

# Official Record

Series 7



## **PROPOSED MODIFICATION TO THE AIR TRAFFIC SERVICES LICENCE FOR NATS (EN ROUTE) LIMITED**

No: 11

Publication date: November 2001

## **PROPOSED MODIFICATION TO THE AIR TRAFFIC SERVICES LICENCE FOR NATS (EN ROUTE) LIMITED**

### **1 The Application**

- 1.1 NATS (En Route) Limited (NERL) applied to the CAA to modify paragraph 2(a) of Condition 10 of its Licence to extend the final date for the submission of its first full 10 year Business Plan from four months to eight months after the Licence came into effect. The effect of this modification would be that the Business Plan would have to be submitted by no later than 26 March 2002 rather than 26 November 2001.
- 1.2 On 5 October the CAA published in its Official Record Series 7 a proposal to modify condition 10 as applied for by NERL. The CAA also notified a number of NERL's direct users of the proposal.

### **2 Representations**

- 2.1 Within the period of 28 days allowed for representations the CAA received written representations from British Airways, KLM uk, ERA, IATA and the British Microlight Association. None objected to the proposal.
- 2.2 The CAA sent a copy of the proposed modification to the Secretary of State as required by section 11(2)(c) of the Transport Act. The Secretary of State did not direct the CAA not to make the modification.

### **3 Decision**

- 3.1 As explained in the published proposal, the consequences of the terrorist action on 11 September 2001 had led NERL to delay the process of consultation with users on the Business Plan as required under Condition 16 of the Licence. Consequently, NERL considered that it might not have been possible for it to consult users to a sufficient depth to allow users' views to be properly taken into account in the development of the Business Plan and for this to be submitted by 26 November 2001 in the form and with the scope and level of detail approved by the CAA.
- 3.2 The CAA agrees that sufficient time needs to be allowed for NERL to conduct a full and proper consultation with its users both on the form, scope and level of detail of the Business Plan and, subsequently, on the content of the Plan itself. To this end the CAA believes that, given the consequences of the events of 11 September, the current timescales in Condition 10 would pose an unreasonable constraint on NERL. Given the importance it places on effective consultation between NERL and its

users and in the absence of any objections to the proposal the CAA has decided to modify the Licence as proposed.

3.3 The modification is attached.

**TRANSPORT ACT 2000 SECTION 11**

**MODIFICATION OF CONDITIONS IN AIR TRAFFIC SERVICES LICENCE FOR NATS (EN ROUTE) LIMITED**

Modification made: 9 November 2001

Coming into effect: Forthwith

In Condition 10 (Business Plans, Service and Investment Plans and Periodic Reports) of the Air Traffic Services Licence for NATS (En Route) Limited issued by the Department of the Environment, Transport and the Regions in March 2001 and which came into effect on 26 July 2001, paragraph 2(a) is modified as follows:

"(a)the first business plan shall be submitted as soon as practicable, and in any event not more than eight months after the date of this Licence coming into effect, and shall relate to the ten year period beginning 1 April 2001;"

The effect of this modification is to increase from four months to eight months the maximum period specified by paragraph 2(a).

Signed:

R Britton

for and on behalf of the Civil Aviation Authority