

2011 No. 1610

CIVIL AVIATION

The Airports Slot Allocation (Amendment) Regulations 2011

Made - - - - *30th June 2011*

Laid before Parliament *5th July 2011*

Coming into force - - *1st August 2011*

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to air transport(b).

The Secretary of State makes these Regulations in exercise of the powers conferred by that section.

Citation and commencement

1.—(1) These Regulations may be cited as the Airports Slot Allocation (Amendment) Regulations 2011 and come into force on 1st August 2011.

(2) They cease to have effect at the end of 31st December 2012.

Preliminary

2. The Airports Slot Allocation Regulations 2006(c) are amended as follows.

Interpretation

3. In regulation 2(1) (interpretation), after the definition of “1993 regulations”, insert—

““Olympic coordinated airport” means an airport which is designated, on or after 1st August 2011, as a coordinated airport in accordance with paragraph 6 of Article 3 of the council regulation by reason of the Olympic Games;

“Olympic Games” means that part of the London Olympics which consist of the Games more particularly described in section 1(1)(a) of the London Olympic Games and Paralympic Games Act 2006(d);”.

(a) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Schedule 1, Part 1, to the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 1993/2661.

(c) S.I. 2006/2665.

(d) 2006 c.12. The expression “the London Olympics” is defined in s.1(1) and consists of two types of Games; subsection (1)(a) describes the first type as being the Games of the Thirtieth Olympiad that are to take place in 2012, while subsection (1)(b) describes the second type as being the Paralympic Games that are to take place in that year.

The coordinator

4. In regulation 4 (the schedules facilitator and the coordinator)—
- (a) in paragraph (2), after “airport shall”, insert “, subject to paragraph (2A),”;
 - (b) after paragraph (2) insert—

“(2A) In relation to an Olympic coordinated airport, the Secretary of State shall appoint a person as the coordinator for that airport.”;
 - (c) in paragraph (4)—
 - (i) after “paragraph (2)” insert “or (2A) respectively”; and
 - (ii) after “the managing body” insert “or, as the case may be, the Secretary of State”;
 - (d) in paragraph (9), after “regulation shall”, insert “, subject to paragraph (9A),”;
 - (e) after paragraph (9) insert—

“(9A) The Secretary of State may, by written notice served on the managing body of an Olympic coordinated airport and the coordinator for that airport, withdraw the appointment of that coordinator if the Secretary of State is satisfied that a breach of paragraph (4) or (5) has occurred in relation to that person.”;
 - (f) after paragraph 10 insert—

“(10A) Where an appointment under paragraph (2A) ceases to have effect in accordance with paragraph (10) it shall also be without prejudice to any rights or liabilities acquired or incurred by—

 - (a) the managing body of London City Airport, Gatwick Airport, Heathrow Airport and Stansted Airport; and
 - (b) the coordinator to whom the appointment relates,

in connection with regulation 4A(1)(b).”;
 - (g) in paragraph (11), in sub-paragraph (a), after “duly approved” insert “as the case may require”.

Charging

5. After regulation 4 insert—

“Charging – Olympic Games

4A.—(1) A coordinator appointed under regulation 4(2A) may charge the managing body of—

- (a) an Olympic coordinated airport; and
- (b) London City Airport, Gatwick Airport, Heathrow Airport and Stansted Airport,

a fee calculated using the formula specified in paragraph (2).

(2) The formula referred to in paragraph (1) is—

$$A \div B = C$$

where—

‘A’ is the total reasonable cost incurred by the coordinator in the exercise of the coordinator’s functions connected with the Olympic Games;

‘B’ is the total number of air traffic movements during the period beginning on 21st July 2012 and ending on 15th August 2012 at all the airports referred to in paragraph (1)(a) and (b); and

‘C’ is the fee payable to the coordinator by the managing body of an airport referred to in paragraph (1)(a) or (b) in respect of each air traffic movement at that airport during that period.

(3) In this regulation—

“air traffic movement” means any take-off or landing requiring a slot.”

The Olympic Games

6.—(1) In regulation 5 (coordination committee), in paragraph (1), after “airport shall” insert “, subject to regulation 5A,”.

(2) After regulation 5 insert—

“Coordination committee - Olympic Games

5A.—(1) In relation to an Olympic coordinated airport, the Secretary of State shall establish and maintain a coordination committee in accordance with Article 5 of the council regulation.

(2) That same committee shall also act as the coordination committee for all other Olympic coordinated airports.

(3) In addition to those entitled to be members of the committee by virtue of Article 5 of the council regulation, membership is also open to representatives from the coordination committee at London City Airport, Gatwick Airport, Heathrow Airport and Stansted Airport.

(4) The tasks of the committee are restricted to matters connected with the Olympic Games.”

Coordination parameters

7. After regulation 6 insert—

“Coordination parameters – Olympic Games

6A.—(1) A determination made under regulation 6, in relation to an Olympic coordinated airport, may be modified by the Secretary of State.

(2) In making such modification, the Secretary of State shall adopt the approach set out in paragraphs 1 and 3 of Article 6 of the council regulation.”

30th June 2011

P. Hammond
Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make temporary amendments to the Airports Slot Allocation Regulations 2006 (“the 2006 Regulations”) which implemented Council Regulation (EEC) No 95/93 (“the council regulation”) on common rules for the allocation of slots at Community airports^(a). The amendments enable a broader approach to be taken to the coordination of airports because of the exceptional circumstances arising by reason of the Olympic Games. The Regulations cease to have effect at the end of 31st December 2012.

Regulation 3 defines two new expressions; an “Olympic coordinated airport” and “Olympic Games”. An “Olympic coordinated airport” is an airport which is designated, on or after 1st August 2011, as a coordinated airport in accordance with paragraph 6 of Article 3 of the council regulation by reason of the Olympic Games. The “Olympic Games” means the Games of the Thirtieth Olympiad which are to take place in 2012. This expression does not include the Paralympic Games that are also to take place in that year.

Regulation 4 inserts a new paragraph (2A) into regulation 4 of the 2006 regulations so that the Secretary of State, as opposed to the managing body, is responsible for the appointment of a coordinator for an Olympic coordinated airport. Regulation 4 also makes consequential changes to regulation 4 in order to accommodate such an appointment.

Regulation 5 inserts a new regulation 4A. This permits a coordinator appointed under new regulation 4(2A) to charge the managing body of each Olympic coordinated airport, London City Airport, Gatwick Airport, Heathrow Airport and Stansted Airport a fee based on each aircraft movement at those airports from 21st July 2012 to 15th August 2012. That fee is calculated according to a formula set out at new regulation 4A(2).

Regulation 6 inserts a new regulation 5A which requires the Secretary of State to establish and maintain a single coordination committee to act as the coordination committee for all Olympic coordinated airports. In addition to those entitled to be members by virtue of the council regulation, membership of the committee is also open to representatives from the coordination committee at London City Airport, Gatwick Airport, Heathrow Airport and Stansted Airport. The tasks of the committee are restricted to matters connected with the Olympic Games.

Regulation 7 inserts a new regulation 6A enabling the Secretary of State to modify any determination of parameters for slot allocation made by the managing body of an Olympic coordinated airport.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR and is annexed to the Explanatory Memorandum which is available alongside this instrument at www.legislation.gov.uk.

© Crown copyright 2011

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

(a) OJ L 14, 22.1.1993, p1.

£4.00