

ST HELENA



**CIVIL AVIATION ACT (U.K. 1982)
AIR NAVIGATION (OVERSEAS TERRITORIES) ORDER 2013**

AERODROME CHARGES REGULATIONS, 2015

In exercise of the powers conferred by article 158 of the Air Navigation (Overseas Territories) Order 2013 (S.I. 2013 No. 2870 (UK)), the Governor in Council makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Aerodrome Charges Regulations, 2015, and shall come into force on 26 February 2016.

Interpretation

2. (1) References to legislation (including Ordinances and Conventions) in these Regulations shall be to that legislation as supplemented by regulations or other instruments as amended from time to time.

(2) Terms used in these Regulations shall, unless the context otherwise requires, have the meaning ascribed to them in the Air Navigation (Overseas Territories) Order 2013, and as set out below:

“**aerodrome**” means the aerodrome at Prosperous Bay Plain;

“**carrier**” means an airline operating for the purposes of commercial air transport to and from St Helena;

“**maximum certified take-off mass**” means the maximum permissible take-off weight of the aircraft and its contents as specified by the Aircraft Certificate of Airworthiness;

“**owner**” in relation to an aircraft, means the registered owner of the aircraft;

“**passenger**” means all persons transported by an aircraft with the exception of crew members;

“**Schedule**” means the Schedule to these Regulations;

“**transit passengers**” means passengers whose flight does not involve a change of flight number during its ground stop.

Charges

3. Subject to the provisions of these Regulations, there shall be levied charges as set out herein.

Exemptions

4. There shall be exempt from payment of charges—
- (a) diplomatic, government and military aircraft and their personnel on official duty;
 - (b) aircraft that are involved in search and rescue or volcano monitoring;
 - (c) aircraft requiring an emergency landing, including bomb threats;
 - (d) aircraft returning within one hour after take-off;
 - (e) members of the aircraft crew, when required for the performance of their duties;
 - (f) officials of airline companies travelling on the business of the airline company;
 - (g) transit passengers.

Landing charge

5. (1) There shall be levied a landing charge which shall be payable by an operator of an aircraft—

- (a) for the use of the landing facilities and installations (including lighting facilities and installations);
- (b) for the use of aircraft parking positions within the free parking time;
- (c) for the marshalling in and out of aircraft; and
- (d) for the cargo facilities generally available.

(2) The basis of the landing charge shall be the maximum certified take-off mass of the aircraft rounded up to the next full 1,000 kilograms.

(3) Irrespective of the maximum certified take-off mass of an aircraft, a minimum landing charge per aircraft will be charged per landing.

(4) The landing charge shall be assessed at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

Navigation charges

6. Charges for the use of terminal navigation facilities serving the aerodrome are included in the landing charge.

Parking charge

7. (1) There shall be levied a parking charge which shall be payable by an operator of an aircraft for the use by such aircraft of any parking areas available at the aerodrome.

(2) The basis of the parking charge shall be the maximum certified take-off mass rounded up to the next full 1,000 kilograms.

(3) The parking charge shall be assessed at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

Extended hours of operation charge

8. (1) There shall be levied an additional extended hours of operation charge which shall be payable by an operator for the use of the aerodrome and its landing facilities and installations when landing at the airport at times when the aerodrome would not ordinarily be open.

(2) The extended hours of operation charge shall be assessed at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

(3) The extended hours of operation charge will be identified to the operator of an aircraft as part of the Prior Permission Required application for services referred to in the St Helena Aeronautical Information Publication.

Passenger Service Charges

9. (1) There shall be levied a passenger service charge in respect of each passenger on each occasion such passenger leaves the aerodrome for a place outside St Helena at such rate as specified in the Schedule.

(2) The passenger service charge shall be payable for the use of the passenger terminal buildings including all their facilities and installations by departing passengers and for the implementation of required security measures.

(3) The basis of the passenger service charge shall be on each departing passenger at the rate set out in the Schedule, subject to any exemptions granted pursuant to regulation 4.

Payments

10. (1) Landing charges and parking charges shall be payable by the operator of an aircraft, or his nominated representative, prior to departure of the aircraft from St Helena, unless prior arrangements have been agreed in writing by the Financial Secretary of the St Helena Government.

(2) The passenger service charge shall be collected by the carrier or operator of an aircraft prior to departure of the aircraft from St Helena, unless prior arrangements have been made with the Financial Secretary.

(3) All passenger service charges collected shall be remitted to the Financial Secretary on a monthly basis.

(4) Notwithstanding anything in the foregoing provisions of this Regulation, the Financial Secretary may allow the charges payable by or on behalf of the operator of a civil aircraft regularly arriving at the aerodrome to be calculated monthly with reference to the total number of aircraft of that operator which actually arrive at the aerodrome during the month in respect of which the calculation is to be made.

SCHEDULE

AERODROME: St Helena

LANDING CHARGE: *(Regulation 5)*

Rate of landing charge: £4 per metric tonne, subject to a minimum charge of £200

PARKING CHARGE: *(Regulation 7)*

Rate of parking charge: 0 – 4 hours free, thereafter 20% of applicable landing charge per 24 hours or part thereof

EXTENDED HOURS OF OPERATION CHARGE: *(Regulation 8)*

A surcharge of 100% of the applicable landing charge for flights landing on a day other than a Contracted Flying Day as defined in the St Helena Aeronautical Information Publication.

PASSENGER SERVICE CHARGE: *(Regulation 9)*

Rate of passenger service charge: International flights:

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| Passengers over 12 years: | £17.00 |
| Passengers between 2 and 12 years: | £8.50 |
| Passengers under 2 years: | £0 |

Rate of passenger service charge – Domestic flights:

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|------------------------------------|--------|
| Passengers over 12 years: | £17.00 |
| Passengers between 2 and 12 years: | £8.50 |
| Passengers under 2 years: | £0 |

Made by the Governor in Council this 27th day of May 2015.

Gina M. Benjamin
Clerk of Councils

EXPLANATORY NOTE

(This note is not part of the Regulations)

The purpose of these Regulations is to fix the charges payable under the Air Navigation (Overseas Territory) Order 2013 in respect of the aerodrome on St Helena.