
STATUTORY INSTRUMENTS

1993 No. 3039

CIVIL AVIATION

**The Licensing of Air Carriers (Second Amendment
and Other Provisions) Regulations 1993**

Made - - - - *6th December 1993*
Laid before Parliament *10th December 1993*
Coming into force - - *1st January 1994*

The Secretary of State for Transport, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to matters relating to air transport, in exercise of the powers conferred by that section hereby makes the following Regulations:

1. These Regulations may be cited as the Licensing of Air Carriers (Second Amendment and Other Provisions) Regulations 1993 and shall come into force on 1st January 1994.
2. The Licensing of Air Carriers Regulations 1992⁽³⁾ shall be amended as follows:
 - (a) In regulation 2(1), in the definition of “the Council Regulation,” after the word “carriers” there shall be inserted the words “(as that Regulation has effect in accordance with Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation)⁽⁴⁾”;
 - (b) After paragraph (2) of regulation 18 there shall be inserted the following paragraph—

“(3) Nothing in paragraph (1) above shall render an operating licence invalid by reason only that the holder uses an aircraft registered in a member State other than the United Kingdom being an aircraft which, by virtue of paragraph 2(b) of article 8 of the Council Regulation, may not be required to be registered in the national register of the United Kingdom.”.
3. The Civil Aviation Act 1982⁽⁵⁾ shall be amended as follows:

(1) S.I.1993/2661.
(2) 1972 c. 68.
(3) S.I.1992/2992, amended by s.1.1993/101.
(4) OJ No.L212, 23.8.93, p. 17. The original Agreement is attached to Council Decision [92/384/EEC](#) (OJ No.L200, 18.7.92, p. 20).
(5) 1982 c. 16. Sections 17(1)(c), 64(2)(d) and 84(1)(a) were amended, and section 69A added, by the Licensing of Air Carriers Regulations 1992 (s.1.1992/2992).

- (a) in each of sections 17(1)(c), 64(2)(d) and 84(1)(a), for the words “Council Regulation 2407/92 on licensing of air carriers” there shall be substituted the words “the Community licensing Regulation”;
- (b) in section 69A(8)—
 - (i) in the definition of “the Community access Regulation”, after the word “routes” there shall be inserted the words “(as that Regulation has effect in accordance with Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation)”; and
 - (ii) in the definition of “operating licence” for the words “Council Regulation 2407/92 on licensing of air carriers” there shall be substituted the words “the Community licensing Regulation”: and
- (c) in section 105(1), after the definition of “the Chicago convention” there shall be inserted the following definition—

““the Community licensing Regulation” means Council Regulation 2407/92 on licensing of air carriers⁽⁶⁾ (as that Regulation has effect in accordance with Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation);”.

4. In regulation 3(1) of the Civil Aviation Authority Regulations 1991⁽⁷⁾, in the definition of “operating licence”, after the word “carriers” there shall be inserted the words “(as that Regulation has effect in accordance with Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation)”.

Signed by authority of the Secretary of State for Transport

Department of Transport
6th December 1993

Caithness
Minister of State,

⁽⁶⁾ OJ No.L240, 24.8.92, p. 1.
⁽⁷⁾ S.I.1991/1672, amended by S.I.1992/2992.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Licensing of Air Carriers Regulations 1992.

They amend the definition of the expression “the Council Regulation” in regulation 2(1) so as to take into account the coming into force of Council Decision [93/453/EEC](#) concerning the amendment of the Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation.(regulation 2(a)).

Amendments to the same effect are also made to sections 17(1)(c), 64(2)(d), 69A(8) and 84(1)(a) of the Civil Aviation Act 1982 and regulation 3(1) of the Civil Aviation Authority Regulations 1991. (regulations 3 and 4).

The Regulations also provide for operating licences to remain valid notwithstanding the terms of regulation 18(1) of the principal regulations where the air carrier uses an aircraft which is exempted from registration in the UK register by article 8(2)(b) of Council Regulation 2407/92 on licensing of air carriers(8).(regulation 2(b)).

(8) OJ No.L 240, 24.8.92, p. 1.