

## S.I. No. 323/1993 - Air Navigation and Transport Act, 1965 (Section 8) Regulations, 1993.

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S.I. No. 323 of 1993.

AIR NAVIGATION AND TRANSPORT ACT, 1965 (SECTION 8) REGULATIONS, 1993.

I, BRIAN COWEN, Minister for Transport, Energy and Communications, in exercise of the powers conferred on me by section 8 of the Air Navigation and Transport Act, 1965 (No. 6 of 1965) and the Tourism, Transport and Communications (Alteration of Name of Department and Title of Minister) Order, 1993 ( S.I. No. 17 of 1993 ), and, in so far as the Regulations relate to the payment of and the prescription of the amount of fees, with the consent of the Minister for Finance, and for the purpose of giving full effect to Council Regulation (EEC) No. 2407/92 of 23 July 1992,<sup>1</sup> hereby make the following Regulations:

1. These Regulations may be cited as the Air Navigation and Transport Act, 1965 (Section 8) Regulations, 1993, and shall come into operation on the 1st day of December, 1993.

2. In these Regulations—

"the Act" means the Air Navigation and Transport Act, 1965 (No. 6 of 1965), as amended by the Air Navigation and Transport (No. 2) Act, 1975 (No. 21 of 1975);

"air operator's certificate" means a certificate issued under the Air Navigation (Air Operator's Certificates) Order, 1993 ( S.I. No. 325 of 1993 ), and in force;

"the Council Regulation" means Council Regulation (EEC) No. 2407/92 of 23 July 1992;

"the Minister" means the Minister for Transport, Energy and Communications;

"operating licence" means an authorisation under section 8 of the Act (other than one to which the Air Navigation and Transport Act, 1965 (Section 8) (No. 2) Regulations, 1993 ( S.I. No. 324 of 1993 ) apply granted to an undertaking permitting it to carry out carriage by air of any one or more of the following, that is to say, passengers, mail or cargo, as stated in the operating licence, for either remuneration or hire or both; and

"projected turnover" means the estimate, by the applicant for an operating licence, of the sum that is likely to accrue to the applicant over the period of 12 months from the date of the application for the operating licence for the provision of the air service to which the application for the operating licence relates.

<sup>1</sup>O.J. No. L240, 24.8.92, pp. 1-7.

3. A word or expression that is used in these Regulations and is also used in the Council Regulation shall, unless the contrary intention appears, have in these Regulations the same meaning as it has in the Council Regulation.

4. An application for an operating licence shall be addressed to the Secretary, Department of Transport, Energy and Communications, Kildare Street, Dublin 2.

5. An operating licence shall be in writing and shall specify the type of air service authorised by it.

6. (1) The Minister shall not grant an operating licence to an undertaking unless he is satisfied that the undertaking complies with the Council Regulation and is in possession of an air operator's certificate.

(2) Where an undertaking applies to the Minister for an operating licence, the Minister may request the undertaking to provide him with such information as he may reasonably require for the purposes of his functions under section 8 of the Act and these Regulations and, if the undertaking refuses or fails to provide such information, the Minister may refuse to grant the licence.

(3) The Minister may at any time request an undertaking which is the holder of an operating licence to provide him with information that shall satisfy him that the undertaking is in compliance with the Council Regulation, these Regulations and any provision or condition of the operating licence and, if the undertaking refuses or fails to provide such information, the Minister may revoke the licence.

(4) The Minister may at any time request an undertaking which is the holder of an operating licence to provide him with information that shall satisfy him that the undertaking is in possession of an air operator's certificate and, if the undertaking refuses or fails to provide such information, the Minister may forthwith revoke the licence.

7. (1) An officer of the Minister authorised in writing by the Minister for that purpose may (subject to the production by him, if so required by any person affected, of his authorisation) at all reasonable times enter on and inspect aircraft and premises used or proposed to be used in connection with the operation of an air service to which an operating licence relates or on application therefor, and may there—

( a ) remain on an aircraft about to commence a flight and enter and inspect the flight deck thereof before or during the flight,

( b ) inspect any documents or records the inspection of which he may reasonably consider to be necessary for the purposes of these Regulations and make copies of or take extracts from the documents or records, and

( c ) require any undertaking to give him information which he may reasonably consider necessary for the purposes of these Regulations.