

Island of Guernsey

Ordinance of the States **XIV**

1973

Made 28th March, 1973.
Coming into Operation ... 1st April, 1973.

The Airport Fees Ordinance, 1973

THE STATES, in pursuance of their Resolution of the first day of March, nineteen hundred and seventy-three, and in exercise of the powers conferred upon them by section one of the Alderney (Application of Legislation) Law, 1948(a), and of all other powers enabling them in that behalf, hereby order:—

1. Subject to the succeeding provisions of this Ordinance, there shall be payable in respect of each arrival of an aircraft at the Airport:—

Standard
airport
fees.

- (a) a landing fee in respect of the classes of aircraft set out in the left hand column of Part I of the First Schedule to this Ordinance calculated in accordance with the rates set out in the right hand column of the said Part of the said First Schedule in relation to those classes respectively; and

(a) Ordres en Conseil Vol. XIII, p. 448.

- (b) a navigational services fee in respect of the classes of aircraft set out in the left hand column of Part II of the First Schedule to this Ordinance calculated in accordance with the rates set out in the right hand column of Part II of the said First Schedule in relation to those classes respectively.

Short haul
passenger
aircraft.

2. There shall be payable in respect of each arrival at the Airport of an aircraft in passenger configuration from a place within a radius of fifty-five nautical miles from the Airport a fee equal to the aggregate of the appropriate fees which would otherwise be payable in pursuance of the provisions of the last preceding section reduced by forty-five per centum.

Cargo
aircraft.

3. (1) There shall be payable in respect of each arrival at the Airport of an aircraft in cargo configuration from a place outside a radius of fifty-five nautical miles from the Airport a fee equal to the aggregate of the appropriate fees which would otherwise be payable in pursuance of the provisions of section one of this Ordinance reduced by fifty-eight per centum.

(2) There shall be payable in respect of each arrival at the Airport of an aircraft in cargo configuration from a place inside a radius of fifty-five nautical miles from the Airport a fee equal to the aggregate of the appropriate fees which would otherwise be payable in pursuance of the provisions of section one of this Ordinance reduced by seventy per centum.

Passenger
—cargo
aircraft.

4. (1) There shall be payable in respect of each arrival at the Airport of an aircraft in mixed configuration from a place outside a radius of fifty-five

nautical miles from the Airport a fee equal to the aggregate of the appropriate fees which would otherwise be payable in pursuance of the provisions of section one of this Ordinance reduced by fifty-eight per centum.

(2) There shall be payable in respect of each arrival at the Airport of an aircraft in mixed configuration from a place inside a radius of fifty-five nautical miles from the Airport a fee equal to the aggregate of the appropriate fees which would otherwise be payable in pursuance of the provisions of section one of this Ordinance reduced by seventy per centum.

(3) In addition to the fee payable in pursuance of the provisions of subsection (1) of this section or the last preceding subsection, as the case may be, there shall be payable in respect of each passenger disembarked from an aircraft in mixed configuration at the Airport a fee of thirty new pence.

5. There shall be payable in respect of each arrival at the Airport of an aircraft after a flight, not being a flight which, in the opinion of the Board, is a bona fide test flight or a familiarisation or training flight on which only personnel for carrying out the test, familiarisation or under training, as the case may be, are carried, which began at the Airport and during which the aircraft did not land at any other place, a fee equal to the aggregate of the appropriate fees which would otherwise be payable in pursuance of the provisions of section one of this Ordinance reduced by forty per centum. Local flights.

6. There shall be payable in respect of each arrival at the Airport of a private aircraft not ordinarily based at the Airport a fee, if payment thereof is made immediately on arrival at the Airport, equal Private aircraft.

to the aggregate of the fees which would otherwise be payable in pursuance of the provisions of section one of this Ordinance reduced by fifty per centum.

Test,
familiarisa-
tion and
training
flights.

7. (1) There shall be payable in respect of each arrival at the Airport of an aircraft on a flight which is, in the opinion of the Board, a bona fide test flight or a familiarisation or training flight on which only personnel for carrying out the test, familiarisation or under training, as the case may be, are carried:—

- (a) the appropriate landing fee which would otherwise be payable in pursuance of the provisions of paragraph (a) of section one of this Ordinance reduced by seventy-five per centum; and
- (b) the appropriate navigational services fee payable in pursuance of the provisions of paragraph (b) of section one of this Ordinance.

(2) In the case of an aircraft on a flight which is, in the opinion of the Board, a bona fide test flight or a familiarisation or training flight on which only personnel for carrying out the test, familiarisation or under training, as the case may be, are carried, there shall be payable, if the aircraft approaches the runway of the Airport for the purposes of making a simulated landing but does not land at the Airport, only the appropriate navigational services fee payable in pursuance of the provisions of paragraph (b) of section one of this Ordinance in respect of each such approach to the runway.

(3) Any person who is desirous that a flight should, for the purposes of either of the last two preceding subsections, be treated by the Board as a bona fide test flight or a familiarisation or training

flight shall, before the flight is to take place, supply the Airport Commandant with such information, including the circumstances in which it is to take place, as the said Commandant may require.

8. Notwithstanding the provisions of section one of this Ordinance, during the months of January, February, March, November and December in any year the fee payable in respect of each arrival at the Airport of an aircraft in passenger configuration from a place outside a radius of fifty-five nautical miles from the Airport shall be reduced by ten per centum.

Reduced fees for passenger aircraft during certain months.

9. Where the Airport is made available for use by an aircraft before the commencement or after the expiration of the promulgated hours on any day, there may be payable, at the discretion of the Board, by the operator of that aircraft in addition to any other fee otherwise payable in pursuance of the provisions of this Ordinance, a fee calculated in accordance with the provisions of the Second Schedule to this Ordinance.

Additional fees outside promulgated hours.

10. So much of the provisions of this Ordinance as applies to fees in respect of the arrival at the Airport of an aircraft shall not apply in respect of an aircraft during the operation of an agreement between the Board and the operator of that aircraft for the payment of such fees as may be contained in that agreement.

Exceptions.

11. (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

Arrivals due to weather etc.

on return 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.

(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 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.

(3) Where an aircraft bound for the Airport, through stress of weather or other circumstances beyond the control of the operator, is diverted to another place at which no landing fee, navigational services fee or other similar fee by whatever name called is paid, then on the arrival of that aircraft at the Airport from that other place there shall be payable in respect of such arrival at the Airport the appropriate fees payable in pursuance of the provisions of this Ordinance as if the aircraft had arrived from its original place of departure on the flight concerned and had not been diverted.

Exemptions. 12. 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 aircraft owned by a department of the government of any country.

Parking fees. 13. (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 Third Schedule to this Ordinance.

(2) In the computation of any fee payable as aforesaid in respect of the parking of an aircraft the first four 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.

14. (1) Any fee payable in pursuance of any of the provisions of this Ordinance shall be paid by the operator of the aircraft concerned. Payment and recovery of fees.

(2) Any fee payable in pursuance of any of the provisions of this Ordinance may be recovered from the operator concerned as a civil debt due to the States of Guernsey.

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

“aircraft in cargo configuration” means an aircraft which for the time being is in the opinion of the Board intended to be and is used for the carriage of freight and in which no passengers are carried;

“aircraft in mixed configuration” means an aircraft which is designed or intended and is wholly or mainly used for the carriage of freight;

“aircraft in passenger configuration” means an aircraft, not being an aircraft in mixed configuration, used for the carriage of passengers and operated for hire or reward;

“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 hire or 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;

“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 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;

“personnel” in relation to an aircraft includes the operating crew and other persons having any duties to perform in the aircraft;

“private aircraft” means an aircraft which is not used to operate an air transport service;

“the promulgated hours” means the hours for the time being promulgated for or on behalf of the Board as being the hours in any day during which the Airport is available for use;

“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 metric.

(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 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.

Extent. 16. This Ordinance shall have effect in the Islands of Guernsey and Alderney.

Repeals. 17. The Ordinances set out in the Fourth Schedule to this Ordinance are hereby repealed.

Citation. 18. This Ordinance may be cited as the Airport Fees Ordinance, 1973.

Commencement. 19. This Ordinance shall come into force on the first day of April, nineteen hundred and seventy-three.

FIRST SCHEDULE

Section one

AIRPORT FEES

PART I

Landing Fees

Classes of aircraft	Rates of landing fee
Aircraft not exceeding three metric tons maximum permissible weight	Fifty new pence per five hundred kilogrammes or part thereof
Aircraft exceeding three metric tons maximum permissible weight	£1.00 per metric ton or part thereof

PART II

Navigational services fees

Classes of aircraft	Rates of navigational services fee
Aircraft not exceeding three metric tons maximum permissible weight	32.5p per five hundred kilogrammes or part thereof
Aircraft exceeding three metric tons maximum permissible weight	65p per metric ton or part thereof

SECOND SCHEDULE

Section nine

Additional fee for arrivals outside promulgated hours

	Aircraft in passenger configuration		Aircraft in freight or mixed configuration	
	For the first hour or part thereof before or after the promulgated hours	For the second or subsequent hours or part thereof before or after the promulgated hours	For the first hour or part thereof before or after the promulgated hours	For the second or subsequent hours or part thereof before or after the promulgated hours
Fee	£10	£25 per hour	£5	£10 per hour

THIRD SCHEDULE

Section thirteen

Parking Fees

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

FOURTH SCHEDULE

Section seventeen

Ordinances repealed

The Airport Fees Ordinance, 1971(b).

The Airport Fees (Amendment) Ordinance, 1972(c).

(b) No. XXIV of 1971.

(c) No. XXVIII of 1972.

R. A. MALLETT,

Her Majesty's Deputy Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

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