
STATUTORY INSTRUMENTS

1996 No. 2540

CIVIL AVIATION

The Civil Aviation (Canadian Navigation Services) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>1st October 1996</i>
<i>Laid before Parliament</i>		<i>10th October 1996</i>
<i>Coming into force</i>	- -	<i>1st November 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 73(1)(a), (3), (4), (6)(a) and (9) of the Civil Aviation Act 1982⁽¹⁾ and of all other powers enabling him in that behalf, and with the consent of the Treasury in respect of regulation 2(2), hereby makes the following Regulations—

1. These Regulations may be cited as the Civil Aviation (Canadian Navigation Services) (Amendment) Regulations 1996 and shall come into force on 1st November 1996.

2. The Civil Aviation (Canadian Navigation Services) Regulations 1996⁽²⁾ shall be amended as follows—

(1) For regulation 2 there shall be substituted the following regulation—

“(2) —

(1) In these Regulations—

“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;

“Corporation” means NAV CANADA, a corporation incorporated in Canada on 26 May 1995 for purposes including the provision of air navigation services in Canada;

“international flight” means a flight to or from a place outside Canada;

“specified airspace” means the airspace of Canada and all airspace for which the Government of Canada has undertaken in pursuit of international arrangements the provision of air navigation services other than airspace within the Gander Oceanic Flight Information Region.

(1) 1982 c. 16; section 73(4) was amended by section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 (c. 11). The expression “prescribed” is defined in section 105(1).

(2) S.I. 1996/688.

(2) The expression “maximum total weight authorised” shall have the same meaning as in the Air Navigation (No. 2) Order 1995(3).”

(2) For regulation 4 there shall be substituted the following regulation—

“4.—(1) The operator of an aircraft, wherever registered, shall pay to the CAA charges in respect of air navigation services either made available by or on behalf of the Canadian Minister of Transport or made available by the Corporation or a person acting under the authority of the Canadian Minister of National Defence as follows—

- (a) in respect of each flight in the course of which the aircraft makes use of such services within the Gander Oceanic Flight Information Region other than a flight described in sub-paragraph (c) of this paragraph, a charge of \$71.60 Canadian;
- (b) in respect of each international flight other than a flight between Canada and the United States of America other than Hawaii in the course of which the aircraft makes use of radio frequencies to obtain such services by way of telecommunication services other than a flight described in sub-paragraph (c) of this paragraph, a charge of \$53.68 Canadian;
- (c) in respect of each flight from or to an airport in Canada situated north of N6000 to or from an airport in Greenland in the course of which the aircraft makes use of one or more of the services described in sub-paragraphs (a) and (b) of this paragraph, a charge of 40 per cent of the charge specified in those sub-paragraphs for each of the services used;
- (d) subject to sub-paragraph (f) of this paragraph, in respect of each flight which crosses specified airspace without landing or taking off in Canada in the course of which the aircraft makes use of such services, a charge of \$0.026142 Canadian multiplied by the flight distance in kilometres in the great circle distance between the point of entry into and the point of exit from the specified airspace as those points are determined from the flight plan communicated to the appropriate air traffic control unit in relation to each flight and multiplied by the square root of the maximum total weight authorised of the aircraft in metric tonnes;
- (e) sub-paragraphs (a), to (d) of this paragraph shall not apply to a flight by an aircraft in the service of a State which is not made for commercial purposes; and
- (f) sub-paragraph (d) of this paragraph shall not apply to a flight by an aircraft between any two points both of which are in the United States of America other than a flight to or from an airport in Alaska by aircraft the maximum total weight authorised of which is more than 200 metric tonnes and a flight to or from Hawaii.

(2) The charges specified in sub-paragraphs (a) to (d) of paragraph (1) of this regulation shall be cumulative and shall apply whether or not in the course of the flight the aircraft flies within the United Kingdom or Canada.

(3) If the amount of the charge payable under regulation 4(1) is not paid by the operator of the aircraft within 30 days of the date payment is demanded by the CAA, 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 10.28 per cent.”

(3) For regulation 15 there shall be substituted the following regulation—

“15.—(1) The CAA shall remit to the Canadian Minister of Transport in respect of air navigation services made available by or on behalf of the Canadian Minister of Transport such sums as it may receive under these Regulations.

(2) The CAA shall remit to the Corporation in respect of air navigation services made available by the Corporation or a person acting under the authority of the Canadian Minister of National Defence such sums as it may receive under these Regulations.”

Signed by authority of the Secretary of State for Transport

Department of Transport
24th September 1996

Goschen
Parliamentary Under Secretary of State,

We consent to the making of these Regulations.

1st October 1996

Patrick McLoughlin
Bowen Wells
Two of the Lords Commissioners of Her
Majesty's Treasury

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 amend the Civil Aviation (Canadian Navigation Services) Regulations 1996 (S.I.1996/688) (“the Principal Regulations”) as follows:

1. In consequence of the transfer of the provision of air navigation services in Canada from the Canadian Minister of Transport to NAV CANADA, a corporation established in Canada for that purpose, the following changes are made—

- (a) in regulation 2(1) of the Principal Regulations a definition of the Corporation is introduced;
- (b) in regulation 2(1) of the Principal Regulations a definition of international flight is introduced;
- (c) in regulation 2(1) of the Principal Regulations the definition of specified airspace is extended to include all airspace for which the Government of Canada has undertaken in pursuit of international arrangements the provision of air navigation services other than airspace within the Gander Oceanic Flight Information Region;
- (d) in regulation 4(1) of the Principal Regulations, the operator of an aircraft, wherever registered, shall pay to the CAA charges in respect of air navigation services which are made available by the Corporation or a person acting under the authority of the Canadian Minister of National Defence;
- (e) in regulation 15 of the Principal Regulations, paragraph (2) is introduced whereby the CAA shall remit to the Corporation in respect of air navigation services made available by the Corporation or a person acting under the authority of the Canadian Minister of National Defence such sums as it may receive under the Regulations.

2. Regulation 2(2) of the Principal Regulations is amended to provide that only the expression “maximum total weight authorised” shall have the same meaning as in the Air Navigation (No. 2) Order 1995.

3. Regulation 4(1) of the Principal Regulations is amended so that the charge in sub-paragraph (a) for use of air navigation services within the Gander Oceanic Flight Information Region, the charge in sub-paragraph (b) for use of radio frequencies to obtain air navigation services by way of telecommunication services and the charge in sub-paragraph (c) for use of air navigation services in respect of each flight from or to an airport in Canada situated north of N6000 to or from an airport in Greenland no longer apply in respect of a flight by an aircraft in the service of a State which is not for commercial purposes.