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**CIVIL AVIATION AUTHORITY OF SINGAPORE ACT 2009
(ACT 17 OF 2009)**

**CIVIL AVIATION AUTHORITY OF SINGAPORE
(PRICE CONTROL OF AERONAUTICAL CHARGES)
(AMENDMENT) RULES 2012**

In exercise of the powers conferred by section 52(2) of the Civil Aviation Authority of Singapore Act 2009, the Minister for Transport hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Civil Aviation Authority of Singapore (Price Control of Aeronautical Charges) (Amendment) Rules 2012 and shall come into operation on 31st July 2012.

Amendment of rule 2

2. Rule 2(1) of the Civil Aviation Authority of Singapore (Price Control of Aeronautical Charges) Rules 2009 (G.N. No. S 298/2009) (referred to in these Rules as the principal Rules) is amended —

(a) by inserting, immediately after the definition of “first regulatory period”, the following definition:

“ “former exempt airport licensee” means an airport licensee that was formerly exempt from these Rules with regard to any airport;”;

(b) by inserting, immediately after the definition of “landside area”, the following definition:

“ “material capital expenditure” means any capital expenditure project relating to an airport incurred or to be incurred during a regulatory period where the contract value of the project exceeds

the materiality threshold specified by the Authority for that regulatory period;”;

- (c) by deleting the definition of “regulatory period” and substituting the following definition:

“ “regulatory period” means —

(a) the period starting from 1st July 2009 and ending on 31st March 2012 (which is the first regulatory period), and thereafter, every subsequent period of 5 years each, unless otherwise provided in paragraph (b); or

(b) in the case of a former exempt airport licensee, such period as the Authority thinks fit with respect to the airport licensee’s airport starting from the date the exemption is revoked, and thereafter, every subsequent period of such duration (which may be of equal or different duration) as the Authority specifies with respect to that airport;”; and

- (d) by inserting, immediately after the definition of “security services and facilities”, the following definitions:

“ “significant capital expenditure” means any capital expenditure for any significant project;

“significant project” means any project relating to an airport which, if not completed or its completion is delayed —

(a) is likely to adversely affect the status of Singapore as an international aviation hub;

(b) is likely to adversely affect the safety of the airport; or

(c) is likely to adversely affect the security of the airport;

“tariff” means any aeronautical charges, including any terms or conditions imposed in relation to such charges, set by the airport licensee and approved by the Authority in accordance with these Rules;”.

Amendment of rule 6

3. Rule 6 of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(3) In the case of an airport licensee that is a former exempt airport licensee, the Authority must conduct in accordance with this Part and Part IV (as modified by rules 28A and 28B where applicable) an inquiry or review for the purpose of making a determination in respect of such an airport licensee for each regulatory period of that airport licensee.”.

Amendment of rule 7

4. Rule 7(1) of the principal Rules is amended —

- (a) by deleting the words “in the form of either or both of the following” and substituting the words “in any or all of the following terms”; and
- (b) by deleting the full-stop at the end of sub-paragraph (b) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:
 - “(c) the maximum rate of increase or the minimum rate of decrease in maximum price;
 - (d) the average price or the average rate of increase or decrease in average price;
 - (e) a tariff for the provision of aeronautical services and facilities, including the rate of increase or decrease in a tariff, a maximum tariff or maximum rate of increase or minimum rate of decrease in the maximum tariff or an average tariff or an average rate of increase or decrease in the average tariff;

- (f) the pricing policies or principles for fixing prices or tariffs;
- (g) by reference to a general price index or to quantity, location or period of provision of the aeronautical services and facilities, the class of persons to whom aeronautical services and facilities is provided;
- (h) such other terms as the Authority considers appropriate.”.

Amendment of rule 8

5. Rule 8(1) of the principal Rules is amended by deleting sub-paragraph (b) and substituting the following sub-paragraph:

“(b) in any other case —

- (i) must not be less than 5 years after the determination takes effect, unless otherwise provided in sub-paragraph (ii); or
- (ii) where an airport licensee is a former exempt airport licensee, must be the end of such period as the Authority specifies for each regulatory period applicable to that airport licensee.”.

Amendment of rule 21

6. Rule 21(4) of the principal Rules is amended —

- (a) by inserting, immediately after the word “weeks”, the words “(or such longer period as the Chief Executive may allow in any particular case)”; and
- (b) by deleting the word “generally” in sub-paragraph (a) and substituting the words “in appropriate detail”.

Amendment of rule 22

7. Rule 22(2) of the principal Rules is amended —

- (a) by deleting sub-paragraph (iv) of sub-paragraph (a) and substituting the following sub-paragraph:

“(iv) a progress report of items of material capital expenditure and significant capital expenditure for the preceding regulatory period;”;

(b) by deleting the word “and” at the end of sub-paragraph (a)(ix); and

(c) by inserting, immediately after sub-paragraph (x) of sub-paragraph (a), the following sub-paragraph:

“(xi) unaudited quarterly regulatory accounts for the years in the preceding regulatory period where audited accounts are not yet available; and”.

New rules 28A and 28B

8. The principal Rules are amended by inserting, immediately after rule 28, the following rules:

“Modification of this Part to former exempt airport licensee

28A.—(1) A former exempt airport licensee of an airport must, before setting any aeronautical charges in respect of any period for the use of the airport or for such other airport services and facilities provided by the former exempt airport licensee at the airport, submit to the Authority its proposal on the determination to be made under this Part in relation to the aeronautical charges for the use of the airport or for such other airport services and facilities to be provided by the former exempt airport licensee at that airport in that period.

(2) The provisions of this Part shall apply to and in relation to any former exempt airport licensee but with such exceptions, modifications and adaptations as are specified in this rule and rule 28B.

(3) Rules 19, 20, 21(1), 22, 23, 27 and 28 shall not apply to or in relation to any proposal from any former exempt airport licensee on the determination to be made in relation to the airport