

## **EXPLANATORY MEMORANDUM TO**

### **The Airports (Sale of Aircraft) Regulations (Northern Ireland) 2010**

#### **SR 2010 No. 25**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 23(5) of the Airports (Northern Ireland) Order 1994 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Regulations set out the steps an airport operator must take to bring an application to the High Court, to sell an aircraft for unpaid airport charges, to the notice of interested persons to afford them an opportunity to become a party to the proceedings.

#### **3. Background**

- 3.1. In 2008, the Department made an Order designating the airport operators here with the power to detain and sell aircraft for unpaid airport charges. The Order was made under Article 23(1) of the Airports (Northern Ireland) Order 1994 and is entitled 'The Airports (Designation) (Power to Detain and Sell Aircraft) Order (Northern Ireland) 2008. The Order designated the Belfast International Airport; Belfast City Airport; City of Derry Airport; Enniskillen (St. Angelo) Airport and Ards Airport.
- 3.2. Where a default is made in the payment of airport charges, the airport operator may detain, pending payment, the aircraft in respect of which the charges were incurred. If the charges are not paid within 56 days of the date when the detention begins the airport operator may sell the aircraft in order to satisfy the charges. An aircraft cannot be sold without the leave of the High Court. Before applying to the High Court for leave to sell an aircraft, the airport operator must take such steps as the Department may by Regulations prescribe.

#### **4. Consultation**

- 4.1. The Department issued a public consultation which closed on 18 December 2009. No substantive comments were received. In addition consultees' attention was drawn to the issues of human rights, equality and regulatory impact and their views sought if any such matters arose. No comments were received in relation to these areas as set out below.

#### **5. Equality Impact**

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposal as part of the public consultation exercise on these proposals. The Department does not consider there is a need for an equality impact assessment.

## **6. Regulatory Impact**

- 6.1. The Department does not consider that there is a need for a regulatory impact assessment.

## **7. Financial Implications**

- 7.1. None.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has carried out a Human Rights Act screening analysis and no human rights issues have been identified.

## **9. EU Implications**

- 9.1. None.

## **10. Parity or Replicatory Measure**

- 10.1. A number of airport operators in Britain have been designated for these purposes and the airport operators here consider that whilst it is not their intention to use these powers and would only seek to do so as a measure of last resort, they believe that such powers would enable them to maintain strict credit control procedures.

## **11. Additional Information**

- 11.1. Not applicable.