

# MANCHESTER AIRPORT

## Constitution of the Manchester Airport Coordination Committee

### (1) Definitions and Interpretation

1.1 In this constitution the following expressions shall have the following meanings :-

<b>Air Carrier</b>	means an air transport undertaking with a valid Operating Licence;
<b>Airport Operator</b>	means Manchester Airport or any successor in operating Manchester Airport (MAN);
<b>Air Traffic Control (ATC)</b>	means the National Air Traffic Services or such other person as shall from time to time be the provider of air traffic control services at MAN;
<b>Annual General Meeting</b>	means the annual general meeting of the Committee;
<b>Authorised Representative</b>	means any employee of a Member or a nominee (nominated in writing) with significant experience of scheduling for the purpose of providing scheduling expertise (a nominated representative) attending a meeting on behalf of a Member;
<b>Chairman</b>	means the Chairman of the Committee;
<b>Coordinator</b>	means the person responsible for slot allocation and schedule coordination at MAN from time to time within the meaning of Article 4.1 of the Regulation;
<b>Committee</b>	means the Manchester Airport Coordination Committee;
<b>Extraordinary General Meeting</b>	means an extraordinary general meeting of the Committee;
<b>MA</b>	means Manchester Airport

<b>IATA</b>	means the International Air Transport Association;
<b>IATA Worldwide Scheduling Guidelines</b>	means the scheduling guidelines published by IATA from time to time;
<b>MAN</b>	means Manchester Airport;
<b>Meeting</b>	means either an Annual General Meeting, an Executive Meeting or an Extraordinary General Meeting of the Committee;
<b>Member</b>	means a member recorded in the Membership Register of the Manchester Airport Coordination Committee;
<b>Membership Register</b>	means the register maintained in accordance with Clause 4.3;
<b>NATS</b>	means the National Air Traffic Services;
<b>New Entrant</b>	shall have the same meaning as in the Regulation;
<b>Operating Licence</b>	means an authorisation, issued by a legally competent authority responsible, to an undertaking permitting it to carry out carriage by air of passengers mail and/or cargo, as stated in the operating licence, for remuneration and/or hire;
<b>Regulation</b>	means Council Regulation (EEC) No 95/93 of as amended by Council Regulation 793/2004;
<b>Scheduling Committee</b>	means the Manchester Airport Scheduling Committee;
<b>Secretary</b>	means the Secretary of the Committee;
<b>Slot</b>	shall have the same meaning as in the Regulation
<b>Statutory Instrument</b>	means the Airports Slot Allocation Regulations 1993 SI 1993 No 1067 [to be updated when known];
<b>Undertaking</b>	means any natural person, any legal person whether profit making or not, or any official body whether having its own legal personality or not.

- 1.2 References to legislation or statutory provisions shall where the context so admits or requires to be construed as references to that legislation or those provisions as respectively amended, consolidated, extended or re-enacted from time to time and shall, where the context so admits or requires, be construed as including references to the corresponding provisions of any earlier legislation (whether repealed or not) directly or indirectly amended, consolidated, extended or replaced thereby or re-enacted and shall include any orders, regulations, instruments or other subordinate legislation made under the relevant statute.
- 1.3 For the interpretation of this constitution the Interpretation Act 1978 shall apply as it applies to the interpretation of an Act of Parliament.

## **(2) Name and Object**

- 2.1 The name of the Committee is the Manchester Airport Coordination Committee.
- 2.2 The object of the Committee is to be the Coordination Committee at Manchester Airport for the purposes of the Regulation and the Statutory Instrument.

## **(3) Purpose and Principles**

- 3.1 The tasks of the Committee shall be to make proposals concerning or advise the Coordinator and/or Member State on:
  - 3.1.1 possibilities for increasing the capacity of MAN in accordance with Article 3 of the Regulation or for improving its usage;
  - 3.1.2 the coordination parameters to be determined in accordance with Article 6 of the Regulation;
  - 3.1.3 the methods of monitoring the use of allocated slots;
  - 3.1.4 local guidelines for allocation of slots or the monitoring of the use of the allocated slots, taking into account, inter alia, possible environmental concerns;
  - 3.1.5 Improvements to traffic conditions prevailing at the airport in question;
  - 3.1.6 serious problems for new entrants as provided for in Article 10 of the Regulation
  - 3.1.7 Advise on improvements to traffic conditions prevailing at the airport in question;
  - 3.1.8 all questions relating to the capacity of MAN

The Committee shall also mediate between the parties concerned on complaints on the allocation of slots, as provided for in Article 11 of the Regulation.

- 3.2 In performing its functions set out in Clause 3.1 the Committee shall have regard to the provisions of the IATA Worldwide Scheduling Guidelines and Community-wide guidelines applicable to MAN and advice on local guidelines relating to the process of slot allocation at MAN from those adopted by the committee.

#### **(4) Membership**

- 4.1 The following shall be entitled to be Members of the Committee :-
- Airport Operator
  - Air Traffic Control
  - Air Carriers using the Airport regularly or who have expressed an interest in the allocation of slots and the coordination of schedules at the Airport or their authorised representative
  - IATA
  - IACA
- 4.2 The Airport Operator, Air Traffic Control and the Air Carriers listed in Schedule 1 are Members at the date of the adoption of this Constitution.
- The Coordinator shall attend as an observer.
- 4.3 There shall be a Register of Members and the Secretary shall enter the names of all the above and of any new Members of the Register.
- 4.4 An Air Carrier which is not on the Register of Members and which wishes to be a Member shall record its wish to become a member in writing to the Secretary who shall enter its name and the date of accession on the register of Members if that Carrier uses MAN or plans to use MAN in the near future, or has otherwise expressed an interest in the allocation of slots and coordination of schedules at the Airport.
- 4.5 A Member shall cease to be a Member if :-
- it resigns or,
  - it goes into liquidation or,
  - it ceases to use the Airport regularly and has not been to a Meeting for over twelve months.
- 4.6 The Secretary shall make a note in the register of the names of Members who have ceased to be Members together with the date of such cessations.
- 4.7 The Members shall decide all disputed issues about membership by a majority vote at a Meeting.

## **(5) Members Representatives**

- 5.1 Each Member shall delegate an individual to be its Authorised Representative (the Authorised Representative) at meetings.
- 5.2 No Member shall be represented (for voting purposes) by more than one Authorised Representative.
- 5.3 In the case of an Air Carrier, the Authorised Representative shall, where applicable, have responsibility for and experience of scheduling and shall preferably be a Member's delegate to the then most recent IATA Scheduling Conference.
- 5.4 The Committee may invite other persons, include a representative GA association (BAUA) and the Department of Transport, to its meetings as observers at its discretion.
- 5.5 Each person at a meeting shall if requested by the Chairman or the Secretary, state the organisation they represent and in what capacity.

## **(6) General Meetings of the Committee**

- 6.1 An Annual General Meeting shall be held at least once in each calendar year.
- 6.2 Extraordinary General Meetings may be held as and when business dictates.
- 6.3 Meetings shall generally be held at MAN.
- 6.4 The Secretary shall give at least seven clear days written notice of meetings to each Member and to the Coordinator.
- 6.5 The Chairman or five Members may in writing request a Meeting.
- 6.6 Within five working days of receiving a written request signed by the Chairman or by the Authorised Representative of at least five Members giving reasons for the request, the Secretary shall call a Meeting.
- 6.7 If a Meeting is convened, the Secretary shall give notice of the Meeting to the Department for Transport.
- 6.8 The quorum for a Meeting shall be the Authorised Representative of the Airport Operator and at least five other Members, provided that those representatives account for at least 60% of the votes as defined in Clause 8.2.
- 6.9 The Committee may receive advice from whomsoever it wishes on any matters under consideration and shall establish such ad hoc rules of procedures as the Members present and voting at a meeting determine, provided that such rules are consistent with this Constitution.

## **(7) Complaints and Problems for New Entrants**

- 7.1 The Committee may from time to time send to its Members, the Coordinator and other interested parties written procedural requirements approved by a

majority of votes at a Meeting and consistent with this Constitution setting out the steps to be followed :-

- (a) where complaints (Slot Complaints) are made about the allocation of slots as provided for in Article 11 of the Regulation, and
- (b) where the Committee is required to advise on serious problems for new entrants as provided in Article 10 (9) of the Regulation.

7.2 Where the Committee is notified of a Slot Complaint, it shall not meet to consider the Slot Complaint unless :-

- the complainant has first made a written submission to the Coordinator setting out the reasons for the Slot Complaint, and
- the Coordinator has responded in writing to that submission or has had a reasonable time to do so, and
- the complainant has not accepted the Coordinator's response where one has been made

7.3 At a meeting to consider a Slot Complaint, the complainant, or his representative, shall be entitled to attend the Meeting, even if it is not a Member, and the Coordinator and the complainant, or his representative, shall be entitled to address the meeting.

7.4 Slot complaints and problems for new entrants shall be considered in accordance with the procedures of Schedule 2;

7.5 The Committee shall not put any matter to a vote where it is required to give advice on a Slot complaint or problems for new entrants, but shall ensure any advice given to the Coordinator sets out a fair summary of the feeling of the Meeting and of the view of any members who dissent from the majority viewpoint.

7.6 The Secretary shall notify the Complainant, and the Department for Transport of problems or complaints that remain unresolved after consideration by the Committee.

## **(8) Voting**

8.1 Save for alterations to this Constitution under Clause 12 or dissolution under Clause 13, all questions arising at any meeting except for matters arising under Clause 7.4 shall be decided by a majority of the votes of those Members present and entitled to vote at the Meeting.

8.2 In the event of a vote, other than in relation to votes for the purpose of Clause 12 or 13, there shall always be 1,000 votes and :-

- the Air Carriers present at the Meeting shall collectively have 800 votes in accordance with Schedule 1
- IATA and IACA shall each have 50 votes

- The Airport Operator shall have 70 votes
  - Air Traffic Control shall have 30 votes
- 8.3 The allocation of votes shall be according to the number of slots held by each Carrier at 1 May each year for the current Summer season and those held for the previous Winter season as outlined in Schedule 1. Notwithstanding this allocation of votes, only those Carriers actually present and represented by their authorised representative shall be entitled to vote.
- 8.4 In case of an equality of votes, the Chairman shall have a casting vote.
- 8.5 Minutes shall be kept by the Secretary and a proper record shall be kept of all proceedings, resolutions, the persons present and the capacity in which they attended the meeting.

## **(9) Sub-Committees**

- 9.1 The Committee may appoint sub committees.
- 9.2 A Coordination Committee Executive shall be formed with membership consisting of :-
- Airport Operator
  - Air Traffic Control
  - Four representatives of the Scheduling Committee Executive
  - Other airlines by co-option
- 9.3 The Coordinator will attend the Coordination Committee Executive as an observer.
- 9.4 This Coordination Committee Executive will deal with routine administrative or procedural matters, such as the confirmation of scheduling limits set by MA after consultation with NATS, and complaints in accordance with the procedures of Schedule 2, but not other matters covered directly by the Regulation.
- 9.5 The Coordination Committee Executive may also propose local guidelines for the consideration of the Coordination Committee in accordance with Article 5.1 (a) of the Regulation.
- 9.6 Other sub committees or associated committees may be established with the agreement of the Executive Committee. This may include provisions for the monitoring of Slot Performance to assist the Coordinator.

## **(10) Chairman and Secretary**

- 10.1 The Chairman shall be elected annually by the Committee and will remain in post until the next Annual General Meeting. The process for making nominations for the post of Chairman will be facilitated by the Executive

Committee from amongst candidates demonstrating relevant scheduling experience.

- 10.2 The Secretary shall be an employee of MA but shall be a different person from MA Authorised Representative and not entitled to vote.

## **(11) Status**

- 11.1 The Committee is an unincorporated association.

## **(12) Alterations to the Constitution**

- 12.1 Any alterations of this Constitution must be approved by at least two thirds of the votes cast at a Meeting specially called for that purpose.
- 12.2 Written requests for a Meeting to alter the Constitution must be received by the Secretary not less than fifteen clear days before the Meeting at which the alteration is to be considered.
- 12.3 At least ten clear working day's notice in writing of such a Meeting, setting out the terms of the alterations to be proposed, shall be sent by the Secretary to each Member, the Coordinator and the Department for Transport.

## **(13) Dissolution**

- 13.1 The Committee cannot be dissolved as long as the Regulation or any regulation replace it which requires that a Coordination Committee at MAN is in force.
- 13.2 If, once the Regulation, or any regulation replacing it, which requires a Coordination Committee to be established at MAN has ceased to be in force, at least two thirds of those present and voting at a meeting may resolve to dissolve the Committee, the Committee shall thereupon be dissolved and the Members shall have the power to dispose of any assets held by or on behalf of the Committee.

## **(14) Costs and Expenses**

- 14.1 Whilst European Community Legislation requires a Coordination Committee at MAN, all reasonable and proper administration, premises and catering expenses of the Committee shall be met by MA, provided that meetings are held at MAN.