

S.I. No. 326/1993 - Air Services Authorisation Order, 1993.

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AIR SERVICES AUTHORISATION ORDER, 1993.

I, BRIAN COWEN, Minister for Transport, Energy and Communications, in exercise of the powers conferred on me by section 7 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), hereby order as follows:

1. This Order may be cited as the Air Services Authorisation Order, 1993, and shall come into operation on the 1st day of December, 1993.

2. In this Order—

"the Council Regulation" means Council Regulation (EEC) No. 2408/92 of 23 July 1992¹;

"inclusive tour" means a round trip which is performed in whole or in part by air for a comprehensive price and which includes arrangements other than transport to and from the point of origin of the trip;

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

"undertaking" means any natural person, any legal person, whether profit-making or not, or any official body whether having its own legal personality or not.

3. Subject to Article 4 of this Order, there are hereby authorised—

(a) air services consisting of non-stop flights over the territory of the State by aircraft of a Contracting State to the Convention on International Civil Aviation done at Chicago on the 7th day of December, 1944, in transit and not engaged on a international scheduled service, and landings for non-traffic purposes by such aircraft at airports in the State,

¹ O.J. No. L240, 24.8.92, pp. 8-14.

(b) air services consisting of non-stop flights over the territory of the State by aircraft of a Contracting State to the International Air Services Transit Agreement done at Chicago on the 7th day of December, 1944, engaged on an international scheduled service, and landings for non-traffic purposes by such aircraft at airports in the State,

(c) air services consisting of flights to which the Multilateral Agreement on Commercial Rights of Non-scheduled Air Services in Europe, done at Paris on the 13th day of April, 1956, applies,

(d) air services operated by an undertaking in accordance with the provisions of the Council Regulation,

(e) air services operated by an undertaking designated and agreed upon under the provisions of any bilateral agreement made either before or after the coming into operation of this Order between the State and any other State,

(f) air services operated to, from or over the territory of the State in pursuance of an authorisation to proceed issued by the organisation (or the commission or agency comprised therein) established by the International Convention relating to Cooperation for the Safety of Air Navigation, signed at Brussels on the 13th day of December, 1960,

(g) air services operated for humanitarian or emergency purposes;

(h) air services operated for any purpose other than trade or business (including the trade or business of the person operating the service), and

(i) air services consisting of non-scheduled flights to, from or within the territory of the State by aircraft not exceeding 13,620 kgs maximum authorised weight and not operated for the carriage of passengers, cargo or mail for reward.

4. (1) This Order shall not apply to any aircraft taking off from, landing in or flying over the territory of the State if the aircraft is destined to land in or has taken off from the territory of Libya, except when the aircraft is engaged in a particular flight which has been approved on grounds of significant humanitarian need by the Committee established by paragraph 9 of Resolution 748 (1992) of the United Nations Security Council.