

Annex H2: IAA Act 1993, Key Sections

Source

Irish Aviation Authority Act 1993 (No. 29 of 1993), as amended. Extracted from KB phase file on legislation.

s.7: Ministerial Direction Powers Over the IAA

s.7(1)(a)(ii): Minister may direct IAA to do or refrain from doing anything "necessary or expedient in the national interest"

s.7(1)(b): Minister may direct IAA to impose airspace restrictions, amend flight restrictions, designate prohibited/restricted areas under s.60

s.7(1)(d): Minister may require IAA to achieve specified safety standards "whenever the Minister is satisfied that the interests of the State or the public so require"

s.7(3): "The company shall comply with a direction under this section." (mandatory)

s.14: IAA Objects

s.14(1)(a): Give effect to Chicago Convention Annexes specified in the Schedule, including Annex 16 (Environmental Protection)

s.14(1)(b): Ensure airspace is used in a safe and efficient manner

s.14(1)(d): Operate and manage terminal services at State aerodromes; regulate their provision

s.14(1)(l): Undertake environmental research relating to its functions

Chicago Convention Annex 16 is titled "Environmental Protection" and is within the IAA's mandate per Schedule 1 of the 1993 Act (as substituted by ANTA 2022). However, Annex 16 in practice covers aircraft engine noise certification and emissions standards, not real-world flight path routing, noise impact assessment, or land-use planning. The IAA CEO has confirmed that in the context of IFP approvals and aerodrome submissions, the IAA checks compliance with ICAO standards only and has "no public interest mandate." This reading is consistent with the scope of Annex 16. The IAA's position is that it is constrained by law to verify compliance with minimum standards and fears industry litigation if it attempts any broader public interest activity.

s.16(2): Liability Shield

"Nothing in section 14 or this section shall be construed as imposing on the 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."

This provision means that the duties conferred by ss.14 and 16 cannot themselves be enforced by court proceedings. While it does not bar all claims against the IAA (duties arising from other sources of law remain enforceable), it removes the most direct route by which communities could compel the IAA to exercise its statutory functions, creating a significant access to justice gap.

Aarhus Relevance

The Minister has clear statutory power to direct the IAA to act in the public interest regarding flight

paths, safety, and environmental protection. This power has never been exercised in respect of the North Runway flight path breach. Section 16(2) removes the possibility of judicial enforcement against IAA inaction, making ministerial direction the only effective remedy. When the Minister also refuses to act, the public is left without any domestic remedy.