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STATUTORY INSTRUMENTS

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**1998 No. 2284**

**CIVIL AVIATION**

**The Yugoslavia (Prohibition of Flights) Regulations 1998**

*Made* - - - - *17th September 1998*  
*Laid before Parliament* *17th September 1998*  
*Coming into force* - - *18th September 1998*

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to matters relating to air transport, in exercise of the powers conferred by that section hereby makes the following Regulations:—

1. These Regulations may be cited as the Yugoslavia (Prohibition of Flights) Regulations 1998 and shall come into force on 18th September 1998.

2. In these Regulations “the Council Regulation” means Council Regulation (EC) No 1901/98 of 7 September 1998 concerning a ban on flights of Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community(3).

3. Save where article 102 (Restriction with respect to carriage for valuable consideration in aircraft registered outside the United Kingdom) of the Air Navigation (No. 2) Order 1995(4) is contravened, any person operating an aircraft on a flight between the Federal Republic of Yugoslavia and the United Kingdom contrary to article 1.1 of the Council Regulation shall be guilty of an offence under these Regulations.

4. Any person who, knowingly and intentionally, participates in activities the object or effect of which is, directly or indirectly, to circumvent the provisions of articles 1 and 2 of the Council Regulation contrary to article 4 of the Council Regulation shall be guilty of an offence under these Regulations.

5.—(1) Any person guilty of an offence under these Regulations shall be liable—  
(a) on summary conviction, to a fine not exceeding the statutory maximum;  
(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

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(1) S.I.1993/2661

(2) 1972 c. 68.

(3) O.J. No. L 248, 8.9.98, p. 1.

(4) S.I. 1995/1970; the relevant amending instrument is S.I. 1996/1301.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(2) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where a Scottish partnership is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Proceedings against any person for an offence under these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*John Reid*  
Minister of Transport,  
Department of the Environment, Transport and  
the Regions

17th September 1998

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations specify the sanctions that may be imposed where the following provisions of Council Regulation (EC) No 1901/98 concerning a ban on flights between the Federal Republic of Yugoslavia and the European Community are infringed. Those provisions are those set out—

- (a) in article 1.1, which prohibits the operation of aircraft, directly or indirectly, by a Yugoslav carrier between the Federal Republic of Yugoslavia and the United Kingdom, and
- (b) in article 4, which prohibits the participation, knowingly and intentionally, in related activities, the object or effect of which is, directly or indirectly, to circumvent the provisions of articles 1 and 2 of the Council Regulation<sup>(5)</sup>.

These sanctions do not apply where article 102 of the Air Navigation (No. 2) Order 1995 is contravened.

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(5) Article 1.2 of the Council Regulation revokes operating authorisations granted to Yugoslav carriers and article 2 precludes the grant of new authorisations or the renewal of existing ones. Articles 1 and 2 are subject to certain savings set out in article 3 of the Council Regulation.