
STATUTORY INSTRUMENTS

2021 No. 534

The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021

PART 4

Charging

Charges

42.—(1) A Regulator may charge an aeroplane operator or any other person an amount as a means of recovering costs incurred by the Regulator in performing activities in accordance with or by virtue of this Order.

(2) The activities referred to in paragraph (1) include—

- (a) giving advice in relation to an application under or by virtue of this Order or any other advice in relation to the operation of CORSIA,
- (b) considering an application under or by virtue of this Order,
- (c) issuing or varying an [^{F1}Emissions Monitoring Plan],
- (d) giving any notice or other document provided for by or under this Order,
- (e) receiving any notice or other document provided for by or under this Order,
- (f) monitoring compliance with this Order.

(3) A charge under paragraph (1) may include an annual or other periodic charge to an aeroplane operator that does not relate to any specific activity.

(4) A Regulator may apply different charges for—

- (a) the same activity, and
- (b) different categories of person in relation to the same activity.

(5) Payment of a charge is not received until the Regulator has cleared funds for the full amount due and a charge, if unpaid, may be recovered by the Regulator as a civil debt.

(6) A Regulator may require a charge to be paid before it carries out the activity to which the charge relates.

(7) If a Regulator does not require a charge to be paid in accordance with paragraph (6) it is payable on demand.

(8) A Regulator is not required to reimburse a charge where—

- (a) an activity is not completed, or
- (b) the person liable to pay the charge does not remain within the scheme for all of the period in relation to which the charge is payable or has been calculated.

Textual Amendments

- F1** Words in [art. 42\(2\)\(c\)](#) substituted (9.11.2022) by [The Air Navigation \(Carbon Offsetting and Reduction Scheme for International Aviation\) \(Amendment\) Order 2022 \(S.I. 2022/1050\)](#), arts. 1, **23**

Commencement Information

- I1** Art. 42 in force at 26.5.2021, see [art. 1](#)

Approval, publication and revision of charges

43.—(1) A Regulator must publish a document (“charging scheme”) setting out the charges payable in accordance with article 42(1) or how they will be calculated.

(2) Before publishing a charging scheme, the Regulator must—

- (a) bring its proposals to the attention of the persons likely to be affected by them,
- (b) allow persons likely to be affected by the proposals to submit representations on, or objections to, them, and
- (c) specify the period within which representations or objections to the proposals may be made.

(3) A charging scheme cannot be published unless it has been approved—

- (a) in the case of proposals by the Environment Agency, by the Secretary of State^[F2,]
- (b) in the case of proposals by SEPA, by the Scottish Ministers^[F2,]
- (c) in the case of proposals by NRW, by the Welsh Ministers^[F2,]
- (d) in the case of proposals by the chief inspector, by the Department of Agriculture, Environment and Rural Affairs⁽¹⁾.

(4) Where a proposed charging scheme has been submitted for approval under paragraph (3), the appropriate national authority—

- (a) must consider any representations or objections made under paragraph (2)(b), and
- (b) may make such modifications to the proposal as it considers appropriate.

(5) If a Regulator proposes to revise a charging scheme in a material way, paragraphs (2) to (4) apply to the revised charging document.

(6) Paragraphs (2) to (5) do not apply to a charging scheme prepared and published by the Secretary of State.

Textual Amendments

- F2** [Art. 43](#): comma substituted for semicolon (9.11.2022) by [The Air Navigation \(Carbon Offsetting and Reduction Scheme for International Aviation\) \(Amendment\) Order 2022 \(S.I. 2022/1050\)](#), arts. 1, **4**

Commencement Information

- I2** Art. 43 in force at 26.5.2021, see [art. 1](#)

Remittance of charges

44.—(1) The Environment Agency must pay the Secretary of State any charge received by it.

(1) The Department of Agriculture, Environment and Rural Affairs is the department for the Northern Ireland region.

- (2) SEPA must pay the Scottish Ministers any charge received by it.
- (3) NRW must pay the Welsh Ministers any charge received by it.
- (4) The chief inspector must pay the Department of Agriculture, Environment and Rural Affairs any charge received by it.

Commencement Information

I3 Art. 44 in force at 26.5.2021, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021, PART 4.