

**Reprint
as at 1 November 2012**



**Civil Aviation Charges Regulations
(No 2) 1991
(SR 1991/143)**

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 29th day of July 1991

Present:
Her Excellency the Governor-General in Council

Pursuant to sections 38, 40, and 100 of the Civil Aviation Act 1990, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Transport.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Civil Aviation Charges Regulations (No 2) 1991.
- (2) These regulations shall come into force on 1 August 1991.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
the Act means the Civil Aviation Act 1990
air operator certificate means an airline air operator certificate or a general aviation air operator certificate
Airport Authority, in relation to an aerodrome, means the Crown or any body, authority, organisation, or person for the time being responsible for the management and maintenance of the aerodrome; but does not include a company formed and registered under section 4 of the Auckland Airport Act 1987 or section 4 of the Wellington Airport Act 1990, or an airport company established under the Airport Authorities Act 1966
Authority means the Civil Aviation Authority of New Zealand
Crown airport means an airport operated by the Crown; but does not include a joint-venture airport
differential airport charges means different charges fixed by the Minister in respect of different joint-venture or Crown airports for different aircraft, persons, classes of persons, or times of use, or on any other basis
Director means the Director of Civil Aviation

domestic operator means an operator carrying on in New Zealand 1 or more of the following flight operations:

- (a) air transport operations between aerodromes in New Zealand, and air transport operations that leave from and return to the same aerodrome in New Zealand without an intermediate stop;
- (b) commercial transport operations;
- (c) flight training operations

domestic sector means the flight sector or leg within New Zealand that is between an aircraft's take-off and its next landing (other than an in-flight emergency)

gross operating revenue means the actual amount paid or payable to the operator in respect of flight operations carried on by the operator without taking into account any costs or expenses incurred by the operator in respect of the operations; but does not include any payments received from pilots (whether student pilots or otherwise) undergoing flight training

international operator means a person operating an aircraft in respect of journeys beginning in New Zealand and ending outside New Zealand, or beginning outside New Zealand and ending in New Zealand, or beginning and ending outside New Zealand with an intermediate stop in New Zealand, or beginning and ending in New Zealand with an intermediate stop outside New Zealand

joint-venture airport means an airport operated by the Crown and 1 or more local authorities in partnership; but does not include Auckland International Airport, Wellington International Airport, or an airport operated by an airport company established under the Airport Authorities Act 1966

maximum certificated take-off weight, in relation to an aircraft, means the weight specified as the maximum take-off weight of the aircraft in a flight manual or airworthiness certificate relating to the aircraft

MCTOW means maximum certificated take-off weight

Minister has the same meaning as in section 2(1) of the Act

Ministry has the same meaning as in section 2(1) of the Act

monitoring includes any form of audit, inspection, checking monitoring, or investigation (other than any investigation under section 15A of the Act or an investigation in relation to an offence under the Act)

operator means any person that flies or uses an aircraft, or causes or permits an aircraft to fly, be used, or be in any place, whether or not the person is present with the aircraft

Register means the New Zealand Register of Aircraft established under section 73 of the Act

Secretary has the same meaning as in section 2(1) of the Act.

- (2) In determining the gross operating revenue of any operator for the purposes of these regulations, the following provisions shall apply:
- (a) where an operator contracts to sell and deliver fertiliser or other goods that are the property of the operator, any amount paid or payable under the contract to the operator in respect of the sale of the goods shall not be deemed part of the operator's gross operating revenue:
 - (b) where a single ticket, consignment note, or other document authorising the carriage of a passenger or goods is issued by an operator, the gross operating revenue of the operator in respect of any such carriage shall be determined in relation to the aerodrome of origin of that carriage and in respect of the complete journey referred to in the document and, in any such case, no account shall be taken of intermediate stops or of any change of aircraft which may occur during the carriage from the aerodrome of origin to the aerodrome of destination and the airport charges shall be payable to the Airport Authority of the aerodrome of origin of carriage:
 - (c) where no document referred to in paragraph (b) is issued by the operator in respect of the carriage of a passenger or goods, the gross operating revenue of the operator in respect of any such carriage shall be determined in relation to the aerodrome of origin of that carriage in accordance with the contract made by the operator in respect of the carriage and in respect of the complete journey to which the contract relates and, in any such case, no account shall be taken of intermediate stops or

of any change of aircraft which may occur during the carriage from the aerodrome of origin to the aerodrome of destination and the airport charges shall be payable to the Airport Authority of the aerodrome of origin of carriage.

- (3) Where any word or expression in any provision of these regulations is not defined in these regulations or in the Act but is defined or used in the rules made under Part 3 of the Act, that word or expression shall, unless the context otherwise requires, bear in that provision the meaning it has in those rules.

Regulation 2(1) **air operator certificate**: replaced, on 1 November 2012, by regulation 4(1) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **Authority**: inserted, on 12 August 1992, by regulation 2 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 2(1) **Director**: inserted, on 12 August 1992, by regulation 2 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 2(1) **domestic operator**: replaced, on 1 November 2012, by regulation 4(2) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **domestic sector**: inserted, on 1 April 2002, by regulation 3 of the Civil Aviation Charges Amendment Regulations 2002 (SR 2002/43).

Regulation 2(1) **goods**: revoked, on 1 November 2012, by regulation 4(3) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **grant**: revoked, on 1 November 2012, by regulation 4(3) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **gross weight** or **MCTOW**: revoked, on 1 November 2012, by regulation 4(3) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **hirer**: revoked, on 1 November 2012, by regulation 4(3) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **international operator**: amended, on 1 November 2012, by regulation 4(4) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **maximum certificated take-off weight**: inserted, on 1 November 2012, by regulation 4(5) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **MCTOW**: inserted, on 1 November 2012, by regulation 4(5) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **Minister**: replaced, on 1 November 2012, by regulation 4(6) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **Ministry**: replaced, on 1 November 2012, by regulation 4(7) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **monitoring**: amended, on 1 November 2012, by regulation 4(8) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **operator**: replaced, on 1 November 2012, by regulation 4(9) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **public licensed aerodrome**: revoked, on 29 September 1994, by regulation 2 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194).

Regulation 2(1) **Register**: inserted, on 1 November 2012, by regulation 4(10) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(1) **Secretary**: replaced, on 1 November 2012, by regulation 4(11) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(3): amended, on 1 November 2012, by regulation 4(12)(a) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 2(3): amended, on 1 November 2012, by regulation 4(12)(b) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

3 Application

- (1) Except as otherwise provided in these regulations, these regulations apply in relation to the functions and duties performed, powers exercised, and services provided by the Authority.
- (2) Nothing in these regulations applies to—
 - (a) aircraft used for the purposes of the New Zealand Defence Force; or
 - (b) *[Revoked]*
 - (c) aircraft used for the military, diplomatic, or ceremonial purposes of any Government.

Regulation 3(1): amended, on 1 November 2012, by regulation 5(1) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 3(2)(b): revoked, on 1 November 2012, by regulation 5(2) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Part 1

Administrative fees and charges

Personnel licensing

4 Fees and charges for personnel licensing

Subject to these regulations, every person who makes an application in respect of any document or matter specified in Part 1 of the Schedule shall be liable to pay the appropriate fees and charges specified in that section.

Regulation 4: amended, on 1 November 2012, by regulation 6 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

5 Examination fees

[Revoked]

Regulation 5: revoked, on 1 November 2012, by regulation 7 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

6 Priority licensing transaction surcharge

[Revoked]

Regulation 6: revoked, on 1 November 2012, by regulation 8 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

7 Flight tests unable to be completed

Where a flight test is unable to be completed because of the weather, aircraft unserviceability, or any other factor beyond the control of the applicant, any money paid for the test shall be applied by the Authority towards the re-scheduled test.

Regulation 7: amended, on 1 November 2012, by regulation 9 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

8 Refund of examination recount and review fees

[Revoked]

Regulation 8: revoked, on 1 November 2012, by regulation 10 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

9 Refund for withdrawal from test

Where a candidate applies to sit or undergo a practical test or flight test and subsequently withdraws from that test, the Authority shall refund to him or her 80% of the relevant fee paid by the candidate if notification of withdrawal is received more than 7 days before the date of the test.

Regulation 9: amended, on 1 November 2012, by regulation 11(a) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 9: amended, on 1 November 2012, by regulation 11(b) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 9: amended, on 12 August 1992, by regulation 11(2) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Aircraft fees and other charges

10 Aircraft fees and other charges

- (1) Subject to subclause (2), the relevant owner, operator, provider, applicant, or other person, as the case may be, shall be liable to pay the appropriate fees and charges specified in Parts 2 to 9 of the Schedule.
- (2) Where there is a change in the ownership or registration of an aircraft, the appropriate fee or charge shall be payable by the person registered as the owner of the aircraft immediately before the change is effected.

Regulation 10(1): amended, on 1 November 2012, by regulation 12 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Payment of fees and charges

11 Payment of fees and charges under this Part

- (1) Subject to subclause (2), the fees and charges payable under this Part shall be payable to the Authority,—
 - (a) in the case of an application fee, at the time of making the application; and
 - (b) in any other case, upon an invoice issued by or on behalf of the Authority and within the time specified in the invoice.

- (2) The Authority may approve other arrangements for the payment of charges by any operator under this Part, including arrangements for payment in advance.

Regulation 11(1): amended, on 12 August 1992, by regulation 11(2) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 11(1)(b): amended, on 12 August 1992, by regulation 11(2) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 11(2): amended, on 1 November 2012, by regulation 13 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 11(2): amended, on 12 August 1992, by regulation 11(2) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

12 Authority may decline to process application if prescribed fees and charges not paid

[Revoked]

Regulation 12: revoked, on 1 November 2012, by regulation 14 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Part 2

Fees and charges for facilities and services

13 Differential airport charges

- (1) The Minister may fix differential airport charges in respect of any joint venture or Crown airport.
- (2) Differential airport charges shall be payable by operators to the Airport Authority, or to the Secretary if the airport authority is the Crown, in such manner as is determined by the Airport Authority concerned or the Secretary, as the case may be.

Regulation 13(1): amended, on 29 September 1994, by regulation 3 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194).

14 Airport charges payable by domestic operators

- (1) Subject to subclause (2), where differential airport charges are not for the time being fixed in respect of any Crown airport or joint venture airport, domestic operators carrying on air transport or aerial work operations at that airport shall be liable to pay an airport charge calculated at the rate of 5% of the gross operating revenue earned from all such operations.

- (2) Where use is made of a Crown airport or joint venture airport by an aircraft operated by a domestic operator in operations which are not taken into account when calculating gross operating revenue for the purposes of subclause (1) or in respect of which no airport charges are payable, the operator shall be liable for charges of such amounts as may be negotiated by the operator and the Airport Authority concerned, or by the operator and the Secretary if the Airport Authority concerned is the Crown.

Regulation 14(1): amended, on 29 September 1994, by regulation 4(a) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194).

Regulation 14(1): amended, on 29 September 1994, by regulation 4(b) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194).

Regulation 14(2): amended, on 29 September 1994, by regulation 4(a) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194).

15 Payment of airport charges and furnishing of returns by domestic operators

- (1) Every domestic operator who is liable to pay airport charges under regulation 14, shall in each month furnish to the Airport Authority concerned, or to the Secretary if the Airport Authority concerned is the Crown, a return of the operator's gross operating revenue during the previous month together with payment of the charges thereon, unless the operator has made other arrangements, approved by the Airport Authority concerned or the Secretary, as the case may be, for the furnishing of returns and payment of the charges.
- (2) Returns required under subclause (1) shall in all cases be made on forms provided for the purpose by the Secretary and certified as correct by the owner, manager, or director of the operating business.
- (3) Any return to which subclause (1) applies shall, unless the Airport Authority concerned or the Secretary if the Airport Authority concerned is the Crown, as the case may be, otherwise approves, also be certified by the auditor of each operator or by a chartered accountant.

16 Airport charges payable by international operators

- (1) Where differential airport charges are not for the time being fixed in respect of the airport concerned, operators shall be liable to pay, in respect of each landing at a New Zealand airport of a scheduled or non-scheduled international flight, airport charges calculated at the rate of \$7.60 per 1 000 kg gross weight of the aircraft.
- (2) Where an aircraft has more than 1 maximum take-off weight specified in the airworthiness certificate issued in respect of that aircraft, the landing charge payable by an international operator for any aircraft operated by the operator and landing in New Zealand shall be calculated according to the maximum take-off weight that the aircraft is operating under for that landing.
- (3) If on the subsequent take-off of that aircraft it operates under a maximum take-off weight different from that operated under the previous landing, then the landing charge payable in respect of that subsequent take-off shall be calculated according to the heavier of those 2 maximum take-off weights.

Regulation 16(2): amended, on 11 July 1997, by regulation 3 of the Civil Aviation Charges Amendment Regulations 1997 (SR 1997/106).

17 Payment of airport charges by international operators

Every international operator shall pay any charges for which the operator is liable under regulation 16 to the Airport Authority concerned, or to the Secretary if the Airport Authority is the Crown, before take-off unless the operator has made other arrangements approved by the Airport Authority or the Secretary, as the case may be, for the furnishing of returns and payment of the charges.

18 Aircraft parking charges

- (1) Subject to subclause (2), where differential airport charges are not for the time being fixed in respect of any Crown airport or joint venture airport, Airport Authorities may make such charges as the Minister may fix for the parking of aircraft.
- (2) No charge shall be made under subclause (1)—
 - (a) to regular air transport operators, in respect of aircraft parked in the normal course of their schedule; or

- (b) in respect of aircraft which remain parked for less than 2 hours or remain parked when take-off is delayed by weather conditions.
- (3) In addition to parking fees, operators may be charged for any special services or privileges which may be required by operators by way of security, lighting, or otherwise, and for any additional facilities provided by an Airport Authority. The amount charged for any such special services for facilities shall be such amount as may be fixed by the Minister.

Regulation 18(1): amended, on 29 September 1994, by regulation 5 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194).

19 Meteorological charges

[Revoked]

Regulation 19: revoked, on 12 August 1992, by regulation 4 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

20 International passenger security charges

- (1) For the purpose of providing funds for the maintenance and operation of the Aviation Security Service, an international operator must, upon an invoice, in respect of an air operation departing from New Zealand, pay to the Authority an international passenger security charge of \$8 for each international civil air passenger departing from New Zealand on an aircraft operated by that operator.
- (2) The charge imposed by subclause (1) shall not be payable in respect of the following:
 - (a) any member of the crew of any aircraft departing New Zealand:
 - (b) any member of the crew of any aircraft being carried on an aircraft departing from New Zealand solely for the purposes of positioning that crew to carry out their duties as employees of an international operator:
 - (c) any child under the age of 2 years:
 - (d) any passenger travelling on an aircraft used for the purposes of the New Zealand Defence Force:
 - (e) any passenger travelling on any aircraft being used specifically for the military, diplomatic, or ceremonial purposes of any Government:

- (f) any passenger in transit through New Zealand who—
 - (i) does not leave the transit/arrival/departure areas of the airport; or
 - (ii) leaves the transit/arrival/departure areas only because of an interruption to a flight caused by un-serviceability of an aircraft or other essential facility or caused by any other delay beyond the control of the passenger or the international operator concerned:
- (g) such other persons or classes of persons as the Minister may from time to time specify by notice in the *Gazette*.

Regulation 20(1): substituted, on 1 October 2005, by regulation 3 of the Civil Aviation Charges Amendment Regulations 2005 (SR 2005/156).

Regulation 20(1): amended, on 1 July 2011, by regulation 4 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2011 (SR 2011/199).

20A Domestic passenger security charges

- (1) For the purpose of providing funds for the maintenance and operation of the Aviation Security Service, a person described in subclause (1A), in respect of an air operation conducted in New Zealand on an aircraft with a passenger seating capacity of 90 or more passengers, must pay to the Authority a domestic passenger security charge of \$3.70 for each passenger carried on each domestic sector of the operation.
- (1A) The persons are—
 - (a) a holder of an air operator certificate;
 - (b) a holder of an Australian AOC with ANZA privileges.
- (2) However, the charge imposed by subclause (1) is not payable in respect of the following:
 - (a) any member of the crew of that aircraft;
 - (b) any member of the crew of an aircraft who is being carried on that aircraft solely for the purposes of positioning that crew member to carry out his or her duties as an employee of the operator;
 - (c) any child under the age of 2 years;
 - (d) any person who is carried from an aerodrome outside New Zealand to an aerodrome in New Zealand and who is then carried in the same aircraft to another aerodrome within New Zealand:

- (e) any person who is carried from an aerodrome within New Zealand to another aerodrome in New Zealand and who is then carried in the same aircraft to an aerodrome outside New Zealand;
- (f) any other persons or classes of persons that the Minister may specify by notice in the *Gazette*.

Regulation 20A: inserted, on 1 April 2002, by regulation 4 of the Civil Aviation Charges Amendment Regulations 2002 (SR 2002/43).

Regulation 20A(1): amended, on 1 July 2011, by regulation 5 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2011 (SR 2011/199).

Regulation 20A(1): amended, on 10 June 2009, by regulation 4(1) of the Civil Aviation Charges Amendment Regulations 2009 (SR 2009/132).

Regulation 20A(1A): inserted, on 10 June 2009, by regulation 4(2) of the Civil Aviation Charges Amendment Regulations 2009 (SR 2009/132).

20B Returns and payment arrangements for domestic passenger security charges

- (1) On the 20th day of each month, an operator who is liable to pay domestic passenger security charges under regulation 20A must—
 - (a) submit precise details to the Authority of the number of domestic sectors flown, and the domestic passenger security charges payable, by that operator for the preceding month; and
 - (b) pay the amount (if any) equal to the difference between the domestic passenger security charges payable by the operator for the preceding month and the amount paid by the operator under subclause (2) for that month.
- (2) On the first day of each month, an operator who is liable to pay domestic passenger security charges under regulation 20A must make a lump sum payment to the Authority of an amount agreed between that operator and the Authority that reflects that operator's best estimate of the domestic passenger security charges payable under regulation 20A for the preceding month.
- (3) If the amount paid by the operator under subclause (2) for the preceding month exceeds the domestic passenger security charges payable by the operator for that month, the operator

must deduct from the next amount to be paid by the operator under that subclause the amount that has been overpaid.

- (4) An operator who is liable to pay domestic passenger security charges under regulation 20A must maintain, and make available to the Authority on request, records of the domestic air passenger operations conducted by that operator that show, separately,—
- (a) the number of passengers carried on domestic sectors flown by the operator; and
 - (b) the number of passengers in each of the categories specified in regulation 20A(2) for whom domestic passenger security charges are not payable; and
 - (c) the number of passengers for whom domestic passenger security charges are payable.

Regulation 20B: inserted, on 1 April 2002, by regulation 4 of the Civil Aviation Charges Amendment Regulations 2002 (SR 2002/43).

Part 3

General provisions

21 Services provided outside New Zealand

Where, in relation to any matter for which a fee or charge is payable under these regulations, any person employed by the Authority or engaged by the Director is required to travel outside New Zealand, the applicant or operator shall be liable to pay, in addition to any other fees and charges payable under these regulations,—

- (a) the reasonable travel costs incurred by that employee or person; and
- (b) a charge in respect of the travelling time of that employee or person, being an amount calculated—
 - (i) at the per person hour rate (if any) applicable under these regulations to the work in respect of which the travel is undertaken; or
 - (ii) in any other case,—
 - (A) for the period from 1 November 2012 to 30 June 2013, at the rate of \$208 per person hour:
 - (B) for the period from 1 July 2013 to 30 June 2014, at the rate of \$244 per person hour:

- (C) from 1 July 2014, at the rate of \$284 per person hour.

Regulation 21: amended, on 12 August 1992, by regulation 5 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 21(b)(ii): replaced, on 1 November 2012, by regulation 15 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

22 Services provided away from scheduled venues

[Revoked]

Regulation 22: revoked, on 1 November 2012, by regulation 16 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

23 Provision of advice or aeronautical information

- (1) Where the Authority provides advice or is consulted in relation to any licence, rating, certificate, approval, or monitoring, the person who requested the service shall, on receipt of an invoice from the Authority, be liable to pay—
- (a) a charge calculated at the per person hour rate (if any) applicable to the grant of that document or approval, or to the carrying out of that monitoring; or
 - (b) in any other case,—
 - (i) for the period from 1 November 2012 to 30 June 2013, a charge calculated at the rate of \$208 per person hour:
 - (ii) for the period from 1 July 2013 to 30 June 2014, a charge calculated at the rate of \$244 per person hour:
 - (iii) from 1 July 2014, a charge calculated at the rate of \$284 per person hour.
- (1A) A charge payable under subclause (1) for advice or consultation in relation to a document, an approval, or monitoring is payable irrespective of whether the document or approval is granted or the monitoring is carried out.

- (2) *[Revoked]*

Regulation 23(1): amended, on 12 August 1992, by regulation 11(1) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 23(1): amended, on 12 August 1992, by regulation 11(2) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 23(1)(b): replaced, on 1 November 2012, by regulation 17(1) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 23(1A): inserted, on 1 November 2012, by regulation 17(2) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 23(2): revoked, on 1 November 2012, by regulation 17(3) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

24 Charges payable where same person carrying on domestic and international operations

Where the same person carries on business in New Zealand both as an international operator and a domestic operator, the fees and charges payable under these regulations shall be charged at the appropriate rates prescribed or fixed by or under these regulations in accordance with the class of operations in which the aircraft concerned is for the time being operated.

25 Recovery of charges

- (1) Subject to subclause (2), all fees and charges payable under these regulations shall be recoverable in any court of competent jurisdiction by the Secretary or the Authority where the dues are payable to the Secretary or the Authority, respectively, and in any other case shall be so recoverable by the Airport Authority to which they are payable.
- (2) Differential airport charges shall be recoverable from the operator in any court of competent jurisdiction as follows:
 - (a) where the charges are payable in respect of the use of any Crown airport or any facilities in connection with that airport, those charges shall be so recoverable by the Secretary:
 - (b) where the charges are payable in respect of the use of any joint venture airport or any facilities in connection with that airport, those charges shall be so recoverable by the Airport Authority concerned.

Regulation 25(1): amended, on 12 August 1992, by regulation 6(a) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 25(1): amended, on 12 August 1992, by regulation 6(b) of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

26 Refund or waiver of fee or charge

- (1) If at any time within 3 months after the payment of any fees or charges under these regulations the Secretary or the Authority or the Airport Authority concerned is satisfied that an excess payment was made or that a payment was made in error, a refund of the excess or the amount paid in error shall be made.
- (2) The Secretary or the Authority may authorise the refund or waiver, in whole or in part, of any fee or charge payable under these regulations where—
 - (a) the fee or charge is payable by a non-commercial and non-profit organisation; or
 - (b) the fee or charge is payable by a person who is not generally involved in civil aviation; or
 - (c) the application or matter in respect of which the fee or charge is payable has been declined.

Regulation 26(1): amended, on 12 August 1992, by regulation 7 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 26(2): amended, on 12 August 1992, by regulation 7 of the Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221).

Regulation 26(2)(c): amended, on 1 November 2012, by regulation 18 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

27 Fees and charges payable where applicant applies for more than 1 document or approval

Where an applicant applies for more than 1 type of licence, rating, certificate, or approval specified in the Schedule, the applicant shall be liable to pay the fee or charge prescribed in respect of each licence, rating, certificate, or approval sought by the applicant.

28 Payments in advance to be credited towards total fee or charge payable

Where, in relation to any fee or charge payable under these regulations, any payment is made in advance, that payment shall be credited towards the total fee or charge payable.

Regulation 28 heading: replaced, on 1 November 2012, by regulation 19(1) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Regulation 28: amended, on 1 November 2012, by regulation 19(2) of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

29 Aggregation of small fees and charges

[Revoked]

Regulation 29: revoked, on 1 November 2012, by regulation 20 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

30 Penalty for late payment

Where any fee or charge has not been paid within the period prescribed or fixed in that behalf by or under these regulations, a penalty of 5% of the amount of that fee or charge shall be payable in respect of each period of 28 days after the close of that period during which the fee or charge remains unpaid.

31 Exemptions

[Revoked]

Regulation 31: revoked, on 1 November 2012, by regulation 21 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

32 Transitional provisions

[Revoked]

Regulation 32: revoked, on 1 November 2012, by regulation 21 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

33 Amount of goods and services tax included

The fees and charges prescribed or fixed by or under these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

34 Revocation

The Civil Aviation Charges Regulations 1991 (SR 1991/25) are hereby revoked.

Schedule

rr 4, 10

Fees and charges

Schedule: replaced, on 1 November 2012, by regulation 23 of the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305).

Definition

- 1 In this schedule, **standard rate** means,—
- (a) for the period from 1 November 2012 to 30 June 2013, \$208 per person hour:
 - (b) for the period from 1 July 2013 to 30 June 2014, \$244 per person hour:
 - (c) from 1 July 2014, \$284 per person hour.

Part 1

Fees for personnel licensing

- 2 The following fees are payable in respect of personnel licensing:

(**\$**)

Training, examining, flight testing, and conducting organisation

Issue of certificate of approval Standard rate

A minimum fee equal to 1 hour at the standard rate is payable on application for issue of certificate of approval

Renewal of, or amendment to, certificate of approval Standard rate

Monitoring of, or carrying out checks in relation to, certificate of approval holder Standard rate

Air traffic service personnel licences and ratings (Part 65 of Civil Aviation Rules)

Air traffic trainee licence 197

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Flight service trainee licence 197

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Part 1—continued

	(\$)
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Airline flight examiner rating—issue and renewal test	Standard rate
General aviation flight examiner rating – issue	Standard rate

Part 1—*continued*

	(\$)
– renewal	1,379
Flight tests for which a fee is not otherwise prescribed	Standard rate
<i>Medical</i>	
Medical certificate application	313
<i>Trans-Tasman Mutual Recognition Agreement</i>	
Registration of licensees recognised under the Trans-Tasman Mutual Recognition Agreement	197

Part 2

Aircraft-related fees and charges

- 3 The following fees are payable in respect of the registration of aircraft:

	(\$)
Initial registration	296
Annual fee for maintenance of the Register	99
Change of registration	394
Change of ownership	263
Allocation of a particular registration mark	197
Reservation of a particular registration mark	197
Registration of irrevocable deregistration and export request authorisation (“Cape Town registration”)	279
Foreign owner deregistration	440

- 4 Subject to clause 5, the annual fee for maintenance of the Register is payable in advance on 1 July in respect of the financial year beginning 1 July in one year and ending on 30 June the following year.
- 5 No annual fee for maintenance of the Register is payable in respect of the financial year ending on 30 June in which the initial registration fee is payable.
- 6 A charge, at the standard rate, is payable in respect of the following:

Part 2—*continued*

- (a) the assessment of an application for the grant or renewal of, or any amendment to, a type certificate issued under rules made under the Act:
- (b) the assessment of an application for the grant of a type acceptance certificate issued under rules made under the Act, with a minimum charge equal to 2 hours at the standard rate payable in advance:
- (c) the assessment of an application for the grant or renewal of, or any amendment to, a design certification of aircraft parts or equipment:
- (d) the assessment of an application for the grant of an airworthiness certificate issued under rules made under the Act, with a minimum charge equal to 2 hours at the standard rate payable in advance:
- (e) the assessment of an application for the renewal of, or any amendment to, an airworthiness certificate issued under rules made under the Act:
- (f) the assessment of an application for the grant or renewal of, or any amendment to, an approval of a minimum equipment list:
- (g) the assessment of an application for the grant or renewal of, or any amendment to, an approval of aircraft modifications:
- (h) the assessment of an application for the grant or renewal of, or any amendment to, an approval of a flight manual or any amendment to a flight manual:
- (i) the assessment of an application for the grant or renewal of, or any amendment to, an approval of an aircraft radio station:
- (j) the assessment of an application for the grant or renewal of, or any amendment to, a special flight permit.

Part 3

Air service charges

- 7 A charge, at the standard rate, is payable in respect of the following:

Part 3—*continued*

- (a) the assessment of an application for the grant of an air operator certificate, with a minimum charge equal to 4 hours at the standard rate payable in advance:
- (b) the assessment of an application for the renewal of, or any amendment to, an air operator certificate:
- (c) the monitoring of the holder of an air operator certificate:
- (d) the assessment of manuals, programmes, or approvals to ensure continued compliance with the conditions of an air operator certificate.

Part 4

Aerodrome charges

- 8 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant or renewal of, or any amendment to, an aerodrome operating certificate issued under rules made under the Act:
 - (b) the monitoring of an aerodrome-operating certificate holder.

Part 5

Other aviation-related charges

- 9 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant of a certificate approving or authorising the construction, design, processing, or supply of aircraft or aircraft components, with a minimum charge equal to 2 hours at the standard rate payable in advance:
 - (b) the assessment of an application for the renewal of, or any amendment to, a certificate approving or authorising the construction, design, processing, or supply of aircraft or aircraft components:

Part 5—*continued*

- (c) the monitoring of a firm or person approved or authorised in respect of the construction, design, processing, or supply of aircraft or aircraft components:
- (d) the assessment or approval of any amendment to a manual, programme, or approval to ensure the continued compliance with the conditions of a certificate of approval or authorisation held in respect of the construction, design, maintenance, processing, or supply of aircraft or aircraft components:
- (e) the issue or renewal of, or any amendment to, a certificate of approval or authorisation in respect of a simulator:
- (f) the grant or renewal of, or any amendment to, an approval or authorisation in respect of a training and checking organisation:
- (g) the monitoring of an approved training and checking organisation:
- (h) the assessment of an application for the grant or renewal of, or any amendment to, a maintenance organisation certificate issued under rules made under the Act:
- (i) the monitoring of the holder of a maintenance organisation certificate issued under rules made under the Act.

Part 6

Air traffic services, navigation installation,
and instrument flight procedure service and
registration charges

- 10 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for, or the grant or renewal of, or any amendment to, a telecommunication service certificate, an air traffic service certificate, an aeronautical information service certificate, or an instrument flight procedure service certificate:

Part 6—*continued*

- (b) the monitoring of an air traffic services provider, an air navigation installation provider, or an instrument flight procedure service provider:
- (c) the allocation of an ICAO location indicator or an ICAO aircraft operating agency designator:
- (d) the registration of instrument flight procedures:
- (e) the assessment of a radio frequency within those parts of the radio frequency spectrum specified in the following table:

Spectrum (MHz)	Allocation
0.19–0.415	Radio navigation (non-directional beacon)
1.6065–1.632	Radio navigation (non-directional beacon)
2.85–3.155	Aeronautical mobile communications
3.4–3.5	Aeronautical mobile communications
3.9–3.95	Aeronautical fixed communications
4.65–4.75	Aeronautical mobile communications
5.48–5.73	Aeronautical mobile communications
6.525–6.765	Aeronautical mobile communications
8.815–9.04	Aeronautical mobile communications
10.005–10.1	Aeronautical mobile communications
11.175–11.4	Aeronautical mobile communications
13.2–13.36	Aeronautical mobile communications
15.01–15.1	Aeronautical mobile communications
17.9–18.03	Aeronautical mobile communications
21.87–21.924	Aeronautical fixed communications
21.924–22	Aeronautical mobile communications
23.2–23.35	Aeronautical fixed and mobile communications
74.8–75.2	Radio navigation (marker beacon)
108–118	Radio navigation (ILS localizer, VOR)
118–137	Aeronautical communications
328.6–335.4	Radio navigation (ILS glidepath)
960–1 215	Radio navigation (DME, SSR)
5 000–5 250	Radio navigation (MLS)

Part 7

Aviation security

- 11 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant or renewal of, or any amendment to, any approval in respect of—
 - (i) any provider of aviation security services:
 - (ii) any aerodrome security programme or procedure:
 - (iii) any other security programme or procedure that is required by or under the Act, or any person or organisation required to establish such a programme or procedure:
 - (b) the monitoring of any programme, procedure, or person referred to in paragraph (a).

Part 8

Meteorological service providers

- 12 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant or renewal of, or any amendment to, a certificate authorising the provision of meteorological services to civil aviation:
 - (b) the monitoring of the holder of a meteorological certificate issued under rules made under the Act.

Part 9

Miscellaneous

- 13 A charge, at the standard rate, is payable in respect of the following:
- (a) the certification and clearance, or other processing, of material to be published in the Aeronautical Information Publication:
 - (b) the production of, or amendment to, any aviation publication other than the Aeronautical Information Publication New Zealand:

Part 9—*continued*

- (c) any investigation carried out for the purpose of assessing an application for an exemption from any rules made under the Act:
- (d) any investigation carried out for the purpose of assessing an application for a determination in respect of the construction, alteration, activation, or deactivation of an aerodrome:
- (e) any investigation carried out for the purpose of assessing an application for acceptance of a means of compliance (other than a means of compliance considered to be acceptable in the relevant advisory information) with any rules made under the Act:
- (f) any investigation carried out for the purpose of assessing an application for approval of any written examinations or their equivalents:
- (g) any aeronautical study or safety review conducted for the purposes of rules made under the Act:
- (h) any aeronautical study conducted to determine whether the proposed construction or alteration of a structure, or any other proposed activity, could constitute a hazard in navigable airspace.
- (i) any inspections or monitoring carried out under section 15 of the Act for which a specific charge is not otherwise prescribed:
- (j) any assessment of an application in respect of the grant or renewal of, or any amendment to, any approval, or any monitoring, for any purpose under the Act or any rules made under the Act, that is carried out by any employee of the Authority and for which a fee or charge is not otherwise prescribed or fixed.

Marie Shroff,
Clerk of the Executive Council.

**Civil Aviation Charges Regulations
(No 2) 1991**

Reprinted as at
1 November 2012

Date of notification in Gazette: 1 August 1991.

**Civil Aviation Charges
Regulations (No 2) 1991
Amendment Regulations 2012**

(SR 2012/305)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 1st day of October 2012

Present:

His Excellency the Governor-General in Council

Pursuant to sections 38 and 100 of the Civil Aviation Act 1990, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Regulations

- 1 Title**
These regulations are the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012.
- 2 Commencement**
These regulations come into force on 1 November 2012.
- 22 Transitional fee for maintenance of Register**
- (1) Despite clauses 3 and 4 of the Schedule, a transitional fee of \$78 for the maintenance of the Register is payable for every aircraft that was registered on 1 July 2012 and which remains registered on 1 November 2012.
- (2) The transitional fee is payable—
- (a) in respect of the financial year ending on 30 June 2013; and

- (b) on or before 30 November 2012.
- (3) Any payment of the annual fee for maintenance of the Register for an aircraft in respect of the financial year ending on 30 June 2013 that was made before 1 November 2012 must be credited towards the transitional fee.

Michael Webster,
for Clerk of the Executive Council.

Date of notification in *Gazette*: 4 October 2012.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Civil Aviation Charges Regulations (No 2) 1991. The reprint incorporates all the amendments to the regulations as at 1 November 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012 (SR 2012/305)

Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2011 (SR 2011/199)

Civil Aviation Charges Amendment Regulations 2009 (SR 2009/132)

Civil Aviation Charges Regulations (No 2) Amendment Regulations (No 2) 2008 (SR 2008/322)

Civil Aviation Charges Amendment Regulations 2008 (SR 2008/99)

Civil Aviation Charges Amendment Regulations 2006 (SR 2006/63)

Civil Aviation Charges Amendment Regulations 2005 (SR 2005/156)

Civil Aviation Charges Amendment Regulations 2002 (SR 2002/43)

Civil Aviation Charges Amendment Regulations 1997 (SR 1997/106)

Civil Aviation Charges Regulations (No 2) 1991, Amendment No 3 (SR 1995/115)

Civil Aviation Charges Regulations (No 2) 1991, Amendment No 2 (SR 1994/194)

Civil Aviation Charges Regulations (No 2) 1991, Amendment No 1 (SR 1992/221)
