

THE AIRPORTS (ECONOMIC REGULATION) ACT

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THE AIRPORTS (ECONOMIC REGULATION) ACT

Act
6 of 2002.

[31st December, 2002.]

1. This Act may be cited as the Airports (Economic Regulation) Act. Short title.

PART I. *Preliminary*

2.—(1) In this Act—

Interpre-
tation.

“aircraft operator” means the person who, at the relevant time, has the management of the aircraft;

“airport charges”, in relation to an airport, means charges levied—

(a) on an aircraft operator in connection with the landing, parking or taking off of aircraft at the airport (including charges that are to any extent determined by reference to the number of passengers on board the aircraft but excluding charges payable in respect of air navigation services);

(b) on aircraft passengers in connection with their arrival at or departure by air from an airport but excluding—

(i) departure tax;

(ii) the airport improvement fee; and

(iii) any other fee or charge payable in respect of an airport pursuant to any enactment for the time being in force and which forms part of the general revenues of Jamaica;

“airport improvement fee” means the fee imposed pursuant to section 6;

AIRPORTS (ECONOMIC REGULATION)

“Airports Authority” means the Airports Authority of Jamaica established under the Airports Authority Act;

“appointed day” means the 31st day of December, 2002;

“approved airport operator” means the Airports Authority or any other person approved by the Minister to operate an airport or any part thereof under section 4;

“Authority” means the Civil Aviation Authority established under the Civil Aviation Act;

“international air transport” means air transport between a place in Jamaica and a place outside Jamaica;

“operational activities” means activities—

(a) that are carried out wholly or mainly for the benefit of users of an airport; and

(b) the revenues from which are wholly or mainly attributable to payments by those users;

“relevant activities”, in relation to an airport, means the provision of services or facilities at that airport for the purposes of—

(a) the landing, parking or taking off of aircraft at the airport;

(b) the servicing of aircraft at the airport (including the supply of fuel); or

(c) subject to subsection (2), the handling of passengers or their baggage or of cargo at all stages while on the airport premises (including the transfer of passengers and their baggage or of cargo to or from an aircraft).

(2) The facilities referred to in paragraph (c) of the definition of “relevant activities” in subsection (1) do not include—

- (a) the parking of motor vehicles;
- (b) the refreshment of passengers; or
- (c) the supply of consumer goods or services.

(3) The Minister may, by order, make such modifications to the definition of “operational activities” as he thinks necessary or expedient having regard to Jamaica’s international obligations.

3.—(1) The Authority shall perform its functions under this Act in such manner as it considers best calculated to—

Perform-
ance of
functions of
Authority
under this
Act.

- (a) further the reasonable interests of users of airports within Jamaica and to provide economical and reliable services to those users by establishing a system for the regulation of airports that takes account of those interests;
- (b) promote the efficient, economic and profitable operation of airports;
- (c) ensure compliance with such international obligations of Jamaica as may be notified to the Authority by the Minister;
- (d) create an enabling environment for potential investors in airports;
- (e) encourage investment in new facilities at airports in time to satisfy demands by users of the airports;
- (f) impose such restrictions on the airport operator as are consistent with the performance by the Authority of its functions;
- (g) further such vital public interests as may be notified to the Authority by the Minister from time to time; and