

THE AIR NAVIGATION (FEES FOR CERTIFICATES AND SERVICES) REGULATIONS 1997

BR 63/1997

AIR NAVIGATION (OVERSEAS TERRITORIES) ORDER 1989

S.I. 1989 : No. 2395

THE AIR NAVIGATION (FEES FOR CERTIFICATES AND SERVICES) REGULATIONS 1997

His Excellency, the Governor, in exercise of the powers conferred upon him by Article 98 of the Air Navigation (Overseas Territories) Order 1989 as applied to Bermuda makes the following Regulations:

Citation

1 These Regulations may be cited as the Air Navigation (Fees for Certificates and Services) Regulations 1997.

Interpretation

2 References to the weight of an aircraft are, for the purposes of these Regulations, references to the "maximum total weight authorised" as defined in Article 99(1) of the Air Navigation (Overseas Territories) Order 1989.

Fees

3 The fees set out in column 2 of the Schedule hereto shall be chargeable and payable in relation to the items specified in column 1 thereof.

General provisions

4 (1) In connection with any thing done pursuant to any of the items set out in the Schedule to these Regulations, the Minister may—

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- (a) require the payment of the whole or a portion of the fee or fees payable upon application or in advance of any licence, approval or other document being issued;
- (b) withhold such fees as he may think fit to cover the costs of any services performed to the point of termination of any application through withdrawal, refusal or other form of termination, and return to the applicant the remainder of any deposit which may have been made;
- (c) charge any additional actual costs arising from services performed or investigations conducted in connection with any application, where the actual costs of such activities exceed the fees set out in the Schedule to these Regulations;
- (d) recharge the amount of any disbursements made, in connection with any application or investigation, to bodies outside the Department of Civil Aviation, including but not limited to communications charges and to add an administrative fee of ten per centum to all such charges.

(2) In this regulation, the expression "investigation" includes an inspection, examination, calculation, test or any other form of work expended in the consideration of any application.

Revokes GN 210/1991

5 The Air Navigation (Fees for Certificates and Services) Regulations 1990 are revoked.

SCHEDULE (regulation 3)

PART I

LICENCES FOR FLIGHT CREW

	Column 1	Column 2
(a)	For a private pilot's licence:	
	Initial Issue	\$100.00
	Renewal	\$60.00

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(b)	For a commercial pilot's licence:	
	Initial Issue	\$200.00
	Renewal	\$100.00
(c)	For an airline transport pilot's licence:	
	Initial Issue	\$200.00
	Renewal	\$100.00
(d)	For a flight navigator's licence:	
	Initial Issue	\$150.00
	Renewal	\$75.00
(e)	For a flight engineer's licence:	
	Initial Issue	\$150.00
	Renewal	\$75.00
(f)	For a flight radiotelephony operator's general licence:	
	Initial Issue	\$50.00
	Renewal	\$50.00
(g)	For a flight radiotelephony operator's restricted licence:	
	Initial Issue	\$50.00
	Renewal	\$50.00
(h)	For a flight radiotelegraphy operator's licence:	
	Initial Issue	\$50.00
	Renewal	\$50.00
(i)	For a flight radiotelegraphy operator's temporary licence:	
	Initial Issue	\$50.00
	Renewal	\$50.00
(j)	For a certificate of validity of foreign licence:	
	Initial Issue	\$100.00
	Renewal	\$50.00
	Variation during period of validity	\$50.00
(k)	For ratings on licence:	\$80.00
	Inclusion or variation	on any one occasion

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(l)	For the appointment of authorised examiner for aircraft type rating or instrument rating: Initial Appointment or Re-appointment	\$300.00
(m)	For the approval or validation of foreign approval of flight simulator:	\$200.00 per aircraft type
(n)	For the approval or validation of foreign approval of flying training school aircraft type rating, training and testing centre:	\$200.00

The fees set out in this Part shall be applied together with such additional costs of any examination, flight tests or other investigations as may be necessary.

PART II

AIRWORTHINESS

(a)	Initial Issue and each Renewal with maximum validity of 12 months:	
(i)	For aircraft not exceeding 2730 kgs	\$1,000
(ii)	For aircraft exceeding 2730 kgs but not exceeding 5700 kgs	\$2,000
(iii)	For aircraft exceeding 5700 kgs but not exceeding 30,000 kgs	\$2,000 plus \$150.00 per 500 kgs or part thereof exceeding 5700 kgs up to a maximum of \$9,350.00
(iv)	For aircraft exceeding 30,000 kgs but not exceeding 100,000 kgs	\$9,350.00 plus \$130.00 per 500 kgs or part thereof

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		exceeding 30,000 kgs up to a maximum of \$27,550.00
(v)	For aircraft exceeding 100,000 kgs but not exceeding 200,000 kgs	\$27,550.00 plus \$120.00 per 500 kgs or part thereof exceeding 100,000 kgs up to a maximum of \$51,550.00
(vi)	For aircraft exceeding 200,000 kgs but not exceeding 300,000 kgs	\$51,550.00 plus \$115.00 per 500 kgs or part thereof exceeding 200,000 kgs up to a maximum of \$74,550.00
(vii)	For aircraft exceeding 300,000 kgs	\$75,000.00
(b)	For a permit to fly an aircraft without a certificate of airworthiness:	\$200.00
(c)	For a certificate of airworthiness, change of category:	\$250.00
(d)	For the approval of modifications, major repairs to aircraft, engines and equipment:	\$250.00 per application
(e)	For a certificate of approval of aircraft radio installation:	
	Initial Issue	\$150.00
	Renewal or amendment	\$ 75.00

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(f)	For the approval of maintenance organisations: Initial Issue	\$2,000.00 for each site
	Variation of Approval:	
	(i) for aircraft not exceeding 2730 kgs	\$600.00
	(ii) for aircraft exceeding 2730 kgs	\$900.00
(g)	For a certificate of airworthiness for export:	
	(i) for aircraft not exceeding 2730 kgs	\$1,500.00
	(ii) for aircraft exceeding 2730 kgs	\$1,500.00 plus \$100.00 per 500 kgs or part thereof exceeding 2730 kgs up to a maximum of \$25,000
(h)	For an aircraft maintenance engineer's licence (AMEL): Initial Issue Renewal or variation or inclusion of rating	\$200.00 \$100.00
(i)	For a certificate of validation of AMEL: Initial Issue Renewal or variation	\$100.00 \$50.00
(j)	For the approval of aircraft maintenance schedules: Initial Issue Amendment or variation	\$250.00 \$100.00
(k)	For the approval of an airplane flight manual:	\$250.00
(l)	Noise Certificate:	\$150.00

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The fees set out in this Part shall be applied together with such additional costs of any examination, flight tests or other investigations as may be necessary.

PART III

FLIGHT OPERATIONS

- (a) Application for the grant of an Air Operator's Certificate:

Upon making an application for the grant of an Air Operator's Certificate (AOC), the applicant shall pay for the investigations required by the Department of Civil Aviation (DCA) a charge of such amount as may be decided by the DCA. The level of charges shall be determined based upon the estimated man-days attributable to investigation, as specified in Column 2 of Table 1 and Part V(o) hereof.

TABLE 1

MAXIMUM TOTAL WEIGHT AUTHORISED	MAN-DAYS
Not exceeding 2 tonnes	4 man days
Exceeding 2 tonnes but not exceeding 15 tonnes	45 man days
Exceeding 15 tonnes	60 man days

- (b) For an air operator's certificate:
- | | |
|---|------------|
| (i) for aircraft not exceeding 2 tonnes | \$4,000.00 |
| (ii) for aircraft exceeding 2 tonnes but
not exceeding 15 tonnes | \$6,000.00 |
| (iii) for aircraft exceeding 15 tonnes | \$8,000.00 |

When an air operator's certificate is granted, the applicant shall pay a charge of the amount specified in Column 2 hereto in addition to a charge of such amount as may be decided by the Department of Civil Aviation for the regulatory oversight and monitoring of the AOC operation for one year or part of the year. The level of charges shall be determined based upon the estimated man-days attributed to regulatory oversight as specified in Column 2 of Table 2 and Part V(o) hereof.

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NOTE: If an application is submitted for more than one aircraft type, the charge shall be based upon the heaviest aircraft type as indicated in (b) hereto. For each additional aircraft type the charges shall be as indicated at (c) hereto.

TABLE 2

MAXIMUM TOTAL WEIGHT AUTHORISED	MAN-DAYS
Not exceeding 2 tonnes	Maximum 4 man days
Exceeding 2 tonnes but not exceeding 15 tonnes	Maximum 45 man days
Exceeding 15 tonnes	Maximum 60 man days

(c) For the inclusion of additional aircraft types in the air operator's certificate:

(i) for aircraft not exceeding 2 tonnes	\$2,400.00
(ii) for aircraft exceeding 2 tonnes but not exceeding 15 tonnes	\$3,600.00
(iii) for aircraft exceeding 15 tonnes	\$4,000.00
(iv) the fees specified in this paragraph shall be applied with such additional costs of examination flight tests or other investigation as may be necessary.	

(d) For an annual charge for an air operator's certificate:
(for each aircraft type named on the certificate)

(i) for aircraft not exceeding 2 tonnes	\$2,000.00
(ii) for aircraft exceeding 2 tonnes but not exceeding 15 tonnes	\$3,000.00
(iii) for aircraft exceeding 15 tonnes	\$4,000.00

Upon application for renewal of an Air Operator's Certificate the applicant shall pay a charge of the amount specified in Column 2 hereto in addition to an annual charge of such amount as may be decided by the Department of Civil Aviation for the continuation of regulatory

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oversight and monitoring of the AOC Operation. The level of charges shall be determined based upon the estimated man-days attributed to regulatory oversight as specified in Column 2 of Table 2 and Part V(o) hereof.

- (e) For a variation of an Air Operator's Certificate:
 - (i) for a variation in the Operating Region \$1,000.00
 - (ii) for a permission to operate on a specified route outside the Operating Region specified in the Certificate \$400.00
 - (iii) for a change in the Company of Trading name where the legal entity is unchanged \$100.00
 - (iv) for a change to any of the posts identified in an initial AOC application \$100.00

(f) Variable charges

On the last day of each period of three months during the whole or part of which an Air Operator's Certificate remains in force, the holder of the Certificate shall pay a charge according to the number of hours (rounded to the nearest whole hour, with half hours being rounded up) flown by each aircraft operated by him pursuant to the Certificate as follows:

In the case of passenger aircraft:

- (i) where the number of passenger seats in the aircraft exceeds 20 but does not exceed 100 5 cents per hour per seat
- (ii) where the number of passenger seats in the aircraft exceeds 100 but does not exceed 200 8 cents per hour per seat
- (iii) where the number of passenger seats in the aircraft exceeds 200 but does not exceed 300 10 cents per hour per seat
- (iv) where the number of passenger seats in the aircraft exceeds 300 12 cents per hour per seat

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In the case of cargo aircraft:

- (i) where the cargo capacity of the aircraft exceeds 20 tonnes 20 cents per tonne per hour

Nothing in sub-paragraph (f) hereof shall apply to aircraft fitted with 20 or less seats or aircraft which do not exceed a MTWA of 10 tonnes or on non-revenue flights.

For the purposes of this sub-paragraph a flight hour shall be calculated from the time an aircraft becomes airborne to the time the aircraft touches down and shall coincide with the aircraft's Technical Log Time.

- (g) Special operations:
 - (i) Category II Low Visibility Operations (with or without autoland)
Initial \$2,000.00
 - (ii) Category III Low Visibility Operations (with autoland)
Initial \$4,000.00
 - (iii) Extended Range Twin Engine Operations or Extended Range Operations
Initial application \$5,000.00
For each additional aircraft type \$2,500.00
 - (iv) Minimum Navigation Performance Specifications Airspace or Reduced Vertical Separation Minima \$200.00
- (h) Operations under an AOC exemption \$2,000.00
- (i) Route Licensing:
 - (i) Application for route \$500.00
 - (ii) Vetting of business financial plans \$1,500.00
- (j) For the approval of a scheme to avoid excessive flight crew fatigue: \$500.00

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(k)	Aircraft leasing:	
(i)	On application for Dry Leasing a Bermuda registered aircraft to be operated by a foreign operator for the purpose of public transport, aerial work, or both such transport and work:	\$2,000.00
(ii)	For aircraft not exceeding 15 tonnes Charge per month or part of a month per 500 kgs or part thereof of aircraft maximum total weight authorised, for the time aircraft is operated by the foreign operator	\$4.00
(iii)	For aircraft exceeding 15 tonnes Charge per month or part of a month per 500 kgs or part thereof of aircraft maximum total weight authorised, for the time aircraft is operated by the foreign operator	\$2.00
(iv)	For each additional aircraft to be included in existing dry leasing arrangement	\$500.00
(v)	Upon making an application for the extension of a dry leasing arrangement	\$500.00

The fees specified in paragraphs (g) to (k) shall be applied together with such additional costs of any examination, flight tests or other investigations as may be necessary.

PART IV

AIR TRAFFIC CONTROL AND AERODROMES

(a)	For an aerodrome licence:	
	Initial Issue	\$1,000.00
	Annual renewal	\$ 500.00
	(except Government or military aerodromes)	

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|-----|---|--|
| (b) | For an assessment of hazards to air navigation, obstructions, etc:
(except Government or military aerodromes) | \$500.00
plus
investigation
costs |
| (c) | For the conversion of foreign air traffic control licences, ratings and aerodrome flight information service officers licences: | \$200.00 |

PART V

MATTERS NOT ELSEWHERE SPECIFIED

- | | | |
|-----|---|--|
| (a) | For a certificate of registration of aircraft: | \$300.00 |
| (b) | For reservation of registration mark: | \$50.00 |
| (c) | For reservation of specific out of sequence registration mark: | \$100.00 |
| (d) | For an aircraft dealer's certificate: | \$2,000.00 |
| (e) | Enquiry regarding entries in register of aircraft: | \$30.00 |
| (f) | For the provision of summary copy of register of aircraft: | \$25.00 |
| (g) | For the issue of a copy of any document issued under the Order:
(but not to exceed cost of original document) | \$50.00 |
| (h) | For the approval of documents, inspections, investigations, tests, experiments and flight trials conducted in connection with any part of the Order, but not elsewhere specified: | Actual costs
incurred plus
investigation
costs
\$100.00
minimum
charge |

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(i)	For the grant of any permission, approval or exemption in respect of any part of the Order:	\$200.00 plus investigation costs
(j)	Additional charge when services are performed abroad:	Actual costs incurred
(k)	For de-registration advice to Foreign regulatory authority or removal from register upon export:	\$50.00
(l)	For title search of the register in respect of an aircraft:	\$100.00
(m)	Registration of Aircraft Mortgages	
1.	Upon making an application for the registration of a mortgage of an aircraft the applicant shall pay:	
(i)	where the sum secured by the mortgage does not exceed \$100,000:	\$100.00
(ii)	where the sum secured by the mortgage exceeds \$100,000 but does not exceed \$5,000,000:	\$200.00
(iii)	where the sum secured by the mortgage exceeds \$5,000,000 but does not exceed \$20,000,000:	\$400.00
(iv)	where the sum secured by the mortgage exceeds \$20,000,000:	\$800.00
2.	Where the mortgage to be registered does not specify the amount of the sum secured, the applicant shall pay a charge calculated as follows:	
(i)	where the maximum amount of the sum secured by the mortgage is specified, a charge calculated in accordance with sub-paragraph 1 according to that maximum;	
(ii)	in any other case:	\$800.00

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3. Upon receiving an application for the registration of a mortgage of more than one aircraft, the applicant shall pay a charge calculated as follows:
 - (i) for the first and heaviest aircraft, a charge calculated in accordance with sub-paragraph 1 or sub-paragraph 2; and
 - (ii) for each additional aircraft of equal or lesser weight: \$100.00
4. Upon making an application for the registration of a priority notice relating to a contemplated mortgage of an aircraft, the applicant shall pay a charge of \$25.00 or 10 per cent of the charge which would be payable in accordance with sub-paragraph 1 or sub-paragraph 2 if that application had been for the registration of a mortgage of an aircraft, whichever is the greater.
5. Upon making an application for the registration of a change in the particulars appearing in the Register, the applicant shall pay:
 - (i) in the case of an application to increase the sum secured by the mortgage or to increase the maximum amount of the sum secured by the mortgage, a charge calculated in accordance with sub-paragraph 1 by reference to the amount of the increase;
 - (ii) in the case of any other application a charge of \$50.00
6. Upon making an application to inspect the entries in the Register relating to any one aircraft, or for notification whether there are entries in the Register relating to any one aircraft, the applicant shall pay a charge of \$50.00.
7. Upon making an application for a copy of the entries in the register of aircraft, the applicant shall pay a charge of \$50.00.
8. Where a lien is required to be recorded with respect to an aircraft on the Bermuda Register, the applicant shall be charged one tenth per centum of the value of the lien.

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- (n) Where an aircraft is temporarily transferred to the register and a certificate of airworthiness is issued in respect of that aircraft the fee payable—
- (a) in respect of such temporary transfer to the register; and
 - (b) in respect of that certificate of airworthiness,

shall be one half the amount specified in these Regulations for registration of an aircraft or for a certificate of airworthiness, as the case may be.

- (o) Investigation conducted in connection with any part of the Order:
- \$1,000.00
per man day
or \$125 per
hour

Plus actual costs incurred, including but not limited to, transportation, accommodation and subsistence:

Travel days shall be charged at \$500.00 per man day.