

## SCHEDULES

### SCHEDULE 8

#### STATUS OF AIRPORT OPERATORS AS STATUTORY UNDERTAKERS ETC

#### PART 2

#### NORTHERN IRELAND

#### *Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))*

- 6 The Airports (Northern Ireland) Order 1994 is amended as follows.
- 7 In Article 2(2) (interpretation), for the definition of “regulated airport” substitute—  
““regulated airport” has the meaning given in Article 2A;”.
- 8 In Part 2 (powers in relation to land exercisable in connection with airports), before Article 3 insert—

#### *“Regulated airports*

- 2A (1) In this Order “regulated airport” means an airport in respect of which a certificate has been granted under this Article (and has not been withdrawn).
- (2) The CAA must grant a certificate under this Article in respect of an airport if, but only if—
- (a) the airport operator applies for a certificate (and has not withdrawn the application),
  - (b) the airport operator pays the charge (if any) specified in a scheme or regulations made under section 11 of the 1982 Act, and
  - (c) the CAA considers that, at the time, the airport is an eligible airport.
- (3) An airport is an eligible airport if the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in at least two of the last three financial years ending before the application for the certificate is made.
- (4) The Department may withdraw a certificate granted under this Article in respect of an airport if it considers that, at the time, the annual turnover of the business carried on at the airport by the airport operator in each of the last two financial years did not exceed the sum for the time being specified in paragraph (3).

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*Status: This is the original version (as it was originally enacted).*

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- (5) Before withdrawing a certificate in respect of an airport, the Department must consult—
- (a) the CAA, and
  - (b) the airport operator.
- (6) The withdrawal of a certificate does not affect any rights or liabilities accruing by virtue of this Part or Article 25 or 26 before it is withdrawn.
- (7) In this Article—
- “annual turnover”, in relation to the business carried on at an airport by the airport operator, means the aggregate of all sums received in the course of the business during a financial year, as stated or otherwise shown in the accounts of the business, including grants from any public body but excluding—
- (a) capital receipts, and
  - (b) loans made by any person;
- “financial year” means a period of 12 months ending with 31 March;
- “public body” means a body established by or under a statutory provision.
- (8) Where the person who is for the time being the airport operator in relation to an airport has not had its management for the whole or any part of a period relevant for the purposes of this Article, references in this Article to the business carried on at the airport by the airport operator include a reference to the business carried on there by any other person who was the airport operator in relation to the airport for the whole or any part of that period.
- (9) The Department may, by order made with the consent of the Department of Finance and Personnel, substitute a greater sum for the sum specified in paragraph (3).
- (10) An order under paragraph (9) does not affect the validity of a certificate granted under this Article before the order comes into force.”
- 9 (1) Article 70 (regulations and orders) is amended as follows.
- (2) In paragraph (2), after “Schedule 7” insert “and orders described in paragraph (2A)”.
- (3) After paragraph (2) insert—
- “(2A) An order under Article 2A(9) increasing the specified sum by more than is necessary to reflect changes in the value of money may not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”
- 10 The amendments in paragraphs 7 to 9 are without prejudice to the power to make further orders amending or revoking the provisions inserted.

*Power to make provision in relation to operators of airport areas*

- 11 (1) The Secretary of State may by regulations make provision about the operation of Article 2A of the Airports (Northern Ireland) Order 1994 in cases in which two or more persons are operators of different areas that form part of the same airport.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Regulations under this paragraph may modify—
- (a) Article 2A of the Airports (Northern Ireland) Order 1994, and
  - (b) any provision of Northern Ireland legislation (including the Airports (Northern Ireland) Order 1994), or of an instrument made under Northern Ireland legislation, which refers to or otherwise operates by reference to a regulated airport or an airport operator of such an airport.
- (3) In this paragraph—
- “airport” and “airport operator” have the same meaning as in the Airports (Northern Ireland) Order 1994;
  - “modify” includes amend, repeal or revoke;
  - “operator”, in relation to an area that forms part of an airport, means the person who is the operator of the area for the purposes of this Part of this Act;
  - “regulated airport” has the same meaning as in the Airports (Northern Ireland) Order 1994.