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**AN BILLE AERLOINGSEOIREACHTA (EUROCONTROL),  
1971  
AIR NAVIGATION (EUROCONTROL) BILL, 1971**

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*Mar a ritheadh ag dhá Theach an Oireachtais  
As passed by both Houses of the Oireachtas*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Charges in respect of air navigation services.
2. Short title and collective citation.





AN BILLE AERLOINGSEOIREACHTA (*EUROCONTROL*),  
1971  
AIR NAVIGATION (*EUROCONTROL*) BILL, 1971

**BILL**

*entitled*

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AN ACT TO AMEND AND EXTEND THE AIR NAVIGATION (*EUROCONTROL*) ACT, 1963.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Charges in respect of air navigation services.

1.—The following section is hereby substituted for Section 12 of the Air Navigation (*Eurocontrol*) Act, 1963 (No. 15 of 1963): 10

“ 12. (1) The Minister may by regulations require the payment to the Organisation or the Minister of charges, of such amounts and in such currencies as may be prescribed by the regulations, in respect of air navigation services which, either in pursuance of international arrangements or otherwise, are provided for aircraft by the Organisation or the Minister; and regulations under this section may provide for charges payable by virtue of the regulations to be so payable elsewhere than in the State and to be recoverable in the State wherever they are payable (without prejudice to the recovery of them elsewhere) and may include such incidental and supplementary provisions as the Minister considers appropriate for the purposes of the regulations. 15 20

(2) The liability for any charges payable by virtue of regulations under this section may be imposed upon the operators or owners of aircraft for which those services are available (whether or not they are actually used or could be used with the equipment installed in the aircraft) or upon those operators and owners or upon the managers of aerodromes used by such aircraft or partly upon those operators or owners or operators and owners and partly upon those managers. 25 30

(3) The charges to be prescribed by any such regulations as aforesaid shall—

(a) in the case of charges payable to the Organisation, be at such rates as the Minister may determine in pursuance of tariffs approved under any international agreement to which the State is a party, and 35

(b) in the case of charges payable to the Minister, be at such rates as the Minister may determine,

and the regulations may prescribe different charges in respect of aircraft of different classes or descriptions or in respect of aircraft used in different circumstances, may provide for the payment, with any charges or separately, of interest on the charges in respect of any period during which the charges were due but not paid, and may dispense with charges in such cases as may be prescribed by or determined under the regulations. 40 45



(4) For the purpose of facilitating the assessment and collection of charges payable by virtue of regulations under this section, the regulations may make provision for requiring operators of aircraft or managers of aerodromes—

5 (a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as may be prescribed by the regulations, and to preserve those records for such period as may be so prescribed;

10 (b) to produce for inspection at such times and by such officers of the Organisation or of the Minister as may be so prescribed, any records which are required by the regulations to be preserved by those operators or managers;

15 (c) to furnish to the Organisation or to the Minister such particulars of any such records as may be so prescribed.

20 (5) (a) In any proceedings to which this subsection applies, any record made by any such person as may be designated for the purposes of this subsection, or by a person acting under the control of such a person, being a record purporting to show—

(i) the position of any aircraft at any material time; or

25 (ii) the terms or content of any message or signal transmitted to any aircraft, either alone or in common with other aircraft, or received from any aircraft, by the first-mentioned person, or by a person acting under the control of that person,

shall, if produced from the custody of that person, be evidence of the matters appearing from the record.

30 (b) This subsection applies to proceedings for the recovery of any charges payable by virtue of regulations under this section or for an offence under this Act consisting of a contravention of regulations made by virtue of *subsection (4)* of this section and the persons to be designated for the purposes of *paragraph (a)* of this subsection shall be designated, in relation to such proceedings, by regulations under this section.

35 (c) The references in *paragraph (a)* of this subsection to a record made by or under the control of any person include references to a document or article purporting to be a copy of a record so made, and certified to be a true copy by or on behalf of that person; and in relation to such a copy that paragraph shall have effect as if the words 'if produced from the custody of that person' were omitted.

40 (6) A person who contravenes a regulation made by virtue of *subsection (4)* of this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or, at the discretion of the court, to both the fine and the imprisonment.

45 (7) A person who obstructs or interferes with an officer of the Organisation or of the Minister when he is exercising a power conferred by a regulation made by virtue of *subsection (4)* of this section shall be guilty of an offence and be liable on summary conviction to a fine not exceeding ten pounds.

50 (8) Liability for any charges payable by virtue of regulations under this section and the requirements mentioned in *subsection (4)* of this section may be imposed whether or not the aircraft is registered in the State, whether or not it is in or over the State at the time when the services to which the charges relate are provided and whether or not those services are provided from a place in the State.



(9) The following provisions shall have effect in relation to charges payable to the Minister under regulations under this section:

- (i) they shall be collected in money and taken in such manner as the Minister for Finance may from 5 time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance,
- (ii) the Public Offices (Fees) Act, 1879, shall not apply 10 in respect of them.

(10) In this section—

‘air navigation services’ includes information, directions and other facilities furnished, issued or provided for the purposes of or in connection with the navigation or movement of aircraft;

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‘operator’, in relation to an aircraft, means the person for the time being having the management of that aircraft;

‘record’ includes, in addition to a record in writing—

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or 20 without the aid of some other instrument) of being reproduced therefrom,
- (b) any film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced there- 25 from, and
- (c) any photograph,

and any reference to a copy of a record includes, in the case of a record falling within *paragraph (a)* only of this definition, a transcript of the sounds or signals embodied therein, in the case 30 of a record falling within *paragraph (b)* only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction.”

Short title and collective citation.

2.—(1) This Act may be cited as the Air Navigation (Eurocontrol) 35 Act, 1971.

(2) The Air Navigation (Eurocontrol) Act, 1963, and this Act may be cited together as the Air Navigation (Eurocontrol) Acts, 1963 and 1971.



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BILLE

*dá ngairtear*

Acht do leasú agus do leathnú an Achta Aer-  
loingseoireachta (*Eurocontrol*), 1963.

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BILL

*entitled*

An Act to amend and extend the Air Navigation  
(Eurocontrol) Act, 1963.

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*Rite ag dhá Theach an Oireachtais,  
15 Iúil, 1971*

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*Passed by both Houses of the Oireachtas,  
15th July, 1971*

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