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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the enactments specified in the Schedule, which relate to aviation security, statutory undertakers, town and country planning, disclosure and civil aviation, in consequence of the provisions of Part I of the Transport Act 2000 (“the Act”).

In so far as relevant the main effects of Part I of the Act are that a person to whom a licence under that Part is granted (“a licence holder”) is to provide air traffic services and the Civil Aviation Authority (“the CAA”) is to regulate the provision of those services. The provision of such services as comprise air traffic services was formerly the responsibility of the CAA and the CAA remains responsible for the performance of air navigation functions.

Paragraph 1 of the Schedule amends section 38 of the Aviation Security Act 1982 so that for the purposes of that Act the authority responsible for an air navigation installation is the person (who may be a licence holder) providing that installation or by whom such installation is wholly or mainly used.

Paragraphs 2, 4 to 6 and 9 to 12 of the Schedule amend legislation for the purposes of which the CAA is a statutory undertaker and make a licence holder a statutory undertaker for the purposes of that legislation to the extent that he is carrying out activities authorised by the licence. Paragraphs 3, 7 and 8 amend legislation whereby the CAA enjoys rights in relation to the carrying out of its functions otherwise than by being a statutory undertaker for the purposes of that legislation. The amendments provide that a licence holder shall enjoy similar rights to the extent that he is carrying out activities authorised by the licence.

Paragraph 13 of the Schedule amends sections 264 and 265 of the Town and Country Planning Act 1990. Section 264 is amended to provide that the section does not apply for the purposes of determining whether land in which an interest is held by a licence holder is, in relation to him, operational land for the purposes of that Act. The amendment to section 265 provides that in relation to a licence holder “the appropriate Minister” means the Secretary of State for Transport, Local Government and the Regions.

Paragraph 14 of the Schedule amends the Town and Country Planning (General Permitted Development) Order 1995 to provide that:

- (a) development by a relevant airport operator or its agent on operational land at or near an airport is granted planning permission if in connection with the provision of air traffic services; and
- (b) other specified classes of development in connection with the provision of such services or to station moveable apparatus in an emergency are granted planning permission when carried out by or on behalf of a licence holder.

Paragraphs 15 to 25 of the Schedule amend legislation which provides that information obtained thereunder may be disclosed to specified persons and bodies for specified purposes. The amendments provide that information obtained under such legislation may be disclosed to the CAA for the purposes of its functions under Part I of the Act.

Paragraph 26 of the Schedule amends the Civil Aviation Act 1982 in consequence of the repeal of sections 62, 63 and 72 to 74 thereof.