



Treaty Series No. 50 (1981)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Canada
amending the Agreement for
Air Services between and beyond
their respective Territories
signed on 19 August 1949
as amended by Exchanges of Notes
dated 18 August 1958 and 6 September 1960

London, 14 April 1981

[The Exchange of Notes is deemed to have entered into force on 1 January 1981]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 1981*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF CANADA AMENDING THE AGREEMENT
FOR AIR SERVICES BETWEEN AND BEYOND THEIR
RESPECTIVE TERRITORIES SIGNED ON 19 AUGUST 1949
AS AMENDED BY EXCHANGES OF NOTES DATED
18 AUGUST 1958 AND 6 SEPTEMBER 1960**

No. 1

*Her Majesty's Principal Secretary of State for Foreign and Commonwealth
Affairs to the Canadian High Commissioner at London*

London

Your Excellency,

14 April 1981

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada for air services between and beyond their respective territories signed at Ottawa on 19 August 1949⁽¹⁾ as amended by Exchange of Notes dated 18 August 1958⁽²⁾ and 6 September 1960⁽³⁾.

Following discussions which took place in Ottawa from 10-19 September 1980, I have the honour to propose that the Schedule to the Agreement, as amended, setting out the routes to be operated by the designated airlines of the United Kingdom and of Canada be replaced by the Schedule annexed to this Note.

I further have the honour to propose that:

- (a) an airline may not hold out, offer, or advertise through flights from any domestic point to a point in the territory of the other Party unless such a point has been notified to the other Party as a point of departure and the airline has been designated for service on that route;
- (b) without prejudice to the provisions of Article VII of the Agreement, on routes between the territories of the two Parties, a designated airline shall be permitted to match fares, on a basis which would not necessarily be identical, but would be broadly equivalent to those offered by a designated airline of the other Party.

If the foregoing proposals are acceptable to the Government of Canada, I have the honour to propose that this Note, together with its Annex, and Your Excellency's reply to that effect shall constitute an Agreement between our two Governments which shall be deemed to have entered into force on 1 January 1981.

I have the honour to convey
to Your Excellency,
the assurance of my highest consideration.

MICHAEL ST. E. BURTON

(for Her Majesty's Principal Secretary of
State for Foreign and Commonwealth
Affairs)

⁽¹⁾ Cmd. 7857.

⁽²⁾ Cmnd. 543.

⁽³⁾ Cmnd. 1231.

SCHEDULE

SECTION 1

Routes to be operated in both directions by the designated airline or airlines of Canada

A. Points of Departure (Any one or more of the following)	B. Intermediate Points. (Any one or more of the following, if desired)	C. Destination in United Kingdom territory. (Any one or more of the following, if desired)	D. Points Beyond. (Any one or more of the following, if desired)
<p>1. Sydney, Gander, Halifax, Montreal, Toronto, Winnipeg, Edmonton, Calgary, Vancouver. Points in Canada to be notified by Canada.</p>	<p>Azores, Iceland, Shannon.</p>	<p>Prestwick, London. One additional point to be notified by Canada, Note 8.</p>	<p>(a) Dusseldorf, Brussels, Zürich, Vienna. (b) Paris, Note 1. (c) Points in Western Europe excluding Frankfurt, Copenhagen, Lisbon and West Berlin; Points in Africa excluding Johannesburg, Lagos, Nairobi and Cairo; Points in the Middle East excluding points in the United Arab Emirates, Bahrain, Oman and Qatar; Points in South Asia (<i>i.e.</i> West of Burma) excluding Calcutta and Delhi, Note 10. Singapore, Note 11. Note 2. Note 3.</p>
<p>2. Toronto, Montreal.</p>	<p>Tampa, St. Petersburg, Note 4.</p>	<p>Bermuda and points in United Kingdom territories in the Caribbean.</p>	<p>Havana and other points beyond in the Caribbean and South America to be agreed between the two Governments of Canada and the United Kingdom.</p>
<p>3. Vancouver and two further points in Canada to be notified by Canada, Note 7.</p>	<p>Whitehorse, Alaska. Points in Japan, Shanghai, Note 5.</p>	<p>Hong Kong, Note 6.</p>	<p>Bangkok, Manila, Jakarta, Notes 5 and 9.</p>

NOTES

1. Without traffic rights except for own stopover traffic carried in transit through United Kingdom points in Column C.
2. Beyond rights at points shown in (c) are restricted to one Canadian airline designated for the purpose for up to seven round trip frequencies per week using not more than two beyond points on any flight and not more than three round trip frequencies per week to serve any one point. The permitted maximums of seven round trip frequencies per week in total and three round trip frequencies per week at any point shall be increased to the figures shown below with effect from the dates shown:

<i>Effective Date</i> <i>1 January in year shown</i>	<i>Total round trip frequencies</i> <i>per week</i>	<i>Round trip frequencies per week</i> <i>at any one beyond point</i>
1981	7	3
1982	7	3
1983	8	4
1984	8	4
1985	9	5
1986	9	5
1987	10	6
1988	11	6
1989	12	7

3. Without prejudice to the exercise of other rights granted in respect of points in Column D (subject to Notes 1 and 2 where applicable), one airline designated for the purpose may carry in transit, through points in the United Kingdom shown in Column C, traffic destined for or originating from up to any three points beyond, including but not limited to those shown in (c) in the "Points Beyond" column, other than points in the United Kingdom territory. Not more than seven round trip frequencies per week may operate with such in transit rights to or from any one beyond point. Canada may alter its choice of such beyond points by giving notice to the United Kingdom before the start of each season. In addition in transit rights through points in the United Kingdom shown in Column C to or from Frankfurt or Copenhagen are available to Air Canada when the full traffic rights to Dusseldorf and Brussels respectively are not being exercised by a Canadian airline.
4. Without prejudice to the exercise of the full traffic rights granted at Tampa and St. Petersburg, flights by airlines on this route are also permitted to make traffic stops at any other points in the USA but without traffic rights between the USA and points in United Kingdom territory.
5. The intermediate and beyond rights at points shown shall be available to only one Canadian airline designated for this purpose.
6. Frequency of service on this route shall be agreed between the designated airlines of both Parties. Failing such agreement, consultations between the aeronautical authorities shall be held within 90 days of the receipt of a request by either Party and in such consultations both authorities shall have regard to the need to provide readily available service to the travelling public. In any event, a designated airline shall be permitted to operate up to two round trip frequencies per week from the date on which a United Kingdom designated airline starts service.
7. Three months notice of changes shall be given by diplomatic note.
8. This additional point shall be selected from airports in the United Kingdom available for international long-haul scheduled passenger services.
9. Restricted to three round trip frequencies per week. Only one point may be served on any one flight.
10. Service to Bombay may not commence before 1 January 1982.
11. Service to Singapore may not commence before 1 January 1984.
12. A "round trip frequency" in these Notes means any flight that begins and ends in Canadian territory, whether the flight operates once or twice through its points of destination in United Kingdom territory.

SCHEDULE

SECTION II

Routes to be operated in both directions by the designated airline or airlines of the United Kingdom

A. Points of Departure. (Any one or more of the following)	B. Intermediate Points. (Any one or more of the following, if desired)	C. Destination in Canadian territory. (Any one or more of the following, if desired)	D. Points Beyond. (Any one or more of the following, if desired)
1. London, Manchester, Prestwick.	Shannon, Iceland, Azores.	Gander.	New York and beyond. Bermuda and beyond
2. London, Manchester, Prestwick. One further point to be notified by the United Kingdom, Notes 7 and 8.	(a) Shannon, Iceland, Azores. (b) Points in the USA, Note 1.	Gander, Halifax, Montreal, Toronto, Winnipeg, Edmonton, Calgary, Vancouver.	(a) New York, Boston, Detroit, Chicago, Note 2. (b) Points in the USA, Note 1.
3. Bermuda and points in the United Kingdom territories in the Caribbean.	Havana and other points in the Caribbean to be agreed, Note 3.	Montreal.	Points in the United Kingdom.
4. Hong Kong.	Points in Japan, Note 9. Points in California, Note 5, Note 4.	Vancouver, and one further point not East of Winnipeg to be notified by the United Kingdom, Note 8, Note 6.	Points in California, Notes 4, 5 and 9.

NOTES

1. Without prejudice to the exercise of other rights granted in respect of points in item (a) Column D, in transit traffic only may be carried by one airline designated for the purpose through points in Canada to and from not more than three points in the USA (in addition to New York, Boston, Detroit and Chicago, to which Note 2 applies), and through not more than three points in the USA to and from points in Canada provided that in total not more than three such additional points are served whether as intermediate or beyond points. Only one point in the USA may be served in association with points in Western Canada (*i.e.* Winnipeg and points to the West). Not more than two points in the USA may be served in association with points in Eastern Canada (*i.e.* East of Winnipeg). Not more than seven round trip frequencies per week may operate with such in transit rights to and from any one point in the United States. The United Kingdom may alter its choice of US points by giving notice to Canada before the start of each season.

2. Services may be extended beyond Gander to New York and such other points as may be agreed with full traffic rights, and to Boston, Detroit and Chicago with only own stopover rights; and beyond Montreal to New York, Boston, Detroit and Chicago and such other points as may be agreed with only own stopover rights.

3. Without prejudice to the exercise of the full traffic rights granted at Havana and other points in the Caribbean to be agreed, flights by United Kingdom airlines on this route are permitted to make traffic stops at points in the USA but without traffic rights between the USA and points in Canada.

4. Without prejudice to the exercise of full traffic rights at points in California, in transit traffic may be carried to and from Hong Kong through points in Column C in Canadian territory to and from Seattle and points in California.

5. The intermediate and beyond rights at points shown shall be available to only one United Kingdom airline designated for this purpose.

6. Frequency of service on this route shall be agreed between the designated airlines of both Parties. Failing such agreement, consultations between the aeronautical authorities shall be held within 90 days of the receipt of a request by either Party and in such consultations both authorities shall have regard to the need to provide readily available service to the travelling public. In any event, a designated airline shall be permitted to operate up to two round trip frequencies per week from the date on which a United Kingdom designated airline starts service.

7. This additional point shall be selected from airports in the United Kingdom available for international long-haul scheduled passenger services.

8. Three months notice of changes shall be given by diplomatic note.

9. Without traffic rights at points in Japan except that in transit traffic may be carried to and from points in Japan through points in Column C in Canadian territory to and from Seattle. The rights to carry in transit traffic to and from Japan shall be cancelled upon commencement of the exercise of full traffic rights between points in California and points in Canadian territory in Column C.

10. A "round trip frequency" in these notes means any flight that begins and ends in United Kingdom territory, whether the flight operates once or twice through its points of destination in Canadian territory.

No. 2

*The Canadian High Commissioner at London to Her Majesty's Principal
Secretary of State for Foreign and Commonwealth Affairs
London*

Sir,

14 April 1981

I have the honour to acknowledge receipt of your Note of 14 April 1981 concerning the Air Services Agreement between Canada and the United Kingdom of 19 August 1949, as amended.

I am pleased to inform you that the contents of your Note are acceptable to the Government of Canada and to confirm that your Note, together with its Annex, and this reply, which is authentic in English and French, shall constitute an Agreement between our two Governments in this matter, which shall be deemed to have entered into force on 1 January 1981.

Accept, Sir, the renewed assurance of my highest consideration.

JEAN CASSELMAN WADDS

Text in French

No. 2

Monsieur,

J'ai l'honneur d'accuser réception de votre Note du 14 avril 1981 relative à l'Accord sur des services aériens entre le Canada et le Royaume-Uni du 19 août 1949, tel que modifié.

J'ai le plaisir de vous informer que le contenu de votre Note agréé au Gouvernement du Canada et de confirmer que votre Note et son annexe, ainsi que la présente réponse dont la version française et la version anglaise font également foi, constituent entre nos deux Gouvernements un Accord en la matière qui sera réputé être entré en vigueur le 1^{er} janvier 1981.

Je vous prie d'agréer, Monsieur, les assurances renouvelées de ma très haute considération.

JEAN CASSELMAN WADDS

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