

## Annex D

# Statutory Instrument 1993 No. 1067

## The Airports Slot Allocation Regulations 1993

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### STATUTORY INSTRUMENTS

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#### 1993 No. 1067

#### CIVIL AVIATION

#### The Airports Slot Allocation Regulations 1993

<i>Made</i>	<i>14th April 1993</i>
<i>Laid before Parliament</i>	<i>21st April 1993</i>
<i>Coming into force</i>	<i>12th May 1993</i>

The Secretary of State for Transport, being a Minister designated<sup>[1]</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>[2]</sup> in relation to measures relating to the allocation of take off and landing slots for aircraft at airports, in exercise of the powers conferred by that section hereby makes the following Regulations:

#### Citation and commencement

1. These Regulations may be cited as the Airports Slot Allocation Regulations 1993 and shall come into force on 12th May 1993.

#### Interpretation etc.

2.— (1) In these Regulations—  
"airport operator", in relation to an airport, means the person for the time being having the management of that airport,

"the CAA" means the Civil Aviation Authority, and

"the Council Regulation" means Council Regulation (EEC) No. 95/93 on common rules for the allocation of slots at Community airports<sup>[3]</sup>.

(2) The competent authority for the purposes of article 6 of the Council Regulation shall be the airport operator.

(3) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation.

(4) In any case where notice may be or is required to be served by these Regulations that notice shall be served in a manner set out in regulation 4 of the Civil Aviation Authority Regulations 1991<sup>[4]</sup>.

### **Airport designation**

3. In any case where the Secretary of State, under the provisions of article 3 of the Council Regulation, determines that an airport shall be or shall cease to be designated as a coordinated airport or as a fully coordinated airport the CAA shall, on request made by the Secretary of State by notice in writing served on the CAA, publish that determination in its publication entitled "United Kingdom Air Pilot".

### **Airport coordinator**

4.—(1) The airport operator for a coordinated airport or a fully coordinated airport shall appoint a person with detailed knowledge of air carrier scheduling coordination as coordinator for that airport.

(2) No person shall be appointed a coordinator unless that appointment has been approved by the Secretary of State following consultation by him in accordance with paragraph 1 of article 4 of the Council Regulation.

(3) The Secretary of State may by notice in writing served on the airport operator and the coordinator concerned withdraw his approval of the appointment of the coordinator for an airport if he is satisfied that that coordinator has carried out his duties under the Council Regulation otherwise than in an independent manner. In that event the appointment shall cease to have effect at the end of the period specified in that notice but without prejudice to any rights or liabilities acquired or incurred by the airport operator or that coordinator.

(4) Any person who, prior to the coming into force of the Council Regulation, was appointed coordinator for a coordinated airport or a fully coordinated airport and whose appointment is still in force shall be deemed to be duly approved and appointed in accordance with paragraphs (1) and (2) above unless and until, following consultation by the Secretary of State in accordance with paragraph 1 of article 4 of the Council Regulation, the Secretary of State by notice in writing served on the airport operator and the coordinator concerned determines that the appointment shall not continue. In that event the appointment shall cease to have effect at the end of the period specified in that notice but without prejudice to any rights or liabilities acquired or incurred by the airport operator or that coordinator.

(5) No person shall act as coordinator for an airport unless he is either—  
(a) duly approved and appointed in accordance with paragraphs (1) and (2) above, or  
(b) deemed to be so duly approved and appointed by virtue of paragraph (4) above.

(6) Any person who contravenes paragraph (5) above shall be guilty of an offence.

5. It shall be the duty of the airport coordinator when performing his duties under the Council Regulation to perform them subject to and in accordance with any reservation of slots effected by the Secretary of State by virtue of article 9 of the Council Regulation and notified by the Secretary of State to him.

6.—(1) An air carrier which fails without reasonable excuse to furnish to a coordinator relevant information requested by that coordinator by virtue of article 7 of the Council Regulation in the form and at the times specified in a written notice of request shall be guilty of an offence.

(2) An air carrier which, in purported compliance with the requirements of any such notice, knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence.

### **Coordination committee**

7.—(1) In any case where—

(a) by virtue of paragraph 2 of article 5 of the Council Regulation the Secretary of State determines to apply paragraph 1 of that article to an airport designated as coordinated under the provisions of article 3 of the Council Regulation, or

(b) by virtue of paragraph 2 of article 6 of the Council Regulation the Secretary of State determines to apply paragraph 1 of that article to such an airport,

the CAA shall, on request made by the Secretary of State by notice in writing served on the CAA, publish that determination in its publication entitled "United Kingdom Air Pilot".

(2) The airport operator for a fully coordinated airport or for a coordinated airport to which paragraph 1 of article 5 of the Council Regulation has been applied shall establish the coordination committee referred to in article 5 of the Council Regulation.

8. In any case where serious problems continue to exist for new entrants of the kind contemplated in paragraph 6 of article 10 of the Council Regulation it shall be the duty of the members of the airport coordination committee concerned to convene without undue delay a meeting for the purpose described in that paragraph.

### **Exchange and transfer of slots**

9. An air carrier which exchanges or transfers a slot contrary to the requirements of paragraphs 4 or 5 of article 8 of the Council Regulation shall be guilty of an offence.

### **Suspension of the Council Regulation**

**10.**—(1) In any case where the Secretary of State determines to suspend wholly or partially the obligations of the Council Regulation in respect of an air carrier of a third country by virtue of paragraph 1 of article 12 of the Council Regulation he shall serve notice in writing on that air carrier and on the coordinator of the airport concerned specifying the extent to which the obligations of the Council Regulation are suspended in respect of that carrier.

(2) Before serving any notice pursuant to paragraph (1) above the Secretary of State shall consult the air carrier concerned.

(3) It shall be the duty of the airport coordinator when performing his duties under the Council Regulation to perform them subject to any suspension of the obligations of the Council Regulation notified to him under paragraph (1) above.

### **Offences**

**11.** A person guilty of an offence under these Regulations shall be liable—  
(a) on summary conviction, to a fine not exceeding the statutory maximum, and  
(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

**12.**—(1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where a Scottish partnership is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Signed by authority of the Secretary of State for Transport

*Caithness*

Minister of State, Department of Transport

14th April 1993

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for implementing the Community obligations of the United Kingdom provided for in Council Regulation (EEC) No. 95/93 on common rules for the allocation of slots at Community airports.

The airport operator is named the competent authority for the purposes of article 6.1 of the Council Regulation (regulation 2(2)).

Provision is made for publication of any determination that an airport be designated a coordinated or a fully coordinated airport, be a coordinated airport for which a coordination committee is set up or be a coordinated airport for which capacity shall be determined (regulations 3 and 7).

Provision is made for the appointment of an approved coordinator for a coordinated or fully coordinated airport and his dismissal if he fails to act in an independent manner (regulation 4). In exercising his duties an airport coordinator is bound to have regard to any reservation of slots for regional services effected by the Secretary of State (regulation 5).

The airport coordination committee is given the duty of meeting when serious problems for new entrants persist (regulation 8).

Offences are created where a person acts as coordinator when not approved as such, where an air carrier fails to give the coordinator requested relevant information and where an air carrier exchanges or transfers slots contrary to the requirements of the Council Regulation (regulations 4(5) and (6), 6, 9, 11 and 12).

Provision is made for the giving of notice when the obligations of the Council Regulation are suspended (regulation 10).

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*Notes:*

[1] S.I. 1993/595.

[2] 1972 c. 68.

[3] OJ No. L 14, 22.1.93, p.1.

[4] S.I. 1991/1672.