Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 32 *of* 2004

STATE AIRPORTS ACT 2004

REVISED

Updated to 25 August 2021

This Revised Act is an administrative consolidation of the *State Airports Act 2004*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Climate Action and Low Carbon Development (Amendment) Act 2021* (32/2021), enacted 23 July 2021, and all statutory instruments up to and including the *Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 2) (Amendment) (No. 12) Regulations 2021* (S.I. No. 438 of 2021), made 25 August 2021, were considered in the preparation of this Revised Act.

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Number 32 *of* 2004

STATE AIRPORTS ACT 2004

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Number 32 *of* 2004

STATE AIRPORTS ACT 2004

REVISED

Updated to 25 August 2021

AN ACT TO PROVIDE FOR THE VESTING, MANAGEMENT, OPERATION AND DEVELOPMENT OF THE STATE AIRPORTS KNOWN AS DUBLIN AIRPORT, CORK AIRPORT AND SHANNON AIRPORT AND FOR THAT PURPOSE TO RE-NAME AER RIANTA, CUIDEACHTA PHOIBLÍ THEORANTA, AS DUBLIN AIRPORT AUTHORITY, PUBLIC LIMITED COMPANY, TO HAVE VESTED IN IT, MANAGE, OPERATE AND DEVELOP DUBLIN AIRPORT AND IN CONNECTION WITH THIS RESTRUCTURING TO PROVIDE INTER ALIA FOR THE TRANSFER OF CERTAIN ASSETS OF AER RIANTA C.P.T. INTO TWO NEW PUBLIC LIMITED COMPANIES FORMED AND REGISTERED UNDER THE COMPANIES ACTS 1963 TO 2003 ONE OF WHICH TO BE NAMED CORK AIRPORT AUTHORITY, PUBLIC LIMITED COMPANY, TO HAVE VESTED IN IT, MANAGE, OPERATE AND DEVELOP CORK AIRPORT AND THE OTHER TO BE NAMED SHANNON AIRPORT AUTHORITY, PUBLIC LIMITED COMPANY, TO HAVE VESTED IN IT, MANAGE, OPERATE AND DEVELOP SHANNON AIRPORT, TO AMEND THE AIR NAVIGATION AND TRANSPORT ACTS 1936 TO 1998, THE CUSTOMS-FREE AIRPORT ACT 1947, THE AVIATION REGULATION ACT 2001 AND TO PROVIDE FOR RELATED MATTERS. [21*st July* 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title, collective citation and construction.

1. —(1) This Act may be cited as the State Airports Act 2004.

(2) The Air Navigation and Transport Acts 1936 to 1998, the Air Navigation and Transport (International Conventions) Act 2004 and this Act (other than *Part 3* and *section 25*) may be cited together as the Airports and Aviation Acts 1936 to 2004, and are to be construed together as one.

(3) The Customs-free Airport Acts 1947 and 1958 and *section 25* may be cited together as the Customs-free Airport Acts 1947 to 2004.

(4) The Aviation Regulation Act 2001 and *Part 3* may be cited together as the Aviation Regulation Acts 2001 to 2004.

Interpretation.

2. —(1) In this Act—

"Act of 1998" means Air Navigation and Transport (Amendment) Act 1998;

"Act of 2001" means Aviation Regulation Act 2001;

"Minister" means Minister for Transport.

(2) In this Act—

(*a*) a reference to a section, Part or Schedule is a reference to a section or Part of, or Schedule to, this Act, unless it is indicated that a reference to some other enactment is intended,

(*b*) a reference to a subsection or paragraph is a reference to a subsection or paragraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended, and

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Expenses.

3. —The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART 2

Dublin, Cork and Shannon Airport Authorities

(Restructuring of Aer Rianta)

Definitions (*Part 2*).

4. —In this Part, unless the context otherwise requires—

"Act of 1977" means Worker Participation (State Enterprises) Act 1977;

"Aer Rianta" means Aer Rianta, cuideachta phoiblí theoranta;

"Companies Acts" means Companies Act 1963 and every enactment which is to be construed with it as one Act;

"company" other than in *section 15*, means F1**[**daa**]**, Cork Airport Authority and Shannon Airport Authority or, as the case may be, any of them;

"Cork Airport" means the State airport known as Cork Airport;

"Cork Airport Authority" means Cork Airport Authority, public limited company;

"Cork appointed day" means the day appointed under *section 5* to be the appointed day in respect of Cork Airport Authority;

F1**[**'daa' means daa, public limited company;**]**

"Dublin Airport" means the State airport known as Dublin Airport;

"Dublin appointed day" is to be construed in accordance with *section 5(4)*;

"functions" includes powers and duties, and a reference to the performance of functions includes, with respect to powers and duties, a reference to the exercise of the powers and the carrying out of duties;

"recognised trade union or staff association" means a trade union or staff association recognised by Aer Rianta or a company for the purposes of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees;

"relevant appointed day" means Dublin, Cork or Shannon appointed day or any or all of those days, as the case may be;

"restructuring" means the doing of all things as are necessary for the purposes of giving effect to this Part, and, in particular to *sections 7* and *8*, in providing for full legal autonomy and independence of each of Dublin Airport Authority, Cork Airport Authority and Shannon Airport Authority;

"Shannon Airport" means the State airport known as Shannon Airport;

F1**[**'Shannon Airport Authority' has the meaning assigned to it in section 2 of the State Airports (Shannon Group) Act 2014;**]**

"Shannon appointed day" means the day appointed under *section 5* to be the appointed day in respect of Shannon Airport Authority;

F1**[**'State Airport' means an airport in the State, managed and controlled by a company;**]**

"subsidiary" other than in *section 13* , has the same meaning as in section 155 of the Companies Act 1963;

"worker director" means a director appointed under this Act in accordance with the Act of 1977.

Appointed days.

5. —(1) Subject to this section, the Minister may, after the Dublin appointed day, for the purposes of this Part, with the consent of the Minister for Finance, by order or orders appoint a day to be the appointed day in respect of each of the following:

(*a*) Cork Airport Authority ("Cork appointed day"); and

(*b*) Shannon Airport Authority ("Shannon appointed day").

(2) The Cork and Shannon appointed days shall not be earlier than 30 April 2005.

(3) Before the making of an order under *subsection (1)*, the Minister and the Minister for Finance shall be satisfied as to the state of operational and financial readiness, including business planning, of Dublin, Shannon and Cork airports.

(4) The Dublin appointed day is the day appointed by order under *section 9(6)*.

Dublin, Cork and Shannon Airport Authorities.

6. —(1) Aer Rianta, cuideachta phoiblí theoranta, shall on the Dublin appointed day be re-named as, in the English language, Dublin Airport Authority, public limited company, or in the Irish language, Údarás Aerfort Bhaile Átha Cliath, cuideachta phoiblí theoranta. The company shall amend its memorandum and articles of association to reflect this change of name.

(2) The Minister shall, after consultation with the Minister for Finance at any time after the passing of this Act, but—

(*a*) F2**[**...**]**

(*b*) before the Shannon appointed day, cause a public company limited by shares with effect from such appointed day to have vested in it, manage, operate and develop Shannon Airport,

to be formed and registered under the Companies Acts and to conform to the conditions laid down in this Act.

(3) The name of the company to have vested in it, manage, operate and develop—

(*a*) F3**[**...**]**

(*b*) Shannon Airport, on the Shannon appointed day, shall be in the English language, Shannon Airport Authority, public limited company, or in the Irish language Údarás Aerfort na Sionna, cuideachta phoiblí theoranta.

(4) The Act of 1998 is amended as set out in the *Schedule* with effect from the Dublin appointed day.

F4**[**(5) A reference in any other enactment or instrument made under an enactment to Aer Rianta is to be read as a reference to—

(*a*) daa,

(*b*) Shannon Airport Authority, and

(*c*) from the Cork appointed day, Cork Airport Authority,

or any of them, as the case may be.**]**

Restructuring of Aer Rianta.

7. —(1) Subject to Part IV of the Companies (Amendment) Act 1983, the transfer of assets, liabilities, contracts, rights, obligations and other things necessary to give effect to the restructuring shall as soon as possible, with effect from the Cork or Shannon appointed day, as the case may be, be effected by Dublin Airport Authority and (where relevant) any of its subsidiaries or by the Minister under *subsection (2)*, or by a combination of both.

(2) The Minister may, with the consent of the Minister for Finance, by order or orders, provide for the doing of all such matters as he or she believes necessary to give effect to the restructuring.

(3) An order under *subsection (2)* may contain such provisions as the Minister considers necessary, including provisions dealing with assets, liabilities, contracts, rights, obligations and other things and provisions specifying the manner, the order in which and the effect of any transfer or transaction relating to such assets, liabilities, contracts, rights, obligations and other things.

(4) Dublin Airport Authority or any of its subsidiaries may, with the consent of the Minister, or shall at his or her direction enter into such arrangements with Cork Airport Authority and Shannon Airport Authority (including the terms and conditions upon which such arrangements may be entered into) for the purposes of effecting the restructuring and enabling Cork Airport Authority and Shannon Airport Authority to discharge their functions under this Act.

(5) The Minister may also give a direction prohibiting Aer Rianta or any of the companies from dealing with specified assets in a manner contrary to the direction.

(6) In addition to section 38 of the Act of 1998, the Minister may give a direction to Aer Rianta or a company in relation to any matter relating to or in anticipation of the restructuring.

(7) Aer Rianta and each company shall provide to the Minister all such information and other assistance as the Minister may require for the purpose of or in connection with the restructuring.

(8) Costs arising from the restructuring may be paid by the Minister, to such extent as may be sanctioned by the Minister for Finance.

(9) Section 12 of the Act of 1998 does not apply to the transfer of any asset under this section.

(10) For the purposes of the restructuring a company or any of its subsidiaries may issue any class of shares in the share capital of the company or any of its subsidiaries (as the case may be) to any other company or subsidiary of that company with the consent of the Minister for Finance given after consultation with the Minister.

(11) The Minister may, with the consent of the Minister for Finance, by order confer on Aer Rianta, such additional functions connected with the restructuring as he or she thinks fit (including those required under *section 9(6)*) subject to such conditions (if any) as may be specified in the order. An order under this subsection may contain such incidental or supplementary provisions as may, in the opinion of the Minister, be necessary to give full effect to the order.

(12) In this section "assets" includes any property (real or personal) land, subsidiaries and any direct or indirect shareholdings of Aer Rianta, or Dublin Airport Authority, as the case may be, or any of its subsidiaries.

Power of company to manage and develop its airport, etc.

8. —(1) F5**[**...**]**

(2) F5**[**...**]**

(3) F5**[**...**]**

(4) F5**[**...**]**

F6**[**(5) daa shall have vested in it, manage, operate and develop Dublin Airport and, until the Cork appointed day, Cork Airport.**]**

(6) Cork Airport Authority shall, from the Cork appointed day, have vested in it, manage, operate and develop Cork Airport.

(7) Shannon Airport Authority shall, from the Shannon appointed day, have vested in it, manage, operate and develop Shannon Airport.

(8) There shall be prepared and submitted to the Minister and the Minister for Finance, for their approval a comprehensive business plan—

(*a*) before the Cork appointed day, by Cork Airport Authority, for the management, operation and development of Cork Airport from the Cork appointed day, and

(*b*) before the Shannon appointed day, by Shannon Airport Authority, for the management, operation and development of Shannon Airport from the Shannon appointed day.

(9) Dublin Airport Authority, in connection with the preparation and submission of the business plans for Cork Airport and Shannon Airport under *subsection (8)*, shall, from such date as decided by the Minister, prepare and submit to the Minister and the Minister for Finance for their approval a comprehensive business plan for the management, operation and development of Dublin Airport.

(10) Each company shall manage, operate and develop any other airport that may be established or owned by it under *subsection (13)*.

(11) A company shall manage, operate and develop any other airport that may become or remain vested in it under *section 7* and (where relevant) under any arrangement in place under *subsection (1)*.

(12) Each company shall ensure the provision of such services and facilities as are, in the opinion of that company, necessary for the operation, maintenance and development of its airports, including roads, bridges, tunnels, approaches, water supply works and water mains, gasworks and gas pipelines, sewers and sewage disposal works, electric lines, telecommunications facilities, lights and signs, apparatus, equipment, buildings and accommodation of whatever kind.

(13) Each company may, with the consent of the Minister given after consultation with the Minister for Finance and subject to such conditions as the Minister may determine, establish a new airport (whether within or outside the State) or become the owner in whole or in part or manager or operator of an existing airport. This subsection does not apply to an arrangement under this section.

(14) Where the Irish Aviation Authority ceases to provide terminal services at a State airport the company to which that airport belongs or which has responsibility for such airport shall, with the consent of that Authority, ensure the provision of those services at the airport.

(15) The Irish Aviation Authority shall not unreasonably withhold its consent under *subsection (14)*.

(16) Section 16 of the Act of 1998 is repealed on the Dublin appointed day.

(17) Unless otherwise paid by the Minister under *section 7(8)*, the costs incurred in the establishment and running of each of Cork and Shannon Airport Authorities prior to their respective appointed days in connection with the restructuring shall to such extent as may be sanctioned by the Minister for Transport, with the consent of the Minister for Finance, be paid by Aer Rianta or the Dublin Airport Authority, as the case may be.

(18) Any function of Dublin Airport Authority which is necessary for the discharge of functions by Cork Airport Authority and Shannon Airport Authority under an arrangement entered into under *subsection (1)* shall, to the extent necessary for the performance of such arrangement, also be regarded as a function of Cork Airport Authority and Shannon Airport Authority.

Memorandum and articles of association of company.

9. —F7**[**(1) The memorandum and articles of association of daa and, from its appointed day, Cork Airport Authority, shall be in such form consistent with the Airports and Aviation Acts 1936 to 2014 as may be approved of by the Minister with the consent of the Minister for Public Expenditure and Reform.

(2) The articles of association of daa and from its appointed day, Cork Airport Authority, shall be consistent with section 22(3) of the Act of 1998.**]**

(3) The principal objects of each company shall, from its appointed day, be those set out in section 23 of the Act of 1998.

(4) (*a*) It shall be the general duty of each company from its appointed day—

(i) to conduct its affairs so as to ensure that the revenues of the company are not less than sufficient taking one year with another to—

(I) meet all charges which are properly chargeable to its revenue account,

(II) generate a reasonable proportion of the capital it requires, and

(III) remunerate its capital and pay interest on and repay its borrowings,

(ii) to take such steps either alone or in conjunction with other persons as are necessary for the efficient operation, safety, management and development of its airports,

(iii) to conduct its business at all times in a cost-effective manner, and

(iv) to regulate operations within its airports.

(*b*) Nothing in this subsection shall be construed as imposing on a company, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

(*c*) In carrying out its functions, a company shall have regard to—

(i) the development of air transport,

(ii) any policy, financial or other guidelines given by the Minister to a company, in relation to the functions conferred on a company, and

(iii) the safety standards in relation to the operation of aircraft and air navigation applied and enforced by the Irish Aviation Authority.

(5) Notwithstanding the Act of 1998, the memorandum and articles of association of Aer Rianta may be amended in such manner as may for the purpose of the restructuring be determined by the Minister with the consent of the Minister for Finance.

(6) The principal objects of Aer Rianta shall, with effect from such day as the Minister shall by order appoint, in addition to those set out in section 23 of the Act of 1998, include an additional object to do all things as are necessary to give effect to the restructuring and its memorandum of association shall be amended accordingly. The day so appointed is the Dublin appointed day.

(7) In the formation of Cork Airport Authority and Shannon Airport Authority the Minister shall, with the consent of the Minister for Finance, draw up memoranda and articles of association for them and their principal objects shall be stated in their memoranda of association and each authority shall have all such functions as are necessary to give effect to such objects.

(8) In the formation of Cork Airport Authority and Shannon Airport Authority, the Minister shall, with the consent of the Minister for Finance, appoint such persons as directors to the boards of Cork Airport Authority and Shannon Airport Authority in accordance with the articles of association of the relevant company and section 22 (as amended by *paragraph 9* of the *Schedule*) of the Act of 1998 applies to such appointments.

(9) The Minister may, with the consent of the Minister for Finance and following consultation with such trade union representatives as he or she believes appropriate, appoint on a temporary basis persons as worker directors to the boards of Cork Airport Authority F8**[**...**]** until the Minister is in a position to appoint persons as directors under the Act of 1977.

(10) Prior to their respective appointed days a chairperson shall be appointed to each of the boards of Cork Airport Authority and Shannon Airport Authority by the Minister, with the consent of the Minister for Finance, and section 27 (as amended by *paragraph 12* of the *Schedule*) of the Act of 1998 applies to such appointments.

(11) Prior to their respective appointed days, a Chief Executive may be appointed to Cork Airport Authority and to Shannon Airport Authority by such directors appointed under *subsection (8)* and *(9)* (if any) and section 29 (inserted by *paragraph 14* of the *Schedule*) of the Act of 1998 applies to such appointments.

Share capital of Cork and Shannon Airport Authorities.

F9**[10.** (1) The authorised share capital of Cork Airport Authority shall be such amount as may be determined from time to time by the Minister for Public Expenditure and Reform, after consultation with the Minister, divided into shares of €1 each.

(2) Cork Airport Authority may, with the consent of the Minister of Public Expenditure and Reform given after consultation with the Minister, divide shares into different classes and attach to those classes any rights, privileges or conditions.

(3) Cork Airport Authority shall issue 38,100 shares to the Minister for Public Expenditure and Reform and may, from time to time, thereafter issue to the Minister for Public Expenditure and Reform such number of shares as may be agreed upon by the Minister and the Minister for Public Expenditure and Reform.

(4) Cork Airport Authority shall issue one share to each of the subscribers to its memorandum of association who shall hold such shares in trust for and shall act in relation to such shares as may be directed by the Minister for Public Expenditure and Reform.

(5) Notwithstanding section 6(4), sections 9, 10 and 11 (as amended by the Schedule) of the Act of 1998 apply to Cork Airport Authority.**]**

Liability for loss occurring before appointed days.

11. —(1) Unless otherwise specified by the Minister, a claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the relevant appointed day of the functions assigned to a company by or under this Act shall after that day, lie against that company and not against Aer Rianta, or Dublin Airport Authority, as the case may be.

(2) Unless otherwise specified by the Minister, any legal proceedings pending immediately before the relevant appointed day to which Aer Rianta or Dublin Airport Authority, as the case may be, is a party, that relate to a function of a company, shall be continued, with the substitution in the proceedings of the company, in so far as they so relate, for any such party.

(3) Where, before the relevant appointed day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates the terms of which have not been implemented, or judgment has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as it is enforceable against Aer Rianta or Dublin Airport Authority, as the case may be, be enforceable against the company concerned and not against Aer Rianta or Dublin Airport Authority, as the case may be.

(4) Any claim made or to be made by Aer Rianta or Dublin Airport Authority, as the case may be, in respect of any loss or injury arising from the act or default of any person before the relevant appointed day shall, where the claim relates to functions assigned to a company by or under this Act, be regarded as made by or to be made by the company concerned and may be pursued and sued for by the company as if the loss or injury had been suffered by that company.

Staff.

12. —(1) Each company shall appoint such members of staff, as the company thinks fit.

(2) A member of staff of a company shall hold his or her office or employment on such terms and conditions as the company determines.

(3) There shall be paid by a company to its members of staff such remuneration and allowances for expenses as the company thinks fit, subject to, in the case of its Chief Executive, section 29 of the Act of 1998.

F10**[**(4) Every person who is a member of the staff of daa working wholly or mainly in connection with Cork Airport immediately before the Cork appointed day shall, on that day, be transferred to and become a member of the staff of Cork Airport Authority.

(5) Every person who is a member of the staff of daa who is not working in connection with Dublin Airport, or immediately before the Cork appointed day, Cork Airport but whose work involves shared services in a State airport shall remain or be transferred to and become a member of the staff of the company which continues to provide the shared services or which is designated by the Minister to provide such services.**]**

(6) Where any dispute arises in relation to whether a person or group of persons is working wholly or mainly in connection with Cork Airport or Shannon Airport or where it cannot be determined whether a person or group of persons work wholly or mainly in connection with one or other of the State airports or in shared services, Dublin Airport Authority shall, following consultation with any recognised trade union or staff association concerned, determine which company shall employ the person or group of persons concerned. The Minister may give directions as to the criteria to be applied in resolving the dispute.

(7) In relation to persons transferred to Cork Airport Authority or Shannon Airport Authority under *subsection (4), (5)* or *(6)*, previous service with Aer Rianta or Dublin Airport Authority, as the case may be, shall be reckonable for the purposes of, but subject to any exceptions or exclusions in—

(*a*) the Redundancy Payments Acts 1967 to 2003,

(*b*) the Protection of Employees (Part-Time Work) Act 2001,

(*c*) the Protection of Employees (Fixed-Term Work) Act 2003,

(*d*) the Organisation of Working Time Act 1997,

(*e*) the Minimum Notice and Terms of Employment Acts 1973 to 2001,

(*f*) the Unfair Dismissals Acts 1977 to 2001,

(*g*) the Parental Leave Act 1998,

(*h*) the Carer's Leave Act 2001, and

(*i*) the Act of 1977.

(8) Any superannuation benefits awarded to or in respect of a person to whom *subsection (4), (5)* or *(6)* applies and the terms and conditions relating to those benefits shall not be less favourable than the entitlement existing immediately before the relevant appointed day.

(9) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person transferred to a company in accordance with *subsection (4), (5)* or *(6)*, shall not, while in the service of the company, be brought to less beneficial conditions of service or of remuneration than the conditions of service or of remuneration to which he or she was subject immediately before the relevant appointed day.

(10) Until such time as the scales of pay and conditions of service of persons transferred to a company in accordance with *subsection (4), (5)* or *(6)*, are varied by the company, following consultation with any recognised trade union or staff association concerned, the scales of pay to which those persons were entitled and the conditions of service, restrictions, requirements and obligations to which they were subject immediately before their transfer shall continue to apply to them and may be applied or imposed by the company while they are in its service. As provided in *subsection (9)*, no such variation shall operate to worsen the scales of pay and conditions of service applicable to such persons immediately before the relevant appointed day, save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned.

(11) Without prejudice to *subsections (9)* and *(10)*, the form of any new collective agreements and the bargaining structures through which they are arrived at and developed, following the Cork appointed day and the Shannon appointed day, shall be the subject of discussions with the recognised trade union or staff association concerned for the period of not more than 6 months from the passing of this Act.

(12) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person who was a member of the staff of Aer Rianta immediately before the Dublin appointed day, and continues as a member of the staff of Dublin Airport Authority after the Dublin appointed day, shall not, while in the service of Dublin Airport Authority, be brought to less beneficial conditions of service or of remuneration than the conditions of service or of remuneration to which he or she was subject immediately before the Dublin appointed day. In the case of the person carrying out the duties of the Chief Executive of Aer Rianta the terms and conditions of service and of remuneration of the Chief Executive must be determined in accordance with section 29(4) of the Act of 1998.

(13) In this section "superannuation benefits" means pensions, gratuities and other allowances payable on resignation, retirement or death.

Chairperson and directors of Aer Rianta ceasing to hold office on Dublin appointed day.

13. —(1) The chairperson and directors of Aer Rianta shall cease to hold office on the Dublin appointed day when the chairperson and directors of Dublin Airport Authority appointed by the Minister under *subsection (4)* take office.

(2) Dublin Airport Authority shall, as soon as may be after the Dublin appointed day, appoint under section 28 (as amended by *paragraph 13* of the *Schedule*) of the Act of 1998 new chairpersons and directors to the boards of its subsidiaries. The chairperson and directors of the boards of those subsidiaries holding office, immediately before a new appointment under this subsection, shall cease to hold office from the relevant date that the appointments on the boards are taken up under this subsection.

(3) The directors of Aer Rianta ceasing to hold office in accordance with *subsection (1)* are deemed to create casual vacancies for the purposes of section 22 of the Act of 1977.

(4) The Minister may, at any time after the passing of this Act, appoint such persons as he or she thinks appropriate to take office as directors (including the chairperson) of the board of Dublin Airport Authority with effect from the Dublin appointed day in accordance with section 22(3) (as amended by *paragraph 9* of the *Schedule*) of the Act of 1998. The Minister may make the appointments at the same or at different times.

(5) In appointing any worker directors to fill a casual vacancy which will be created by virtue of *subsection (1)*, the Minister shall have regard to the poll at the last election of Aer Rianta held in accordance with section 9 of the Act of 1977 and consult with any recognised trade union or staff association concerned before appointing worker directors to the board of Dublin Airport Authority.

(6) A worker director appointed by the Minister, under this section, to fill a casual vacancy shall, unless he or she sooner dies, resigns or becomes disqualified, hold office until the next election.

(7) Notwithstanding that 1 May 1989 was appointed by the Order of 1989 to be the appointed day for the purposes of section 6 of the Act of 1977 in relation to Aer Rianta, the Minister may by order appoint, in lieu of that day, another day to be the appointed day for the purposes of section 6 of the Act of 1977. The Order of 1989 is revoked on the commencement of an order under this subsection.

(8) Following selection for appointment at an open public competition held by or on behalf of Dublin Airport Authority, the Chief Executive of Dublin Airport Authority shall be appointed by the directors appointed under *subsection (4)*. Section 29 (as amended by *paragraph 14* of the *Schedule*) of the Act of 1998 applies to such appointment.

(9) In this section —

"Order of 1989" means the Worker Participation (State Enterprises) Acts 1977 and 1988 (Appointed Day) (Aer Rianta) Order 1989 (S.I. No. 96 of 1989);

"subsidiary" means a company all of the issued shares in the share capital of which are held by or on behalf of Aer Rianta or Dublin Airport Authority, as the case may be.

Formation of subsidiaries.

14. —(1) A company may, either by itself or with other persons, with the consent of the Minister and the Minister for Finance, and subject to any conditions of either of those Ministers, promote, take part in the formation of or acquire a shareholding in any company (wherever incorporated) including a subsidiary.

(2) A company may exercise total or partial control of the board of directors, by whatever name called, of a subsidiary of it, that controls and manages the subsidiary.

(3) The memorandum and articles of association of a subsidiary of a company shall be in such form consistent with this Act and the Act of 1998 as may be approved of by the company.

(4) Notwithstanding *subsection (3)* or section 23 of the Act of 1998 (as amended by *paragraph 10* of the *Schedule*) a subsidiary of a company may, for not more than the period of 12 months from it becoming a subsidiary of the company or such further period as the Minister may approve, carry on any activity which would otherwise be inconsistent with those provisions. The subsidiary shall, after that period, divest itself of and cease such activity.

(5) A subsidiary of a company shall make such reports to the company as it may require.

(6) A subsidiary of a company may enter into joint ventures with other persons.

F11**[**(7) In this section 'company' means daa or Cork Airport Authority, as the case may be.**]**

Airport bye-laws.

15. —(1) A company may make bye-laws in relation to a State airport it manages or controls.

(2) The Minister may make bye-laws in relation to an airport which is not a State airport.

(3) Bye-laws under this section may be made for any one or more of the following purposes in relation to an airport, that is to say—

(*a*) the admission and exclusion from the airport of persons or vehicles,

(*b*) the formation of queues of persons and vehicles within, or seeking admission to, the airport,

(*c*) the prohibition of trespassing on the airport by persons or animals,

(*d*) the securing of the safety of the airport and of aircraft and persons using it against damage and, in particular, damage by fire,

(*e*) the restriction and control of any activity or the provision of services in the airport,

(*f*) matters relating to airside operations (including procedures relating to the fuelling of aircraft, the handling of baggage and the servicing of and access to aircraft and related matters),

(*g*) the preservation of order and good conduct in the airport,

(*h*) the prevention of nuisances in the airport,

(*i*) the safe custody and re-delivery or disposal of any property found in the airport or in any aircraft or vehicle therein, the fixing of the charges to be made in respect of such safe custody or re-delivery, and the application, if any such property is disposed of by being sold, of the moneys arising from the sale,

(*j*) generally for the proper management, operation, supervision, safety and security of the airport,

(*k*) the definition of the duties of persons in command of any aircraft for the time being on the ground in an airport,

(*l*) the specification of the routes to be followed by aircraft and other vehicles,

(*m*) the prohibition or restriction and control of the use of specified roads by persons or vehicles generally or during particular hours or at particular times or in particular circumstances,

(*n*) the prohibition of the driving of vehicles on a specified road otherwise than in a specified direction,

F12**[**(*o*) the making of provision for—

(i) the fixing of an immobilisation device to any vehicle which has been parked contrary to bye-laws made under this section or parked without payment of the charge fixed for its parking,

(ii) the removal of such an immobilisation device,

(iii) the removal, detention, storage and release of a vehicle so immobilised, and

(iv) the disposal of vehicles detained.**]**

(*p*) the regulation of small public service vehicles (within the meaning of section 3 of the Road Traffic Act 1961) in the airport,

(*q*) the regulation of traffic generally including speed of traffic,

(*r*) fixing the places (in this section referred to as parking places) in which vehicles, whether unattended or not, may remain stationary either indefinitely or for any period not exceeding a specified period,

(*s*) appointing the conditions to be observed in regard to vehicles remaining stationary in parking places,

(*t*) fixing the period during which, the purposes for which and the conditions under which vehicles may remain stationary in places, other than parking places,

(*u*) prohibiting keeping or leaving any vehicles stationary in any place (including parking places) for a period exceeding the period authorised in that behalf by the bye-laws or for a purpose other than a purpose so authorised in that behalf or otherwise than for a purpose (if any) or in accordance with the conditions (if any) prescribed in that behalf by the bye-laws,

(*v*) prohibiting the driving of vehicles within the airport at a speed exceeding a specified speed.

(4) In making any bye-laws under this section, in relation to a State airport, the company concerned, or in relation to an airport which is not a State airport, the Minister, may—

(*a*) define, in such manner as he, she or it thinks proper, what shall constitute, for the purposes of any provision of the bye-laws, a class of persons or vehicles,

(*b*) make different provisions in relation to different airports and different parts of the airport,

(*c*) make different provisions in relation to different classes of persons to whom the bye-laws apply,

(*d*) make different provisions in relation to different classes of vehicles to which the bye-laws apply,

(*e*) exempt from the operation of the bye-laws any particular class of persons or vehicles.

(5) Whenever a company or the Minister proposes to make bye-laws under this section, the following provisions have effect—

(*a*) the company or the Minister, as the case may be, shall publish notice of the proposal at least once in at least 2 daily newspapers published in and circulating in the State or the area where the airport is situated,

(*b*) the notice shall include—

(i) a statement of the purposes for which the bye-laws are to be made,

(ii) an intimation that a copy of draft bye-laws is open for public inspection at the address stated in the notice, and

(iii) an intimation that any person may submit to the company or the Minister, as the case may be, objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the first publication of the notice,

(*c*) the company or the Minister, as the case may be, shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at the address stated in the notice,

(*d*) any person who objects to the draft bye-laws may submit his or her objection to the company or the Minister, as the case may be, in writing at any time during that period of 30 days and the company or the Minister, as the case may be, shall consider the objections, and

(*e*) on the completion of that period of 30 days, the company or the Minister, as the case may be, shall as he, she or it thinks proper refrain from making the bye-laws or make the bye-laws either without modification or with such modifications to the bye-laws as he, she or it thinks proper.

(6) A company shall on, or as soon as may be after, the first publication of a notice under *subsection (5)*, send a copy of the notice together with a copy of the draft bye-laws to the Minister. The company shall, before making the bye-laws, have regard to any observations made by the Minister on the draft bye-laws, made within the period of 30 days from the date of first publication of the notice.

(7) A company may, where it proposes to make bye-laws which it considers for reasons of urgency should be in operation immediately or are of a minor or technical nature, with the consent of the Minister, dispense with the requirements of *subsections (5)* and *(6)* in relation to the making of the bye-laws.

(8) The Minister may, where he or she proposes to make bye-laws which he or she considers for reasons of urgency should be in operation immediately or are of a minor or technical nature, dispense with the requirements of *subsection (5)* in relation to the making of the bye-laws.

F13**[**(9) A person who contravenes a provision of a bye-law made under this section which is stated in the bye-laws to be a penal provision commits an offence and is liable on summary conviction to a class C fine.

(9A) Where, in relation to the parking of a mechanically propelled vehicle at an airport there is a contravention of a provision referred to in *subsection (9)* each of the following commits an offence and is liable on summary conviction to a class C fine—

(*a*) the registered owner of the vehicle, and

(*b*) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement, and

(*c*) if the person who parked the vehicle is not its registered owner or the person to whom it is hired under a hire-drive agreement, the first-mentioned person.

(9B) Where a person is charged with an offence—

(*a*) under *subsection (9A)(a)*, it shall be a defence for him or her to show that the vehicle was being used on the occasion in question by another person and that—

(i) the use of the vehicle which contravened the provision was unauthorised, or

(ii) the vehicle was on that occasion the subject of a hire-drive agreement, or

(*b*) under *subsection (9A)(b)*, it shall be a defence for him or her to show that the vehicle was being used on the occasion in question by another person and that the use of the vehicle which contravened the provision was unauthorised.**]**

(10) The company or the Minister, as the case may be, shall consult the Irish Aviation Authority before making bye-laws which in whole or in part relate to, a purpose referred to in *subsection (3)(k)*, or the safety of aircraft.

(11) Bye-laws made under this section shall be displayed at the airport, in respect of which the bye-laws are made, in such manner as the company which made them (or, where the bye-laws are made by the Minister, the Minister) considers best adapted for giving information to the public.

(12) A company in the case of bye-laws made by it and the Minister in the case of bye-laws made by him or her shall give a copy of the bye-laws to any person applying for them on payment of such reasonable sum, if any, being a sum (not exceeding the reasonable cost of making the copy) as fixed by the company or the Minister, as the case may be.

(13) A document which purports to be a copy of bye-laws made under this section, and which has endorsed on it a certificate purporting to be signed by an officer of the company which made the bye-laws (or where the bye-laws are made by the Minister, an officer of the Minister authorised in that behalf) stating that the document is a true copy of the bye-laws and that the bye-laws were in force on a specified day, shall, without proof of the signature of such officer or that he or she was in fact such officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the bye-laws and of the fact that they were in force on that date.

(14) Section 42 of the Act of 1998 is repealed.

(15) Bye-laws made under the Act of 1998 which are in force immediately before the passing of this Act continue as if made under this section. Those bye-laws are penal provisions for the purposes of *subsection (9)*.

F14**[**(16) In this section—

'company' means—

(*a*) daa, in relation to Dublin Airport,

(*b*) Shannon Airport Authority, in relation to Shannon Airport, or

(*c*) daa before the Cork appointed day, and Cork Airport Authority, from the Cork appointed day, in relation to Cork Airport;

'immobilisation device' means a device or appliance designed or adapted for fixing to a vehicle, onto a part of it, for the purpose of preventing it being driven or otherwise put in motion.

(17) In this section and *sections 27* and *27A* 'hire-drive agreement', 'mechanically propelled vehicle' and 'registered owner' have the meanings assigned to them, respectively, by the Road Traffic Act 1961.**]**

Airport regulations.

16. —(1) The Minister, in relation to an airport, either at his or her own initiative or at the request of the airport authority owning or managing the airport, may make regulations—

(*a*) to secure the safety of aircraft, vehicles and persons using the airport,

(*b*) to prevent danger to the public arising from the use or operation of an airport,

(*c*) in relation to the safety and security of an airport and aircraft, vehicles and persons using the airport, or

(*d*) regarding the duties of persons in command of an aircraft which is for the time being on the ground at the airport.

(2) The Minister shall consult with the Irish Aviation Authority before making regulations which in whole or in part relate to *subsection (1)(d)* or the safety of aircraft.

(3) A person who contravenes a regulation under this section is guilty of an offence and is liable—

(*a*) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €250,000 or to imprisonment for a term not exceeding 2 years, or both.

Laying of orders.

17. —(1) Every order made under this Part shall be laid before each House of the Oireachtas.

(2) Section 3(1) of the Act of 1998 does not apply to an order under this Part.

(3) Where it is proposed to make an order under *section 5(1)* or to amend or revoke an order under *section 9(6)*, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving the draft has been passed by each such House.

Directions.

18. —(1) Where the Minister gives a direction under this Part or the Act of 1998, the direction shall be in writing and be addressed to the person or undertaking concerned and as soon as practicable, be sent or given in any of the following ways:

(*a*) by delivering it to the person or undertaking;

(*b*) by leaving it at the address at which the person or undertaking carries on business;

(*c*) by sending it by pre-paid registered post to the address at which the person or undertaking carries on business;

(*d*) if an address for the service of directions or notifications has been furnished by the person or undertaking to the Minister, by leaving it at, or sending it by pre-paid registered post to, that address, or

(*e*) in any case where the Minister considers that the immediate giving of the direction is required, by sending it, by means of a facsimile machine or by electronic mail, to a device or facility for the reception of facsimiles or electronic mail located at the address at which the person or undertaking ordinarily carries on business or, if an address for the service of notices has

been furnished by the person or undertaking, that address, provided that the sender's transmission of the total number of pages of the direction or notification, as the case may be, or the sender's facility for the reception of electronic mail generates a message confirming receipt of the electronic mail.

(2) A person to whom the Minister issues or gives a direction under this Part or the Act of 1998 shall comply with the direction.

(3) In this section "undertaking" means Aer Rianta, Dublin Airport Authority, Cork Airport Authority or Shannon Airport Authority, or any of their subsidiaries as the case may be.

Transitional provisions.

19. —(1) A person appointed by Aer Rianta under section 48(1) of the Act of 1998 as an authorised officer or under section 51 of the Act of 1998 as an authorised person who holds office as such officer or person immediately before the relevant appointed day continues, subject to *section 12* , as an authorised officer or person, as the case may be, for the relevant State airport where on that day he or she carries out his or her duties as an authorised officer or person, as the case may be.

(2) For the avoidance of doubt, section 1(3) of the Act of 1998 does not apply to this Part.

PART 3

Aviation Regulation

Commencement (*Part 3*).

20. —This Part comes into operation on the Dublin appointed day.

Market behaviour.

21. —(1) The Commission for Aviation Regulation shall use all reasonable endeavours to assist the Competition Authority in the performance of the Competition Authority's functions in such manner as is stipulated in the co-operation agreement.

(2) In this section "co-operation agreement" means a co-operation agreement entered into under section 34 of the Competition Act 2002 between the Competition Authority and the Commission for Aviation Regulation as amended from time to time.

Airport charges.

22. —(1) Section 32 of the Act of 2001 is amended—

(*a*) by substituting for subsection (2) the following:

"(2) The Commission shall—

(*a*) as soon as is practicable, but not later than 12 months after the Dublin appointed day, make a determination, and

(*b*) upon the expiration of that determination and each subsequent determination, make a determination,

specifying the maximum levels of airport charges that may be levied by Dublin Airport Authority in respect of Dublin Airport.",

(*b*) by substituting for subsection (5) the following:

"(5) A determination shall—

(*a*) be in force for such period of not less than 4 years, and

(*b*) come into operation on such day, as the Commission specifies.",

and

(*c*) in subsection (14)(*a*) by deleting "on or after the expiration of a period of 2 years".

(2) Any determination made by the Commission for Aviation Regulation under section 32 of the Act of 2001 in respect of Aer Rianta c.p.t. which is in force immediately before the Dublin appointed day continues in force after that day, until the commencement of a determination replacing it is made by the Commission for Aviation Regulation under that section (as amended by this section). The determination is deemed to have been made under section 32 (as so amended) and may be reviewed and amended under section 32(14)(*a*) of the Act of 2001 (as amended by this section).

(3) Subsections (3) and (4) of section 32 of the Act of 2001 are repealed.

(4) The following is substituted for section 33 of the Act of 2001:

"33.—(1) In making a determination the objectives of the Commission are as follows—

(*a*) to facilitate the efficient and economic development and operation of Dublin Airport which meet the requirements of current and prospective users of Dublin Airport,

(*b*) to protect the reasonable interests of current and prospective users of Dublin Airport in relation to Dublin Airport, and

(*c*) to enable Dublin Airport Authority to operate and develop Dublin Airport in a sustainable and financially viable manner.

(2) In making a determination the Commission shall have due regard to—

(*a*) the restructuring including the modified functions of Dublin Airport Authority,

(*b*) the level of investment in airport facilities at Dublin Airport, in line with safety requirements and commercial operations in order to meet the needs of current and prospective users of Dublin Airport,

(*c*) the level of operational income of Dublin Airport Authority from Dublin Airport, and the level of income of Dublin Airport Authority from any arrangements entered into by it for the purposes of the restructuring under the *State Airports Act 2004*,

(*d*) costs or liabilities for which Dublin Airport Authority is responsible,

(*e*) the level and quality of services offered at Dublin Airport by Dublin Airport Authority and the reasonable interests of the current and prospective users of these services,

(*f*) policy statements, published by or on behalf of the Government or a Minister of the Government and notified to the Commission by the Minister, in relation to the economic and social development of the State,

(*g*) the cost competitiveness of airport services at Dublin Airport,

(*h*) imposing the minimum restrictions on Dublin Airport Authority consistent with the functions of the Commission, and

(*i*) such national and international obligations as are relevant to the functions of the Commission and Dublin Airport Authority.

(3) Having regard to *section 5(2)* of the *State Airports Act 2004*, subsection (2)(*a*) does not apply in relation to the first determination made after the Dublin appointed day.

(4) The Commission shall not later than 6 months or such lesser period, after consultation with the Commission, as the Minister decides—

(*a*) after the making of the first determination, where it is made after the Cork or Shannon appointed day (within the meaning of the *State Airports Act 2004*), and

(*b*) where the first determination is made before either of those appointed days, after that appointed day,

have due regard to the restructuring, including the modified functions of Dublin Airport Authority. Where it considers it appropriate it may amend the determination.

(5) In this section—

'restructuring' is to be construed in accordance with the *State Airports Act 2004*;

'user' means any person—

(*a*) for whom any services or facilities the subject of airport charges are provided at Dublin Airport,

(*b*) using any of the services for the carriage by air of passengers or cargo provided at Dublin Airport, or

(*c*) otherwise providing goods or services at Dublin Airport;

'operational income' includes airport charges and commercial revenues associated with the operation of Dublin Airport.".

(5) Section 40(1) of the Act of 2001 is amended by substituting for paragraph (*c*) the following:

"(*c*) a user in respect of a determination under section 32(2) or 35(2).".

Aviation terminal services charges.

23. —(1) Section 35 of the Act of 2001 is amended—

(*a*) by substituting for subsection (2) the following:

"(2) On the expiration of a determination, the Commission shall make a determination specifying the maximum levels of aviation terminal services charges that may be imposed by the Authority.",

(*b*) by substituting for subsection (3) the following:

"(3) A determination shall—

(*a*) be in force for such period of not less than 4 years, and

(*b*) come into operation on such day, as the Commission specifies.",

and

(*c*) in subsection (12)(*a*) by deleting "on or after the expiration of a period of 2 years".

(2) A determination made by the Commission for Aviation Regulation under section 35 of the Act of 2001 which is in force immediately before the Dublin appointed day continues in force after that day as if made under section 35 (as amended by this section).

Miscellaneous amendments of Act of 2001.

24. —The Act of 2001 is amended—

(*a*) in section 2(1), by inserting after the definition of "deputy commissioner" the following:

" 'Dublin appointed day' is to be construed in accordance with the *State Airports Act 2004*;",

(*b*) in section 22, by inserting after subsection (3) the following:

"(4) Notwithstanding subsection (3), the Commission may perform such of its functions as it may deem proper through or by any officer of the Minister made available to the Commission under subsection (1).",

(*c*) in section 40, by inserting after subsection (2) the following:

"(2A) A request under subsection (2) shall be made promptly but not later than 3 months after publication of notice of the determination to which it relates.

(2B) Notwithstanding subsection (2), the Minister may, where he or she has considered a request under that subsection and is of the opinion that the request is vexatious, frivolous or without substance, refuse to establish an appeal panel to consider the appeal. A refusal by the Minister to establish the appeal panel shall be in writing and state the reasons for the refusal.

(2C) The Minister may establish an appeal panel to consider one or more requests under subsection (2).",

and

(*d*) in section 42(3), by deleting—

(i) in paragraphs (*b*) and (*c*) "relating to the provision of airport or aviation services", and

(ii) in paragraph (*g*) "with regard to the provision of airport or aviation services".

PART 4

Miscellaneous Amendments

Amendment of Customs-free Airport Act 1947.

25. —(1) The Customs-free Airport Act 1947 is amended, on the Dublin appointed day, in section 2, by substituting for subsection (3) (inserted by section 60(*a*) of the Act of 1998) the following:

"(3) For the purposes of this Act, the airport shall comprise land at Shannon which for the time being belongs to the State and Dublin Airport Authority, public limited company or Shannon Airport Authority, public limited company with effect from the Shannon appointed day (within the meaning of the *State Airports Act 2004*).".

(2) Subject to *subsection (3)*, sections 2 to 8 of the Customs-free Airport (Amendment) Act 1958 are repealed.

(3) Any licence granted under section 2 of the Customs-free Airport (Amendment) Act 1958, which is in force immediately before the Dublin appointed day, continues in force, subject to its conditions, until 31 December 2005, and, accordingly, sections 2, 5, 6 and 7 continue to apply to the licence until it ceases to be in force.

Amendment of section 2A(4) of Air Navigation and Transport Act 1973 (increased fines for disruptive behaviour on board aircraft in flight).

26. —Section 2A(4) (inserted by section 65 of the Act of 1998 and as amended by section 50 of the Act of 2001) of the Air Navigation and Transport Act 1973 is amended by substituting—

(*a*) in paragraph (*a*) " €3,000" for " £1,500", and

(*b*) in paragraph (*b*) " €3,000" for " £1,500".

F16**[**Fixed payment notice

27. (1) Where—

(*a*) an authorised officer in relation to a State airport for which he or she is such an officer, or

(*b*) an officer of the Minister or other person appointed by the Minister for the purposes of this section in relation to an airport which is not a State airport,

has reasonable grounds for believing that a person is committing or has committed an offence under—

(i) *section 15(9)* for contravening or failing to comply with a provision of a bye-law made under that section,

(ii) section 2A(1) or (2) (inserted by section 65 of the Act of 1998) of the Air Navigation and Transport Act 1973, or

(iii) section 47 of the State Airports (Shannon Group) Act 2014,

he or she may serve the person or cause the person to be served with a notice ('fixed payment notice') in the prescribed form, in the manner mentioned in *subsection (2).*

(2) Where a fixed payment notice is to be served under this section it shall be—

(*a*) served personally or by post on the person who is alleged to have committed the offence, or

(*b*) where the alleged offence involved the parking of a mechanically propelled vehicle at an airport—

(i) served on the person who parked the vehicle, or

(ii) where the person cannot be identified, affixed to the vehicle and, as soon as practicable thereafter, F17**[**a copy of the notice**]** served personally or by post on the registered owner of the vehicle.

(3) A fixed payment notice shall state that—

(*a*) the person is alleged to have committed the offence, or, if the notice is affixed to a mechanically propelled vehicle under *subsection (2) (b) (ii)*, the offence specified in the notice is alleged to have been committed,

F18**[**(*b*) the person may make to the relevant company or the Minister, as the case may be, at the address specified in the notice a payment, accompanied by the notice, duly completed, of the relevant amount, during the period of 28 days beginning on the date of the notice, and**]**

(*c*) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(4) Where a fixed payment notice is served under *subsection (1)* —

(*a*) a person to whom the notice applies may, during the period specified in the notice, make to the relevant company concerned or the Minister at the address specified in the notice the payment specified in the notice F19**[**accompanied by the notice, duly completed**]**,

(*b*) the relevant company or the Minister, as the case may be, may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and

F20**[**(*c*) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment so specified in the notice accompanied by the notice, duly completed, is made during the period, no prosecution in respect of the alleged offence will be instituted.**]**

(5) In a prosecution for an offence under a provision referred to in *subsection (1)* the onus of proving that a payment pursuant to a fixed payment notice has been made lies with the defendant.

(6) In any proceedings in respect of an offence referred to in *subsection (1)* a document purporting to be a certificate or receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting or delivery of a fixed payment notice.

(7) For the purposes of *subsection (3)(b)* the relevant amount is—

(*a*) in respect of an offence mentioned in *subsection (1)(i)* or *(iii)* - €100, and

(*b*) in respect of an offence mentioned in *subsection (1)(ii)* - €250,

or such other amount in respect of either of those amounts standing specified for the time being in regulations made by the Minister.

(8) For the purposes of prescribing the form of a fixed payment notice—

(*a*) the relevant company, in respect of a State airport, may make bye-laws, or

(*b*) the Minister, in respect of an airport which is not a State airport may make regulations,

prescribing the form of the notice.

(9) The payment of relevant amounts under this section shall be disposed of in a manner determined by the relevant company or the Minister, as the case may be.

(10) In this section 'relevant company' means—

(*a*) daa, in relation to Dublin airport,

(*b*) Shannon Airport Authority, in relation to Shannon airport, and

(*c*) before the Cork appointed day, daa, and from that day Cork Airport Authority, in relation to Cork airport.**]**

F21**[**Declaration

27A. (1) Where a fixed payment notice is affixed to a mechanically propelled vehicle or served on the registered owner of the vehicle in accordance with *section 27(2)(b)(ii)* in respect of an alleged offence under *section 15(9)* for contravening a provision of bye-laws under that section relating to the parking of the vehicle at an airport F22**[**or an offence under section 47 (4) of the State Airports (Shannon Group) Act 2014 for a contravention of subsection (1)(a) of that section where the person in apparent control of the vehicle concerned allegedly leaves the vehicle or the vicinity of the vehicle,**]** the notice shall contain or be accompanied by a statement requiring the registered owner, if he or she wishes to show—

(*a*) that he or she was not at the time of the commission of the alleged offence concerned driving, in control of or otherwise using the vehicle, and

(*b*) if—

(i) the use of the vehicle was authorised by the registered owner, the name and address of the person in control of the vehicle at the material time, or

(ii) such use was unauthorised, that fact,

give or send, not later than 21 days after the date of service on the registered owner of the notice, to an authorised officer at the address contained in the notice, a declaration, in the manner specified in the notice, signed by the registered owner, stating such.

(2) An authorised officer may require such reasonable information of the person on whom the fixed payment notice referred to in *subsection (1)* is served as to the whereabouts of the person in control of the vehicle at the time of the commission of the alleged offence.

(3) Where the registered owner of the mechanically propelled vehicle concerned does not give or send to an authorised officer the information specified in *subsection (1)(b)(i)* or *(2)*, then, in a prosecution of that registered owner for the offence to which the fixed payment notice relates, it shall be presumed, until the contrary is shown that he or she was driving, in control of or otherwise using the vehicle at the time of the commission of the alleged offence.

(4) Where the registered owner of a mechanically propelled vehicle complies with a requirement of this section, to the satisfaction of an authorised officer, the payment of the relevant amount specified in the the fixed payment notice need not be made by the registered owner and a prosecution of the registered owner in respect of the alleged offence to which the notice relates shall not be initiated.

(5) A person who gives information in a declaration under *subsection (1)* or upon a requirement under *subsection (2)*, which he or she knows is false or misleading, commits an offence and is liable on summary conviction to a class D fine.**]**

Penalties under Act of 1998.

28. —Section 7 of the Act of 1998 is amended by substituting for subsection (1) the following:

"(1) A person guilty of an offence—

(*a*) under section 39, 47, 50 is liable—

(i) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months, or both, or

(ii) on conviction on indictment, to a fine not exceeding €250,000, or to imprisonment for a term not exceeding 2 years, or to both,

or

(*b*) under any other provision of this Act is liable on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 3 months, or both.".

Section 6(4) .

SCHEDULE

Amendment of Act of 1998

The Act of 1998 is amended as follows:

1. In section 2(1) (Interpretation)—

(*a*) by substituting for the definition of—

(i) "the company" the following:

" 'company' means—

(*a*) from the Dublin appointed day, Dublin Airport Authority, public limited company,

(*b*) from the Cork appointed day, Cork Airport Authority, public limited company, and

(*c*) from the Shannon appointed day, Shannon Airport Authority, public limited company,

or

as the case may be, any of them;",

(ii) "the Minister" the following:

" 'Minister' means the Minister for Transport;", and

(iii) "State airport" the following:

" 'State airport' means an airport in the State, managed and controlled by Aer Rianta or, from the relevant appointed day a company",

and, accordingly, the Act of 1998 shall have effect (unless the context otherwise requires or otherwise is amended by the *Schedule*) as if each reference in it to the company were a reference to a company from the relevant appointed day,

and

(*b*) in the definition of "prescribed", by substituting "regulations made by the Minister" for "regulations".

2. In section 8—

(*a*) by substituting for subsection (1) the following:

"(1) Proceedings for an offence may be brought and prosecuted summarily by—

(*a*) where the offence relates to Dublin Airport, Dublin Airport Authority,

(*b*) where the offence relates to Cork Airport, before the Cork appointed day, Dublin Airport Authority, and from that day, Cork Airport Authority, or

(*c*) where the offence relates to Shannon Airport, before the Shannon appointed day, Dublin Airport Authority, and from that day Shannon Airport Authority.",

and

(*b*) in subsection (4), by substituting "the company concerned" for "the company".

3. In section 9 (share capital of company)—

(*a*) in subsection (1), by substituting—

(i) "Dublin Airport Authority" for "the company", and

(ii) " €1" for " £1",

and

(*b*) by inserting after subsection (2) the following:

"(3) Dublin Airport Authority may, from time to time, issue to the Minister for Finance such number of shares as may be agreed upon by the Minister and the Minister for Finance.".

4. In section 10 (issue of shares by company to Minister for Finance) by substituting for subsections (1) and (2) the following:

"(2) Cork Airport Authority shall, as soon as may be after the Cork appointed day, and Shannon Airport Authority shall, as soon as may be, after the Shannon appointed day, issue to the Minister for Finance, without payment by him or her, such number of shares in the share capital of the company as shall be determined by the Minister on that day.".

5. In section 11 (obligation of certain shareholders to hold shares in trust) by inserting "or to whom shares may have been issued on the formation of a company" after "section 10(4)".

6. In section 13 (borrowing by company and subsidiaries)—

(*a*) by substituting for subsection (5) the following:

"(5) The aggregate at any one time of moneys borrowed under this section shall not exceed—

(*a*) in the case of Dublin Airport Authority and any of its subsidiaries, from the Dublin appointed day, €700 million,

(*b*) in the case of Cork Airport Authority and any of its subsidiaries, from the Cork appointed day, €100 million, and

(*c*) in the case of Shannon Airport Authority and any of its subsidiaries, from the Shannon appointed day, €20 million.",

(*b*) by inserting after subsection (6) the following:

"(7) Subject to any guarantees in existence immediately before the Dublin appointed day, the repayment by a company or a subsidiary of a company of any money borrowed under this section by the company or subsidiary shall not be guaranteed by the Minister or the Minister for Finance.".

7. In section 18(*a*), by substituting "vested in, or controlled or managed by" for "belonging to".

8. In section 21(1) and (2), by substituting " *section 8* of the *State Airports Act 2004* " for "section 16".

9. In section 22 (memorandum and articles of association)—

(*a*) in subsection (1), by substituting "Dublin Airport Authority, public limited company" for "The Company",

(*b*) in subsection (3)(*a*), by substituting "13" for "9",

(*c*) in subsection (3)(*d*), by substituting "4" for "three", and

(*d*) by deleting subsection (5).

10. In section 23(1), by inserting after paragraph (*d*) the following:

"(*dd*) to acquire or take a transfer of or otherwise deal with any property, to construct and maintain buildings and all other works of any description whatsoever either upon lands acquired by or transferred to the company or upon other lands and to hold, retain as investments or to sell, dispose of, let, alienate, mortgage, charge or deal with all or any of the same on such terms as the company thinks fit and generally to alter, develop and improve the lands, and other property of the company,".

11. In section 26(1)—

(*a*) by deleting "by section 14", and

(*b*) by substituting " *section 8* of the *State Airports Act 2004* " for "section 16".

12. In section 27, by deleting subsection (5).

13. In section 28(1)—

(*a*) F23**[**...**]**

(*b*) by deleting subsection (3).

14. Section 29 (chief executive) by substituting for section 29 the following section:

"29.—(1) There shall be a chief executive officer of each company ('Chief Executive').

(2) A Chief Executive shall be appointed by and may be removed from office by the directors of the company of which he or she is the Chief Executive.

(3) A Chief Executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the directors of the company of which he or she is the Chief Executive with the consent of the Minister given with the approval of the Minister for Finance.

(4) A Chief Executive shall be ex officio a director of the company of which he or she is the Chief Executive, but shall not be taken into account for the purpose of fixing, under section 23(2) of the Worker Participation (State Enterprises) Act 1977, the appropriate number of directors who may for the time being stand appointed under that Act.".

15. In section 31 (chairperson's report) by substituting for subsection (1) the following:

"(1) The chairperson of a company shall, immediately after an audit referred to in section 30(2), make a report in writing to the Minister of his or her company's activities and those of any subsidiary during that year.".

16. In section 32 (superannuation schemes)—

(*a*) in subsection (1)—

(i) by substituting "A company (either together or separately)" for "The company", and

(ii) by substituting "(including its Chief Executive)" for "(including the Chief Executive)",

(*b*) in subsection (7), by substituting for paragraph (*a*) the following:

"(*a*) in accordance with a scheme under this section or an existing scheme with (save in the case of Dublin Airport Authority) the approval in paragraph (*b*), or",

and

(*c*) by inserting after subsection (17) the following:

"(18) Notwithstanding this section, a person who is receiving superannuation benefits under another scheme at the commencement of a scheme under this section prepared by the company of whose staff he or she is a member may notify the company within such period as the company may specify that he or she does not wish to become a member of the scheme. In such an event the person remains a member of the other scheme.".

17. In section 39 (airport charges) by substituting for subsection (1) the following:

"(1) Subject to section 32 of the Aviation Regulation Act 2001, a company may require the payment to it of airport charges, in respect of the use of a State airport which it manages, operates and controls, at such rates as it may, from time to time determine.".

18. In section 41(1) (abandoned aircraft), by substituting "the company which manages, operates and controls the airport" for "the company".

19. In section 48 (authorised officers)—

(*a*) by substituting for subsection (1) the following:

"(1) For the purposes of this Act—

(*a*) Dublin Airport Authority, in relation to Dublin Airport,

(*b*) Dublin Airport Authority, before the Cork appointed day and from that day, Cork Airport Authority, in relation to Cork Airport, and

(*c*) Dublin Airport Authority, before the Shannon appointed day and from that day, Shannon Airport Authority, in relation to Shannon Airport,

may appoint such persons or classes of persons as it considers appropriate to be authorised officers.", and

(*b*) in subsection (3) by substituting "the company concerned" for "the company".

20. In section 51 (authorised persons)—

(*a*) by substituting for subsection (1) the following:

"(1) For the purposes of this Act—

(*a*) Dublin Airport Authority, in relation to Dublin Airport,

(*b*) Dublin Airport Authority, before the Cork appointed day and from that day, Cork Airport Authority, in relation to Cork Airport, and

(*c*) Dublin Airport Authority, before the Shannon appointed day and from that day, Shannon Airport Authority, in relation to Shannon Airport,

may appoint such and so many of its officers and employees as it considers appropriate to be authorised persons for the purposes of this Act.", and

(*b*) in subsection (2) by substituting "the company concerned" for "the company".

Number 32 *of* 2004

STATE AIRPORTS ACT 2004

REVISED

Updated to 25 August 2021

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Airports and Aviation Acts 1936 to 2016: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Public Transport Act 2016* (3/2016), s. 10(4)). The Acts in this group are:

- *Air Navigation and Transport (International Conventions) Act 2004* (11/2004)
- *State Airports Act 2004* (32/2004), other than Part 3 and s. 25
- *State Airports (Shannon Group) Act 2014* (27/2014), other than Parts 8 and 9
- *Public Transport Act 2016* (3/2016), s. 6

Aviation Regulation Acts 2001 to 2004: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*State Airports Act 2004* (32/2004), s. 1(4)). The Acts in this group are:

- *Aviation Regulation Act 2001* (1/2001)
- *State Airports Act 2004* (32/2004), Part 3

Customs-free Airport Acts 1947 to 2004: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*State Airports Act 2004* (32/2004), s. 1(3)). The Acts in this group are:

- *Customs-Free Airport Act 1947* (5/1947)
- *Customs-free Airport (Amendment) Act 1958* (29/1958)
- *State Airports Act 2004* (32/2004), s. 25

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this

revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.