

CONTROLLING THE MISUSE OF SLOTS AT COORDINATED AIRPORTS IN THE UK

SIXTH CONSULTATION BY AIRPORT COORDINATION LIMITED

09 February 2026

1 INTRODUCTION

- 1.1 Prior to the UK exiting the European Union, the regulation of slots at UK airports was governed by Council Regulation (EEC) 95/93 (as amended by Council Regulation EEC 793/2004) (the **EU Council Regulation**). Article 14.5 of the Council Regulation required that effective, proportionate and dissuasive sanctions, or equivalent measures, be available to deal with serious misuse of allocated slots, and the Airports Slot Allocation Regulations 2006 (SI 2006/2665, the **UK Regulations**), adopted following consultation by the Secretary of State for Transport with stakeholders in the aviation industry, gave effect to this in the UK.
- 1.2 On exiting the European Union, the EU Council Regulation was retained as part of UK law as amended by the Airports Slot Allocation (amendment) (EU Exit) Regulations 2019 (SI 2019/276)¹ and Airports Slot Allocation (amendment) (EU Exit) Regulations 2021 (SI 2021/100)² (together, the **Assimilated EU Regulation**³).
- 1.3 Article 14 of the UK Regulation prohibits the repeated and intentional misuse of allocated slots by air carriers. Article 18.1 of the UK Regulation requires the Coordinator to adopt an enforcement code to make provision for the manner in which the Coordinator will enforce Articles 7, 15 and 16 of the UK Regulation. The Enforcement Code (**the Code**) took effect on 1 January 2007 when the UK Regulation came into effect. ACL has undertaken previous reviews of the Code in 2008, 2010 and 2017. There was also a consultation regarding a temporary change to the Code for the London 2012 Olympics, undertaken in 2011. This is the sixth consultation to take place.

2 OBJECTIVES

- 2.1 Article 14 of the UK Regulation states:

‘An air carrier operating at a coordinated airport shall not repeatedly and intentionally:

(a) operate air services at times significantly different from the allocated slots; or

¹ <https://www.legislation.gov.uk/uksi/2019/276/contents/made>

² <https://www.legislation.gov.uk/uksi/2021/100/contents/made>

³ <https://www.legislation.gov.uk/eur/1993/95/contents>

(b) use slots in a significantly different way from that indicated at the time of allocation, where such use causes prejudice to airport or air traffic operations.'

- 2.2 The objective of Regulation 14 of the UK Regulations and the Code is to prevent the repeated and intentional misuse of slots at the coordinated airports in the United Kingdom – currently Heathrow, Gatwick, Manchester, Stansted, London City, Luton, Bristol, Birmingham and Leeds Bradford – and such other airports as may be designated from time to time as coordinated, pursuant to Article 3 of the Assimilated EU Regulation.
- 2.3 The purpose of Article 14 of the UK Regulation and the Code is to ensure that all operations have an allocated slot and that all slots are used at the allocated slot time and in the manner indicated when the slots were allocated. The efficient working of a coordinated airport and the integrity of the slot allocation system requires all operations, at any time of the day or night, to be planned to operate at the allocated slot time and to operate in a way which meets all the terms of this slot allocation.
- 2.4 The Code is designed to ensure that the Coordinator can deal firmly with repeated and intentional slot misuse. The Code does not penalise normal, day to day, variations in landing and take-off times affected by factors beyond the reasonable control of air carriers.

A copy of the current Enforcement Code is available from the ACL website at [Enforcement Code V7 Updated Nov 2017](#).

3 THE PURPOSE OF THIS DOCUMENT

The reports produced by ACL on the working of the Code since the last consultation, concludes that the Code and the slots sanctions regime is effective in some areas. However, the continuing application of the Code and feedback received from stakeholders has brought to light some areas which ACL believes could benefit from clarification or review, in the context of ensuring that the slot sanctions regime continues to be effective and sufficiently dissuasive to ensure the continued fair access to, and the effective use of, airport facilities in an arena of ever increasing demand; whilst ensuring that the regime remains fair and proportionate and that the process to be followed in the Code remains clear and transparent.

Our proposals to deal with improvements to the Code are the subject of this consultation.

Throughout this document text from the Code is shown in *italics* with deleted text from the Code shown in ~~strikethrough~~ format and newly added text in underlined format. References to sections and paragraphs are to the marked-up version of the Code found in [Appendix 1](#) and a clean version in [Appendix 2](#). Questions on the proposed amendments are detailed throughout the document.

4 HOW TO RESPOND TO THE CONSULTATION

Please submit your response to the consultation by **20 March 2026** to consultation@acl-uk.org.

When you submit your comments, please give reasons and evidence to support your views where you can. More weight will be attached to reasoned arguments than yes/no responses to the questions in the consultation.

Please ensure that we receive one consolidated response from your organisation, rather than several separate responses from various contacts within your organisation.

Please ensure that in whatever format you submit a response to this consultation, you also provide your personal details (name, company/organisation and email address) to assist ACL with the analysis of responses.

5 ACL's 2024/25 ANNUAL REPORT ON THE CODE

The report produced by ACL on the working of the Code during 2024/25 identifies that potential misuse can be rectified through engagement between the Coordinator and airline without the need to apply measures identified in the Code. Where such dialogue is not effective the Code continues to deliver a significant and sustained improvement in the behaviour of air carriers, greater compliance with the allocated slots and a significant reduction in the number of operations without a slot. Airport capacity is, as a result, used more efficiently. However, the effectiveness of the Code is impacted, especially for flights operating within European airspace where airspace congestion continues to cause operational delays.

A copy of ACL's 2024/25 Annual Report is available from the ACL [website](#).

6 THE PROPOSED AMENDMENTS

Set out below are the proposed changes to the Code, and a markup of the proposed changes are included in [Appendix 1](#) with a clean version in [Appendix 2](#).

6.1 Updating of the Code Recitals and other administrative changes

Section 1 of the Code needs to be updated to reflect changes in the Regulatory framework governing the Code following the UK exiting the EU. Paragraphs 1.1 and 1.2 update the relevant legislation and detail the purpose of the Code to ensure compliance with that legislation. References have been updated throughout the document.

Paragraphs 1.3 and 1.4 are added to the Code recitals having been moved from later sections to give greater emphasis to the rationale for the Code, the potential misuse that it seeks to address and the actions available to the Coordinator.

Paragraph 2.1 updates the Code on which airports the Code applies to currently.

Section 9 is amended to more accurately reflect the UK Regulation which is important should ACL seek to use Directions more.

Section 11 and 12 includes changes to more accurately reflect the working of the UK Regulation.

Paragraph 14.3(a) has been updated to reflect the current postal address of ACL.

Section 15 has been updated to more accurately reflect ACL's Articles of Association.

Section 16 has been updated to reflect ACL's financial year which is currently 01 October to 30 September.

Question 1

Do you agree with these proposed administrative amendments detailed above?

6.2 Amendments to the types of slot misuse covered

Section 4 of the Code sets out the types of misuse covered. ACL believes that certain behaviours experienced fall within the Assimilated EU Regulation and therefore should be provided for in the Code. This is particularly the case when operating in a significantly different way from that indicated at the time of allocation, where such use causes prejudice to airport or air traffic operations. ACL is therefore proposing to extend the examples of types of misuse in the Code to give greater clarity and to cover misuse that potentially wastes airport capacity by denying its use to other carriers. ACL considers that making such capacity unavailable causes prejudice to airport operations as the airport and other stakeholders would have considered such operation in their planning.

4.1 There are several types of misuse addressed by UK Regulation 14 and this Code. Examples of Five common types of misuse include are:

- *Operation of a series of air services at times significantly different from the allocated slots.*
- *Operation of an ad hoc air services at times significantly different from the allocated slots.*
- *Operation of an air service without an allocated slot.*
- *The failure to operate a slot allocated by the coordinator without cancelling it sufficiently in advance for reallocation.*

- Holding onto a series of slots that the operator has no intention of operating. This may be demonstrated by the airline holding slots for which tickets are not available for purchase on their own website or other distribution channels; and returning allocated slots after the Series Return Deadline.
- The use of a slot in a significantly different way from that indicated at the time of allocation where such use causes prejudice to airport or air traffic operations. Examples may include:
 - e.g.
 - operating with a larger aircraft than the slot allocated at a terminal constrained airport.
 - operating with a smaller aircraft than the slot allocated at a terminal constrained airport (therefore wasting terminal capacity).
 - operating at night without an allocation of night movements/night quota or operating with a noisier aircraft than approved by the Coordinator including where such operations over and underutilise quota/caps on night jet movements (NJMs) or Air Transport Movements (ATMs) under published local rules.

Each type of misuse above must be both repeated and intentional before it can be liable for a possible sanction. To be treated as repeated misuse it should be of the same type at a particular airport.

4.2 The list is not exhaustive and there may be other forms of slot misuse which are covered by UK Regulation 14 and this Code, or which become identified over time, and which may also need to be addressed by this Code in the future.

Question 2

Do you agree with these proposed amendments to paragraphs 4.1 and 4.2 of the Code?

6.3 Amendments to the defence that the off-slot operation is beyond the reasonable control of the carrier

Paragraph 6.5 of the Code sets out the defence to slot misuse by carriers where the misuse is caused by factors beyond the reasonable control of the carrier. That defence is set out in Article 16.4 of the UK Regulation.

Article 16.4 makes clear that the carrier seeking to rely upon the defence must *demonstrate* that the cause is beyond its *reasonable* control.

The continuing application of the Code since the last consultation has identified that some carriers are attempting to use this defence to seek to legitimise consistent or repeated off slot operations in circumstances which either should properly be viewed as being within a carrier's control or, whilst in principal being outside of their strict control, are so foreseeable as part of normal operational factors, that a carrier should have taken them into account in its slots scheduling / planning.

ACL believes that, in order for the sanctions regime to be effective and dissuasive in this regard, a carrier should not be allowed to rely on the available defence for issues which are so foreseeable and part of the normal operational environment faced by carriers that they should have reasonably been taken into account by the carrier in planning its slots scheduling.

In an independent review of sanctions imposed by ACL, the Independent Reviewer commented that there is no guidance for airlines as to how detailed an explanation or what evidence ACL might require in assessing the applicability of the defence in any given case. ACL believes that this point should be clarified in the Code.

ACL believes that if this point is not clarified in the Code, the defence is open to potential abuse which could adversely affect access to limited airport facilities by carriers.

That said, it remains ACL's policy to only sanction a carrier where it reasonably believes that a slot misuse within the reasonable control of the carrier has occurred, and vital to the sanction regime is that it remains fair and proportionate. As such, ACL is not seeking to make it more difficult for carriers to rely on the available defence where appropriate, rather it is seeking to ensure that carriers who are at fault do not hide behind the defence. It is vital to ACL's fair and proportionate policing of sanctions that it is provided, at the outset, with sufficient information to allow it to reach a fair and considered decision on the purported use of the defence by a carrier and that the Code is sufficiently clear so as to ensure that the parameters around the availability of the defence are clearly set out.

As such, ACL proposes these changes to the following paragraphs of the Code:

5.3 Beyond its reasonable control – *This could include exceptional weather conditions or industrial action, exceptional air traffic control regulations/CTOTs (certainly not save where those have been applied due to airline off-schedule activity within that carrier's control) and technical issues and (in all cases) which are demonstrated to have caused the breach of UK Regulation 14. Note that the examples given will not automatically be valid reasons just by virtue of being listed here in this definition; the burden of proof is on the carrier to demonstrate, on a balance of probabilities, that its failure to comply with its duty under UK Regulation 14 arose from circumstances it could not reasonable be expected to have foreseen and was thus beyond its reasonable control. For the avoidance of doubt an air carrier's reliance on incorrect information (about slots allocated by the Coordinator) which is given by an agent of the air carrier is not a matter beyond its reasonable control. And systemic air traffic control/CTOT issues are not considered to be beyond the reasonable control of airlines, they should be planned for (e.g. extending block times).*

6.5 *It is a defence if the air carrier demonstrates that the breach of Regulation 14 was beyond its reasonable control. (Regulation 16(4)).*

For the avoidance of doubt, pursuant to UK Regulation 16.4, the burden of proof is on the carrier to demonstrate (on a balance of probabilities) that a failure was beyond its reasonable control. Exactly what evidence is required will depend on the circumstances, but a mere assertion that a particular issue arose ~~may not~~ is unlikely to be enough. The carrier will need to explain to the Coordinator what the issue was, where and when on route it arose, how that

issue caused the carrier to fail in its duty under UK Regulation 14 and why the carrier could not reasonably have prevented the issue from causing the failure. The carrier may be required to adduce satisfactory contemporaneous evidence to back up its explanations (for example official weather warnings issued by the affected airport or ATC and/or airport/ATC imposed weather regulation, flight logs and tech reports).

Question 3

Do you agree with the proposed amendments to paragraphs 5.3 and 6.5 of the Code?

6.4 Amendment to definition of Landing and take-off

The current definition of landing and take-off refers to the point that the aircraft reaches the terminal (block time). This definition does not take account of operations that repeatedly arrive early but are required to park on taxiways before arriving at the terminal. Such operations can be more impactful on the airport's operation. ACL is therefore proposing to amend the definition as follows:

5.9 Landing and take-off - *For the purpose of this Code landing and take-off shall mean the times at which the aircraft arrives at and leaves the terminal but if there is a significant discrepancy between runway landing time and terminal arrival time beyond assumed taxi time this may, if repeated and intentional, be viewed as potential slot misuse. Arriving early without a stand being available may be as or more impactful on airport operations than arriving on stand early.*

Question 4

Do you agree with the proposed amendments to paragraph 5.9 of the Code?

6.5 Minor amendment to definitions

ACL feels the following amendment to definitions addresses different configuration of the same aircraft type, and updates wording.

As such, ACL proposes to amend paragraph 5.6 and 5.7 of the Code as follows:

5.6 Significantly – *Any difference between the intended (planned) landing or take-off time and the allocated slot time which breaches the coordination parameters for the airport will be regarded as a significantly different time for the purpose of UK Regulation 14 as it is likely to affect other air carriers. In the case of operating a slot in a significantly different way from that indicated at the time of allocation, the following is a non-exclusive list of examples: operating a larger aircraft or with additional seating, operating at night without an allocation of night movements/night quota, or operating with a noisier aircraft type than indicated by the carrier when the Coordinator allocated the slot.*

5.7 Coordination Parameters - *~~Are these~~ The parameters set for the Coordinator under Article 6 of the Assimilated EU Council Regulation. They are available from the Coordinator, the airport managing body or the Airline Operators Committee.*

New Definition related to section 6.3 above.

5.5 Series Return Deadline - the date by which airlines must return series of slots that they do not intend to operate, as set out in the Worldwide Airport Slot Guidelines, Calendar of Coordination Activities.

Question 5

Do you agree with the above proposed amendments?

6.6 Amendment to paragraph 6 (Sanctions for Slot Misuse: Financial Penalties) of the Code

In setting financial penalties, ACL assesses a breach on its individual facts to best ensure that any penalty imposed is in the spirit of the Assimilated EU Regulation, namely that the penalty is sufficiently effective, proportionate and dissuasive. ACL considers this vital to helping to ensure the continued fair access to limited airport facilities by airlines and passengers.

It has been suggested by Airports that the level of financial penalty imposed by ACL is insufficient to be effective and therefore does not achieve the objective of the Regulation. ACL is conscious the impact of a financial penalty on behaviour can vary by carrier with larger carriers possibly seeing smaller financial penalties as a cost of doing business.

ACL has reviewed other Regulators and many with the power to impose monetary penalties have regard to the size and revenue of the entity to be sanctioned. For example, the Office of Road and Rail may impose a penalty “of such amount as is reasonable” on rail companies for breaches of conditions, or orders (which it can make itself) under the Railways Act 1993. The penalty “may not exceed 10 per cent of turnover determined in accordance with an order made by the Secretary of State”. Ofcom may impose on broadcasters which breach broadcasting licence conditions a “maximum penalty”, which “is whichever is the greater of (a) £250,000; and (b) 5 per cent of the qualifying revenue for the licence holder’s last complete accounting period falling within the period for which his licence has been in force”. Other examples can be found at the Office of the Information Commissioner (ICO), Competition and Markets Authority (CMA), Ofwat, and the Financial Conduct Authority (FCA).

Mindful that the Code limits the maximum penalty to £20,000 per occurrence (to which ACL does not propose to seek an increase), ACL is proposing to add the size and revenue of the entity to the factors it may consider when determining the penalty. It should be noted that ACL is not seeking to increase penalties unnecessarily, however the ability to make a financial penalty dissuasive is a requirement of the Code.

6.2 *Penalties will vary depending on the nature of the breach, the aim being to set a penalty which is effective, dissuasive and proportionate to the type of misuse committed. The Coordinator will aim to take into account all the relevant circumstances in each case such as:*

- *whether the misuse is blatant;*
- *the extent to which the coordination parameters were broken, including over a particular scheduling period in respect of a series of slots;*
- *the extent to which airport or air traffic operations and/or other air carriers or passengers were or were likely to have been prejudiced by the misuse taking into account all technical, operational and environmental constraints e.g. use of a noisier aircraft or operating without a night quota;*
- *previous and current slot performance; other behaviour and misuse by the same air carrier in the current or previous season(s) will be taken into account, i.e. whether this is this a first case of misuse or a “second offence”;*
- *whether sanctions have been imposed on the air carrier for previous breaches;*
- *the carrier’s conduct following the misuse or earlier sanction for similar off slot operations, including action taken to correct the misuse and degree of cooperation of the carrier during the investigation;*
- *the possible benefits to the carrier from the misuse;*
- *the size of aircraft used and the number of passengers generally carried on it;*
- *whether the air carrier demonstrates the same behaviour at other UK coordinated airports; ~~and~~*
- *at which UK coordinated airport the misuse was committed. Whilst the Coordinator will seek to apply consistent judgments as to what is a misuse across the coordinated airports in the UK, the impact of the misuse and the level of dissuasive sanctions may vary from airport to airport; and*
- *the size and revenue of the air carrier.*

Question 6

Do you agree with the proposed amendments to paragraphs 6.2 of the Code?

6.7 Amendments to the process for imposition of financial penalties

Stage 1 of the process provides for potential misuse to be investigated. This involves ACL engaging with the carrier to understand the causes for the potential misuse. ACL remains of the view that engagement at this stage can result in scheduling adjustment to resolve issues that may be identified.

In an independent review of sanctions imposed by ACL, the Independent Reviewer commented that there is no guidance for airlines as to how detailed an explanation or what evidence ACL might require in assessing the applicability of the defence in any given case. ACL believes that this point should be clarified in the Code.

To aid this process, ACL is proposing to make it clearer the types of information that the carrier could provide ACL as part of this process. Additionally, the current Code sets a realistic timescale for the carrier to reply at 5 working days. As this is a pivotal stage in the process, ACL is of the view that carriers should be given greater time to investigate and respond to the Coordinator's request in more detail. ACL believes this will encourage more opportunities for corrective action to be identified and addressed by the carrier, thus mitigating the need to progress to other penalties.

Where penalties are applied, they may apply to misuse identified before a scheduling solution is implemented by the carrier. ACL does not believe this is clear in the Code.

ACL is proposing to amend 7.1 and 7.3 as follows:

7.1 Stage 1: Investigation

The Coordinator may act on a complaint or on its own volition.

The Coordinator may use its own data and/or analyse alternative data sources (e.g. an airline's website or Central Flow Management Unit (CFMU) data ~~CFMU data~~) to help identify whether a slot may have been intentionally misused.

The Coordinator may consult such persons (including the Slot Performance Committee) as it thinks appropriate and ask for information from any person that the Coordinator thinks may have relevant information.

When a potential case of misuse is identified, through slot monitoring or otherwise, then the air carrier will be contacted in writing (normally by email) with details of the alleged misuse and a request for information about the air service or slot use in question.

When making enquiries the Coordinator will state its rationale for believing that some form of slot misuse may have been committed, will provide the air carrier with the data which supports this view, will specify what information it requires from the air carrier (such as details of the reason for the potential misuse, mitigation factors and/or a performance improvement plan to prevent a recurrence) ~~(if any)~~, and set a realistic timescale (normally at least 5 10 working days, less in urgent cases) for the air carrier to provide a formal written response.

If requested, the Coordinator will facilitate any request from the air carrier to hear it orally at a meeting.

If the air carrier supplies information which is false or misleading in any material particular, or fails to respond to the Coordinator, then the Coordinator will rely on the best information it has available (see also para 11 below, on failure to provide information).

7.3 Stage 3 : Decision as to sanctions

*The Coordinator will consider an appropriate sanction, taking into account the criteria set out under paragraph 6 above. The Coordinator will issue a notice to advise the air carrier of its proposed decision both on breach and proposed sanctions and invite the carrier to make written comments (normally within at least 14 working days, but less in urgent cases). **(Regulation 17(2)(a))**. A notice may include a proposed sanction ~~(and the sanction may then be imposed)~~ for the period of misuse of slots even though subsequently a scheduling solution to the problem may be found. The air carrier on whom a penalty is proposed, or the person to whom a direction is proposed to be issued may ask in writing for a formal oral hearing **(Regulation 17(3))**. The coordinator will also inform the managing body of the airport concerned, and the Slot Performance Committee.*

*It is incumbent on the carrier to ensure that its points are conveyed in writing, or at such a hearing, and not simply by way of informal dialogue as information disclosed by the latter may not be taken into account. The Coordinator will consider any such points ~~comments~~ or carry out any further investigation it considers necessary. The Coordinator will then take its decision, and send it to the air carrier. The Coordinator will give reasons which explain why any penalty (which may include a penalty in relation to misuse prior to a scheduling solution) has been imposed and the amount of the penalty **(Regulation 17(1))**. It is incumbent on the carrier to ensure that its points are conveyed in writing, or at such a hearing, and not simply by way of informal dialogue as information disclosed by the latter may not be taken into account. The air carrier will be given a reasonable time, normally 21 days, in which to take the action required by the Coordinator, including payment of any financial penalties.*

The Independent Review Procedure, whereby an air carrier may seek a review of the Coordinator's decision, is set out at paragraph 14 of this Code.

As an alternative to, or in addition to, imposing financial penalties the Coordinator may decide to take administrative steps, for example, by issuing directions or by withdrawing slots.

Question 7

Do you agree with the proposed amendments to paragraphs 7.1 and 7.3 of the Code?

6.8 Amendments to directions and failure to provide information

ACL seeks to prevent potential misuse and as part of routine monitoring it identifies circumstances which may be misuse if operated as planned. For example, selling a flight at a different time to the cleared slot, or a GA/BA flight where the aircraft type requested does not match the registration and would be in breach of coordination parameters if operated.

ACL seeks to use directions to resolve these issues in advance of the operation taking place to mitigate the potential misuse before it happens. Failure to act on the direction may lead to financial penalties being imposed.

To act swiftly and where the identity of the carrier is not known, the direction may be imposed on the air carriers via the handling agent or FBO. By requesting information

from agents, the requirement to provide information contained in section 11 should extend to the agent.

In reviewing section 8 of the Code, we also believe that 15(1)(4) should be added to the Code to complete the reference. It is proposed that it is replicated from the UK Regulation verbatim.

ACL is proposing to add the following to 8.1, make changes to 8.2 and add an additional clause (11.6) to the Code to make this clear.

8.1 Regulations 15(1) and (2) of the UK Regulations provide that:

- (1) "A coordinator may issue a direction to any of the persons specified in paragraph (2), for the purpose of securing compliance by an air carrier with the duty set out in paragraph 14, subject to the conditions specified in paragraph (3).**
- (2) The persons referred to in paragraph (1) are:-**
 - (a) that air carrier;**
 - (b) the managing body of an airport; and**
 - (c) an air traffic services provider.**
- (3) The conditions referred to in paragraph (1) are that –**
 - (a) in the case of a direction served upon the managing body of an airport or an air traffic services provider, the coordinator has first consulted that person; and**
 - (b) the direction does not relate to an air traffic service required by –**
 - (i) an arriving aircraft; or**
 - (ii) a departing aircraft which has commenced push back from its stand.**
- (4) A person to whom a direction is issued shall comply with that direction except to the extent that, in his reasonable opinion, compliance would (or would be likely to) -**
 - (a) conflict with any other requirement having the force of law including any applicable—**
 - (i) airport by-laws; or**
 - (ii) air traffic services licence, exemption, approval or designation;**
 - (b) prejudice safety; or**
 - (c) in the case of a direction served upon the managing body of an airport or an air traffic services provider, incur or increase any cost to or liability of that person."**

- 8.2 *In order to secure ongoing compliance with ~~UK~~ Regulation 14 the Coordinator has the power to issue directions in writing under ~~UK~~ Regulation 15(1) to an air carrier, the managing body of the airport and the air traffic services provider to secure that an air carrier brings to an end a breach of Regulation 14 or refrains from any likely breach or repeated breach of Regulation 14. Where the identity of an air carrier is unclear, a direction may be served on its agent, in particular its handling agent or FBO.*
- 11.6 *The information requirements at paragraphs 11.1 and 11.2 above apply equally to the agents of air carriers, such as handling agents, although any penalties are payable by the carrier in question.*

Question 8

Do you agree with the proposed amendments to paragraphs 8.1, 8.2 and 11.6 of the Code?

6.9 Amendments around requests for an Independent Review

Article 17 of the UK Regulation provides that decisions to impose a financial sanction by the Coordinator may, in certain circumstances, be subject to review by an Independent Reviewer. Such a review should follow the completion of the process of imposition of financial penalties under section 7 of the Code.

To make this clear, ACL is proposing the following amendment to 14.1 of the Code.

14.1 *If an air carrier, managing body or air traffic services provider is dissatisfied with a decision of the Coordinator to make a finding of misuse in breach of Regulation 14 of the UK Regulation, to impose a penalty under Regulation 16(1) or under Regulation 7, or if any air carrier, managing body or air traffic services provider is dissatisfied with a decision to issue a direction under Regulation 15(1), the carrier, managing body or air traffic services provider may request a review of the Coordinator's decision by the Independent Reviewer of its decisions. To be clear, a "decision" for the purposes of a review request does not include a provisional decision. **(Regulation 17(2)(b))***

Question 9

Do you agree with the proposed amendments to paragraph 14.1 of the Code?

6.10 Amendment to paragraph 17 (Coming into Effect and Amendment) of the Code

ACL proposes the following amendment to paragraph 17 of the Code:

17 COMING INTO EFFECT AND AMENDMENT

This revised Code has effect from the date published at the top of this Code and will be published on the Coordinators website. ~~on which the UK Regulations come into force.~~

The Coordinator may further amend or revoke this Code, subject to consultation with the Secretary of State and any further consultation required by UK Regulation 18(3).

~~The latest version of this Code will be published on the Coordinator's website~~

The Coordinator will publish an annual report on the operation of the UK Regulations to the Secretary of State, the managing bodies of the airports and the members of the Coordination Committee of each airport. **(Regulation 17(10))** The effectiveness, scope and application of this Code will normally be reviewed every three years unless changes in the Regulatory framework or other factors require urgent amendments to the Code outside of the normal timetable for consultations and revisions to the Code. The review will include any proposed changes to deal, if necessary, with other forms of slot misuse or to improve the administration of the UK Regulations. ~~(Regulation 17(10))~~

Question 10

Do you agree with the above proposed amendments?

7 OTHER AREAS CONSIDERED BY ACL

ACL receives suggestions to change the Code throughout the normal course of administering it. Not all suggestions are included in the proposed changes the main reason being the powers afforded to ACL do not extend to amending the UK Regulation. Making such changes would require a change in the Regulation or for the Secretary of State to provide a written notice to ACL requiring that the Code is modified in such manner as specified in the notice (Regulation 18(4)). ACL would still welcome views on these suggestions as it will help to inform ACL's position should the opportunity arise for reform in this area. The following provides other areas that were considered and the reasons for not including them in the proposed changes to the Code.

Suggestion	Reason
Under the current UK Regulation, financial penalties in excess of the cost of administering the Enforcement Code are paid to Government. It was suggested that excess financial penalties should be retained by ACL for investment in coordination systems and services.	Would require changes to the UK Regulation.
The max penalty is set at £20,000 per occurrence. Some have suggested this is insufficient to be dissuasive.	Would require changes to the UK Regulation.
Link off-slot operations to historic entitlement in the subsequent equivalent season.	The UK Regulation permits the Coordinator to withdraw historic entitlement for misuse. The parameters of making off-slot operations not count towards the 80/20 calculation is covered in the ACL policy on Historic Determination and therefore would be

	subject to any consultation on that policy rather than the Enforcement Code.
Removal of historic entitlement for non-payment of a financial penalty	Would require changes to the UK Regulation.
The requirement to demonstrate that misuse is repeated prevents action being taken on irregular users of the airport. This can be seen as a 'free pass' for some operators.	The Coordinator is required to demonstrate repeated misuse in the Regulation and therefore would need regulatory change to address this.
The Coordinator should treat as misuse the failure of a carrier to cancel flights following a mandated request by the airport to do so.	Sanctions under Reg 14 of the UK Regulations may only be imposed where slots are not operated as allocated, and as per Reg 15 a direction can only be issued to secure compliance with Reg 14. Therefore, regulatory change would be required.
The ability for the Coordinator to take Enforcement Action on an airport operator if the capacity declaration to which it allocated slots for is not delivered thus causing carriers to operate at a different time to that allocated.	The UK Regulations address repeated and intentional misuse by air carriers. Should the declaration not be delivered, this should be referred to the Coordination Committee. Any action under the Enforcement Code would require change to the Regulations.

Question 11

Do you have any comments on the above topics?

8 OTHER IDEAS FOR IMPROVEMENTS TO THE ENFORCEMENT CODE

ACL would welcome any suggestions for improvements to the Enforcement Code, which meet the objectives of the Code and the UK Regulations. Please submit your suggestions and give reasons and evidence to support your views where you can. More weight will be attached to reasoned arguments.

9 CONSULTATION PERIOD

The deadline for responses to this consultation is 20 March 2026.

If you wish to register your views before the deadline you may:

- Write to ACL at the following address.

**Misuse of Slots Enforcement Code Consultation
Airport Coordination Limited**

**Rourke House
3 Watermans Business Park
Kingsbury Crescent
Staines-upon-Thames
TW18 3BA
United Kingdom**

- By email to consultation@acl-uk.org

Considering all the comments received as part of this consultation, ACL will publish an updated version of the Code during Northern Summer 2026.

10 FURTHER INFORMATION

You can contact ACL for more detailed information on any of the issues in this consultation document by email at consultation@acl-uk.org

11 APPENDICES

Appendix 1

Draft Code incorporating all proposed changes covered in this consultation document which can be found here.

Appendix 2

Draft Code incorporating all proposed changes covered in this consultation document (Clean version) which can be found here.