECUs
	Madrid	569.06
	Malaga	666.34
	Manchester	411.72
	Manston	609.70
	Marseille	963.60
	Milan	1,016.74
	Monrovia	179.21
	Moscow	513.50
	Munich	1,233.84
	Nantes	486.05
	Naples	1,062.24
	Newcastle	428.05
	Nice	1,029.20
	Oporto	309.87
	Oslo	499.84
	Ostend	681.23
	Paris	711.07
	Ponta Delgada (Azores)	185.93
	Prague	1,222.66
	Prestwick	272.59
	Riyadh	1,557.86
	Rome	1,159.37
	Sal Island (Cape Verde)	179.07 198.92
	Santiago	263.23
	Shannon	106.21
	Sofia	1,544.94
	Stockholm	434.55
	Stuttgart	1,076.60
	Tel-Aviv	1,504.32
	Tenerife	498.71
	Timisoara	1,676.62
	Toulouse—Blagnac	702.96
	Turin	1,065.53

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(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in ECUs
	Vienna	1,452.46
	Warsaw	891.57
	Zurich	1,053.01
ZONE III	Amsterdam	891.29
— West of W11000 and between N2800 and N5500		
	Copenhagen	613.94
	Dusseldorf	985.83
	Frankfurt	1,038.21
	Geneva	1,244.55
	Glasgow	372.90
	London	750.46
	Luxembourg	1,093.97
	Madrid	428.17
	Manchester	592.91
	Milan	1,049.10
	Munich	1,460.71
	Paris	883.76
	Prestwick	372.90
	Rome	1,049.10
	Shannon	101.18
	Zurich	1,322.46
ZONE IV	Amsterdam	795.89
— West of W04000 and between N2000 and N2800 (including Mexico)		
	Barcelona	910.98
	Berlin	971.75
	Brussels	804.38
	Cologne—Bonn	884.41
	Dusseldorf	949.62
	Frankfurt	1,014.88
	Hamburg	975.26

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(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in ECUs
	Helsinki	542.53
	Las Palmas (Canary Islands)	634.20
	Lisbon	508.57
	London	574.92
	Madrid	628.93
	Manchester	395.70
	Milan	964.63
	Munich	1,219.25
	Paris	697.72
	Prague	1,217.32
	Rome	1,126.11
	Sal Island (Cape Verde)	116.95
	Santa Maria (Azores)	200.06
	Santiago	486.88
	Shannon	207.79
	Vienna	1,422.59
	Zurich	1,035.92
ZONE V	Amsterdam	1,010.15
— West of W04000 and between the Equator and N2000		
	Barcelona	944.22
	Bordeaux	785.02
	Brussels	900.68
	Cologne—Bonn	1,130.92
	Dusseldorf	1,029.55
	Frankfurt	1,146.92
	Glasgow	421.60
	Hamburg	1,101.21
	Helsinki	960.84
	Las Palmas (Canary Islands)	648.15
	Lisbon	603.34
	London	818.34

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(1) Aerodromes of departure (or of first destination) situated	(2) Aerodromes of first destination (or of departure)	(3) Amount of the charge in ECUs
	Lyons	1,048.37
	Madrid	766.73
	Manchester	569.29
	Marseilles	1,191.68
	Milan	1,161.26
	Munich	1,271.57
	Nantes	755.23
	Oporto	586.82
	Paris	902.35
	Porto Santo (Madeira)	388.51
	Prestwick	421.60
	Rome	1,305.55
	Santa Maria (Azores)	261.75
	Santiago	590.89
	Shannon	328.64
	Tenerife	643.13
	Toulouse—Blagnac	1,015.45
	Vienna	1,293.45
	Zurich	1,247.78

SCHEDULE 4

Regulation 14

Steps to be taken to bring proposed application to court to the 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 on behalf of Eurocontrol 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 Edinburgh Gazette if the aircraft is detained in Scotland, or in the Belfast Gazette if the aircraft is detained in Northern Ireland, and in any case in the London Gazette, and

(ii) in one or more local newspapers circulating in the locality in which the aircraft is detained such notice as is prescribed in paragraph 2 of this Schedule, and shall also, unless in that case it is impracticable to do so, serve such a notice, in the manner so prescribed, on each of the following persons:

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- (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 the charterer of the aircraft and 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 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 in writing 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 due to Eurocontrol for charges imposed by these Regulations, 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;
 - (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 on whom it is to be served—
 - (b) by leaving it as his usual or last known place of business or abode; or
 - (c) by sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to him at his usual or last known place of business or abode; 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 their registered or principal office, or sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary, clerk or officer of the company or body at that office.
- (3) Any notice which is sent by post 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Civil Aviation (Route Charges for Navigation Services) Regulations 1993, as amended.

New unit rates and transatlantic charges are introduced, reflecting forecasts of costs and traffic for 1995, and taking into account the balance of over and under recoveries of revenue as compared with costs experienced by the countries participating in the Eurocontrol charging system in 1993. Denmark, Norway and Slovenia become participating States in the Eurocontrol charging system from 1st January 1995 (regulations 6 and 7 and Schedule 2).

If the amount of the charge is not paid by the operator of the aircraft within 24 days of the date payment is demanded by Eurocontrol interest at the rate of 9.25% shall be paid from that day until the date when payment is made (regulations 5(3) and (4)).

The unit rates in ECUs set out in Schedule 2 and the amount of the charges in ECUs set out in Schedule 3 (for transatlantic flights) are calculated by reference to the costs of provision of en-route navigation services in the participating countries in the Eurocontrol charges system, the amount of traffic using each country's airspace and the relationship of each country's currency to the ECU over a period agreed by Ministers of the participating countries. The interaction of these elements varies in each country. In calculating the revised charges the average of the exchange rates between the ECU and the currencies of the participating countries obtaining in the month of July 1993 have been used.

The unit rates for Cyprus, Greece, Malta, and Spain have decreased on average by 14.5% and Spain (Canaries) by 9.6%. The unit rates for Austria, Belgium, Luxembourg, France, Germany, Hungary, Ireland, the Netherlands, Portugal, Switzerland and Turkey have increased on average by 4.6% and for Portugal (Santa Maria) by 28.1%. The unit rate for the United Kingdom has decreased by 6.5%.

Flights made by helicopters between any point in the United Kingdom to a vessel within the areas of the northern and southern North Sea specified in regulations 9(xi) and (xii) are now exempt.

The exemption for flights made exclusively for the purpose of enabling an aircraft to qualify for the issue or renewal of a certificate of airworthiness is withdrawn (regulation 9).

Belgrade, Lamezia Terme, Venice, Hamburg, Copenhagen, Gothenburg, Stockholm and Basle have been deleted from certain zones in Schedule 3. Copenhagen, Bucharest, Johannesburg, Timisoara, Glasgow, Munich, Rome, Santiago, Brussels and Vienna have been added to certain zones in Schedule 3.

The United Kingdom Air Pilot and the foreign Aeronautical Information Publications referred to in the Regulations can be purchased from the Civil Aviation Authority, Greville House, 37 Gratton Road, Cheltenham, Glos GL50 2BN and can be inspected at major aerodromes in the United Kingdom. The International Financial Statistics published by the International Monetary Fund and the Commission of the European Communities Official Journal (Information and Notices) can be inspected at the Civil Aviation Authority Central Library, Aviation House, South Area, Gatwick Airport, West Sussex RH6 0YR.