
STATUTORY INSTRUMENTS

2007 No. 3468

The Air Navigation (Overseas Territories) Order 2007

PART XVII

GENERAL

Regulations by the Governor: Fees

149.—(1) The Governor may make regulations for prescribing anything that, under the provisions of this Order, is to be prescribed.

(2) The Governor, with the approval of a Secretary of State, may make regulations amending the Air Navigation (General) Regulations in Schedule 9 to this Order.

(3) Without prejudice to the generality of paragraph (1) of this article, such regulations may prescribe the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, this Order or any regulations made hereunder.

(4) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable.

(5) If, after payment or deposit has been made under paragraph (4), the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Governor, the Governor may, subject as hereinafter provided, refund the amount of such payment or deposit.

(6) Where the amount paid or deposited under paragraph (4) is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cessation or refusal, the Governor may refund the amount so attributable or, subject to paragraph (7), in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Governor is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cessation or refusal.

(7) If in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Governor the amount representing the balance of such fee shall be payable by the applicant.

(8) In this article the expression “investigation” includes an inspection, examination, calculation or test.