
S T A T U T O R Y I N S T R U M E N T S

1999 No. 3166

CIVIL AVIATION

The Yugoslavia (Prohibition of Flights) (No. 2) Regulations 1999

<i>Made</i> - - - - -	<i>24th November 1999</i>
<i>Laid before Parliament</i>	<i>29th November 1999</i>
<i>Coming into force</i> - -	<i>20th December 1999</i>

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to matters relating to air transport, 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 Yugoslavia (Prohibition of Flights) (No. 2) Regulations 1999 and shall come into force on 20th December 1999.

Revocation

2. The Yugoslavia (Prohibition of Flights) Regulations 1999(c) are hereby revoked.

Interpretation

3. In these Regulations “the Council Regulation” means Council Regulation (EC) No. 2151/1999 of 11th October 1999 imposing a ban on flights between the territories of the Community and the Federal Republic of Yugoslavia other than the Republic of Montenegro of the Province of Kosovo, and repealing Regulation (EC) No. 1064/1999(d).

Prohibition on flights

4. Save where article 102 (Restriction with respect to carriage for valuable consideration in aircraft registered outside the United Kingdom) of the Air Navigation (No. 2) Order 1995(e) is contravened, any person operating an aircraft which takes off from or lands in the United Kingdom contrary to article 1 of the Council Regulation shall be guilty of an offence under these Regulations.

5. Any person who, knowingly and intentionally, participates in related activities the object or effect of which is, directly or indirectly, to circumvent the provisions of articles 1 and 2 of the Council Regulation contrary to article 5 of the Council Regulation shall be guilty of an offence under these Regulations.

(a) S.I. 1993/2661.

(b) 1972 c. 68.

(c) S.I. 1999/2018.

(d) O.J. No. L 264, 12.10.1999, p.3. Council Regulation 1064/1999 appears in O.J. No. L 129, 22.5.1999, p.27.

(e) S.I. 1995/1970; the relevant amending instrument is S.I. 1996/1301.

[DOT 12184]

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

(2) 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 liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) 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.

(4) 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.

(5) Proceedings against any person for an offence under these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

24th November 1999

Chris Mullin
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the sanctions that may be imposed where the following provisions of Council Regulation (EC) No. 2151/1999 imposing a ban on flights between the European Community and the Federal Republic of Yugoslavia other than authorised flights serving the Republic of Montenegro or the Province of Kosovo. Those provisions are those set out—

- (a) in article 1, which prohibits the take off from or landing in the United Kingdom of—
 - aircraft operated, directly or indirectly, by a Yugoslav carrier
 - aircraft registered in the Federal Republic of Yugoslavia
 - civil aircraft operated for commercial or private purposes if it has taken off from or is destined to land in the Federal Republic of Yugoslavia.
- (b) in article 5, which prohibits the participation, knowingly and intentionally, in related activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of articles 1 and 2 of the Council Regulation(a).

These sanctions do not apply where article 102 of the Air Navigation (No. 2) Order 1995 is contravened.

Council Regulation (EC) 2151/1999 superseded Council Regulation (EC) No. 1064/1999, which prohibited any civil aircraft being flown to or from anywhere in the Federal Republic of Yugoslavia, and exempts from the previous ban flights by Montenegro Airlines, whose fleet carries Yugoslavian registration, and non-Federal Republic of Yugoslavia airlines operating to the Republic of Montenegro or the Province of Kosovo.

(a) Article 2 of the Council Regulation revokes operating authorisations for scheduled air services and charter flights between the European Community and the Federal Republic of Yugoslavia. It also precludes the grant of new authorisations for the benefit of either Yugoslav registered aircraft or aircraft operated by Yugoslav carriers. Articles 1 and 2 are subject to certain savings set out in articles 3 and 4 of the Council Regulation. In particular the prohibition on take off and landing does not apply to—

- (a) emergency landings and ensuing take offs,
- (b) authorised flights serving strictly humanitarian purposes, and
- (c) authorised flights by aircraft that are—
 - (i) not Yugoslav registered aircraft and are operated by Montenegro Airlines or a carrier which is not a Yugoslav carrier, or
 - (ii) Yugoslav registered aircraft listed in Annex II to the Council Regulation

and the points of departure and destination and any intermediate stops are located only in the Republic of Montenegro or the Province of Kosovo.

STATUTORY INSTRUMENTS

1999 No. 3166**CIVIL AVIATION****The Yugoslavia (Prohibition of Flights) (No. 2)
Regulations 1999**

£1.50

© Crown copyright 1999

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.
WO 5812 12/99 464880 19585

ISBN 0-11-085594-9



9 780110 855943