

S.I. No. 324/1993 - Air Navigation and Transport Act, 1965 (Section 8) (No. 2) Regulations, 1993.

S.I. No. 324 of 1993.

AIR NAVIGATION AND TRANSPORT ACT, 1965 (SECTION 8) (NO. 2) 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), hereby make the following Regulations:

1. These Regulations may be cited as the Air Navigation and Transport Act, 1965 (Section 8) (No. 2) 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 granted to an undertaking by the aeronautical authorities of the State in which the undertaking is established confirming the undertaking's ability to operate particular aircraft or categories of aircraft, and in force;

"Class A authorisation" means an authorisation under section 8 of the Act to operate an inclusive tour or tours between places named in the authorisation (other than on scheduled air services) to an undertaking which is not established in the State;

"Class B authorisation" means an authorisation under section 8 of the Act to operate an air services which is neither for remuneration nor for hire to an undertaking established in the State;

"Class C authorisation" means an authorisation under section 8 of the Act to make non-stop flights in transit over the territory of the State or to make landings at airports in the State for non-traffic purposes by aircraft in transit to an undertaking not established in the State;

"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;

"the Order" means the Air Services Authorisation Order, 1993, (S.I. No. 326 of 1993);

"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. These Regulations apply to class A authorisations, Class B authorisations and Class C authorisations.

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

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

6. (1) The Minister shall not grant an authorisation to an undertaking unless he is satisfied that the undertaking is in possession of an air operator's certificate.

(2) Where an undertaking applies to the Minister for an authorisation, 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 authorisation.

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

(4) The Minister may at any time request an undertaking which is the holder of an authorisation 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 authorisation.

7. (1) An undertaking which applies for or is the holder of an authorisation may, if the Minister so directs, be required to satisfy the Minister that it is—

(a) competent, as respects experience, financial resources, equipment, organisation, staffing, maintenance and operating procedures to secure the safe operation of aircraft of the type to which the authorisation relates or will, if granted, relate, and,

(b) adequately insured to cover liability in case of accidents, in particular, in respect of passengers, luggage, cargo, mail and third parties,

and if the undertaking fails to satisfy the Minister, the Minister may refuse to grant the authorisation sought or may revoke the authorisation granted, as may be appropriate.