
First published in the *Government Gazette*, Electronic Edition, on 1st July 2009 at 5:00 pm.

No. S 311

CIVIL AVIATION AUTHORITY OF SINGAPORE ACT 2009 (ACT 17 OF 2009)

CIVIL AVIATION AUTHORITY OF SINGAPORE (LICENSING OF AIRPORT OPERATORS) REGULATIONS 2009

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In exercise of the powers conferred by section 102 of the Civil Aviation Authority of Singapore Act 2009, the Civil Aviation Authority of Singapore, with the approval of the Minister for Transport, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Civil Aviation Authority of Singapore (Licensing of Airport Operators) Regulations 2009 and shall come into operation on 1st July 2009.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “accounts” means profit and loss accounts and balance-sheets and includes notes (other than auditors’ reports or directors’ reports) attached or intended to be read with any of those profit and loss accounts or balance-sheets;
- “aeronautical revenue yield” means the maximum total amount per passenger that is earned by an airport licensee for an airport from the provision of aeronautical services and facilities in relation to the airport;
- “aeronautical services and facilities” has the same meaning as in the Civil Aviation Authority of Singapore (Price Control of Aeronautical Charges) Rules 2009 (G.N. No. S 298/2009);
- “Changi Airport” means the airport declared under the Civil Aviation Authority of Singapore (Changi Airport) Notification 2009 (G.N. No. S 293/2009);

“director’s report” means a director’s report that meets the requirements of Part VI of the Companies Act (Cap. 50);

“emergency” means —

(a) a storm, a volcanic eruption, an earthquake, a flood, a tsunami or an occurrence of a similar kind;

[S 720/2020 wef 01/09/2020]

(b) a fire;

(c) a plague or an epidemic;

[S 720/2020 wef 01/09/2020]

(d) a road, rail or an air crash, or a shipping or other accident;

(e) a war; or

[S 720/2020 wef 01/09/2020]

(f) an act of terrorism;

[S 720/2020 wef 01/09/2020]

“financial report” has the same meaning assigned to it in the Companies Act (Cap. 50);

“financial year” means —

(a) the period starting from 1st July 2009 and ending on 31st March 2010, which is the first financial year; and

(b) thereafter, every subsequent period of 12 months starting on 1st April and ending on 31st March;

“material capital expenditure” means any capital expenditure project relating to an airport incurred or to be incurred during a regulatory period where the contract value of the project exceeds the materiality threshold specified by the Authority for that regulatory period;

[S 422/2012 wef 01/10/2012]

“non-aeronautical asset base” means such assets, including working capital and work-in-progress assets, that are utilised by the airport licensee in the provision of non-aeronautical services and facilities;

“non-aeronautical services and facilities” has the same meaning as in the Civil Aviation Authority of Singapore (Price Control of Aeronautical Charges) Rules 2009 (G.N. No. S 298/2009);

“regulated asset base” means such assets, including working capital and work-in-progress assets, that are utilised by the airport licensee in the provision of aeronautical services and facilities;

“security asset base” means such assets, including working capital and work-in-progress assets, that are utilised by the airport licensee in the provision of security services and facilities;

“security services and facilities” has the same meaning as in the Civil Aviation Authority of Singapore (Price Control of Aeronautical Charges) Rules 2009;

“Seletar Airport” means the airport declared under the Civil Aviation Authority of Singapore (Seletar Airport) Notification 2009 (G.N. No. S 294/2009);

[S 269/2010 wef 01/06/2010]

[S 422/2012 wef 01/10/2012]

“significant capital expenditure” means any capital expenditure for any significant project;

[S 422/2012 wef 01/10/2012]

“significant project” means any project relating to an airport which, if not completed or its completion is delayed —

- (a) is likely to adversely affect the status of Singapore as an international aviation hub;
- (b) is likely to adversely affect the safety of the airport;
or
- (c) is likely to adversely affect the security of the airport.

[S 422/2012 wef 01/10/2012]

PART II
ACCOUNTS AND STATEMENTS

Preparation of accounts, etc.

3.—(1) For the purposes of section 53(1)(a) of the Act, the airport licensee for an airport must, for its operations at the airport, prepare for each financial year the following regulatory and financial accounts, unless otherwise provided in paragraph (1A):

- (a) accounts or, if it is a holding company, consolidated accounts (prepared in accordance with the applicable accounting standards) that meets the requirements of Part VI of the Companies Act (Cap. 50);
- (b) a director's report for itself and for all its subsidiaries and related corporations providing aeronautical services and facilities, non-aeronautical services and facilities and security services and facilities at the airport in the financial year;
- (c) a proposed calculation of the regulated asset base, non-aeronautical asset base, and security asset base, respectively, as of the end of the preceding financial year;
- (d) a progress report of either items of material capital expenditure or significant capital expenditure, or both, for the preceding regulatory period;
[S 422/2012 wef 01/10/2012]
- (e) a summary calculation of actual aeronautical revenue yield for the preceding financial year;
- (f) an explanation of the allocation of costs to aeronautical services and facilities, non-aeronautical services and facilities and security services and facilities, respectively, including the details of the methodology of allocating such costs;
- (g) the prices for aeronautical charges within the meaning of sections 51 and 52 of the Act; and
- (h) operating statistics for the preceding financial year, including the number of passengers landing at or

departing from the airport, the number of connecting passengers, cargo tonnage and the number of aircraft movements at the airport.

[S 422/2012 wef 01/10/2012]

(1A) Where the circumstances make it inappropriate or impractical for the airport licensee for an airport to prepare under paragraph (1), any account, report, calculation, explanation, price or statistic for a particular financial year, the Authority may waive any requirement under paragraph (1).

[S 422/2012 wef 01/10/2012]

(2) The accounts or consolidated accounts referred to in paragraph (1) for any financial year must show the matters described in rule 22(3) of the Civil Aviation Authority of Singapore (Price Control of Aeronautical Charges) Rules 2009 (G.N. No. S 298/2009) in relation to that financial year.

[S 141/2016 wef 01/04/2016]

(2A) Where the pricing of aeronautical services and facilities provided by the airport licensee for an airport is an approved tariff, the accounts or consolidated accounts referred to in paragraph (1) for any financial year must show the costs incurred (including the costs associated with maintenance and repair), the revenue earned and the assets utilised in relation to the provision and use of the services at the airport for which an approved tariff is in force in the financial year, including those recovered directly or indirectly from airlines and other airport users.

[S 422/2012 wef 01/10/2012]

(3) For the purpose of paragraph (2) —

- (a) the accounts and director's reports for an airport licensee for an airport must —
 - (i) include the financial reports for all subsidiaries and related corporations of the airport licensee providing aeronautical services and facilities, non-aeronautical services and facilities and security services and facilities at the airport; and
 - (ii) as far as practicable, include the financial reports for all other persons providing aeronautical services and

facilities, non-aeronautical services and facilities and security services and facilities at the airport as if those persons were subsidiaries or related corporations of the airport licensee; and

(b) the costs and revenue for the provision and use of aeronautical services and facilities for an airport licensee must include those recovered directly or indirectly from airlines and persons who provide airport services and facilities under an agreement with the airport licensee.

(4) The accounts and statements required under paragraph (1) are in addition to and must not be inconsistent (but must be reconciled) with any report prepared under the Companies Act (Cap. 50), and must not be consolidated with those of any other company.

(5) In this regulation —

“accounting standards” means the accounting standards made or formulated by the Accounting Standards Council under Part III of the Accounting Standards Act (Cap. 2B) and applicable to the airport licensee;

“subsidiary” and “related corporation” have the same respective meanings assigned in the Companies Act.

Supply of audited accounts to Authority

4. For the purposes of section 53(1)(c) of the Act, the period (after the end of an accounting period) within which an airport licensee must give the Authority the duly audited accounts and statements referred to in regulation 3 is —

(a) 120 days (or such longer period as the Chief Executive may allow in any particular case) for financial accounts; and

(b) 180 days (or such longer period as the Chief Executive may allow in any particular case) for regulatory accounts.

[S 141/2016 wef 01/04/2016]

Other statements

5.—(1) For the purposes of section 53(1)(a) and (c) of the Act, the airport licensee for an airport must, for its operations at the airport, prepare and give the Authority the following statements at the following times, unless otherwise provided in paragraph (2):

- (a) within 6 weeks (or such longer period as the Chief Executive may allow in any particular case) after the end of each reporting period of a month, a statement, in such detail as the Authority may specify, of the traffic results (including the number of passengers landing at or departing from the airport and the number of connecting passengers), cargo tonnage and the number of aircraft movements at the airport during that reporting period; and
- (b) within 2 months (or such longer period as the Chief Executive may allow in any particular case) after the end of each reporting period of 4 months, a statement of the aeronautical revenue yield earned in that reporting period.

(2) Where the circumstances make it inappropriate or impractical for the airport licensee for an airport to prepare a statement under paragraph (1), the Authority may waive any requirement under paragraph (1).

[S 422/2012 wef 01/10/2012]

Record-keeping

6. For the purposes of section 53(1)(d) of the Act, the airport licensee for an airport must keep records relevant to the preparation of the accounts and statements of the airport licensee referred to in regulation 3 or 4 —

- (a) for 5 years after the end of the period to which the records relate; and
- (b) in an electronic form or in any other manner as may be approved by the Authority in any particular case.

PART III

QUALITY OF SERVICE MONITORING

Codes of practice and standards of performance

7. For the purposes of section 44(1)(iii) of the Act, codes of practice and standards of performance applicable to airport licensees may be issued, approved or amended in accordance with the Act with respect to all or any of the following aspects of airport services and facilities:

- (a) passenger handling-related facilities, systems and services;
[S 141/2016 wef 01/04/2016]
- (b) baggage handling-related facilities, systems and services;
[S 141/2016 wef 01/04/2016]
- (c) immigration and security-related facilities, systems and services;
[S 141/2016 wef 01/04/2016]
- (d) cargo-related facilities, systems and services;
[S 141/2016 wef 01/04/2016]
- (e) aircraft-related facilities and services;
[S 141/2016 wef 01/04/2016]
- (f) airline-related facilities, systems and services;
[S 141/2016 wef 01/04/2016]
- (g) apron-related facilities, lightings, systems and services;
[S 141/2016 wef 01/04/2016]
- (h) airfield-related facilities, lightings, systems and services;
[S 141/2016 wef 01/04/2016]
- (i) ground handling-related facilities, systems, services and amenities;
[S 141/2016 wef 01/04/2016]
- (j) terminal buildings and operations-related facilities, systems, services and amenities;
[S 141/2016 wef 01/04/2016]
- (k) management and handling of incidents, quality of service issues and concerns.
[S 141/2016 wef 01/04/2016]

Performance indicators

8.—(1) For the purposes of section 54(1)(a) of the Act, the performance indicators set out in the Schedule to the Code of Practice for Changi Airport Service Standards dated 1 April 2016 are specified for Changi Airport.

(2) For the purposes of section 54(1)(a) of the Act, the performance indicators set out in the Schedule to the Code of Practice for Seletar Airport Service Standards dated 1 July 2009 are specified for Seletar Airport.

[S 141/2016 wef 01/04/2016]

Records that must be kept regarding quality of service matters

9.—(1) For the purposes of section 54(1)(a) of the Act, the airport licensee for an airport must keep a record, for each financial year beginning on or after 1st July 2009, for the airport, of the following matters:

(a) for Changi Airport — each matter referred to in the clause relating to records keeping in the Code of Practice for Changi Airport Service Standards dated 1 April 2016;

[S 141/2016 wef 01/04/2016]

(b) for Seletar Airport — each matter referred to in the clause relating to records keeping in the Code of Practice for Seletar Airport Service Standards dated 1 July 2009.

[S 141/2016 wef 01/04/2016]

(2) The record referred to in paragraph (1) may be in electronic form.

(3) For the purposes of section 54(1)(a) of the Act, an airport licensee must retain such a record for 5 years after the end of the financial year to which the record relates.

(4) Notwithstanding paragraph (3), the airport licensee for an airport need not comply with paragraphs (1) and (3) about a matter, if a service or facility to which the matter relates is provided for the airport under an agreement with the airport licensee by a person other than the airport licensee.

(5) Every person who provides the service or facility under an agreement with the airport licensee must comply with paragraphs (1) and (3) about the matter as if any reference in those paragraphs to the airport licensee were a reference to the person.

Giving information to Authority

10.—(1) For the purposes of section 54(1)(b) of the Act, a person who is obliged to keep a record for an airport under regulation 9 must give a copy of the record for a financial year to the Authority within one month after the end of the financial year.

(2) If an airport licensee carries out a survey about a performance indicator, the airport licensee must give the Authority a document setting out the results —

- (a) if the survey is held for each quarter of a financial year — within 4 weeks (or such longer period as the Chief Executive may allow in any particular case) after the end of each quarter; and

[S 269/2010 wef 01/06/2010]

[S 141/2016 wef 01/04/2016]

- (b) in any other case — within one month (or such longer period as the Chief Executive may allow in any particular case) after the end of the month in which the survey is carried out.

[S 141/2016 wef 01/04/2016]

(3) Information given to the Authority under this regulation must be verified by —

- (a) if the person obliged to give the information is an individual — the person, or a manager or an executive officer employed by the person;

[S 269/2010 wef 01/06/2010]

- (b) if the person is an airport licensee — an officer duly authorised by the airport licensee to furnish that information; or

- (c) if the person is a corporation other than the airport licensee — a director of the corporation.

[S 269/2010 wef 01/06/2010]

PART IV
MISCELLANEOUS

Services essential to operation of airport

11. For the purposes of the definition of “aeronautical revenue” in section 39(7) of the Act, the services which are essential to the operation of an airport are aeronautical services and facilities provided at the airport.

Contents of master plan for airport

12. For the purposes of section 47(2)(g) of the Act, the master plan for an airport operated or to be operated by an airport licensee shall also specify —

- (a) the airport licensee’s intentions for land use, showing the proposed land use zoning and interim land uses, if any, for the planning periods and related development of the airport site, including in particular any major airport development at the airport site and for any adjacent area that may become part of the airport site;
- (b) the airport licensee’s airport development plan mentioned in rule 8(2)(f) of the Civil Aviation Authority of Singapore (Airport Master Plan) Rules 2009 (G.N. No. S 458/2009);
[S 720/2020 wef 01/09/2020]
- (c) the airport licensee’s assessment of the future capacity of key airport systems and infrastructure;
- (d) flight templates at the airport;
- (e) the airport licensee’s assessment of environmental issues that might reasonably be expected to be associated with the implementation of the plan; and
- (f) the airport licensee’s plans for dealing with the environmental issues mentioned in paragraph (e) (including plans for ameliorating or preventing environmental impacts).

Prescribed major airport developments

12A. For the purposes of the definition of “major airport development” in section 49(4) of the Act, a development at an airport site consisting of constructing or extending a tunnel, or any associated structure used for ventilation or maintenance access, for any of the following purposes is prescribed as a major airport development:

- (a) to house and distribute utility services to a passenger terminal or other building within the airport site;
- (b) to transport passengers, baggage or cargo between passenger terminals, or between passenger terminals and other buildings within the airport site;
- (c) to support or facilitate use wholly or principally in connection with the operation of a passenger terminal.

[S 720/2020 wef 01/09/2020]

Charges by airport licensee

13.—(1) For the purposes of section 51(1) of the Act, the airport licensee for the relevant airport may set and charge to every commander of any aircraft (other than an exempt aircraft) —

- (a) a landing charge in respect of each landing of an aircraft at Changi Airport or Seletar Airport;

[S 422/2012 wef 01/10/2012]

- (b) a parking charge for the parking of an aircraft at Changi Airport or Seletar Airport; and

[S 269/2010 wef 01/06/2010]

[S 112/2011 wef 01/04/2011]

[S 422/2012 wef 01/10/2012]

- (c) an aerobridge fee for the docking of an aircraft at Changi Airport or Seletar Airport.

[S 269/2010 wef 01/06/2010]

[S 112/2011 wef 01/04/2011]

[S 422/2012 wef 01/10/2012]

- (d) *[Deleted by S 269/2010]*

(2) For the purposes of section 51(1) of the Act, the airport licensee for an airport may set and charge to every passenger (other than an exempt passenger) embarking on an aircraft at the airport a passenger service and security fee for —

(a) passenger-related services and facilities at the airport; and

[S 112/2011 wef 01/04/2011]

[S 720/2020 wef 01/09/2020]

(b) security systems and services (including X-ray machines and closed circuit surveillance systems) for the screening of passengers and their baggage at the airport.

[S 720/2020 wef 01/09/2020]

[S 720/2020 wef 01/09/2020]

(2A) The airport licensee may collect from each passenger the passenger service and security fee referred to in paragraph (2) in a lump sum together with the aviation levy that is payable by the passenger and that the airport licensee is designated under the Civil Aviation Authority of Singapore (Aviation Levy) Order 2018 (G.N. No. S 522/2018) to collect on behalf of the Authority.

[S 457/2009 wef 01/10/2009]

[S 720/2020 wef 01/09/2020]

(3) For the purposes of section 51(1) of the Act, the airport licensee for an airport may also set and charge to every airline operating at the airport —

(a) a charge for the use of facilities to enable the check-in of passengers;

(b) a charge for the provision of flight information services;

(c) a fuel throughput charge;

(d) a charge for the provision of services and facilities for baggage handling;

(e) a charge for the provision of services and facilities to ensure noise and emission control;

[S 269/2010 wef 01/06/2010]

(f) a charge for the provision of airport emergency services; and

[S 269/2010 wef 01/06/2010]

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- (g) a charge for the co-ordination and allocation by the airport licensee of take-off and landing slots and other aircraft movements at Changi Airport or Seletar Airport.

[S 269/2010 wef 01/06/2010]

[S 422/2012 wef 01/10/2012]

(4) For the purposes of section 51(1) of the Act, the airport licensee for an airport may further set and charge a franchise fee to any person providing a service in connection with ground handling, security, maintenance, repair and overhaul of aircraft or catering.

(5) For the purposes of paragraph (1), the following are exempt aircraft:

- (a) military aircraft;

[S 269/2010 wef 01/06/2010]

- (b) *[Deleted by S 269/2010]*

- (c) aircraft used for Government ceremonial purposes;

- (d) foreign diplomatic aircraft engaged on diplomatic or consular missions to Singapore;

[S 269/2010 wef 01/06/2010]

- (e) *[Deleted by S 422/2012 wef 01/10/2012]*

- (f) aircraft which is operated by or on behalf of an association, authority, body or institution (whether incorporated or unincorporated) lawfully established for charitable objects exclusively for the purpose of travel by the employees or volunteers of such an association, authority, body or institution to any place outside Singapore (including transit through Singapore) —

- (i) to combat the effects of any emergency at that place;
- (ii) to provide emergency medical or other assistance for casualties or survivors in that place;
- (iii) to reduce further damage in that place; or
- (iv) to support emergency affected communities in the reconstruction and restoration of the physical infrastructure, the environment and community, psychosocial and economic well-being; and

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- (g) aircraft carrying the following passengers, and no others, on a flight originating from and ending in Singapore without landing in any place outside Singapore:
- (i) any beneficiary of an association, authority, body or institution (whether incorporated or unincorporated) lawfully established for charitable objects; and
 - (ii) any employee or volunteer of such an association, authority, body or institution accompanying that beneficiary.
- (6) For the purposes of paragraph (2), the following persons embarking on an aircraft at Changi Airport or Seletar Airport are exempt passengers:
- (a) operating crew required to perform duties on an aircraft or travelling on an aircraft in order to commence duties on an aircraft from another destination but not employees of an aircraft operator travelling on its aircraft other than as part of the operating crew;
 - (b) any passenger aboard any aircraft referred to in paragraph (5);
 - (c) *[Deleted by S 112/2011 wef 01/04/2011]*
 - (d) *[Deleted by S 112/2011 wef 01/04/2011]*
 - (e) infants below the age of 2 years;
[S 269/2010 wef 01/06/2010]
 - (f) service personnel and their dependants embarking on aircraft operating on charter flights on behalf of the Joint Services Movement Control of the United Kingdom;
[S 269/2010 wef 01/06/2010]
 - (g) Republic of Singapore military personnel travelling for military purposes on an aircraft other than military aircraft;
 - (h) any person —
 - (i) who is accredited as a diplomatic or consular representative of the government of any foreign territory, or is a staff member of any such diplomatic or consular representative;

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- (ii) who holds a valid diplomatic passport, official passport, service passport or public affairs passport issued by the government of that foreign territory; and
 - (iii) who is the subject of a request by the Ministry of Foreign Affairs in Singapore to be treated as an exempt passenger;
- (i) any head of state or head of government of a foreign territory who is recognised by Singapore (whether or not a guest of the Government) whom the Ministry of Foreign Affairs in Singapore requests to be treated as an exempt passenger;
 - (j) any person whom the Ministry of Foreign Affairs in Singapore recognises as a representative of an international organisation (whether or not a guest of the Government) and whom that Ministry requests to be treated as an exempt passenger;
 - (k) every member of the delegation travelling with a person referred to in sub-paragraph (h), (i) or (j);
 - (l) any employee or volunteer of an association, authority, body or institution (whether incorporated or unincorporated) lawfully established for charitable objects travelling to any place outside Singapore —
 - (i) to combat the effects of any emergency at that place;
 - (ii) to provide emergency medical or other assistance for casualties or survivors in that place;
 - (iii) to reduce further damage in that place; or
 - (iv) to support emergency affected communities in the reconstruction and restoration of the physical infrastructure, the environment and community, psychosocial and economic well-being; and
 - (m) any employee or volunteer of an association, authority, body or institution (whether incorporated or unincorporated) lawfully established for charitable

objects accompanying any beneficiary thereof, and that beneficiary, travelling on a flight originating from and ending in Singapore without landing in any place outside Singapore.

[S 269/2010 wef 01/06/2010]

(6A) For the purposes of paragraph (2), the following persons embarking on an aircraft at Seletar Airport are also exempt passengers:

- (a) any passenger who does not leave the transit area, or who leaves the transit area because of interruption to that passenger's departing flight from the airport caused by the unavailability of the aircraft concerned or the unavailability of an essential facility or caused by delay beyond the control of the passenger or the airline operator concerned; and
- (b) any passenger who, as evidenced by his passenger ticket, is scheduled to depart from Singapore by an aircraft within 24 hours of his scheduled time of arrival for a destination in another country other than the country from which he embarked.

[S 112/2011 wef 01/04/2011]

Fees payable by aircraft commander

14.—(1) A fee payable by the commander of an aircraft under regulation 13(1) shall be paid without any demand being made before the aircraft departs from the airport.

(2) If such fee is not paid by the commander of an aircraft in accordance with paragraph (1), it shall be a debt due to the airport licensee jointly and severally from the owner and the commander of the aircraft in respect of which the fee is payable.

FIRST SCHEDULE

[Deleted by S 141/2016 wef 01/04/2016]

SECOND SCHEDULE

[Deleted by S 141/2016 wef 01/04/2016]

Made this 1st day of July 2009.

LEE HSIEN YANG
*Chairman,
Civil Aviation Authority of
Singapore.*

[CAAS/LE/LGN/C1.09; AG/LEG/SL/41/2009/4 Vol. 1]

(To be presented to Parliament under section 102(4) of the Civil Aviation Authority of Singapore Act 2009).