

Annex H4: State Airports Act 2004, Key Sections

Source

State Airports Act 2004 (No. 32 of 2004). Extracted from KB phase file on legislation.

s.9: daa's Statutory Obligations

s.9(4)(c)(ii): daa must have regard to "any policy, financial or other guidelines given by the Minister"

s.13: Ministerial Appointment of Directors

s.13(4): Minister appoints daa directors ("such persons as he or she thinks appropriate")

This means the Minister has direct control over the composition of the daa Board. When the Board refuses to engage with evidence of planning non-compliance and conflict of interest (see Annex F7), the Minister has the power to replace Board members.

s.16: Airport Safety Regulations

s.16(1): Minister may independently make airport safety regulations to "prevent danger to the public"

This power is not dependent on the IAA or any other body. The Minister can act unilaterally to address safety concerns at State airports.

Aarhus Relevance

The Minister for Transport has direct statutory powers over daa through board appointments, policy directions, and safety regulations. These powers provide a domestic mechanism through which the flight path breach could be addressed. The Minister's failure to exercise any of these powers, despite being formally notified of the planning breach, the environmental impact, and the safety concerns, represents a failure of the State to ensure effective access to justice for the affected public.