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## EXPLANATORY NOTE

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

These Regulations replace the Airports Slot Allocation Regulations 1993, which require extensive amendment in consequence of changes made to [Council Regulation \(EEC\) No. 95/93](#) by Council Regulation (EC) No. 793/2004.

Regulation 3 provides that an airport formerly designated as coordinated or fully coordinated is to be treated as if it had been designated as, respectively, schedules facilitated or coordinated. It also implements Article 3(3) of the council regulation by requiring a capacity analysis to be conducted at other airports in specified circumstances.

Regulation 4 implements Articles 4(1) and 4(2) of the council regulation by requiring the appointment of schedules facilitators or coordinators and sets out the conditions to be complied with in respect of appointments. It provides that any person previously appointed as a coordinator for an airport formerly designated as coordinated shall be treated as if he had been appointed as a schedules facilitator for that airport. Similarly, any person previously appointed as a coordinator for an airport formerly designated as fully coordinated shall be treated as if he had been appointed as a coordinator for that airport. This regulation maintains existing criminal offences in respect of unauthorised persons who act in either capacity.

Regulation 5 implements Article 5 of the council regulation by requiring the operators of coordinated airports to establish coordination committees.

Regulation 6 implements Article 6(1) of the council regulation by requiring the operators of coordinated airports to determine slot allocation parameters biannually.

Regulation 7 implements Article 7(1) of the council regulation by permitting a coordinator or a schedules facilitator to impose financial penalties on persons who fail to comply with their obligations under that Article to provide information. Breach of the original Article 7 was previously a criminal offence.

Regulation 8 implements Article 8(5) of the council regulation by requiring the operators of coordinated airports and coordinators to notify the Secretary of State of local guidelines and rules which require to be notified to the European Commission.

Regulation 9 maintains the existing criminal offence in respect of slot transfers which breach Article 8a of the council regulation.

Regulation 10 implements Article 9(1) of the council regulation by requiring coordinators to comply with slot reservations made for the purpose of public service obligations.

Regulation 11 implements Article 10(9) of the council regulation by requiring the operators of coordinated airports to convene a meeting of the local coordination committee in certain circumstances.

Regulation 12 implements Article 11(2) of the council regulation by protecting coordinators and schedules facilitators from civil claims, except in cases of gross negligence or wilful default

Regulation 13 implements Article 12(1) of the council regulation by requiring that coordinators and air carriers observe any measures that the Secretary of State is required to take by the European Commission.

Regulation 14 implements Article 14(5) of the council regulation by prohibiting the misuse of slots at coordinated airports. The council regulation does not require an equivalent prohibition in the case of schedules facilitated airports.

**Status:** This is the original version (as it was originally made).

Regulation 15 gives power to a coordinator to issue directions in order to secure compliance with Regulation 14.

Regulation 16 permits a coordinator to impose non-criminal sanctions in the form of financial penalties.

Regulation 17 establishes an enforcement procedure with which a coordinator or schedules facilitator must comply.

Regulation 18 obliges a coordinator or schedules facilitator to adopt an enforcement code and makes provision as to its content, amendment, revocation or modification.

Regulation 19 makes provision for the appointment of an independent reviewer to whom enforcement decisions of a coordinator or schedules facilitator may be appealed.

Regulation 20 maintains the existing penalties for existing criminal offences.

Regulation 21 permits notices to be served either by traditional means or by electronic communications.

Regulation 22 revokes the Airports Slot Allocation Regulations 1993 and subsequent amending Regulations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively, copies may be obtained from the Department for Transport's website which is at [www.dft.gov.uk](http://www.dft.gov.uk).