

SCHEDULE 17

Regulation 2

Transport

Interpretation - ports and harbours

1. In paragraph 2—

“harbour” is to be construed in accordance with section 313(1) of the Merchant Shipping Act 1995⁽¹⁾;

“infrastructure” means infrastructure, facilities and equipment within a port or harbour directly related to the movement of freight, passengers or seafarers;

“operating” means controlling the functioning of the port, harbour, terminal, wharf or other infrastructure;

“port” means an area of land and water made up of infrastructure which permits—

- (a) the receiving and departing of ships;
- (b) the loading and unloading of ships;
- (c) the storage of cargo;
- (d) the receipt and delivery of cargo; or
- (e) the embarkation and disembarkation of passengers, crew and other persons;

“ship” is to be construed in accordance with section 313(1) of the Merchant Shipping Act 1995.

Activity – ports and harbours

2. A qualifying entity carrying on activities that consist of or include—

- (a) owning or operating a port or harbour in the United Kingdom that handled 1 million tonnes or more of cargo as recorded in the Port Freight Annual Statistics⁽²⁾ published by the Department for Transport, in the year preceding the year in which the acquisition is due to be completed; or
- (b) owning and operating terminals, wharves or other infrastructure situated in a port or harbour described in sub-paragraph (a).

Interpretation -airports and air traffic control

3.—(1) In paragraph 4—

“airport” has the meaning set out in section 66(1) of the Civil Aviation Act 2012⁽³⁾;

“en route air traffic control services” mean services provided pursuant to a licence under section 6 of the Transport Act 2000⁽⁴⁾;

“operating an airport” means having overall responsibility for its management;

“parent undertaking” has the meaning set out in section 1162 of the Companies Act 2006⁽⁵⁾;

(2) The entities that are to be regarded as owning an airport for the purposes of paragraph 4 are—

- (a) a company which owns the airport (“C”); and

(1) 1995 c. 21.

(2) The Port Freight Annual Statistics are collected by the Department for Transport under [S.I. 1997/2330](https://www.gov.uk/search/research-and-statistics) and is published on <https://www.gov.uk/search/research-and-statistics> under ‘Port Freight Annual Statistics’.

(3) 2012 c. 19.

(4) 2000 c. 38.

(5) 2006 c. 46.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The National Security and Investment Act 2021 (Notifiable Acquisition) (Specification of Qualifying Entities) Regulations 2021 No. 1264

- (b) any parent undertaking of C ;
- (3) The entities that are to be regarded as owning a provider of en route air traffic control services for the purposes of paragraph 4 are—
 - (a) a company which owns such a provider (“C”); and
 - (b) any parent undertaking of C.

Activity – airports and air traffic control

- 4. A qualifying entity carrying on activities that consist of or include—
 - (a) owning or operating an airport in the United Kingdom that handled at least six million passenger movements or 100,000 tonnes of freight in 2018, as recorded in the UK Airports Annual Statements of Movements, Passengers and Cargo published by the Civil Aviation Authority⁽⁶⁾;
 - (b) providing en route air traffic control services in the United Kingdom;
 - (c) owning a provider of en route air traffic control services in the United Kingdom.

(6) Regulation (EC) 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air (“the Statistical Returns Regulation”) placed an obligation on EU Member States to collect specified aviation statistical data. In practice, this data was collected by the CAA on behalf of the UK. The Statistical Returns Regulation is now EU retained law (EUR 2003/437as amended by SI 2019/646). The Aviation Statistics (Amendment Etc.) EU Exit Regulations 2019, (SI 2019/646) now requires airport operators to provide statistical data to the CAA and obliges the CAA to collect that data. The UK Airports Annual Statements of Movements, Passengers and Cargo 2018 can be found at: <https://www.caa.co.uk/Data-and-analysis/UK-aviation-market/Airports/Datasets/UK-Airport-data/Airport-data-2018/>. Passenger movements at airports can be viewed in the first column of Table 8 which is set out at: https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2018_annual/Table_08_Air_Pax_by_Type_and_Nat_of_Op.pdf. Tonnes of freight handled at airports can be viewed in the last column of Table 13.2 which is set out at: https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Data_and_analysis/Datasets/Airport_stats/Airport_data_2018_annual/Table_13_2_Freight.pdf.