

2023 No. 1133

CIVIL AVIATION

The Airports Slot Allocation (Alleviation of Usage Requirements) (No. 2) Regulations 2023

Made - - - - - *25th October 2023*

Coming into force- *28th October 2023*

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 2023 and they come into force on 28th October 2023.

(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 10 (slot pool), in paragraph 4(g), after “28 October 2023” insert “or the scheduling period from 29 October 2023 until 30 March 2024”.

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

“3d. For the purposes of Articles 8(2), 10(2) and 14(6), the coordinator shall consider up to 5% of the slots allocated to an air carrier at an airport for the period from 29 October 2023 until 30 March 2024 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 30 October 2022 until 25 March 2023, or received the slots following a transfer or exchange which took effect before 31 August 2023 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, 2022/368, 2022/822, 2022/1107 and 2023/325.

- (b) returned the slots to the coordinator during the period from 1 September 2023 until 14 September 2023, for reallocation to other air carriers;
- (c) did not, during the period from 1 September 2023 until 21 September 2023, request any slots or any re-timing of slots; and
- (d) has not, on or after 28 October 2023, given written notification to the coordinator or the managing body of the airport that it has permanently ceased, or will before 27 October 2024 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

25th October 2023

Vere
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend 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 (“Regulation 95/93”), to make provision about the allocation of airport slots to air carriers in respect of a specified period, following a reduction in the level of air traffic as a result of COVID-19.

Under Articles 8(2) and 10(2) of Regulation 95/93, 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 at least 80% of the time or the non-utilisation can be justified on the basis of certain reasons listed in Article 10(4). For the scheduling periods which run from 29th October 2022 to 25th March 2023 and from 26th March 2023 to 28th October 2023, these reasons include certain government-imposed measures related to COVID-19 which severely reduce the viability of, or demand for passenger travel on, the route in question. Regulation 2(2) of these Regulations extends this provision to slots allocated for the scheduling period which runs from 29th October 2023 until 30th March 2024.

Regulation 2(3) of these Regulations provides that, for the purposes of Articles 8(2), 10(2) and 14(6) of Regulation 95/93, the slot coordinator will treat airlines as having operated up to 5% of the slots allocated to them at an airport for the period, provided the conditions set out in the new Article 10a paragraph 3d are met. These include requirements that the air carrier returned the slots to the coordinator during the period from 1st September 2023 until 14th September 2023 for reallocation to other air carriers, and that during the period from 1st September 2023 until 21st September 2023 they did not request any slots or any re-timing of slots.

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.

© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

£5.78

<http://www.legislation.gov.uk/id/uksi/2023/1133>

ISBN 978-0-34-825291-0



9 780348 252910