

# Detention of Aircraft

Airside Operational Instruction (AOI) 25

DOCUMENT REVIEW HISTORY		
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	2.3	May 2024

❖ **AMENDMENTS**

This document will be subject to a routine review, over a period not exceeding 36 months. The latest version will be included in the annual reissue of the Aerodrome Manual; interim reviews are carried out as deemed necessary.

Only operational related amendments will prompt the issue of a new Version; pertinent amendments being highlighted in green text & indicated by a green bar in the right margin. Indication of any amendment of an administrative nature will be listed below.

❖ **REVIEW / AMENDMENT HISTORY**

REVIEW SUMMARY			
<b>VERSION / REVIEW REF:-</b>	1.1	<b>REVIEW COMPLETED BY:-</b>	CATHY WILLOUGHBY-CRISP
<b>DATE:-</b>	SEP 16	<b>ROLE:-</b>	AIR TRAFFIC & OPERATIONS MANAGER

PARAGRAPH	AMENDMENT
	<i>Nil</i>

REVIEW SUMMARY			
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PARAGRAPH	AMENDMENT
	New ownership
Various	Role title change; General Manager now Managing Director
Various	Reference to Manchester Airports Group (MAG) now Regional & City Airports (RCA)

REVIEW SUMMARY			
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PARAGRAPH	AMENDMENT
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PARAGRAPH	AMENDMENT
Various	Air Traffic and Operations Manager now Airfield Services Manager
Various	Reference to regulatory documentation updated

REVIEW SUMMARY			
<b>VERSION / REVIEW REF:-</b>	2.3	<b>REVIEW COMPLETED BY:-</b>	KEITH JEWITT
<b>DATE:-</b>	MAY 24	<b>ROLE:-</b>	AIRFIELD SERVICES MANAGER

PARAGRAPH	AMENDMENT

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## **1. INTRODUCTION**

### **1.1 PURPOSE**

This AOI sets out the Regulations, which govern the detention of an aircraft; and details the procedures by which an aircraft may be detained by the Airport Authority.

## **2. REGULATIONS**

### **2.1 TRANSPORT ACT; 2000**

Pursuant to Civil Aviation Act 1982 and the Transport Act 2000, under the Civil Aviation (Chargeable Air Services) (Detention and Sale of Aircraft for EuroControl) Regulations 2001, authorised persons are permitted by the CAA to detain &/or sell an aircraft for non-payment of Airport charges.

Authorised persons, as approved by the CAA, shall be permitted to act on behalf of the Aerodrome owner or operator, for the use of or services provided at the Aerodrome; and on behalf of EuroControl and National Air Traffic Services (NATS) in accordance with the provision of the Regulation.

### **2.2 AIR NAVIGATION ORDER (ANO); 2016**

Article 257 of the Air Navigation Order grants authorisation to specified individuals, not employed by the Competent Authority (CAA), to detain an aircraft that is not fit for flight; or that might be in contravention of any provision of the ANO and related Regulations; or where the flight might pose a danger to any person or property.

## **3. DETENTION OF AIRCRAFT**

### **3.1 PERSONNEL**

#### **3.1.1 AUTHORISED PERSONNEL:-**

The following people are authorised by the CAA to detain an aircraft, for any purpose as detailed above, in respect of the Transport Act; 2000 or the Air Navigation Order; 2016, as relevant:-

- Managing Director
- Operations Director
- Airfield Services Manager

#### **3.1.2 POWER TO DETAIN:-**

An Authorised Person is permitted to exercise their power to detain an aircraft, under their own volition, on the basis of reasonable grounds; or on instruction from the CAA to detain an aircraft on their behalf.

Any member of Airport staff can raise concerns, about the safe status of an aircraft, to any of the listed Authorised Persons. Judgement to exercise the power to detain the aircraft sits with the Authorised Person.

## **3.2 PROCESS**

### **3.2.1 TRANSPORT ACT; 2000:-**

Under the provision of the Transport Act; 2000, and in accordance with the prescribed process contained therein, Authorised Persons, as listed in Para 3.1, are permitted to detain &/or sell an aircraft for non-payment of Airport charges.

Airport charges include fees for:- landing, navigation and parking; and any other services provided by the Airport Company to the aircraft operator.

A copy of the form to be used; "Notification of Detention of Aircraft; Transport Act; 2000" is contained as Appendix 1 and is available via:-

BIAIS > Company Forms > Airside & Operational Related Forms

Notification of detention shall be in writing and In the presence of at least one witness, handed directly to the subject aircraft's operator &/or commander. If neither are immediately available, a copy of the Detention Notice shall be secured to the exterior of the aircraft and a copy sent to them.

### **3.2.2 AIR NAVIGATION ORDER (ANO); 2016:-**

Under the provision of Article 257 of the Air Navigation Order (ANO); 2016, Authorised Persons, as listed in Para 3.1, are permitted to detain an aircraft that Is not fit for flight; or that might be in contravention of any provision of the ANO and related Regulations; or where the flight might pose a danger to any person or property.

Once it has been determined that that there is, or might be a safety risk, the CAA should be consulted for advice, prior to the aircraft being detained. If this is not feasible, they are to be notified as soon as possible, if the detention notification is subsequently issued.

The Authorised Person is permitted to carry out any of the following actions, as deemed appropriate:-

- a) Request and inspect the subject aircraft's documents and records required under the Air Navigation Order, or any Regulations made there under.
- b) Request the production of any noise certificate applicable to the subject aircraft.

- c) In accordance with the provision of an Air Navigation Order, including Noise Certification, enter and inspect the subject aircraft, in order to direct the operator or commander not to make a flight; and to detain the aircraft.

A copy of the form to be used; "Notification of Detention of Aircraft; Air Navigation Order; 2016" is contained as Appendix 2; and is available via:-


BIAIS > Company Forms > Airside & Operational Related Forms

Notification of detention shall be in writing and In the presence of at least one witness, handed directly to the subject aircraft's operator &/or commander. If neither are immediately available, a copy of the Detention Notice shall be secured to the exterior of the aircraft and a copy sent to them. Additionally, verbal communication should be sought from them that the aircraft will not be flown.

The Competent Authority (CAA) or authorised person is permitted to take appropriate steps to prevent the aircraft being flown in an unsafe condition. The method applied to detain an aircraft must be obvious to anyone attempting to move the aircraft; and must not cause damage to the aircraft in any way.



## APPENDIX 1

 <b>Bournemouth Airport</b> <small>1011 of Bournemouth &amp; City Airport</small>	<b>NOTIFICATION OF DETENTION OF AIRCRAFT TRANSPORT ACT; 2000</b>
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NOTICE OF DETENTION TO OPERATOR	
UNDER THE PROVISIONS OF THE TRANSPORT ACT; 2000	
<b>AIRCRAFT REGISTRATION:-</b>	
<b>NOTICE IS HEREBY GIVEN</b> FOR AND ON BEHALF OF BOURNEMOUTH INTERNATIONAL AIRPORT LTD., THAT THIS AIRCRAFT, OPERATED BY:-	
<b>NAME OF OPERATOR:-</b>	
HAS BEEN DETAINED BY BOURNEMOUTH INTERNATIONAL AIRPORT LTD. (BIAL), UNDER THE PROVISIONS OF THE TRANSPORT ACT; 2000, IN ENFORCEMENT OF LIEN FOR THE RECOVERY OF ACCRUED AIRPORT DUES, RELATING TO SAID AIRCRAFT AND OWING TO BIAL	
<b>AUTHORISED PERSON:-</b>	
AND SHALL, UNTIL FURTHER NOTICE, SUBJECT TO THE PROVISIONS OF SAID ACT, BE DETAINED AT BOURNEMOUTH INTERNATIONAL AIRPORT LTD. (BIAL) UNTIL ALL CLAIMS AND ACCOUNTS ARE SATISFIED; AND THAT THE AIRCRAFT MAY NOT BE MOVED, BOARDED OR ITS CONDITION ALTERED IN ANY WAY, WITHOUT THE EXPRESS AUTHORITY OF BIAL	

FURTHER, IF THE CHARGES ARE NOT SETTLED, BIAL MAY EXERCISE ITS STATUTORY POWER, UNDER THE SAID ACT, TO SELL THE AIRCRAFT IN ORDER TO SATISFY THE CHARGES OWED
--

ISSUED BY AUTHORISED PERSON; FOR AND ON BEHALF OF BIAL			
<b>SIGNATURE:-</b>		<b>DATE:-</b>	
<b>NAME:-</b>		<b>TIME:-</b>	

TO DISCUSS THE REQUIREMENTS FOR THE REMOVAL OF THIS LIEN,  
CONTACT THE OPERATIONS DIRECTOR ON 01202 364173

APPENDIX 2

 <b>Bournemouth Airport</b> <small>Part of Bournemouth &amp; City Airport</small>	<b>NOTIFICATION OF DETENTION OF AIRCRAFT                  AIR NAVIGATION ORDER; 2016</b>
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<b>PART A</b>	<b>DIRECTION TO PREVENT AIRCRAFT FLYING WHILE IN A                  CONDITION UNFIT FOR THE FLIGHT</b>
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To:-

<b>NAME OF OPERATOR:-</b>	
<i>THE OPERATOR OF; OR</i>	
<b>NAME OF COMMANDER:-</b>	
<i>THE COMMANDER OF</i>	
<b>AIRCRAFT REGISTRATION:-</b>	
<i>WHEREAS IT APPEARS TO ME</i>	
<b>AUTHORISED PERSON:-</b>	

BEING AN AUTHORISED PERSON, FOR THE PURPOSES OF ARTICLE 257 OF THE AIR NAVIGATION ORDER; 2016, THAT THE AIRCRAFT BEARING THE REGISTRATION , IS LIKELY TO BE FLOWN WHILE IN A CONDITION UNFIT FOR THE FLIGHT

*Now I, as an Authorised Person, hereby direct that the said aircraft shall not be flown until this direction has been revoked by the CAA or by an Authorised Person*

<b>SIGNATURE:-</b>		<b>DATE:-</b>	
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ACKNOWLEDGEMENT OF SERVICE			
<i>I (Operator or Commander) acknowledge that I have received a copy of the Direction</i>			
<b>SIGNATURE:-</b>		<b>DATE:-</b>	
<b>PRINT NAME:-</b>		<b>TIME:-</b>	

<b>PART B</b>	<b>REVOCATION OF DIRECTION TO PREVENT AIRCRAFT FLYING WHILE IN A CONDITION UNFIT FOR THE FLIGHT</b>
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I, [REDACTED], BEING AN AUTHORISED PERSON, FOR THE PURPOSES OF ARTICLE 257 OF THE AIR NAVIGATION ORDER; 2016, REVOKE THE DIRECTION, DATED [REDACTED], ISSUED TO OPERATOR [REDACTED] OR COMMANDER [REDACTED], IN RESPECT OF AIRCRAFT BEARING THE REGISTRATION .

<b>SIGNATURE:-</b>		<b>DATE:-</b>	
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