



STATUTORY INSTRUMENTS.

S.I. No. 551 of 2012



EUROPEAN COMMUNITIES (CIVIL AVIATION SECURITY)
(AMENDMENT) REGULATIONS 2012

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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and by section 15 of the Irish Aviation Authority Act 1993 (No. 29 of 1993), for the purpose of giving full effect to Regulation (EC) No. 300/2008 of the European Parliament and of the Council of 11 March 2008, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Civil Aviation Security) (Amendment) Regulations 2012.

(2) These Regulations shall come into operation on 1 January 2013.

2. The European Communities (Civil Aviation Security) Regulations 2003 (S.I. No. 226 of 2003), as amended by the European Communities (Civil Aviation Security) (Amendment) Regulations 2008 (S.I. No. 116 of 2008), are amended—

(a) in Regulation 2(1)—

(i) by inserting after the definition of “Council Regulation” the following:

“ ‘Authority’ means the Irish Aviation Authority formed under section 11 of the Irish Aviation Authority Act 1993 (No. 11 of 1993);”, and

(ii) by substituting for the definition of “national civil aviation security programme” the following:

“ ‘national civil aviation security programme’ means the measures adopted by the Minister to ensure that the common standards referred to in Article 4 of the Council Regulation and the Annex to that Regulation are given effect to in the State, and includes a national civil aviation security training programme;

‘premises’ includes an aircraft.”,

(b) in Regulation 3, by substituting “Authority” for “Minister”,

(c) in Regulation 6(5), by substituting “Authority” for “Minister”,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st January, 2013.

(d) by inserting after Regulation 6 the following:

“6A. The rights and liabilities of the Minister under the contract made on or about 16 May 2008 between the Department of Transport and Crime Management Limited, having its registered office at Regus House, Harcourt Road, Dublin 2 and which company has agreed to this assignment, is assigned by the Minister to the Authority.”,

(e) by substituting the following for Regulation 7(1):

“(1) The Minister or the Authority may appoint such and so many persons as thought fit to be authorised persons for the purposes of these Regulations and the Council Regulation.”,

(f) in Regulation 8(1), by deleting “appointed under these Regulations by the Minister”,

(g) in Regulation 9—

(i) by substituting “Authority or the Minister” for “Minister” in each place where it occurs in that Regulation (other than in paragraph (5A)),

(ii) by inserting after paragraph (5) the following:

“(5A) Before giving a direction under paragraph (3) the Authority shall consult with the Minister regarding its intention to issue the direction and shall consider any advice given to it by the Minister relating to such matter.”, and

(iii) by inserting after paragraph (7) the following:

“(7A) Before rescinding a direction under paragraph (7) the Minister or Authority shall consult with the other regarding its intention to rescind the direction.”,

(h) in Regulation 10, by deleting “and is liable on conviction to a fine not exceeding €5,000”,

(i) by inserting after Regulation 10 the following:

“10A. A person who fails or refuses to supply information to an authorised person under these Regulations is guilty of an offence.”,

(j) in Regulation 14, by substituting “the Minister, the Authority or an authorised person” for “the Minister or an authorised person”,

(k) by substituting for Regulation 17 the following:

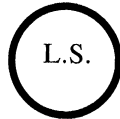
“17. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.”,

and

(l) by substituting for Regulation 18 the following:

“18. An offence under these Regulations may be prosecuted summarily by the Minister or the Authority.”.



GIVEN under my Official Seal,
21 December 2012.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to transfer certain aviation security functions from the Department of Transport, Tourism and Sport to the Irish Aviation Authority (IAA). The IAA will, from 1 January 2013, be designated as Ireland's 'appropriate authority' under Regulation (EC) No. 300/2008 of the European Parliament and of the Council of 11 March 2008 and associated implementing Regulations, establishing common rules in the field of civil aviation security.

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