

ORDINANCE  
OF THE STATES OF DELIBERATION

ENTITLED

**The Airport Fees Ordinance, 1987 \***

[CONSOLIDATED TEXT]

**NOTE**

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\* Recueil d'Ordonnances Tome XXIV, p. 9; as amended by the Airport Fees (Amendment) Ordinance, 1993 (Recueil d'Ordonnances Tome XXVI, p. 163); the Airport Fees (Amendment) Ordinance, 2001 (No. XI of 2001, Recueil d'Ordonnances Tome XXVIII, p. 423); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008).

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Airport Fees Ordinance, 1987**

### ARRANGEMENT OF SECTIONS

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*(Made on 29th January, 1986.)*

## **The Airport Fees Ordinance, 1987**

**THE STATES**, in pursuance of their Resolution of the 28<sup>th</sup> day of May 1986, and in exercise of the powers conferred upon them by section 1 of the Alderney (Application of Legislation) Law, 1948<sup>a</sup>, and of all other powers enabling them in that behalf, hereby order: –

### **Airport fees etc.**

1. Subject to the provisions of this Ordinance –
  - (a) an airport fee shall be payable in respect of each arrival [and departure] of an aircraft at Guernsey Airport or at Alderney Airport,
  - (b) a passenger fee shall be payable in respect of each arrival [and departure] at Guernsey Airport or at Alderney Airport of an aircraft in passenger configuration,
  - (c) an additional availability fee may, at the discretion of the Board, be payable (in addition to any other fee payable) when Guernsey Airport or Alderney Airport is made available for the arrival or departure of an aircraft before or after the promulgated hours,
  - (d) a parking fee shall be payable in respect of the parking of an aircraft at Guernsey Airport or at Alderney

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 448.

Airport,

- (e) a runway approach fee shall be payable in respect of each aircraft which, without landing, approaches a runway at Guernsey Airport or Alderney Airport for the purpose of making a simulated landing on a test flight or a familiarisation or training flight.

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**NOTES**

*In section 1, the words in square brackets in paragraph (a) and paragraph (b) were inserted by the Airport Fees (Amendment) Ordinance, 1993, section 1, with effect from 28th April, 1993.*

*In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Resolution the fees therein referred to and payable under this Ordinance may be exercised by Regulation.*

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**Amounts of fees.**

2. (1) The States of Guernsey may, from time to time, by Resolution determine the amount of any fee payable pursuant to section 1 of this Ordinance.

(2) A Resolution of the States of Guernsey under this section may

- (a) make different provision in relation to Guernsey Airport and in relation to Alderney Airport,
- (b) make different provision for different aircraft or different classes of aircraft or for different circumstances,

- (c) without prejudice to the generality of paragraph (b) of this subsection, provide for the amount of any fee to be calculated by reference to –
- (i) the maximum permissible weight of an aircraft,
  - (ii) the distance from Guernsey Airport, or as the case may be, from Alderney Airport, of the place from which an aircraft last departed,
  - (iii) whether an aircraft is in passenger configuration or in cargo configuration or is not carrying any passengers or freight,
  - (iv) the number of passengers on board an aircraft when it arrives at Guernsey Airport or, as the case may be, at Alderney Airport,
  - (v) the purpose for which an aircraft is being used or is normally used, including whether it is a private aircraft or is on a test, familiarisation or training flight,
  - (vi) the time of year or time of day at which an aircraft arrives, or approaches a runway, at Guernsey Airport or Alderney Airport,
  - (vii) the length of time during which an aircraft is parked at Guernsey Airport or Alderney Airport or the length of time for which Guernsey Airport or Alderney Airport is made available

before or after the promulgated hours,

- (viii) the time at or within which payment of the fee is made,
- (d) exempt any aircraft or any class of aircraft from any or all fees either absolutely or subject to such conditions (whether as to the payment by any person of a periodic commuted fee or otherwise) as may be specified by the Resolution,
- (e) be varied or revoked by a subsequent Resolution under this section,
- [(f) subject to such conditions as may be specified in the Resolution, authorise the Board, in respect of any twelve month period or periods so specified, to amend the amount of any fee determined by any such Resolution by an amount not exceeding the change in the Guernsey Retail Prices Index during such earlier twelve month period or periods as may be so specified.]

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**NOTES**

*In section 2, paragraph (f) of subsection (2) was inserted by the Airport Fees (Amendment) Ordinance, 2001, section 1, with effect from 30th May, 2001.*

*In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, with effect from 19th May, 2008, the power to prescribe by Resolution the fees therein referred to and payable under this Ordinance may be exercised by Regulation.*

*The following Regulations have been made under section 2:*

*Airport Fees (Guernsey and Alderney) Regulations, 2024;*

**Arrivals due to bad weather etc.**

3. (1) If an aircraft not bound for Guernsey Airport or Alderney Airport arrives there through stress of weather or other circumstances beyond the control of the operator but departs as soon as possible for its original destination, with all of the passengers and freight carried in the aircraft on its arrival [and departure] but without any additional passenger or additional freight, no fee shall be payable in respect of its arrival or parking at that airport.

(2) If an aircraft bound for Guernsey or Alderney Airport is diverted, through stress of weather or other circumstances beyond the control of the operator, to another place at which no landing fee, navigational services fee, passenger fee or other similar fee by whatever name called is paid, then on the arrival of that aircraft at Guernsey or Alderney Airport (whichever was its original destination) it shall be treated for the purposes of this Ordinance as if it had not been diverted.

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**NOTE**

*In section 3, the words in square brackets in subsection (1) were inserted by the Airport Fees (Amendment) Ordinance, 1993, section 1, with effect from 28th April, 1993.*

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**Exemption by agreement.**

4. The liability of the operator of an aircraft to pay airport fees or passenger fees under this Ordinance may be suspended or varied by agreement between the operator and the Board subject to the conditions of the agreement.

**Exemption for military aircraft etc.**

5. This Ordinance does not apply in relation to the naval, military or air

force aircraft of any country or to aircraft owned by, or chartered to, a department of the government of any country.

**Payment and recovery of fees.**

6. Any fee payable pursuant to this Ordinance shall be paid by the operator of the aircraft concerned and may be recovered from that operator as a civil debt due to the States of Guernsey.

**Interpretation.**

7. (1) In this Ordinance, unless the context otherwise requires –

**"Alderney Airport"** means the premises for the time being used in the Island of Alderney for the landing and departure of aircraft or for ancillary purposes,

**"the Board"** means the States of Guernsey [States' Trading Supervisory Board],

**"freight"** means any goods or effects, including mail and animals, 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,

**"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 ancillary purposes,

**"maximum permissible weight"**, in relation to an aircraft, means the maximum permissible take-off weight authorised by the certificate of airworthiness,

**"operator"**, in relation to an aircraft, means the person for the time being having the business management of that aircraft,

**"passenger"** means any person carried in an aircraft other than –

- (a) a person carried for the purpose of receiving instruction in flying, or
- (b) a person engaged, as flight crew or cabin staff, in the business of the aircraft, or
- (c) a person in respect of whom a fare has not been paid,

**"private aircraft"** means an aircraft which is not used for the carriage for hire or reward of passengers or of mail or other cargo,

**"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 Guernsey Airport, or, as the case may be, Alderney Airport, is available for use,

**"weight"** means metric weight.

(2) For the purposes of this Ordinance, and of any Resolution under section 2 of this Ordinance –

- (a) an aircraft is –
  - (i) **"in cargo configuration"** if, in the opinion of the Board, it is for the time being intended to be used, and being used, for the carriage of freight,

and is not carrying passengers,

- (ii) **"in passenger configuration"** if it is used for the carriage of passengers,
- (b) a flight is to be regarded as a **"test familiarisation or training flight"** only if –
- (i) a person who wishes the flight to be so regarded has furnished the Board, before the flight takes place, with such information about it as the Board may require, and
  - (ii) the Board is of the opinion that it is a *bona fide* familiarisation or training flight or a flight for the purpose of a mechanical test of the aircraft, its engines or accessories or a qualifying test for a member of the crew of the aircraft, and
  - (iii) there are carried on the flight only personnel for carrying out the test or familiarisation or under training, as the case may be,
- (c) a passenger shall be deemed not to have disembarked from an aircraft and freight shall be deemed not to have been unloaded from an aircraft if the passenger or freight remains within the precincts of Guernsey Airport or Alderney Airport, as the case may be, and leaves that airport by another aircraft, or by that aircraft on its next flight, within two hours of arrival or as soon thereafter as circumstances beyond the control of the

operator permit.

(3) Any reference in this Ordinance, or in a Resolution under section 2 of this Ordinance, to the operation of an aircraft for hire or reward includes, unless the context otherwise requires, a reference to the operation of any aircraft for the purpose of instruction in flying for which payment is made.

(4) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of this Ordinance throughout the Islands of Guernsey and Alderney.

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#### NOTES

*In section 7, the words in square brackets in the definition of the expression "the Board" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016.<sup>1</sup>*

*The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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#### Repeals.

8. The Airport Fees Ordinance, 1979<sup>c</sup>, the Airport Fees (Amendment) Ordinance, 1984<sup>d</sup>, the Airport Fees (Amendment) Ordinance, 1985<sup>e</sup> and the Airport

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

<sup>c</sup> Recueil d'Ordonnances Tome XXI, p. 235.

<sup>d</sup> Ordinance No. III of 1984.

Fees (Amendment) Ordinance, 1986<sup>f</sup> are repealed.

**Extent.**

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

**Citation.**

10. This Ordinance may be cited as the Airport Fees Ordinance, 1987.

**Commencement.**

11. This Ordinance shall come into force on the 1<sup>st</sup> day of April, 1987.

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(b), Schedule 2, paragraph 2(b), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

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<sup>e</sup> Ordinance No. IX of 1985.

<sup>f</sup> Ordinance No. VIII of 1986.