



Jersey

# **CIVIL AVIATION (LICENSING) REGULATIONS 1964**

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**APPENDIX**





Jersey

# CIVIL AVIATION (LICENSING) REGULATIONS 1964

**Jersey R & O 4590**

**Civil Aviation (Licensing) Act, 1960.**

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**CIVIL AVIATION (LICENSING) REGULATIONS, 1964.**

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*(Registered on the 16th day of October, 1964).*

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**THE MINISTER OF AVIATION**, in exercise of his powers under section 1(3), section 2(1), (5) and (8) and section 5 of the Civil Aviation (Licensing) Act, 1960,<sup>1</sup> and of that Act as extended to the Isle of Man by the Civil Aviation (Licensing) Act, 1960, (Isle of Man) Order, 1961, and to the Channel Islands by the Civil Aviation (Licensing) Act, 1960 (Channel Islands) Order, 1961,<sup>2</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations, after consultation with the Council on Tribunals in respect of Regulations 4 to 11, 13, 14 and 21 thereof in accordance with section 8 of the Tribunals and Inquiries Act, 1958, as applied to the Air Transport Licensing Board by the Tribunals and Inquiries (Air Transport Licensing Board) Order, 1960, and with the approval of the Treasury of Regulation 17 thereof: -

## *Citation and Operation*

**1.** These Regulations shall come into operation on 4th January, 1965, and may be cited as the Civil Aviation (Licensing) Regulations, 1964.

## *Interpretation and Supplementary*

**2.-(1)** The Interpretation Act, 1889, shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

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<sup>1</sup> Recueil des Lois, Tome 1961–1962, pages 49, 50 and 56.

<sup>2</sup> Recueil des Lois, Tome 1961–1962, page 46.

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(2) In these Regulations, unless the context otherwise requires –

“the Act” means the Civil Aviation (Licensing) Act, 1960;<sup>3</sup>

“Charter service” means an air transport service (not being an exempted service) which is provided under a contract of hire giving –

- (a) a single hirer the exclusive right to use the carrying capacity of the aircraft; or
- (b) several hirers the right to use together the total carrying capacity of the aircraft for the carriage only of ships’ crews (including masters), their baggage and parts or equipment for ships;

“Class A licence” means a licence for an air transport service (not being a charter service) between places named in the licence involving more than four flights in any one direction between the same two places;

“Class B licence” means a licence for a charter service between places named in the licence (not being a group charter service) involving more than four flights in any one direction between the same two places;

“Class C licence” means a licence for an air transport service between places named in the licence involving not more than four flights in any one direction between the same two places;

“Class D licence” means a licence for a group charter service between places named in the licence, involving more than four flights in any one direction between the same two places;

“Class E licence” means a licence for an air transport service which is not restricted to flights between places named in the licence;

“Class F licence” means a licence for a flight for any purpose, other than the provision of an air transport service, for which a licence is required by the Act;

“Exempted service” means a service provided solely by means of flights exempted by Regulation 3 of these Regulations from the requirement of a licence;

“Group charter service” means a charter service (not being an exempted service) in relation to which all the conditions of either of the categories specified in Schedule 1 hereto are complied with;

“Hearing” means a hearing at which oral evidence or argument may be heard, and “to hear” shall be construed accordingly;

“Licence” means an air service licence under section 2 of the Act;

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<sup>3</sup> Recueil des Lois, Tome 1961–1962, page 49.

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["Northern England" means the Counties of Cumberland, Durham, Northumberland, Westmorland and the North Riding of Yorkshire;]<sup>4</sup>

["North West England" means the Counties of Chester and Lancaster, the Municipal Boroughs of Buxton and Glossop, the Urban Districts of Whaley Bridge and New Mills and the Rural District of Chapel-en-le-Frith;]<sup>5</sup>

"Official record", in relation to the Board, means a publication entitled "Civil Aviation Licensing Notices" and published by or on behalf of the Board;

"Operator", in relation to an aircraft, means the person for the time being having the management of that aircraft;

"Party", in relation to a case before the Board, has the meaning assigned to it by Regulation 10(4) of these Regulations;

"Party", in relation to an appeal to the Minister, has the meaning assigned to it by Regulation 14(8) of these Regulations;

"Proposal" means a proposal of the Board under Regulation 6 of these Regulations.

["The West Midlands" means the Counties of Hereford, Salop, Stafford, Warwick and Worcester.]<sup>5</sup>

(3) For the purposes of these Regulations, and of section 26 of the Interpretation Act, 1889, in its application to these Regulations, a document may be served on any person by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

(4) In computing any period of time specified in these Regulations by reference to days or months, the period shall be reckoned exclusively of the first day and inclusively of the last day.

(5) In computing any period of time specified in these Regulations by reference to hours the whole of any Saturday, Sunday, Christmas Day, Good Friday, or bank holiday shall be disregarded, and for that purpose any day which is a bank holiday under the Bank Holidays Act, 1871, in any part of the United Kingdom shall be treated as a bank holiday.

*Exemption from the requirement of an air service licence*

**3.-(1)** Section 1(2)(b) of the Act (which prohibits the use of aircraft on any flight for reward or in connection with any trade or business except under and in accordance with the terms of a licence) shall not apply to any flight –

(a) solely for the purpose of carrying passengers in a case where the flight is to begin and end at the same place;

(b) solely for one or more of the following purposes, that is to say –

<sup>4</sup> Definition substituted by No. 4796.

<sup>5</sup> Definition inserted by No. 4796.

- (i) the provision of ambulance or rescue facilities, including medical, ambulance and other attendants;
- (ii) the carriage of emergency food or emergency medical supplies;
- (iii) the carriage of any one or more of the following, that is to say, the operator of the aircraft, any bona fide servant of his (including in the case of a body corporate, the directors and in the case of a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the members of that body corporate), and any baggage or other property of the operator or any such servant;
- (iv) the training or testing of persons in the performance of duties in connection with aircraft;
- (v) the testing or demonstrating of the aircraft or of any apparatus, whether or not that apparatus is carried in the aircraft, or the testing or demonstrating of any manner of flying or of any arrangements in connection with flying or with the carriage of passengers or cargo by air;
- (vi) the dropping or projecting of material in the interests of agriculture, horticulture, forestry, or public health, or as a measure against oil-pollution;
- (vii) the taking of photographs or carrying out of a survey from the air;
- (c) solely for the carriage of cargo, or passengers with or without their baggage, or both cargo and passengers, in consequence of a person's exclusive right to use the carrying capacity of the aircraft on that flight, being –
  - (i) cargo all of which is consigned by that person and none of which is carried in pursuance of an agreement between that person and any other person made otherwise than as a term of a sale of the cargo in question;
  - (ii) passengers none of whom is carried at a separate fare;
- (d) solely for carrying out the operator's obligations under a charter of the aircraft to any Government Department;
- (e) any flight to or from a place at which the aircraft neither takes up nor sets down passengers or cargo, being a flight made in the course of providing an air transport service authorised by a licence;
- (f) any positioning flight on which no passengers or cargo are carried, that is to say a flight solely to enable the aircraft to arrive at a place at which –
  - (i) the aircraft is to be used for a flight; or
  - (ii) the aircraft is to be parked or stored; or

- (iii) the aircraft or any part of the aircraft or its equipment is to be modified, inspected, tested, overhauled or repaired, or any part of the aircraft or its equipment is to be replaced;
- (g) beginning in accordance with the terms of a licence, but ending otherwise than in accordance with such terms by reason of –
  - (i) an emergency occurring after the beginning of the flight; or
  - (ii) compliance with the law of the United Kingdom or any country or territory in which the aircraft then is; or
  - (iii) any other circumstance beyond the control of the operator and commander of the aircraft;
- (h) ending in accordance with the terms of a licence, but beginning otherwise than in accordance with such terms, being a flight which the aircraft next makes after such a flight as is mentioned in sub-paragraph (g) hereof;
- (i) solely for the purpose of towing a glider;
- (j) by a helicopter solely for the purpose of carrying a load externally suspended therefrom;
- (2) For the purposes of paragraph (1)(c)(ii) of this Regulation –
  - (a) any consideration wholly or partly in respect of or in connection with the carriage of a passenger shall be deemed to be a fare, irrespective of the person by or to whom it has been or is to be given:

Provided that consideration for the exclusive right to use the passenger capacity of an aircraft shall be deemed not to be a fare; and

- (b) a fare shall be deemed to be separate although it is for several journeys, or for a journey by a group of passengers which is less than the entire passenger capacity of the aircraft.

#### *Applications for the grant of a licence*

**4.-(1)** Subject to the provisions of paragraph (2) of this Regulation, and without prejudice to the provisions of Regulation 9, every application for the grant of a licence shall include the following particulars: -

- (a) the name, address and business name (if any) of the applicant, and, in the case of an individual, the country of which he is a citizen;
- (b) in the case of a body corporate, the country or territory in which it is incorporated, the date of incorporation and arrangements under which, and the citizenship of the persons by whom, it is substantially controlled;
- (c) in the case of a partnership carrying on business in Scotland, the countries of which the partners are citizens;

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- (d) the number and the types of the aircraft previously operated by the applicant and the periods of time and geographical areas of his operations;
- (e) the applicant's financial resources;
- (f) the number and types of the aircraft and the equipment which the applicant intends to employ and his existing and proposed organisation and staffing arrangements;
- (g) the provision made or proposed to be made by the applicant against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by him;
- (h) the terms and conditions of employment of the applicant's servants, and, if particulars thereof have been furnished to the National Joint Council for Civil Air Transport, an indication to that effect;
- (i) the class of licence applied for and the period for which it is to be in effect;
- (j) except in the case of an application for the grant of a Class F licence –
  - (i) a concise indication of the existing or potential need or demand for the proposed service; and
  - (ii) if the applicant already holds an air service licence, particulars of any capital expenditure, financial commitment or commercial agreement, being particulars which the applicant wishes the Board to take into consideration under section 2(2)(g) of the Act; and
- (k) (i) in the case of a Class A, Class B, Class C or Class D licence, the places of departure and destination of all flights to be made under the licence;
- (ii) in the case of a licence for a group charter service, particulars showing compliance or intended compliance with each of the conditions of either of the categories specified in Schedule 1 hereto;
- (iii) in the case of a Class E licence, the geographical area to which flights under the licence are to be limited;
- (iv) in the case of a Class F licence, a general description of the purpose of the flights;
- (v) any other limitations to which the licence is to be subject, including limitations as to the capacity, frequency or class of service or the classes or descriptions of passengers or cargo to be carried;
- (vi) the tariff, if any, proposed or the manner in which it is to be determined, the class of service and the facilities to be provided;
- (vii) the types of aircraft to be used;



- (viii) in the case of a Class B licence, a Class C licence for a charter service, or a Class D licence, the name and address of the charterer of the aircraft, and the name and address of the travel agent, organiser or other person, if any, who is to make available facilities for travel or the consignment of goods on the proposed service.

(2) If an applicant for the grant of a licence has previously furnished to the Board, in connection with another application by him, the particulars referred to in paragraph (1)(a) to (h) of this Regulation, he shall not be obliged to repeat those particulars in the later application, but if he does not repeat those particulars he shall indicate whether or not those particulars apply unchanged to that application and in what respect, if any, they have changed or do not apply.

(3) Every application for the grant of a licence shall be made on a form supplied by the Board and shall be signed by or on behalf of the applicant. It shall be accompanied by the fee payable under these Regulations in respect of the application and by five copies of the application, which copies need not be signed:

Provided that the Board may, if they think fit, accept less than five copies of the application in any particular case.

(4) Subject to the provisions of paragraph (7) of this Regulation, every application for the grant of a Class A, Class B, Class E or Class F licence shall be served on the Board not less than six months before the beginning of the period for which the licence is proposed to be in effect.

(5) Subject as aforesaid, every application for the grant of a Class C licence other than for a charter service, or a Class D licence, shall be served on the Board not less than three months before the beginning of such period.

(6) Subject as aforesaid, every application for the grant of a Class C licence for a charter service shall be served on the Board not less than 14 days before the beginning of such period.

(7) The Board may, if they think fit, consider an application for a licence notwithstanding that it has been received at their office otherwise than at the time provided in paragraph (4), (5) or (6) of this Regulation.

(8) The Board shall, as soon as may be after the receipt by them of an application for the grant of a licence accompanied by the prescribed fee, publish in their official record such particulars of the application as they think necessary for indicating the substance of the application, and shall make a copy of the application available at their office for inspection by any person at any reasonable time:

Provided that –

- (a) in the case of any licence other than a Class A or a Class E licence the Board may dispense with publication as aforesaid if they are satisfied that for reasons of urgency it is desirable so to do; and
- (b) in the case of any application for a Class C licence for a charter service the Board shall not publish particulars of the application unless within

seven days after receipt of the application they have served the applicant with notice of their intention so to do.

(9) If in the opinion of the Board an application for a licence relates to more than one service, the Board may direct that the application shall, for the purposes of these Regulations, be treated as being such number of separate applications as they may specify in the direction, and the application shall be treated accordingly.

*Applications for the revocation, suspension or variation of licences*

5.-(1) Every application for the suspension of a licence shall state the period of the proposed suspension, and every application for the variation of a licence shall specify the variation proposed.

(2) Every application for the revocation, suspension or variation of a licence shall state the reasons advanced in support of the application.

(3) Every such application shall be made on a form supplied by the Board, and shall be signed by or on behalf of the applicant.

(4) Every such application shall be accompanied by the fee, if any, payable under these Regulations in respect of the application, and by five copies of the application, which copies need not be signed: Provided that the Board may accept less than five copies of the application in any particular case. A signed copy of the application shall be served by the applicant on the holder of the licence within 24 hours after it has been served on the Board unless the applicant is himself the holder of the licence.

(5) Regulation 4(4) to (8) of these Regulations shall apply in relation to an application for the revocation, suspension or variation of a licence as they apply in relation to an application for the grant of that licence:

Provided that in respect of an application –

- (a) by the holder of a licence for its revocation or suspension; or
- (b) by any person for a variation which, in the opinion of the Board, is unlikely to prejudice the interests of any persons of the categories specified in Regulation 10(2) of these Regulations,

the Board may dispense with publication of particulars of the application.

*Revocation, suspension or variation of licences without application being made*

6.-(1) Subject to paragraph (2) of this Regulation if the Board propose to revoke, suspend or vary a licence, otherwise than in pursuance of an application made to them in that regard, they shall –

- (a) serve on the holder of the licence not less than 21 days' notice of their intention to publish particulars of the proposal in their official record, together with their reasons for their proposal;

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- (b) consider any representations which may be made to them by the holder of the licence before the expiration of the said notice; and
- (c) as soon as may be after the expiration of the said notice or at such earlier time as the Board and the holder of the licence may agree, publish particulars of the proposal in their official record, unless they have abandoned the proposal:

Provided that the Board may –

- (i) with the consent of the holder of the licence, dispense with publication of their proposal to revoke or suspend the licence,
- (ii) dispense with publication of their proposal to vary the licence, if in their opinion the variation is unlikely to prejudice the interests of the any persons of the categories specified in Regulation 10(2) of these Regulations.

(2) The Board may suspend a licence notwithstanding that they have not complied with the requirements of paragraph (1) of this Regulation if –

- (a) they cease to be satisfied as mentioned in Section 2(2)(a) of the Act or as to the matters referred to in paragraph (b) of that subsection, and
- (b) they have served on the holder of the licence not less than 144 hours' notice of their proposal to suspend the licence, together with their reasons for the proposal, and have considered any representations which may be made to them by the holder of the licence before the expiration of such notice.

*Objections and Representations*

7.-(1) Every objection and representation relating to an application to the Board, or to a proposal of the Board to revoke, suspend or vary any licence, shall be made in writing signed by or on behalf of the person making it and shall, together with five copies which need not be signed, be served on the Board:

Provided that the Board may, if they think fit, accept less than five copies in any particular case.

(2) In the case of an application or proposal particulars of which have been published in the Board's official record, the objection or representation shall be served on the Board within the period of twenty-one days from the day of publication as aforesaid. The Board may, if they think fit, consider an objection or representation notwithstanding that it has been received by them otherwise than as aforesaid.

(3) The objection or representation shall clearly identify the application or proposal to which it relates and shall state concisely the grounds on which it is based, and whether the person making it wishes to be heard at a meeting of the Board.

(4) The person making the objection or representation shall within 24 hours after it has been served on the Board serve a copy of it on –

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- (a) the applicant, if any;
- (b) any other person who is the holder of the licence to which it relates; and
- (c) any body which the Board are obliged by Regulation 8(1) of these Regulations to consult in respect of the application or proposal.

(5) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application within 72 hours after being required so to do.

*Consultation by the Board*

8.-(1) The Board shall not grant, revoke, suspend or vary, or refuse any application for the grant, revocation, suspension or variation of, any Class A or Class B licence for an air transport service to, from or within any of the areas specified in Regulation 20 of these Regulations or any of the Channel Islands, or the Isle of Man except after consulting with the regional advisory committee set up for the area, the Channel Islands Air Advisory Council, or the Isle of Man Airports Board, whichever shall be appropriate in the circumstances:

Provided that consultation as aforesaid shall not be required in the case where the Board suspend a licence under Regulation 6(2) of these Regulations or in the case of an application particulars of which have not been published by the Board in their official record.]<sup>6</sup>

(2) If the Board have published particulars of an application for a licence in their official record, being an application for a licence in respect of an aircraft registered in the United Kingdom, they shall not grant that licence except after consulting with the National Joint Council for Civil Air Transport with regard to the terms and conditions of employment of the applicant's servants.

*Furnishing of information to the Board by persons making applications, objections or representations*

9. The Board may require any person who has made an application, objection or representation to them under these Regulations to provide the Board with all such information or documents in his possession or control relevant to the application, objection or representation as may be specified in the requirement; and, whenever in their opinion, after consulting the said person, it is necessary and proper to do so, having regard in particular to the question whether the information is of a confidential nature, the Board may furnish particulars of any such information or copies of any such documents to any person who has a right to be heard by the Board in connection with the case to which the information or documents relate.

*Hearing and decisions by the Board in connection with licences*

10-(1) Any applicant for the grant of a licence shall have a right to be heard by the Board at a meeting to consider his application unless the Board are obliged by section 2(3) of the Act to refuse the application.

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<sup>6</sup> Paragraph substituted by No. 4796.

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(2) A person who belongs to one or more of the following categories, that is to say –

- (a) the holder of any air service licence;
- (b) the holder of an aerodrome licence;
- (c) a person whose business includes the performance of the carriage of passengers, mails or other cargo for reward by rail or by sea and whose principal place of business is in the United Kingdom, any of the Channel Islands or the Isle of Man;
- (d) the holder of a road licence granted under Part III of the Road Traffic Act, 1960 authorising services of express carriages;
- (e) the holder of an A or B carriers' licence granted under Part IV of the Road Traffic Act, 1960;
- (f) a Government Department or Minister of the Crown, including a Department or Minister of the Government of Northern Ireland, but not including the Minister of Aviation.

shall have the right to be heard by the Board at a meeting to consider the grant, revocation, suspension or variation of any licence:

Provided that –

- (i) in the case where the person is neither the holder of nor the applicant for the grant, revocation, suspension or variation of the licence to which the meeting of the Board relates, he shall have no right to be heard unless he has made an objection or representation in accordance with Regulation 7 of these Regulations and has indicated therein that he wishes to be heard by the Board at that meeting;
- (ii) where the Board are obliged by section 2(3) of the Act to refuse an application relating to a service no person shall have a right to be heard in respect of that application.

(3) A hearing shall not be held by the Board at any meeting to consider an application to or proposal of the Board unless they have served on all persons having a right to be heard at that meeting fourteen days' notice in writing of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates. A similar notice shall be published by the Board in their official record seven days before the day of the hearing, and shall be exhibited in a public place for a like period:

Provided that the Board may hold a hearing without having served and published such notice as aforesaid if –

- (i) particulars of the application have not been published in their official records; and

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- (ii) they have given notice of the date, time and place of the hearing, being notice of such length and by such means (whether oral or written) as they think fit, to the applicant and any person of the categories specified in paragraph (2) of this Regulation whose interests are in the opinion of the Board likely to be prejudiced by the granting of the application.

(4) Every person who has a right to be heard by the Board in connection with any case shall, for the purpose of these Regulations, be deemed to be a party to that case.

(5) Notwithstanding that a person does not have a right to be heard the Board may, if they think fit, hear him and, to such extent as they think fit, permit him to exercise the rights of a party at the hearing.

(6) The Board may, if they think fit, and subject to the provisions of this Regulation, hear two or more cases together, but a party to one case shall not on that account be deemed to be a party to any other case.

(7) At a hearing by the Board every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral or written evidence, and examine any other party to that case and any witnesses produced by him.

(8) The decision of the Board shall include a statement of reasons –

- (a) if any objections to the application or proposal have been considered by the Board;
- (b) if the Board have held a hearing in connection with the application or proposal; or
- (c) if the Board have refused the application, or have granted the application with a modification determined by the Board:

Provided that the Board shall not be required to disclose any information which they have received from the Minister in the course of consultation with him in accordance with section 2(3) of the Act, or which they have received from any person in pursuance of Regulation 9 of these Regulations and which they regard as confidential.

(9) The Board shall serve a copy of their decision on every party to the case as soon as may be and shall cause particulars of their decision to be published in their official record.

(10) The Board shall furnish a copy of their decision to any person who so demands:

Provided that the Board shall not be obliged to do so if the demand is made more than three years after the day of publication of the decision or more than one year after the expiry of the licence whichever is the later.

(11) If the Board are obliged by section 2(3) of the Act to refuse an application, an indication to that effect shall be sufficient reason for their refusal.

(12) If the application in question contains the name and address of such persons as are referred to in Regulation 4(1)(k)(viii) of these Regulations, the Board shall serve all such persons, being persons resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man, with notice of their decision, clearly identifying the application to which it relates.

(13) All the proceedings at a hearing of the Board in connection with a licence or proposal shall be recorded by a shorthand writer, or, if the Board think fit, by some other means, and if any person so demands at any time after publication of the decision relating thereto in the Board's official record, the Board shall cause a transcript of the record to be made available for purchase by that person at a reasonable price:

Provided that –

- (a) the Board shall not be required to make any transcript available for purchase at any time after the expiry of one year from the day of publication as aforesaid ; and
- (b) a transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Board at those proceedings.

*Further provisions as to procedure*

**11.**-(1) The quorum of the Board shall, unless the Board shall otherwise decide in relation to a particular case or class of cases, be three members.

(2) Every hearing by the Board shall be held in public unless the Board shall otherwise decide in relation to the whole or part of a particular case.

(3) Subject to the provisions of the Act, the failure of the Board or of any person to give any notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Board, but may be a ground of appeal to the Minister; and the Board may, and shall if they consider that any person may have been prejudiced, take such steps as they think fit before reaching their decision to cure the irregularity, whether by the giving of any notice or the taking of any step or otherwise.

(4) For the exercise of their advisory functions under section 4 of the Act the Board may hear such persons as they think fit, and in that event they shall cause reasonable notice of the intended date, time and place of the hearing to be published in their official record and to be served on such persons, if any, as they consider to be concerned with the subject on which they are to advise.

*Conditions of licences*

**12.** In granting or varying a licence the Board may impose conditions of any of the following descriptions: -

- (a) as to any of the matters referred to in Regulation 4(1)(a) to (g) of these Regulations;

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- (b) as to the places of departure and destination of any flight under the licence, or the geographical area of such flights, or the purpose thereof;
- (c) as to the periods, seasons or times during or at which an air transport service may be provided under the licence, and the frequency or class of that service;
- (d) as to the places at which or areas in which passengers or cargo may or must be taken up or set down under the licence;
- (e) as to the numbers of passengers and the weight or quantity of cargo that may be carried on any flight under the licence;
- (f) as to the classes or descriptions of passengers or cargo that may be carried, including in particular the nationality, place of residence and ultimate destination of the passengers, and the nationality or place of business of the consignor or consignee of the cargo ;
- (g) as to the incidence of expenses incurred by or in respect of passengers carried under the licence;
- (h) as to the provision, preservation and production of certificates relating to the matters referred to in sub-paragraphs (f) and (g);
- (i) as to the travel agents or other persons who may make available or offer facilities for carriage by air under the licence, the facilities they must provide, and the consideration they may receive from the passengers or from the holder of the licence;
- (j) as to the arrangements to be made in respect of the service between the holder of the licence and –
  - (i) any other person holding a licence;
  - (ii) persons providing transport services otherwise than by air;
- (k) as to connections between the air transport services to be provided under the licence, and transport services whether or not provided by air;
- (l) as to the facilities and amenities to be provided by the holder of the licence in connection with the air transport service to which the licence relates;
- (m) as to the advertising or publicity or booking arrangements relating to the said service;
- (n) as to the production of the licence to any person reasonably requiring to examine it;
- (o) as to the validity of the licence if the fees prescribed by Regulation 17 of these Regulations and Schedule 2 thereto are not paid in accordance with the prescribed provisions.



*Provisions as to tariffs*

**13.** The following exceptions and modifications are hereby prescribed for the purposes of section 2(5) of the Act: -

- (1) (a) in the case of a Class A or Class B licence the Board may, if they think fit and with the consent of the Minister (which may be given generally or in respect of a particular case or class of cases) dispense wholly or in part with a provision as to the tariff to be charged ;
- (b) in the case of a Class C licence for a charter service, Class D or Class E licence the Board may, if they think fit, dispense wholly or in part with a provision as to the tariff to be charged;
- (c) in the case of a licence of any class the Board shall dispense with a provision as to the tariff to be charged in respect of the carriage of postal packets on behalf of the Postmaster-General within, from or to the British postal area or any British postal agency, or in respect of the carriage of postal packets otherwise than as aforesaid where charges are payable therefor to the Postmaster-General (whether as principal or agent); and for the purpose of this sub-paragraph the expressions "British postal agency", "British postal area" and "postal packet" shall have the same respective meanings as are assigned to them by section 87(1) of the Post Office Act, 1953;
- (d) in the case of a licence for a service such as is described in section 2(5)(b) of the Act which includes a provision as to the tariff to be charged in terms identical with an approved tariff provision, the licence shall have effect without confirmation of the tariff provision by the Minister. For the purpose of this paragraph "approved tariff provision" means any of the following: -
  - (i) any provision, approved by the Minister and published in the Board's official record, specifying the manner in which the tariff is to be determined;
  - (ii) Provision I, Provision III or Provision IV of paragraph 4 of the Second Schedule to the Civil Aviation (Transitional Licences) Order, 1961;
- [(e) in the case of a Class A licence for a service such as is described in section 2(5)(a) of the Act, the licence may include, in lieu of a provision setting out the tariff to be charged –
  - (i) in respect of carriage under the licence which forms part of carriage by air to or from a place not in the United Kingdom, one of the Channel Islands or the Isle of Man, a provision specifying the manner in which the tariff for the whole carriage is to be determined;
  - (ii) in respect of any other carriage under the licence, a provision specifying that the tariff shall be the relevant tariff set out in a document which may be published by the Board (in these

Regulations referred to as “the Board’s schedule of domestic tariffs”), as varied from time to time by the Board in accordance with paragraph (2) of this Regulation;]<sup>7</sup>

- (2) (a) an application for the variation of the Board’s schedule of domestic tariffs may be made by any of the persons of the categories specified in Regulation 10(2) of these Regulations, and the provisions of these Regulations which apply in relation to an application to the Board or a proposal of the Board to vary a Class A licence for an Area I Service in respect of the tariff to be charged shall, subject to the following modifications, apply in relation to an application to the Board, or a proposal of the Board, as the case may be, to vary the Board’s schedule of domestic tariffs –
- (i) any requirement to serve a document on the holder of the licence shall be construed as a requirement to serve the document on all holders of a Class A licence authorising services between places in the United Kingdom, any of the Channel Islands or the Isle of Man;
  - (ii) any variation of the Board’s schedule of domestic tariffs which affects a licence for a service such as is described in Regulation 8(1) of these Regulations shall be treated for the purposes of that paragraph as if it were a variation of such a licence;
- (b) the Board’s schedule of domestic tariffs, as varied from time to time, together with an up-to-date list of the names and addresses of the holders of Class A licences for an Area I Service, shall be kept available for inspection by any person at the Board’s offices at all reasonable times, and the Board shall furnish copies thereof to any person who so demands.

#### *Appeals to the Minister*

**14.**-(1) Every party to a case before the Board shall have a right of appeal to the Minister in accordance with the provisions of this Regulation from the Board’s decision with respect to that case.

(2) An appeal to the Minister against a decision of the Board shall be made by written notice clearly identifying the case to which it relates and stating concisely the grounds on which the appeal is based.

(3) The notice shall be signed by or on behalf of the appellant and shall be served on the Minister within the period of twenty-one days from the day of the publication of the decision of the Board in their official record.

(4) A copy of the notice of appeal shall be served by the appellant on the Board, each of the parties to the case before the Board and each person who was heard by the Board in connection with that case; and for this purpose any person having the right to appeal against a decision of the Board may require them to furnish him with the names and addresses of the other parties to the case before the Board and of the persons heard by the Board in connection with that case.

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<sup>7</sup> Sub-paragraph substituted by No. 4795.

(5) The Minister shall serve on the appellant, each of the parties to the case before the Board and each of the persons heard by the Board in connection with that case not less than twenty-one days' notice of the date, time and place of the hearings of the appeal, and shall cause not less than seven days' notice thereof to be published in the official record of the Board.

(6) The Minister shall appoint a Commissioner to hear each appeal, and the Commissioner shall hold the hearing in public unless he shall otherwise decide in relation to the whole or part of the case.

(7) The appellant and any person who was a party to the case before the Board, or who was heard by the Board in connection with that case, shall have a right to be heard by the Commissioner:

Provided that a party to a case who did not exercise his right to be heard by the Board shall not have a right to be heard by the Commissioner unless he has served on the Minister, the Board and all the other parties to the hearing at least ten days' notice of his wish to be heard by the Commissioner, stating concisely his reasons for wishing to be heard, and has obtained the Minister's consent to his being heard.

(8) Any person heard by the Commissioner in connection with an appeal shall be deemed for the purposes of these Regulations to be a party to that appeal.

(9) The Commissioner may if he thinks fit hear two or more appeals together, but a party to one appeal shall not on that account be deemed to be a party to any other appeal.

(10) Any party to the appeal may appear in person or be represented by any other person whom he may have authorised to represent him.

(11) Any party to the appeal may produce to the Commissioner evidence additional to that before the Board, if he has served the Board and the other parties to the hearing before the Board with ten days' notice of his intention to do so, setting forth the substance of the new evidence; and any witness giving new evidence before the Commissioner may be examined as to that new evidence by the other parties to the appeal:

Provided that without serving such notice as aforesaid any party to the appeal may produce evidence in rebuttal of evidence produced in accordance with the foregoing provisions of this paragraph.

(12) The Commissioner may, if he thinks fit, invite the Board to amplify or explain the reasons for their decision of the case. Any amplification or explanation of their reasons which the Board may furnish shall be in writing, and a copy of it shall be served by the Board on all persons who were a party to the case before the Board or were heard by the Board in connection with that case.

(13) The Board shall furnish the Commissioner with a transcript of the record of any relevant hearing by them, together with copies of any documents which they may have received in connection with the case. The Board shall indicate which, if any, of these documents they have received in pursuance of Section 2(3) of the Act or in confidence under Regulation 9 of these Regulations, and the Commissioner shall not be required to disclose the content of those documents in the course of the proceeding.

(14) The Commissioner shall send to the Minister a report containing a summary of the proceedings at the hearing, his recommendation to the Minister as to the disposal of the appeal and as to the liability of the parties thereto in respect of the costs or expenses thereof, together with the reasons for his recommendations.

(15) The Minister shall consider the summary and recommendations of the Commissioner and shall, subject to the provisions of paragraph (9) of Regulation 21 of these Regulations, make such order as he thinks fit as to the application or proposal which is the subject of the appeal, and in particular may order the Board to hear or rehear the whole or part of the case. If the Minister does not accept the recommendations of the Commissioner, in whole or in part, he shall give his reasons for not so doing.

(16) (a) In determining an appeal other than an appeal which has been heard by a Commissioner in Scotland the Minister may, if he thinks fit, order any of the parties to the appeal to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs or any part thereof.

(b) Any costs required by an order under the foregoing sub-paragraph to be taxed may be taxed in the county court on such scale as may be directed by the order.

(c) Any sum payable by virtue of an order under sub-paragraph (a) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court; and subject to county court rules, an application for an order of the county court under this paragraph may be made *ex parte*.

(d) The powers of the county court under the foregoing provisions of this paragraph may be exercised by the Registrar.

(e) In relation to an appeal which has been heard by a Commissioner in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the appeal were parties to the submission, and any award of expenses by the Minister under this sub-paragraph may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.

(17) The Minister shall communicate his order (including his order as to costs, if any) and the reasons for it, if given, in writing to the Board together with a copy of the Commissioner's report. The Board shall –

(a) take such action as the Minister may have ordered them to take in respect of the licence or application therefor; and

(b) cause the substance of the Minister's order to be published in their official record.

(18) The Minister shall serve on each of the parties to the appeal and on any such person as is referred to in Regulation 4(1)(k)(xiii) of these Regulations, being a person resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man, a copy of the Commissioner's report and of the

Minister's order, and the reasons for it, if given, and shall furnish copies of those documents to any person who so demands.

*Continuation of expired licences*

**15.** The periods respectively set forth in the following table are hereby prescribed for the purposes of section 2(8) of the Act (which provides that in the circumstances therein set forth a licence shall not cease to be in force by reason of the expiry of the term for which it was granted): -

<i>Term of licence.</i>	<i>Period prescribed.</i>
Not more than 6 months	half the term of the
...	licence.
More than 6 months but not more than 12 months	4 months.
...	
More than 12 months ...	6 months.
...	

*Transfer of licences*

**16.-(1)** Subject to the provisions of this Regulation –

- (a) if the sole holder of a licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative;
- (b) if in connection with the reconstruction of any body corporate or bodies corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate) or such part thereof as includes the provision of the air transport services or of flights for other purposes authorised by the licence, is transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.

(2) The person required by paragraph (1) of this Regulation to be treated as the holder of the licence may apply to the Board –

- (a) if he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest), and
- (b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.

(3) The application shall state the grounds on which it is based and shall be served on the Board within the period of twenty-eight days from the day on which the applicant first became entitled to make it; and if no application as aforesaid is made

within that period, the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

(4) The application shall, for the purposes of these Regulations be treated as if it were an application for the variation of the licence.

(5) The Board shall not, without the consent of the Minister, grant an application for the transfer of a licence to, or the substitution of the name of, any person who is not such a person as is described in section 2(7) of the Act.

(6) For the purposes of this Regulation “legal personal representative” has the same meaning as is assigned to it by section 742 of the Merchant Shipping Act 1894.

#### *Fees*

**17.** The provisions of Schedule 2 to these Regulations shall apply in respect of the fees payable to the Board in connection with air service licences and applications relating thereto.

#### *Provision of information by holders of air service licences or of air operator’s certificates*

**18.** The Minister or the Board may require any person who is the holder of a licence or of an air operator’s certificate to provide the Minister and the Board, or either of them, with such statistical, financial and other information as may be specified in the requirement with respect to that person’s operations to which the licence or certificate relates; and any person on whom a requirement as aforesaid is served shall comply with it within the period specified in the requirement, if and to the extent that he has the required information in his possession or control.

#### *Surrender of licences*

**19.** If revocation or variation of a licence has taken effect, the Board may require any person who has the licence in his possession or control to surrender it to them for cancellation or variation, as the case may be.

#### *Regional Advisory Committee*

**20.**-(1) There shall be set up regional advisory committees for Scotland, Wales, Northern Ireland, Northern England, North West England and the West Midlands for the purposes of advising the Board on matters relating to their functions under the Act, with particular regard to the circumstances and requirements of Scotland, Wales, Northern Ireland, Northern England, North West England and the West Midlands respectively.]<sup>8</sup>

(2) Each such committee shall consist of not less than ten and not more than sixteen persons.

(3) The Minister shall appoint the members of each such committee, together with a chairman from among its members: Provided that in the case of the regional

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<sup>8</sup> Paragraph substituted by No. 4796.

advisory committees for Scotland, Wales and Northern Ireland the Minister shall first consult respectively with the Secretary of State for Scotland, the Minister for Welsh Affairs and the Minister of Home Affairs of Northern Ireland.

(4) A member of a regional advisory committee shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member.

(5) The Minister shall provide each of the regional advisory committees with such accommodation, equipment and assistance as appears to him to be necessary or expedient for the exercise of their functions.

(6) The Minister shall pay any travelling or other expenses which in his opinion are reasonably incurred by any person as a member of any of the aforesaid regional advisory committees.

*Representations by the Government of the Isle of Man or by the States of Jersey or Guernsey*

**21.**-(1) The Government of the Isle of Man or the States of Jersey or Guernsey may make representations to the Minister as respects any decision of the Board with respect to any licence or any application for a licence; and the body making the representations is hereinafter in this Regulation referred to as “the Island Government”.

(2) If representations as aforesaid are served on the Minister within the period of thirty days from the day of publication of the decision of the Board in their official record, the Minister shall serve each party to the case before the Board with –

- (a) a copy of the representations;
- (b) a notice that the Minister proposes to consider the representations in pursuance of this Regulation; and
- (c) a notice that the Minister will also consider any rejoinder by any of the parties to the case before the Board which may be served on him within the period of twenty-one days from the day on which the notice is served, being a rejoinder of which a copy has been served by the party making it on the Island Government and on the other parties to the case before the Board.

(3) The Minister may, if he thinks fit, invite the Board to amplify or explain the reasons for their decision of the case. Any amplification or explanation of their reasons which the Board may furnish shall be in writing, and a copy of it shall be served by the Board on the Island Government and on all the parties to the case before the Board.

(4) The Board shall furnish the Minister and the Island Government with a transcript of the record of any hearings by them in connection with the case.

(5) The Minister shall, unless, after considering the representations of the Island Government and any rejoinders made by the parties to the case before the Board, he is satisfied that it is unnecessary so to do, invite each of the parties to the case before the Board, any person who was heard by the Board in connection with that

case, and representatives of the Island Government to consult with such person as he may, subject to the provisions of paragraph (8) of this Regulation, appoint for the purpose (hereinafter referred to as “the appointed person”) as to the representations and rejoinders made in pursuance of this Regulation. All the persons who attend the consultation shall be present throughout the consultation. If the appointed person thinks fit, any consultation may relate to two or more decisions of the Board.

(6) Any person who attends the consultation may appear in person or be represented by any other person whom he may have authorised to represent him.

(7) The appointed person shall send to the Minister a summary of the proceedings at the consultation, together with his recommendation to the Minister as to the action which the Minister should take.

(8) If an appeal has been made in accordance with the provisions of Regulation 14 of these Regulations against the decision of the Board to which the representations of the Island Government relate, the appointed person, if the Island Government and the parties to the case before the Board so agree, may be the same person as the Commissioner appointed by the Minister under Regulation 14(6) of these Regulations.

(9) If an appeal as aforesaid has been made, the Minister shall, before making an order under paragraph (15) of that Regulation, consider the representations of the Island Government, any rejoinders made by the parties to the case before the Board, and the summary and recommendation of the appointed person, if any, together with the summary and recommendations which he has received from the Commissioner in pursuance of that Regulation.

(10) If an appeal as aforesaid has not been made, the Minister shall consider the representations of the Island Government, any rejoinders made by the parties to the case before the Board, and the summary and recommendations of the appointed person, if any, and shall make such order as he thinks fit as to the application or proposal which is the subject of the representations.

(11) If the Minister does not accept the recommendations of the appointed person, in whole or in part, he shall give his reasons for not so doing.

(12) The Minister shall inform the Island Government of his decision.

(13) Regulation 14(17) and (18) of these Regulations shall apply to an order of the Minister under this Regulation as they apply to an order of the Minister under Regulation 14, but as if the references to the Commissioner’s report were references to the report of the appointed person, and the references to the parties to the appeal was a reference to persons attending the consultation.

### *Revocation*

**22.-(1)** Subject to the following provisions of this Regulation, the Civil Aviation (Licensing) Regulations, 1960,<sup>9</sup> the Civil Aviation (Licensing) (Amendment)

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<sup>9</sup> No. 4242.



*Jersey R & O 4590 Civil Aviation (Licensing) Regulations, 196*

Regulations, 1961,<sup>10</sup> and the Civil Aviation (Licensing) (Amendment) Regulations, 1964 are hereby revoked.

(2) Section 38(2) of the Interpretation Act, 1889 (which relates to the effect of repeals) shall apply to these Regulations as if these Regulations were an Act of Parliament and as if the Regulations revoked by paragraph (1) of this Regulation were Acts of Parliament thereby repealed.

(3) These Regulations shall apply to any application, proposal, notice, licence or other document made, served or granted under the Regulations revoked by these Regulations as they apply to any application, proposal, notice, licence or other document made, served or granted under these Regulations and any such application, proposal, notice, licence or other document shall have effect for the purposes of these Regulations as if it had been made, served or granted under the corresponding provision thereof.

**JULIAN AMERY,**

*Minister of Aviation.*

17th July, 1964.

We approve the making of Regulation 17 of these Regulations.

**MARTIN MCLAREN,  
IAN MACARTHUR,**

*Lords Commissioners of  
Her Majesty's Treasury.*

17th July, 1964.

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<sup>10</sup> No. 4243.

**FIRST SCHEDULE****CONDITIONS OF GROUP CHARTER SERVICES****CATEGORY A – (Groups supported by voluntary contributions)**

- (i) The operator's reward for providing the service shall be raised entirely by voluntary contributions;
- (ii) There shall be no minimum contribution;
- (iii) The contributors shall include persons not to be carried on the service;
- (vi) It shall not be a condition of being carried on the service that the passenger shall have made a contribution or given any other consideration; and
- (v) Every passenger carried on the service shall be selected by the hirer of the aircraft for some reason additional to his request that he be carried.

**CATEGORY B – (Affinity groups)**

- (i) Every passenger to be carried shall be a member of one and the same organised group which pursues a principal objective other than travel, and shall have been a member of that group for the period of six months preceding the flight, or shall be the spouse or dependent child of, or a parent living in the same household as, such a member and accompanying that member on the flight;
- (ii) The objective other than travel pursued by the group shall be sufficient to distinguish it from the general public;
- (iii) Except in the case of groups whose members are all employees of the same employer or students or teachers of the same school, college or university, membership of the group shall not exceed twenty thousand persons;
- (iv) Advertisements and other communications, whether oral or written, for the purpose of inviting or inducing persons to engage on the journey shall be communicated only to members of the group, and only by members or officials of the group.

## SECOND SCHEDULE

## FEES

1. The Table referred to in this Schedule is as follows: -

1	2			3			4		
Description of Licence	Application Fee			Fee for grant, variation, suspension or revocation			Annual Fee		
	£	s.	d.	£	s.	d.	£	s.	d.
Class A Licence for:									
-									
Area I Service ...	25	0	0	25	0	0	40	0	0
...									
Area II Service ...	50	0	0	50	0	0	80	0	0
...									
Area III Service	100	0	0	20	0	0	16	0	0
...				0			0		
Area IV Service	200	0	0	40	0	0	40	0	0
...				0			0		
Area V Service...	100	0	0	20	0	0	16	0	0
...				0			0		
Class C Licence...	3	0	0	Nil			Nil		
...									
Any other Licence: -									
(a) for a restricted number of journeys	25	0	0	Nil			10	0	0
(b) for an unrestricted number of journeys	25	0	0	50	0	0	60	0	0

*Standard Fees*

2. Subject to the provisions of this Schedule, fees shall be payable to the Board as follows: -

- (a) upon making an application for the grant of a licence the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence applied for;

- (b) for the grant of a licence, the applicant shall pay, on the first day on which the licence authorises a flight, the fee specified in the third column of the Table opposite the description of the licence granted:

Provided that no fee for the grant of a licence shall be payable in respect of a licence which has been revoked and the revocation whereof has become effective before the first day on which the licence authorises a flight;

- (c) upon making an application for variation of a licence (whether or not in respect of more than one particular) the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence as it would be if the application were granted;
- (d) for the variation of a licence (whether or not in more than one particular) the applicant shall pay on the day on which the variation in one or more particular comes into force, the fee specified in the third column of the Table opposite the description of the licence as varied;
- (e) upon making an application for the revocation or suspension of a licence of which he is not the holder the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence, taking into account any variations which may have been made, and if his application is granted he shall thereupon pay the fee specified in the third column of the Table opposite that description;
- (f) the holder of a licence shall pay in respect thereof the annual fee specified in the fourth column of the Table opposite the description of the licence, taking into account any variations which may have been made; payment shall first become due upon the expiration of the period of one year after the first day on which the licence authorises a flight and each subsequent payment shall become due at intervals of one year after that date, but in the case of a licence granted in pursuance of an Order made under section 2(6) of the Act, payment shall become due on 30th March each year; each payment of an annual fee shall relate to the year following the day on which it becomes due, and, if the fee exceeds ten pounds, may be reduced by the Board by one-twelfth for every month by which the unexpired portion of the term of the licence is less than one year;
- (g) if a licence is suspended, the annual fee shall not become due so long as the suspension continues, but upon the ending of the suspension the holder of the licence shall pay that fee, which may be reduced by the Board by one-twelfth for every month of suspension during the year to which the fee relates;
- (h) in determining for the purposes of this paragraph the first day on which a licence authorises a flight no regard shall be had to any provision of the licence which renders it invalid by reason of failure to pay a fee.

*Variation of licences: Special provisions*

3.-(1) The Board may reduce by such amount as they think fit the fee in respect of an application by the holder of a licence for its variation, and for the variation of the licence, if, in their opinion, it is proper to do so by reason of the disproportion between the amount of the fee and the benefit sought by the application or conferred by the variation, as the case may be.

(2) In a case where a licence is varied with effect in the course of a year to which an annual fee relates, the amount of the annual fee shall be adjusted proportionately so as to take account of any resulting variation in the description of the licence; and any additional annual fee shall be paid by the holder of the licence, or any refund of the annual fee shall be made to him (whichever shall be appropriate), on the date on which the variation in the description of the licence comes into force.

(3) If the Board are of the opinion that an application for variation of a licence is in substance an application for a licence for a new service, they may, on varying the licence, direct that for the purpose of the annual fee, the licence is to be treated as if it were several licences of such number and description as they may specify in the direction and that payment of the annual fees shall become due on such dates as they may so specify.

(4) Subject to sub-paragraph (1) hereof, where an application for variation of a licence relates solely to a provision as to the tariff to be charged the fee to be paid for that application shall be £2 0s. 0d. and, if no hearing has been held by the Board in connection with that application, no fee shall be payable for the variation.

#### *Refund of Fees*

4.-(1) Where an application for a licence or the variation, revocation or suspension thereof is withdrawn before a notice of a hearing in connection with such application has been published by the Board in their official record the Board may refund such part of the application fee as they think proper in the circumstances of the case.

(2) Where the Board are obliged by section 2(3) of the Act to refuse an application for the grant or variation of a licence they shall refund the whole of the application fee.

(3) Where a licence has been revoked or suspended in the year next following payment of the fee for the grant of the licence or the year next following payment of the full amount of the annual fee, as the case may be, the Board may refund such part of the fee paid as they think fit in the circumstances of the case.

#### *Definition of Area Services*

5. For the purposes of this Schedule –

“Area I Service” means a service between places all of which are within the following territories: -

the United Kingdom,  
any of the Channel Islands,  
the Isle of Man;

*Jersey R & O 4590 Civil Aviation (Licensing) Regulations, 196*

“Area II Service” means a service, not being an Area I Service, between places all of which are within the following territories: -

the United Kingdom,  
any of the Channel Islands,  
the Isle of Man,  
the Republic of Ireland,  
Belgium,  
Holland,  
Luxembourg,

France, north of the rhumb lines successively joining the following points: 47°00′ north latitude 02°02′ west longitude, 47°00′ north latitude 02°00′ east longitude, 49°28′ north latitude 06°04′ east longitude,

Germany, west of the rhumb lines successively joining the following points: 49°28′ north latitude 06°04′ east longitude, 50°43′ north latitude 08°00′ east longitude, 53°43′ north latitude and 08°00′ east longitude,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

“Area III Service” means a service, not being an Area I or an Area II Service, between places all of which are within the following territories: -

the United Kingdom,  
any of the Channel Islands,  
the Isle of Man,  
any of the Canary Islands,  
any of the Madeira Islands,  
Morocco,  
Cyprus,  
Iceland,

the area enclosed by the parallels of latitude 66° north and 34° north and the meridians of longitude 10° west and 30° east,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

“Area IV Service” means a service, not being an Area I, and Area II or an Area III Service, if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

*Jersey R & O 4590      Civil Aviation (Licensing) Regulations, 196*

“Area V Service” means a service between places, none of which is in the United Kingdom, any of the Channel Islands or the Isle of Man.