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STATUTORY INSTRUMENTS

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**2019 No. 409 (S. 1)**

**CIVIL AVIATION, SCOTLAND**

**The Airports (Noise-related Operating Restrictions) (Scotland) Regulations 2019**

<i>Made</i>	- - - -	<i>27th February 2019</i>
<i>Laid before Parliament</i>		<i>4th March 2019</i>
<i>Coming into force</i>	- -	<i>29th March 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The Secretary of State is a Minister designated for the purposes of that section in relation to measures relating to air transport<sup>(2)</sup>.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Airports (Noise-related Operating Restrictions) (Scotland) Regulations 2019 and come into force on 29th March 2019.

(2) These Regulations extend to Scotland.

**Interpretation**

2. In these Regulations—

“the 2014 Regulation” means Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16th April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach<sup>(3)</sup> and repealing [Directive 2002/30/EC](#)<sup>(4)</sup>;

“aircraft” has the same meaning as in Article 2(1) (definitions) of the 2014 Regulation;

“movement” means either a take-off or a landing.

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(1) [1972 c. 68](#). Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([c. 7](#)).

(2) [S.I. 1993/2661](#), to which there are amendments not relevant to these Regulations.

(3) OJ No L 173, 12.6.2014, p. 65-78.

(4) [Directive 2002/30/EC](#) of the European Parliament and of the Council of 26th March on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports (OJ No L 85, 28.3.2002, p. 40-46).

**Competent authority: the Scottish Ministers**

3. The Scottish Ministers are the competent authority for the purposes of the 2014 Regulation in relation to an airport which—

- (a) is in Scotland, and
- (b) has more than 50,000 civil aircraft movements per calendar year, on the basis of the average number of movements in the last three calendar years before the last assessment of the noise situation at that airport was carried out in accordance with the Environmental Noise (Scotland) Regulations 2006<sup>(5)</sup>.

**Revocation**

4. The Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003<sup>(6)</sup> are revoked in relation to Scotland.

Signed by authority of the Secretary of State for Transport

27th February 2019

*Sugg*  
Parliamentary Under Secretary of State  
Department for Transport

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<sup>(5)</sup> S.S.I. 2006/465, as amended by S.S.I. 2018/342.

<sup>(6)</sup> S.I. 2003/1742, which was revoked in relation to England and Wales by S.I. 2018/785.

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## EXPLANATORY NOTE

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

These Regulations implement, in relation to Scotland, the requirement to designate competent authorities for the purposes of Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16th April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing [Directive 2002/30/EC](#) (“the 2014 Regulation”).

Regulation 3 provides that the Scottish Ministers will be the competent authority for the purposes of the 2014 Regulation in relation to airports in Scotland which fall within the scope of the 2014 Regulation.

Regulation 4 revokes the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003, in relation to Scotland. Those Regulations made provision in relation to the adoption of noise-related operating restrictions at airports in the United Kingdom and have already been revoked in relation to England and Wales.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).