L.N. 300 of 2001

CIVIL AVIATION ACT
(CAP. 232)

Allocation of Slots at Airport Regulations, 2001

IN exercise of the powers conferred by article 3 of the Civil Aviation Act, the Minister responsible for Transport and Communications has made the following regulations:-

Title and commencement.

1. (1) The title of these regulations is the Allocation of Slots at Airport Regulations, 2001.

(2) These regulations shall come into force on such date or dates as the Minister responsible for Transport and Communications may, by notice in the Gazette, appoint.

Interpretation

2. In these regulations, unless the context otherwise requires:

"air carrier" means any person including bodies corporate or unincorporated who, regardless of their nationality, place of habitual residence, principal place of business, place of incorporation or management and administration, operate aircraft, regardless of the place of registration of such aircraft, on a commercial basis for the purpose of carrying persons, cargo and mail;

"aircraft scheduling" means the allocation of slots;

"airport" means the Malta International Airport; it shall also have the meaning assigned to the term "aerodrome" by article 2 of the Air Navigation Order, and the meaning assigned to the term "airport" by article 2 of the Airports and Civil Aviation (Security) Act.

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"Airport operator", in relation to an airport, means the person for the time being having the management of that airport;

"Director" means the Director of Civil Aviation and, to the extent of the authority given, any person so authorised by him;

"IATA" means the International Air Transport Association;

"major home based carrier" means the Maltese registered carrier that carries the greatest number of passengers per year to and from Malta;

"slot" means the scheduled time of arrival or departure available or allocated to an aircraft movement on a specific date at an airport

designated in terms of these regulations.

3. (1) A scheduling co-ordinator shall be appointed in accordance with the following procedure: the Airport operator, after having consulted the air carriers using the airport regularly, shall submit to the Director for his written approval or otherwise, a list of not more than three persons who are knowledgeable in and have experience of aircraft scheduling; in the event that the Director approves more than one person, the Airport operator shall appoint the nominee of his choice. Scheduling co-ordinator.

(2) The scheduling co-ordinator shall hold office for a period of four years, which may be renewed for a further term.

(3) The Airport operator and the Director shall jointly have the power to dismiss the scheduling co-ordinator if he knowingly fails to observe his duties under subregulation (5)(a) to (d).

(4) The scheduling co-ordinator shall be solely responsible for the scheduling of slots. He may consult the Airport Scheduling Committee on the scheduling of the slots, and, subject to the provisions of regulation 6, his decision shall be final.

(5) In the exercise of his duties, the scheduling co-ordinator shall:

(a) act in an independent, neutral, non-discriminatory and transparent manner;

(b) ensure that air carriers' requirements are met;

(c) ensure that aircraft, passengers, cargo and mail are handled in the most efficient and expeditious manner;

(d) monitor the use of slots; and

(e) participate, as appropriate, in scheduling conferences of air carriers or their representative international organisations.

(6) The scheduling co-ordinator shall have the power to request any information from any air carrier that may be required in order for him to carry out his scheduling responsibilities.

(7) Air carriers operating or intending to operate at the airport shall provide the scheduling co-ordinator with such information as may be requested in terms of subregulation (6).

(8) The scheduling co-ordinator shall, on request and within a reasonable time, make available for review to the Airport operator, the Director and air carriers the following information:

(a) historical slots, in a chronological manner, of all air carriers at the airport;

(b) requested slots (initial submissions) by air carriers and chronologically, for all air carriers;

(c) all allocated slots and outstanding slot requests, listed individually in chronological order, by air carriers, for all air carriers;

(d) remaining available slots; and

(e) full details on the criteria being used in the allocation of slots.

(9) The information in subregulation (8) shall be made available, unless otherwise notified, at the latest at the time of the relevant scheduling conferences and as appropriate during conferences and thereafter.

Airport Scheduling Committee

4. (1) An Airport Scheduling Committee, hereinafter referred to as "the Committee", shall be established and shall be composed of:

(a) the representative of the Airport operator, who shall act as Chairman;

(b) a representative of non-Maltese registered air carriers or of their representative organizations;

(c) the Director or his representative;

(d) a person nominated by the air traffic services provider;

(e) a representative of the major home based carrier; and

(f) a representative of the ground handling agents, provided that that representative does not represent a person already represented in any manner by virtue of paragraphs (a) to (e), both inclusive.

(2) The tasks of the Committee shall be to:

(a) review on a regular basis possibilities to increase air traffic capacity;

(b) review and recommend improvements to air traffic conditions prevailing at the airport;

(c) adopt and review on a regular basis a set of guidelines on the allocation of slots to be followed by the scheduling co-ordinator giving due consideration to local conditions;

(d) keep a record of the use of allocated slots; and

(e) hear and determine complaints on the allocation of slots as provided for in these regulations.

(3) The Committee shall meet at least twice yearly. Meetings shall be called by the Chairman. The Chairman and one other member shall constitute a quorum.

(4) The Committee shall convene without delay whenever it is required to be consulted by the scheduling co-ordinator.

(5) The Committee shall have the right to require the scheduling co-ordinator to submit all relevant information at his disposal pertaining to a particular case in respect of which a complaint has been filed under regulation 6.

(6) The scheduling co-ordinator and the complainant shall have the right to be present at hearings of the Committee in respect of complaints filed in terms of regulation 6.

Records.

5. The scheduling co-ordinator and the Committee shall keep written records of all relevant correspondence, meetings and decisions.

Complaints.

6. An air carrier may submit a complaint, to be made in writing, to the Committee which shall investigate that complaint and may make recommendations to the scheduling co-ordinator to review or alter his decision.

Offences.

7. (1) Any person who fails to provide the scheduling co-ordinator or the Committee with the relevant information requested within the time specified in a written notice shall be guilty of an offence.

(2) Any person who knowingly provides false information to the scheduling co-ordinator or to the Committee shall be guilty of an offence.

Penalties.

8. (1) A person who commits an offence under regulation 7(1) shall be liable, on conviction, to a fine (*multa*) not exceeding five hundred liri, and, in the case of a second or subsequent conviction, to a fine (*multa*) not exceeding one thousand liri.

(2) A person who commits an offence under regulation 7(2) shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand liri or to imprisonment for a term not exceeding six months or both such fine and imprisonment.