
STATUTORY INSTRUMENTS

1995 No. 497

The Civil Aviation (Navigation Services Charges) Regulations 1995

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

“aircraft documents”, in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

“airport charges” means charges payable to a person owning or managing an aerodrome in the United Kingdom to which section 88 of the Civil Aviation Act 1982(1) or any enactment having the force of law in Northern Ireland containing provisions corresponding to that section for the time being applies for the use of, or for services provided at, the aerodrome but does not include charges payable by virtue of these Regulations;

“authorised person” means—

- (a) any constable; and
- (b) 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;

“the court” means, as respects England and Wales, the High Court, as respects Scotland, the Court of Session and, as respects Northern Ireland, the High Court of Justice in Northern Ireland;

“international flight” means a flight to or from a place outside the United Kingdom, Channel Islands and the Isle of Man;

“maximum total weight authorised” means, in relation to an aircraft, the maximum total weight of the aircraft and its contents at which the aircraft may take off in the United Kingdom in the most favourable circumstances in accordance with the certificate of airworthiness for the time being in force in respect of the aircraft; however if that certificate indicates a maximum total weight at which the aircraft may taxi, that weight shall be taken to be the maximum total weight authorised;

“operator”, in relation to an aircraft, means the person who, at the relevant time, has the management of that aircraft;

“the specified amount” means, in relation to a landing or take-off, the additional cost incurred by the CAA in providing navigation services by reason of the landing or take-off, as the case may be, being made outside hours;

(1) Section 88(10) was amended by section 83(5) and Part I of Schedule 6 to the Airports Act 1986 (c. 31).

Status: This is the original version (as it was originally made).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

“the standard charge” means, for each complete metric tonne of the maximum total weight authorised of the aircraft in respect of which the charge is made, and for each fraction of a metric tonne, a charge for services provided in connection with the use of any one of the aerodromes specified in column 1 of the following Table in respect of an aircraft engaged on any flight, of the amount specified in relation to that aerodrome in column 2 of the said Table;

TABLE

(1)	(2)
Heathrow-London	£1.59
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes	
For each additional metric tonne, and for each fraction of a metric tonne, over 100 metric tonnes	£0.65
Gatwick-London	£1.59
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes	
For each additional metric tonne, and for each fraction of a metric tonne, over 100 metric tonnes	£0.65
Stansted-London	£1.59
For each metric tonne and for each fraction of a metric tonne up to 100 metric tonnes	
For each additional metric tonne, and for each fraction of a metric tonne, over 100 metric tonnes	£0.65
Aberdeen (Dyce)	£3.90
Edinburgh	£3.20
Glasgow	£2.58

“United Kingdom Air Pilot” means a document published by the CAA and so entitled;

“within hours” means within the notified hours of watch of the air traffic control unit at the aerodrome, and “outside hours” shall be construed accordingly.

(2) Unless otherwise defined in this regulation and unless the context otherwise requires, expressions used in these Regulations shall have the same respective meanings as in the Air Navigation Order(2).

Revocation

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

Charges for navigation services at aerodromes

4.—(1) Subject to the provisions of these Regulations, the operator of every aircraft for which navigation services are provided by the CAA in connection with the use of an aerodrome referred to

(2) S.I. 1989/2004, amended by S.I. 1990/2154, 1991/1726, 1992/2992, 1993/231, 1993/607, 1993/2670, 1993/3040, 1994/1731 and 1994/1732.

in the Table in regulation 2(1) of these Regulations (whether or not the services are actually used or could be used with the equipment installed in the aircraft) shall pay to the CAA for those services on the occasion specified in the first column of the following Table the charges specified in relation to those occasions in the second column thereof—

TABLE

(a)	(a)	Upon each landing of the aircraft at that aerodrome within hours	the standard charge.
(b)	(b)	Upon each landing of the aircraft at that aerodrome outside hours	the standard charge surcharged by 75% or by the specified amount whichever is the greater.
(c)	(c)	Upon each take-off of the aircraft at that aerodrome outside hours being either—	the specified amount or 75% of the standard charge whichever is the greater.
	(i)	a take-off which does not take place within 1 hour of landing or	
	(ii)	a take-off which takes place within 1 hour of a landing made within hours	

(2) Where on the occasion of any landing or take-off (as the case may be) other than one to which paragraph (4) applies in connection with a flight which is not for the purpose of public transport the shortest distance in the case of a landing between the aerodrome of departure and the aerodrome of landing and in the case of a take-off between the aerodrome of departure and the aerodrome of intended landing does not exceed 185 kilometres measured along the great circle, for the references to “the standard charge” in the Table in paragraph (1) of this regulation there shall be substituted references to “50% of the standard charge”.

(3) Subject to paragraph (6) below, where on the occasion of any landing or take-off (as the case may be) at Aberdeen (Dyce), Edinburgh or Glasgow aerodrome by an aircraft on a scheduled journey the shortest distance in the case of a landing between the aerodrome of departure and the aerodrome of landing and in the case of a take-off between the aerodrome of departure and the aerodrome of intended landing does not exceed 185 kilometres measured along the great circle, for the references to “the standard charge” in the Table in paragraph (1) of this regulation there shall be substituted references to “50% of the standard charge”.

(4) Where on the occasion of any landing or take-off (as the case may be) in connection with a flight made exclusively for the purpose of instruction or testing of flight crew, for the references to “the standard charge” in the Table in paragraph (1) of this regulation there shall be substituted references to “50% of the standard charge” in the case of any aerodrome referred to in the Table in regulation 2(1) of these Regulations.

(5) The minimum charge payable under this regulation shall be £10.00.

(6) Paragraph (3) above shall not apply to any flight to which regulation 7 applies.

Charges for approach services provided from an aerodrome to aircraft which do not land at that aerodrome

5.—(1) Subject to the provisions of these Regulations, the operator of every aircraft engaged on a flight which is not for the purpose of public transport for which navigation services are provided by

the CAA in connection with an approach to an aerodrome referred to in the Table in regulation 2(1) of these Regulations, not being the aerodrome of intended landing of the aircraft (whether or not the services are actually used or could be used with the equipment installed in the aircraft), shall pay to the CAA for those services for each approach to any aerodrome referred to in the said Table 25% of the standard charge.

(2) The minimum charge payable under this regulation shall be £10.00.

Charges for services provided in the Shanwick Oceanic Control Area

6. Subject to the provisions of these Regulations, the operator of every aircraft (whether or not registered in the United Kingdom) which flies within the Shanwick Oceanic Control Area, as described in the United Kingdom Air Pilot on the date these Regulations are made, and in respect of which a flight plan is communicated to the appropriate air traffic control unit in relation to its flight in that Area shall pay to the CAA, for the navigation services made available by it in relation to that flight, a charge of £85.00.

Charges for services provided for North Sea helicopters

7.—(1) Subject to the provisions of these Regulations, the operator of every helicopter (whether or not registered in the United Kingdom) which flies within the area specified in paragraph (2) of this regulation while on a flight from any place in the United Kingdom to a vessel or an off-shore installation within the said area shall pay to the CAA, for the navigation services made available by it in relation to that flight, a charge of £151.00.

(2) The area referred to in paragraph (1) of this regulation is the area bounded by straight lines joining successively the following points—

N6300 W00500; N6328.57 EW00000; thence south along the UK Median Line to N5500 E00302; N5500 W00100; N5600 W00230; N5740 W00230; N5740 W00400; N5830 W00400; N5830 W00500; N6300 W00500.

(3) Subject to the provisions of these Regulations, the operator of every helicopter (whether or not registered in the United Kingdom) which flies within the area specified in paragraph (4) of this regulation while on a flight from any place in the United Kingdom to a vessel or an off-shore installation within the said area shall pay to the CAA for the navigation services made available by it in relation to that flight, a charge of £49.00.

(4) The area referred to in paragraph (3) of this regulation is the area bounded by straight lines joining successively the following points—

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

Value Added Tax charge

8. For the purpose of reimbursing the CAA in respect of value added tax payable on the provision of navigation services for which a charge is payable pursuant to these Regulations there shall be charged an additional charge equal to the amount of such tax and the incidence of the first mentioned charge shall determine the incidence of the additional charge.

Services provided outside hours where the intention to land or take-off is not carried out

9. Whenever, by reason of its having received from the operator or commander of an aircraft notice of intention to make use outside hours of an aerodrome referred to in the Table in regulation 2(1) of these Regulations for landing or take-off or as an alternate aerodrome, the CAA

provides navigation services outside hours but the aircraft does not land or take-off on the occasion specified in the notice, the operator of the aircraft shall pay, in respect of each such aerodrome—

- (a) in the case of an intended landing or intended use of the aerodrome as an alternate aerodrome, an amount equal to the surcharge payable under regulation 4(1)(b) of these Regulations on the landing of the aircraft outside hours;
- (b) in the case of an intended take-off, an amount equal to the charge, if any, which would have been payable under regulation 4(1)(c) of these Regulations if the aircraft had actually taken off outside hours at the intended time:

Provided that a charge shall not be payable under this regulation if the notice of intention is cancelled not less than 30 minutes before the end of the last period of watch within hours before the time specified in the notice for landing or for the intended use of the aerodrome as an alternate aerodrome or for take-off, as the case may be.

Dispensations

10. The CAA may dispense wholly or in part with any charge payable by virtue of these Regulations if it determines that it is proper to do so having regard to all the circumstances of the case.

Detention and sale of aircraft for unpaid charges

11. Where default is made in the payment of charges incurred in respect of any aircraft under these Regulations, the CAA or an authorised person may, 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 of the date when the detention begins, the CAA may, subject to the following regulations, sell the aircraft in order to satisfy the charges.

12. The CAA or authorised person concerned shall not detain, or continue to detain, an aircraft under these Regulations by reason of any alleged default in the payment of 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 the CAA, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

13. The CAA shall not sell an aircraft 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 the CAA 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 is liable to sale under these Regulations by reason of the default.

14. The CAA shall, before applying to the court for leave to sell an aircraft under these Regulations, 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 2 to these Regulations. If such leave is given, the CAA shall secure that the aircraft is sold for the best price that can be reasonably 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 by virtue of these or any other Regulations under section 73 of the Civil Aviation Act 1982⁽³⁾;
- (d) 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 12 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 any aerodrome referred to in the Table in regulation 2(1) of these Regulations or to which section 88 of the Civil Aviation Act 1982 for the time being applies.

19. Nothing in these Regulations shall prejudice any right of the CAA to recover any charges, or any part thereof, by action.

Signed by authority of the Secretary of State for Transport

24th February 1995

Goschen
Parliamentary Under Secretary of State,
Department of Transport

(3) Section 73 was also amended by section 1 of the Civil Aviation (Air Navigation Charges) Act 1989 (c. 9).

We consent to the making of these Regulations.

28th February 1995

Timothy Wood
Andrew Mackay
Two of the Lords Commissioners of Her
Majesty's Treasury