



SEANAD ÉIREANN

**AN BILLE UM AERFOIRT STÁIT (GRÚPA NA SIONAINNE),
2014**

STATE AIRPORTS (SHANNON GROUP) BILL 2014

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM AERFOIRT STÁIT (GRÚPA NA SIONAINNE), 2014 —AN COISTE

STATE AIRPORTS (SHANNON GROUP) BILL 2014 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 2

*1. In page 6, between lines 5 and 6, to insert the following:

“ “airport” and “authorised officer” have the meanings assigned to them, respectively, in the Act of 1998;”.

*2. In page 6, to delete line 25 and substitute the following:

“ “Shannon Airport Authority” means—

(a) before the day of its re-registration under the Companies Acts as a private company limited by shares, Shannon Airport Authority, public limited company, and

(b) on and from that day, Shannon Airport Authority Limited;”.

SECTION 10

3. In page 9, line 19, after “Minister” where it firstly occurs to insert “and the Commission for Aviation Regulation in respect of airport charges”.

—*Senator Sean D. Barrett.*

4. In page 9, line 19, after “Minister” where it secondly occurs to insert “and the Commission for Aviation Regulation in respect of airport charges”.

—*Senator Sean D. Barrett.*

SECTION 11

5. In page 9, line 26, after “may,” to insert the following:

“subject to the specification by the Commission for Aviation Regulation of the maximum levels of airport charges that may be levied by the Shannon Airport Authority”.

—*Senator Sean D. Barrett.*

[SECTION 13]

SECTION 13

6. In page 10, line 22, after “Group” to insert “and the assessment of the Commission for Aviation Regulation”.

—*Senator Sean D. Barrett.*

SECTION 16

- *7. In page 12, to delete lines 5 and 6 and substitute the following:

“(a) is adjudicated bankrupt in the State or another jurisdiction, and if so adjudicated, has not obtained a certificate of discharge from the bankruptcy in that jurisdiction.”.

SECTION 27

8. In page 19, line 31, after “direction.” to insert “The direction shall be notified to the Oireachtas Joint Committee on Transport and Communications.”.

—*Senator Sean D. Barrett.*

9. In page 19, after line 36, to insert the following:

“(4) The Minister shall establish, within 6 months of the passing of this Act, a committee including representatives of Iarnród Éireann, Shannon Group, the Department of Transport, Tourism and Sport and other such members as the Minister may decide, to examine the possibility of constructing a railway link from the Limerick/Galway rail line to Shannon International Airport. The committee shall report to the Minister within 12 months of the passing of this Act.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 30

- *10. In page 20, after line 33, to insert the following:

“Shannon Airport Authority, limited

30. As soon as maybe after the Shannon Airport Authority transfer day, Shannon Airport Authority shall be re-registered under the Companies Act 1963 as a private company limited by shares and on or from the day of its re-registration as such shall be known as, in the English language, Shannon Airport Authority Limited, or in the Irish language, Údarás Aerfort na Sionainne Teoranta.”.

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson, Kathryn Reilly, Sean D. Barrett.*

[SECTION 31]

SECTION 31

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 32

*11. In page 23, between lines 17 and 18, to insert the following:

“(iii) by substituting for the definition of “Shannon Airport Authority” the following:

“ ‘Shannon Airport Authority’ has the meaning assigned to it in *section 2 of the State Airports (Shannon Group) Act 2014*;”, ”.

*12. In page 24, to delete line 23 and substitute the following:

“(i) daa, public limited company, and”.

*13. In page 24, line 24, to delete “daa,” and substitute “daa, public limited company,”.

*14. In page 24, to delete lines 28 and 29 and substitute the following:

“(i) daa, public limited company,

(ii) Shannon Airport Authority (within the meaning of *section 2 of the State Airports (Shannon Group) Act 2014*), and”.

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson, Sean D. Barrett.*

SECTION 33

*15. In page 28, line 14, to delete “subsections (2) to (6)” and substitute “subsections (3) to (10)”.

*16. In page 31, line 3, to delete “does” and substitute “does not”.

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson, Kathryn Reilly.*

SECTION 34

17. In page 31, between lines 24 and 25, to insert the following:

“34. The Air Navigation and Transport (Amendment) Act 1998 is amended by inserting a new section 32A as follows:

“32A. The IAS scheme shall not be allowed to close its pension scheme except

[SECTION 34]

where the scheme has reached a minimum 90 per cent funding standard.”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Labhrás Ó Murchú, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 44

- *18. In page 37, line 22, to delete “unlawfully parked in any place in the airport” and substitute the following:

“parked contrary to bye-laws made under this section or parked without payment of the charge fixed for its parking”.

- *19. In page 37, lines 23 and 24, to delete “and the amount of any fee to be paid in respect of such removal”.

- *20. In page 37, line 26, to delete “and the amount of any fee in relation to such,”.

SECTION 45

- *21. In page 38, between lines 32 and 33, to insert the following:

“Airport may make charges for vehicle parking and removal of immobilisation devices, etc.

45. A company (within the meaning of section 15 of the Act of 2004) or, with the consent of the Minister, an airport which is not a company, may provide parking facilities and fix charges in respect of the parking of a vehicle at its airport and for the removal of an immobilisation device fixed to a vehicle or a vehicle removed, detained, stored, released or disposed of under bye-laws made under section 15(3)(o) of the Act of 2004.”.

SECTION 50

22. In page 43, after line 25, to insert the following:

“Criteria for efficient airport investment and operation

50. The Commission for Aviation Regulation shall publish reports in regard to State airports and comparable international airports stating—

- (a) passengers per employee,
- (b) work load units per employee,
- (c) operating cost per work load unit,
- (d) capital cost per work load unit,
- (e) aircraft movements per employee,
- (f) aircraft movements per runway,

[SECTION 50]

- (g) passengers per airport gate,
- (h) passengers per square metre of terminal, and
- (i) other measures of performance indicators deemed appropriate by the Commission.”.

—*Senator Sean D. Barrett.*

SECTION 51

***23.** In page 44, to delete lines 8 to 21 and substitute the following:

“ “ ‘retailer’ and ‘organiser’ have the meaning assigned to each of them, respectively, in the Package Holidays and Travel Trade Act 1995;

‘sufficient evidence of security’, in relation to a package, means sufficient evidence of security for the refund of money paid over and for the repatriation of a consumer in the event of insolvency of the retailer or organiser of the package in compliance with the requirements of—

- (a) section 22 of the Package Holidays and Travel Trade Act 1995, or
- (b) if the retailer or organiser is established in another Member State, measures giving effect to Article 7 of Council Directive No. 90/314/EEC of 13 June 1990¹ in the other Member State;”, ”.

***24.** In page 44, to delete lines 23 to 38, and in page 45, to delete lines 1 to 13 and substitute the following:

“ “Restriction on carrying on business as tour operator

- 4. A person established in the State, shall not carry on business as a tour operator in the State or hold himself or herself out, by advertisement or otherwise, as carrying on such business unless he or she—
 - (a) is the holder of a licence granted under section 6 to carry on such business, or
 - (b) being a retailer or organiser of packages established in the State, has—
 - (i) sufficient evidence of security in respect of packages offered for sale or sold by him or her, and
 - (ii) has provided a notification to that effect, in the English language, to the Commission for Aviation Regulation before carrying on such business.

¹ OJ No. L158, 23.6.1990, p. 59

Restriction on carrying on business as travel agent

5. A person established in the State, shall not carry on business as a travel agent in the State or hold himself or herself out, by advertisement or otherwise, as carrying on such business unless he or she—
- (a) is the holder of a licence granted under section 6 to carry on such business, or
 - (b) being a retailer or organiser of packages established in the State, has—
 - (i) sufficient evidence of security in respect of packages offered for sale or sold by him or her, and
 - (ii) has provided a notification to that effect, in the English language, to the Commission for Aviation Regulation before carrying on such business.

Requirements on a retailer or organiser of packages established in another Member State carrying on business in State

- 5A. (1) A retailer or organiser of packages whose place of establishment is in another Member State shall not carry on business, including on a temporary basis, either physically or at a distance, as a retailer or organiser of packages or hold himself or herself out, by advertisement or otherwise, as carrying on such business in the State unless he or she—
- (a) has sufficient evidence of security in respect of packages offered for sale or sold by him or her in the State, and
 - (b) has provided a notification to that effect, in the English language, to the Commission for Aviation Regulation before carrying on such business in the State.
- (2) A tour operator or travel agent, whose place of establishment is in another Member State, other than a retailer or organiser of packages, may carry on business in the State, including on a temporary basis, either physically or at a distance.
- (3) In this section, ‘carrying on business in the State’ means the sale of travel services in the State for travel which commences within the State to destinations outside the State.”,”.

***25.** In page 45, to delete lines 16 to 22 and substitute the following:

“Offence – contravening section 4 or 5 and penalties

20. (1) A person who carries on business, or holds himself or herself as carrying on business—
- (a) as a tour operator, retailer or organiser of packages, in contravention of section 4, or
 - (b) as a travel agent, retailer or organiser of packages, in contravention

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of section 5,”.

SECTION 52

***26.** In page 46, line 31, to delete “the provider” and substitute “a provider established in the State”.