

2022 No. 822

CIVIL AVIATION

The Airports Slot Allocation (Alleviation of Usage Requirements) (No. 2) Regulations 2022

Made - - - - *21st July 2022*

Coming into force - - *22nd July 2022*

The Secretary of State makes these Regulations in exercise of the powers conferred by Article 10aa and paragraph 3 of Article 13 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports^(a).

In accordance with paragraph 1a of Article 13 of that Regulation, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State considers that, as a result of severe acute respiratory syndrome coronavirus 2, there has been a reduction in the level of air traffic in a period compared to the corresponding period in a relevant previous year, and that the reduction is likely to persist.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Airports Slot Allocation (Alleviation of Usage Requirements) (No. 2) Regulations 2022 and they come into force on the day after the day on which they are made.

(2) These Regulations extend to, and apply in relation to airports located in, England and Wales and Scotland.

Amendment of Council Regulation (EEC) No 95/93

2.—(1) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports is amended as follows.

(2) In Article 10a, after paragraph 3 insert—

“3a. For the purposes of Articles 8(2), 10(2) and 14(6), the coordinator shall consider up to 30% of the slots allocated to an air carrier at an airport for the period from 9 July 2022 until 29 October 2022 as having been operated by that air carrier if the air carrier:

- (a) had the right to use the same slots during the scheduling period from 28 March 2021 until 30 October 2021, or received the slots following a transfer or exchange which took effect before 31 January 2022 pursuant to Article 8a;

(a) EUR 1993/95, amended by section 12 of the Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12) and by S.I. 2019/276, 2021/100, 2021/185, 2021/1200 and 2022/368.

- (b) returned the slots to the coordinator during the period from 25 June until 8 July 2022, and at least 14 days before the date the slots were due to be operated, for possible reallocation to other air carriers;
- (c) notified passengers of the cancellation of the flights at least 14 days before the date on which the flights were due to depart; and
- (d) has not, on or after 25 June 2022, given written notification to the coordinator or the managing body of the airport that it has permanently ceased, or will before 26 March 2023 permanently cease, to operate air services at that airport, or publicly issued a written statement to that effect.”.

Signed by authority of the Secretary of State for Transport

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

21st July 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to retained EU law in the field of aviation, relating to the allocation of slots at congested airports. They amend Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports (“the Regulation”), to make provision about the allocation of airport slots to air carriers in respect of specified periods, as a result of a reduction in the level of air traffic as a result of COVID-19.

Under Article 8(2) and 10(2) of the Regulation, air carriers are generally required to return airport slots to the slot coordinator at the end of the scheduling period for which they were allocated, unless they operated the series of slots for a required percentage of the time or the non-utilisation can be justified on the basis of certain reasons listed in Article 10(4). Article 14(6) provides for the slot coordinator to withdraw slots from an air carrier if the carrier cannot achieve the required percentage usage rate.

These Regulations make one change in relation to slots allocated for the remainder of the Summer 2022 scheduling period which runs until 29th October 2022, which will affect reallocation of the same slots for the equivalent scheduling period in 2023. For the purposes of Articles 8(2), 10(2) and 14(6), the slot coordinator will treat airlines as having operated up to 30% of the slots allocated to them at an airport for the period from 9th July 2022 until 29th October 2022, provided the conditions set out in the new Article 10a paragraph 3a are met. These include requirements that the air carrier returned the slots to the coordinator during the period from 25th June until 8th July 2022, and at least 14 days before the date of the slots, for possible reallocation to other air carriers, and notified passengers of the cancellation of the flights at least 14 days in advance.

A full impact assessment has not been produced for this instrument as it makes provision which is to have effect for a period of less than 12 months. An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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