



STATUTORY INSTRUMENTS

S.I. No. 283 of 2008

EUROPEAN COMMUNITIES (HARMONISATION OF TECHNICAL
REQUIREMENTS AND ADMINISTRATIVE PROCEDURES IN THE
FIELD OF CIVIL AVIATION) REGULATIONS 2008

(Prn. A8/1074)

EUROPEAN COMMUNITIES (HARMONISATION OF TECHNICAL REQUIREMENTS AND ADMINISTRATIVE PROCEDURES IN THE FIELD OF CIVIL AVIATION) REGULATIONS 2008

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Council Regulation (EEC) No. 3922/91 of 16 December, 1991¹ as amended by Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15 July 2002², Regulation (EC) No. 1899/2006 of the European Parliament and of the Council of 12 December 2006³, Regulation (EC) No. 1900/2006 of the European Parliament and of the Council of 20 December 2006⁴ and Commission Regulation (EC) No. 8/2008 of 11 December 2007⁵, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Harmonisation of Technical Requirements and Administrative Procedures in the Field of Civil Aviation) Regulations 2008.

2. (1) In these Regulations—

“authorised officer” means a member of the staff or an officer of the Authority authorised in writing by the Authority to perform the functions conferred on an authorised officer by or under these Regulations;

“Authority” means the Irish Aviation Authority;

“European Regulation” means Council Regulation (EEC) No. 3922/91 of 16 December, 1991¹, as amended by Regulation (EC) No. 1592/2002 of the European Parliament and of the Council, of 15 July 2002², Regulation (EC) No. 1899/2006 of the European Parliament and of the Council of 12 December 2006³, Regulation (EC) No. 1900/2006 of the European Parliament and of the Council of 20 December 2006⁴ and Commission Regulation (EC) No. 8/2008 of 11 December 2007⁵;

“Principal Act” means the Irish Aviation Authority Act 1993 (No. 29 of 1993).

(2) A word or expression which is used in these Regulations and is also used in the European Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the European Regulation.

¹OJ No. L 373, 31.12.1991, p. 4

²OJ No. L 240, 7.9.2002, p. 1

³OJ No. L 377, 27.12.2006, p. 1

⁴OJ No. L 377, 27.12.2006, p. 176

⁵OJ No. L 10, 12.1.2008, p. 1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 25th July, 2008.

3. (1) In addition to those set out in its memorandum of association, pursuant to section 14(1) of the Principal Act, the principal objects of the Authority shall also include the giving effect to the European Regulation.

(2) The Authority shall take such steps under the Companies Acts as may be necessary to alter its memorandum and articles of association to make them consistent with these Regulations.

4. (1) The Authority shall be the competent authority in the State for the purposes of the European Regulation.

(2) The Authority may issue such directions as appears to it to be necessary for it to make for the purposes of giving effect to the European Regulation.

(3) Any direction issued by the Authority under paragraph (2) shall be complied with by those to whom it is addressed.

5. (1) The Authority may appoint persons to be authorised officers for the purposes of these Regulations and the European Regulation.

(2) An authorised officer shall be furnished with a warrant of his or her appointment. When exercising a power conferred on him or her under this Regulation he or she shall, if requested by any person affected, produce the warrant or a copy of it to the person for inspection.

(3) (a) Subject to subparagraph (b), an authorised officer may enter any place for the purpose of ensuring that these Regulations and the European Regulation are being complied with and may for that purpose make such inspections, ask such questions and require the production of and inspect and take copies of licences, certificates and other records (in whatever form kept).

(b) An authorised officer may only enter a dwelling with the consent of the occupier.

6. (1) A person who fails to comply with a direction under Regulation 4(3) commits an offence and is liable—

(a) on summary conviction to a fine not exceeding €5,000, or

(b) on conviction on indictment to a fine not exceeding €5,000,000.

(2) A person who obstructs or impedes an authorised officer in the performance of any function duly conferred by the Authority under these regulations or fails to furnish to such a member information to which he or she is entitled by virtue of a direction under Regulation 4(2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In a prosecution of a person for an offence under these regulations it shall be a defence for the person to prove that the contravention concerned was due

to stress of weather or other unavoidable cause and in a prosecution of the operator or pilot in command of an aircraft for such an offence, it shall be a defence for him to prove that the contravention concerned took place without his actual default or knowledge.

(4) Where an offence under these Regulations is 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 person, being a director, manager or secretary of such body, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.



GIVEN under my Official Seal,
22 July 2008

NOEL DEMPSEY.
Minister for Transport.

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 designate the Irish Aviation Authority as the competent authority in the State for the purposes of Council Regulation (EEC) No. 3922/91 of 16 December, 1991 as amended by Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15 July 2002, Regulation (EC) No. 1899/2006 of the European Parliament and of the Council of 12 December 2006, Regulation (EC) No. 1900/2006 of the European Parliament and of the Council of 20 December 2006 and Commission Regulation (EC) No. 8/2008 of 11 December 2007.

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