

EXPLANATORY MEMORANDUM TO
THE AIR NAVIGATION (AMENDMENT) (No. 3) ORDER 2014

2014 No. 2920

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument designates the Secretary of State as the competent authority for certain provisions of Commission Regulation (EU) No 965/2012 (“the Air Operations Regulation”). It also designates the Civil Aviation Authority (“CAA”), which is the independent regulator for the United Kingdom aviation industry, as the UK competent authority for the purposes of Commission Regulation (EU) No 139/2014 (“the Aerodromes Regulation”) and for Commission Implementing Regulation (EU) No 923/2012 establishing Standardised European Rules of the Air (“the SERA Regulation”). Finally, it continues to designate the CAA as the competent authority for air traffic controller licencing.

3. Matters of special interest to the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee

3.1 None

4. Legislative Context

4.1 This instrument is required to come into force in the UK in order to amend the Air Navigation Order 2009 (“ANO”) to designate the Secretary of State as the competent authority for the requirements of the Air Operations Regulation relating to the safety of third country aircraft; and to designate the CAA to be the competent authority for the purposes of the Aerodromes Regulation. It also designates the CAA for the purposes of the SERA Regulation; and continues to designate the CAA as the competent authority for the purposes of Commission Regulation (EU) No 805/2011 which lays down detailed rules for the training and licensing of air traffic controllers. The amendments are necessary changes to domestic legislation as a consequence of European legislation relating to the same or similar subject matters.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Designation of the Secretary of State to be the competent authority for the requirements of EU Regulation 965/2012 relating to the safety of third country aircraft.

7.1.1 The ANO has previously been amended to designate the CAA as the competent authority for the purposes of the Air Operations Regulation. A further amendment must now be made to provide for the Secretary of State to be the competent authority in the UK for requirements of the Regulation relating to the inspection of aircraft used by third country operators landing in the UK. The Secretary of State takes on this responsibility because it relates to work on foreign aircraft, including third country aircraft and the Secretary of State is then able to delegate the responsibility for technical inspections to the CAA via the Civil Aviation Act 1982 avoiding the cost being passed to UK industry.

7.2 Designation of the CAA to be the competent authority for the purposes of EU Regulation 139/2014 on aerodrome safety standards.

7.2.1 The Order amends the ANO to designate the CAA as the UK competent authority for purposes of the Aerodromes Regulation. This includes the certification of approximately 50 of the largest aerodromes in the UK allowing them to operate and accept commercial air transport flights.

7.3 Designation of the CAA for the purposes of EU Regulation 923/2012 establishing Standardised European Rules of the Air

7.3.1 The Order amends the ANO to designate the CAA as the UK competent authority for the SERA Regulation. This will ensure that the CAA is granted the authority to permit and exempt flight operations in various circumstances, in accordance with the SERA Regulation which comes into force in the UK on 4th December.

7.4 Continuing designation of the CAA as Competent Authority for air traffic controller licensing

7.4.1 The Order amends the ANO to designate the CAA as the competent authority for the purposes of Commission Regulation (EU) No 805/2011 which lays down detailed rules for the training and licensing of air traffic controllers. The CAA is currently designated as competent authority under separate Regulations which expire on 31st December 2014.

8. Consultation outcome

8.1 No consultation was required for the designation elements of the above regulations.

9. Guidance

9.1 Guidance relating to all of the amendments contained within this amendment to the ANO can be provided to users by the CAA in its role as the industry regulator with respect to such matters if asked to do so.

10. Impact

10.1 This amendment has no requirement for an impact assessment as the designation of the Secretary of State and the CAA as the competent authorities in respect of the above regulations has no impact on industry.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The CAA will monitor the UK aviation industry to ensure compliance with the standards which are set out in the ANO and European legislation.

12.2 The ANO is regularly reviewed and updated by the CAA and amended as necessary, particularly to bring it into line with changes to European aviation legislation. The ANO will be consolidated to remove any provisions which are no longer required as soon as the opportunity arises.

13. Contact

13.1 Paul Cremin at the Department for Transport, tel: 020 7944 5882, email: Paul.Cremin@dft.gsi.gov.uk, can answer any queries regarding the instrument.