

Island of  Guernsey

Ordinance of the States **X**
1968

Made 27th March, 1968
Coming into Operation 1st April, 1968

The Airport Fees Ordinance, 1968

THE STATES, in pursuance of their Resolution of the twenty-eighth day of February, nineteen hundred and sixty-eight, and in exercise of the powers conferred upon them by section one of the Alderney (Application of Legislation) Law, 1948, and of all other powers enabling them in that behalf, hereby order:—

1. (1) Subject to the succeeding provisions of this Ordinance, there shall be payable in respect of each departure from and of each arrival at the Airport of a passenger aircraft to or from a place outside a radius of fifty-five nautical miles from the Airport:—

Passenger
aircraft.

- (a) as respects the Guernsey Airport, a fee of six shillings and eight pence for each one thousand pounds weight or part thereof of the maximum permissible weight of the aircraft;

(b) as respects the Alderney Airport, a fee of six shillings and eight pence for each one thousand pounds weight or part thereof of the maximum permissible weight of the aircraft.

(2) Subject to the succeeding provisions of this Ordinance, there shall be payable in respect of each departure from and of each arrival at the Airport of a passenger aircraft to or from a place within a radius of fifty-five nautical miles from the Airport:—

(a) as respects the Guernsey Airport, a fee of three shillings and eleven pence for each one thousand pounds weight or part thereof of the maximum permissible weight of the aircraft;

(b) as respects the Alderney Airport, a fee of two shillings and three pence for each one thousand pounds weight or part thereof of the maximum permissible weight of the aircraft.

(3) Where in respect of any departure from or of any arrival at the Airport of a passenger aircraft:—

(a) the aircraft departs or arrives without passengers and without freight; or

(b) no passenger and no freight is disembarked or landed or is embarked or loaded, as the case may be;

any fee payable in pursuance of the foregoing provisions of this section shall be reduced by fifty per centum.

Reduced fees
for passenger
aircraft dur-
ing certain
months.

2. Notwithstanding the provisions of subsection (1) of the last preceding section, during the months of January, February, March, November and December the fees payable in any year in pursuance of the

provisions of that subsection shall be reduced by fifteen per centum.

3. Subject to the succeeding provisions of this Ordinance, there shall be payable in respect of each departure from and of each arrival at the Airport of a freight aircraft:—

- (a) if the aircraft is carrying freight, the appropriate fee payable in pursuance of the provisions of section one of this Ordinance in respect of a passenger aircraft reduced by forty-two per centum;
- (b) if—
 - (i) the aircraft departs or arrives without freight; or
 - (ii) no freight is landed or is loaded, as the case may be;

the appropriate fee payable as aforesaid reduced by seventy-one per centum.

4. (1) Subject to the succeeding provisions of this Ordinance, there shall be payable in respect of each departure from and of each arrival at the Airport of a freighter aircraft:—

- (a) if the aircraft is carrying any passenger or any freight, the appropriate fee payable in pursuance of the provisions of section one of this Ordinance in respect of a passenger aircraft reduced by fifty-seven per centum;
- (b) if—
 - (i) the aircraft departs or arrives without passengers and without freight; or
 - (ii) no passenger and no freight is disembarked or landed or is embarked or loaded, as the case may be;

the appropriate fee payable as aforesaid reduced by seventy-eight per centum.

(2) There shall be payable in respect of each passenger landed from or embarked in a freighter aircraft at the Airport a fee of two shillings and sixpence.

Local flights
for hire or
reward.

5. (1) There shall be payable in respect of each departure and arrival of an aircraft of which the maximum permissible weight does not exceed ten thousand pounds operated for hire or reward which departs from and lands at the Airport without having landed at any place during the flight:—

- (a) a fee of one shilling for each one thousand pounds weight or part thereof of the maximum permissible weight of the aircraft; and
- (b) a fee of nine pence in respect of each passenger carried in the aircraft or a fee of one shilling and six pence, whichever is the greater.

(2) There shall be payable in respect of each departure and arrival of an aircraft of which the maximum permissible weight exceeds ten thousand pounds operated for hire or reward which departs from and lands at the Airport without having landed at any place during the flight, a fee of three shillings and eleven pence for each one thousand pounds or part thereof of the maximum permissible weight of the aircraft.

Flights not
for hire or
reward.

6. (1) Subject to the provisions of subsection (3) of this section, there shall be payable in respect of each departure from and of each arrival at the Airport of an aircraft of which the maximum permissible weight does not exceed ten thousand pounds not operated for hire or reward, a fee of one shilling for

each one thousand pounds or part thereof of the maximum permissible weight of the aircraft or a fee of two shillings and sixpence, whichever is the greater.

(2) Subject to the provisions of subsection (4) of this section, there shall be payable in respect of each departure and of each arrival at the Airport of an aircraft of which the maximum permissible weight exceeds ten thousand pounds not operated for hire or reward, the fee which would be payable in pursuance of the provisions of section one, section three or section four of this Ordinance if that aircraft were a passenger aircraft, a freight aircraft or a freighter aircraft, as the case may be.

(3) There shall be payable in respect of each departure and arrival of an aircraft of which the maximum permissible weight does not exceed ten thousand pounds not operated for hire or reward which departs from and lands at the Airport without having landed at any place during the flight, a fee of one shilling for each one thousand pounds or part thereof of the maximum permissible weight of the aircraft or a fee of two shillings and sixpence, whichever is the greater.

(4) There shall be payable in respect of each departure and arrival of an aircraft of which the maximum permissible weight exceeds ten thousand pounds not operated for hire or reward which departs from and lands at the Airport without having landed at any place during the flight, a fee of three shillings and eleven pence for each one thousand pounds or part thereof of the maximum permissible weight of the aircraft.

Special fees
for flights to
and from
Alderney.

7. (1) There shall be payable by an operator who has been granted a Class A licence in pursuance of the provisions of the Act of 1960 to operate an air transport service between the Island of Alderney and a place outside a radius of fifty-five nautical miles from the Airport, instead of the fee payable in pursuance of the provisions of section one of this Ordinance as respects the Alderney Airport:—

- (a) a fee, as respects the year nineteen hundred and sixty-eight, of an amount equal to the difference between four thousand five hundred and eighty-five pounds and the total amount of any fees paid, as respects the Alderney Airport, by the operator during that year in pursuance of the provisions of any Ordinance repealed by this Ordinance;
- (b) a fee, as respects each year thereafter, of four thousand five hundred and eighty-five pounds;

or, if in any year an operator does not operate such an air transport service throughout that year, such proportion of that fee as the period of the year during which he does provide such an air transport service bears to that year, any fraction of a month forming part of any such period being regarded as a complete month.

(2) There shall be payable by an operator who has been granted a Class A licence in pursuance of the provisions of the Act of 1960 to operate an air transport service between the Island of Alderney and a place within a radius of fifty-five nautical miles from the Airport, as respects the Alderney Airport, either:—

- (a) a fee—
 - (i) as respects the year nineteen hundred and sixty-eight, of an amount equal to

the difference between the sum of nine hundred and thirty-nine pounds and the total amount of any fees paid, as respects the Alderney Airport, by the operator during that year in pursuance of the provisions of any Ordinance repealed by this Ordinance,

- (ii) as respects each year thereafter, of nine hundred and thirty-nine pounds,

or, if in any year an operator does not operate such an air transport service throughout that year, such proportion of that fee as the period of the year during which he provides such an air transport service bears to that year, any fraction of a month forming part of any such period being regarded as a complete month; or

- (b) a fee equal to the aggregate of the appropriate fees payable in pursuance of the provisions of section one, section three or section four of this Ordinance, as the case may be, as respects that year or part thereof;

whichever is the lesser.

(3) There shall be payable by an operator who has been granted a Class A licence in pursuance of the provisions of the Act of 1960 to operate an air transport service between the Island of Guernsey and the Island of Alderney in respect of each departure from the Guernsey Airport to the Alderney Airport and in respect of each arrival at the Guernsey Airport from the Alderney Airport, either:—

- (a) a fee—

- (i) as respects the year nineteen hundred and sixty-eight, of an amount equal to the difference between the sum of two thousand four hundred and sixty

pounds and the total amount of any fees paid, in respect of any such departure and of any such arrival, by the operator during that year in pursuance of the provisions of any Ordinance repealed by this Ordinance,

- (ii) as respects each year thereafter, of two thousand four hundred and sixty pounds,

or, if in any year an operator does not operate such an air transport service throughout that year, such proportion of that fee as the period of the year during which he provides such an air transport service bears to that year, any fraction of a month forming part of any such period being regarded as a complete month; or

- (b) a fee equal to the aggregate of the appropriate fees payable in pursuance of the provisions of section one, section three or section four of this Ordinance, as the case may be, as respects that year or part thereof;

whichever is the lesser.

(4) The annual fee payable in pursuance of the provisions of subsection (1), paragraph (a) of subsection (2) or paragraph (a) of subsection (3) of this section shall be paid in such manner and by such instalments, whether in advance or in arrear, as the Board may, from time to time, direct.

Exceptions.

8. So much of the provisions of this Ordinance as applies to fees in respect of the departure from and arrival at the Airport of an aircraft shall not apply:—

- (a) in respect of an aircraft not operated for hire or reward during the operation of an

agreement for a period of not less than one year between the Board and the operator of that aircraft for the payment of such fees as may be contained in that agreement;

- (b) in respect of an aircraft on a flight which is, in the opinion of the Board, a bona fide test flight or training flight on which only personnel for carrying out the test or under training, as the case may be, are carried.

9. (1) Where after the departure of an aircraft from the Airport the aircraft is unable to reach its destination through stress of weather or other circumstances beyond the control of the operator and returns to the Airport without having landed at any place during the flight, a fee in respect of the arrival on return shall not be payable and a fee in respect of the subsequent departure shall not be payable if, as soon as may be after such arrival, the aircraft departs for its original destination without any passenger or any freight not carried in the aircraft on its arrival as aforesaid. Arrivals and departures due to weather, etc.

(2) Where an aircraft not bound for the Airport, through stress of weather or other circumstances beyond the control of the operator, arrives at the Airport, a fee in respect of the arrival shall not be payable and a fee in respect of the subsequent departure shall not be payable if, as soon as may be after such arrival, the aircraft departs for its original destination without any passenger or any freight not carried in the aircraft on its arrival as aforesaid.

10. Nothing in the foregoing provisions of this Ordinance shall apply in relation to the naval, military or air force aircraft of any country or to Exemptions.

aircraft owned by a department of the government of any country.

Parking fees. 11. (1) Subject to the provisions of this section and to any agreement between the Board and an operator of an aircraft, there shall be payable in respect of the parking of any aircraft at the Airport a fee calculated in accordance with the provisions of the First Schedule to this Ordinance:

Provided that the minimum fee payable as aforesaid shall be the sum of two shillings and sixpence.

(2) In the computation of any fee payable as aforesaid in respect of the parking of an aircraft the first six hours during which the aircraft is parked shall be disregarded.

(3) The fee in respect of the parking of an aircraft payable under the foregoing provisions of this section shall apply whether or not the aircraft is secured to the ground or to any structure.

Interpretation.

12. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act of 1960” means the Civil Aviation (Licensing) Act, 1960, as extended to the Bailiwick by the Civil Aviation (Licensing) Act 1960 (Channel Islands) Order, 1961, and the Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 1964;

“the Airport” means—

- (a) as respects the Island of Guernsey, the Guernsey Airport;
- (b) as respects the Island of Alderney, the Alderney Airport;

“air transport service” means the carriage of passengers or of mails or other cargo by air for reward;

“the Alderney Airport” means the premises for the time being used in the Island of Alderney for the landing and departure of aircraft or for purposes ancillary thereto;

“the Board” means the States Board of Administration;

“freight” means any goods or effects whatsoever carried in an aircraft but does not include any fuel, engine cooling fluid, instruments, equipment, apparatus and documents required for or in respect of the operation of that aircraft;

“freight aircraft” means an aircraft which for the time being is in the opinion of the Board intended to be and is used only for the carriage of freight;

“freighter aircraft” means an aircraft of which the maximum permissible weight is not less than forty thousand pounds and which is designed or intended and is wholly or mainly used for the carriage of freight;

“goods” includes mails and animals;

“the Guernsey Airport” means the premises for the time being belonging to the States of Guernsey and situate at La Villiaze and used from time to time for the landing and departure of aircraft or for purposes ancillary thereto;

“maximum permissible weight” means the maximum permissible take-off weight authorised by the certificate of airworthiness;

- “operating crew” in relation to an aircraft includes pilots, flight navigators, flight engineers and flight radio operators;
- “operator” in relation to an aircraft means the person for the time being having the business management of that aircraft;
- “passenger” means any person, not being a member of the operating crew, carried in an aircraft and includes a person carried for the purposes of instruction in flying for which payment is made;
- “passenger aircraft” means an aircraft, not being a freighter aircraft, used for the carriage of any passenger and operated for hire or reward;
- “personnel” in relation to an aircraft includes the operating crew and other persons having any duties to perform in the aircraft;
- “space occupied” in relation to an aircraft means the product of the span of the aircraft and its maximum length;
- “test flight” means a flight for the purpose of a mechanical test of an aircraft or of the engine or accessories thereof or of a qualifying test for any member of the crew of an aircraft;
- “weight” means weight avoirdupois.

(2) For the purposes of this Ordinance:—

- (a) a passenger who disembarks from an aircraft and who, as soon as may be, departs from the Airport by that aircraft on its next departure or by another aircraft shall not be deemed to have disembarked therefrom provided that he remains within the precincts of the Airport and departs within the two hours next following the arrival of the

first-mentioned aircraft or so soon thereafter as circumstances beyond the control of the operator of the aircraft permit;

- (b) any freight which is unloaded from an aircraft and which, as soon as may be, is taken from the Airport by that aircraft on its next departure or by another aircraft shall not be deemed to have been unloaded therefrom provided that it remains within the precincts of the Airport and is taken away within the two hours next following the arrival of the first-mentioned aircraft or so soon thereafter as circumstances beyond the control of the operator of the aircraft permit.

(3) Any reference in this Ordinance to the carriage of passengers or to the operation of an aircraft for hire or reward includes a reference to the carriage of any passenger or the operation of any aircraft, as the case may be, for the purpose of instruction in flying for which payment is made.

(4) Except where the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Ordinance.

13. This Ordinance shall have effect in the Islands of Guernsey and Alderney. Extent.

14. The Ordinances set out in the Second Schedule to this Ordinance are hereby repealed. Repeals.

15. This Ordinance may be cited as the Airport Fees Ordinance, 1968. Citation.

16. This Ordinance shall come into force on the first day of April, nineteen hundred and sixty-eight. Commencement.

FIRST SCHEDULE Section eleven

Parking Fees

	For each period of twenty-four consecutive hours or part thereof	For each period of twenty-eight consecutive days	For each period of three hundred and sixty-five consecutive days
Parking fee per square foot of space occupied	One twentieth of one penny	Twenty times the twenty-four hour period rate	Two hundred and sixteen times the twenty-four hour rate

SECOND SCHEDULE

Section fourteen

Ordinances repealed

The Aircraft Charges (Guernsey) Ordinance, 1956(a).

The Aircraft Charges (Amendment) (Guernsey) Ordinance, 1959(b).

The Aircraft Charges (Amendment) (Guernsey) Ordinance, 1963(c).

The Aircraft Charges (Amendment) (Guernsey) Ordinance, 1965(d).

R. H. VIDELO,

Her Majesty's Greffier.

(a) Recueil d'Ordonnances Tome XI, p. 295.

(b) Recueil d'Ordonnances Tome XII, p. 310.

(c) Recueil d'Ordonnances Tome XIII, p. 261.

(d) Recueil d'Ordonnances Tome XIV, p. 141.