
STATUTORY INSTRUMENTS

2010 No. 1996

**The Aviation Greenhouse Gas Emissions
Trading Scheme Regulations 2010**

PART 9

Detention and sale of aircraft

Release of aircraft

43.—(1) The regulator must not detain, or continue to detain, or sell an aircraft under regulation 42 if—

- (a) following detention, the regulator no longer has reason to believe the defaulting operator is the operator of the aircraft;
- (b) in relation to a detention under regulation 42(1)(a), the aircraft operator—
 - (i) has made an appeal under regulation 52 in respect of the civil penalty for which the aircraft has been detained;
 - (ii) gives to the regulator, pending the determination of the appeal, sufficient security for the payment of that civil penalty and any other civil penalty that the aircraft operator has not paid; and
 - (iii) pays the regulator any regulator expenses;
- (c) the defaulting operator or any other person claiming an interest in the aircraft demonstrates to the satisfaction of the regulator that the defaulting operator is no longer entitled to possession of the detained aircraft, or no longer entitled to possession of a part of it, in particular by virtue of the termination of any lease of the aircraft or of any part;
- (d) in relation to a detention under regulation 42(1)(a), the aircraft operator pays to the regulator—
 - (i) the civil penalty for which the aircraft has been detained;
 - (ii) any other civil penalty that the aircraft operator has not paid; and
 - (iii) any regulator expenses;
- (e) in relation to a detention under regulation 42(1)(b)—
 - (i) the operating ban imposed on the operator is lifted; and
 - (ii) the operator pays to the regulator—
 - (aa) any regulator expenses; and
 - (bb) any civil penalty that the aircraft operator has not paid; or
- (f) in relation to a detention under regulation 42(1)(b)—
 - (i) the regulator is satisfied that the aircraft will not be flown from the aerodrome in contravention of the operating ban; and
 - (ii) the operator pays to the regulator any regulator expenses.

(2) Where an aircraft has been detained, but subsequently released under paragraph (1)(c), any unpaid regulator expenses incurred in relation to that detention are deemed to be added to any regulator expenses that may subsequently be incurred in relation to an aircraft of which the defaulting operator is the operator.

(3) In this regulation, “civil penalty” means a civil penalty which is due under regulation 30(3) or (4), or under regulation 21(3) or (4) of the 2009 Regulations.