Draft Regulations laid before Parliament under paragraph 5(1) and (5) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

RETAINED EU LAW REFORM

CIVIL AVIATION

The Airports Slot Allocation (Alleviation of Usage Requirements etc.) Regulations 2025

Made - - - - ***

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 14(1), (2) and (3) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**a**).

The Secretary of State is a relevant national authority for the purposes of section 14(1), (2) and (3) of the 2023 Act(**b**).

The Secretary of State considers that the overall effect of the changes made by these Regulations in relation to airports slot allocation does not increase the regulatory burden(**c**).

In accordance with paragraph 5(1) and (5) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Airports Slot Allocation (Alleviation of Usage Requirements etc.) Regulations 2025.

(2) These Regulations come into force on the day after the day on which they are made.

(3) This regulation and regulation 2(1), (2) and (3)(b)(ii) extend to England and Wales, Scotland and Northern Ireland.

(4) Regulation 2(3)(a) and (b)(i) and regulation 3 extend to England and Wales and Scotland.

(**a**) 2023 c. 28.
(**b**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.
(**c**) See section 14(5) of the Retained EU Law (Revocation and Reform) Act 2023.

Amendment of Council Regulation (EEC) No 95/93

2.—(1) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports(**a**) is amended as follows.

(2) In Article 2 (definitions), in point (b) (definition of "new entrant"), in points (i), (ii) and (iii), for "five", in each place where that word appears, substitute "seven".

(3) In Article 10 (slot pool)—

(a) omit paragraph 2a(**b**);

(b) in paragraph 4—

(i) omit points (e), (f) and (g); and

(ii) at the end insert—

"(h) in relation to slots with a date falling within a time when there are government-imposed measures relating to a pandemic, epidemic or other outbreak of disease which meet all of conditions (i) to (iv) below—

(i) the measures apply at either end of the route for which the slots in question were used or planned to be used;

(ii) the measures take the form of any of the following affecting the route, or a significant number of passengers or crew on the route—

(aa) flight bans or border closures;

(bb) quarantine or self-isolation requirements;

(cc) requirements to test negative for the disease in question before undertaking air travel or before entry into the territory of the government concerned;

(dd) official government advice against all but essential travel;

(ee) the total closure of, or severe restrictions on the availability of, airports, or essential ground handling services or other businesses essential to support aviation;

(ff) severe restrictions on the number of passengers permitted on flights or in airports;

(gg) severe or total closure of accommodation, surface travel or other essential tourist services; or

(hh) significant restrictions on onward travel which is booked along with the flight as part of a package;

(iii) the measures severely reduce the viability of, or demand for passenger travel on, the route for part or all of the period to which the slots relate; and

(iv) one or more of the following applies—

(aa) the measures are in effect at the date the slots are due to be operated;

(bb) the measures were in effect for a maximum of three weeks before that date; or

(cc) the measures were in effect for more than three weeks before that date, the government imposing the measures made an official announcement relating to their duration which made it reasonable to expect that they would remain in effect until that date, and the air carrier made the slots available to the coordinator for reallocation.".

(**a**) EUR 1993/95, amended by section 12 of the Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12) and by S.I. 2019/276, 2021/100, 185 and 1200, 2022/368, 822 and 1107, and 2023/325 and 1133.

(**b**) Paragraph 2a was inserted by S.I. 2021/1200.

Transitional and saving provision

3. The omission of point (g) of paragraph 4 of Article 10 by regulation 2(3)(b)(i) of these Regulations has no effect in relation to the allocation of slots for the scheduling period running from the date these Regulations come into force until 29th March 2025 inclusive.

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend assimilated law in the field of aviation, relating to the allocation of slots at congested airports in England and Wales and Scotland and Northern Ireland. They amend Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports ("Regulation 95/93").

Paragraph 6 of Article 10 of Regulation 95/93 provides that 50% of slots placed in the slot pool must first be allocated to new entrants unless requests by new entrants are less than 50%. Regulation 2(2) amends the definition of "new entrant" in Article 2(b) of Regulation 95/93 so that a "new entrant" is an air carrier who holds fewer than seven slots at an airport on a particular day, rather than one holding fewer than five such slots.

Regulation 2(3)(a) and (b)(i), which does not extend to Northern Ireland, omits paragraphs 2a and 4(e), (f) and (g) of Article 10 of Regulation 95/93 as they are no longer required. Those provisions of Article 10 did not extend to Northern Ireland.

Under paragraph 2 of Article 8 and paragraph 2 of Article 10 of Regulation 95/93, air carriers are generally required to return airport slots to the slot coordinator at the end of the scheduling period for which they were allocated, unless they operated the series of slots for at least 80% of the time, or unless the non-utilisation can be justified on the basis of certain reasons listed in paragraph 4 of Article 10.

Regulation 2(3)(b)(ii) inserts a new paragraph 4(h) of Article 10 of Regulation 95/93 to make provision about the allocation of airport slots to air carriers following a reduction in the level of air traffic as a result of government restrictions imposed as a consequence of a pandemic, epidemic or other outbreak of disease.

Regulation 3 makes transitional and saving provision with regard to the omission of paragraph 4(g) of Article 10 of Regulation 95/93 in order to ensure that the substitution has no effect in relation to the allocation of slots for the scheduling period which is running from when these Regulations come into force until 29th March 2025 inclusive. As paragraph 4(g) of Article 10 of Regulation 95/93 did not extend to Northern Ireland, the transitional and saving provision in regulation 3 similarly does not extend to Northern Ireland.

A full impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector is available from the Department for Transport 33 Horseferry Road, London SW1P 4DR, and is published with the Explanatory Memorandum alongside the instrument on legislation.gov.uk.

© Crown copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£5.78

http://www.legislation.gov.uk/id/ukdsi/2025/9780348266696

ISBN 978-0-34-826669-6

9 780348 266696