

2004 No. 77

CIVIL AVIATION

The Aviation Safety Regulations 2004

Made - - - - - *14th January 2004*

Laid before Parliament *22nd January 2004*

Coming into force - - - *16th February 2004*

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

Citation and commencement

1. These Regulations may be cited as the Aviation Safety Regulations 2004 and shall come into force on 16th February 2004.

Abolition of the Airworthiness Requirements Board

2.—(1) Paragraphs (2) to (5) below amend the Civil Aviation Act 1982^(c) and paragraphs (6) and (7) below make savings.

(2) Section 21(2)(c) (contents of the annual report of the Civil Aviation Authority) shall be repealed.

(3) In section 23 (disclosure of information)—

(a) subsection (4)(e) shall be repealed; and

(b) in subsection (6) for “sections 84 and 85” there shall be substituted “section 84”.

(4) Section 85 (design, construction and maintenance of aircraft) and Schedule 11 (provisions relating to Airworthiness Requirements Board) shall be repealed.

(5) In Part 2 of Schedule 13 (provisions applying to certain powers) the entry relating to section 85(1)(c) of the Act shall be repealed.

(6) The repeal of section 21(2)(c) of the Act by paragraph (2) above does not have effect in relation to accounting years of the Civil Aviation Authority commencing prior to 1st April 2004.

(7) Despite the amendment of section 23(6) of the Act by paragraph (3)(b) above, information furnished in pursuance of section 85 of the Act before its repeal by paragraph (4) above shall be treated for the purposes of section 23(1) of the Act as information furnished in pursuance of a provision of the Act to which section 23 of the Act applies.

(a) S.I. 1993/2661.
(b) 1972 c.68.
(c) 1982 c.16.

Competence of the Civil Aviation Authority in aviation safety matters

3. For article 134 of the Air Navigation Order 2000(a) (competence of the Civil Aviation Authority etc.) there shall be substituted—

“Competent Authorities

134.—(1) The CAA shall be—

- (a) the national aviation authority of the United Kingdom for the purposes of Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency(b);
- (b) the competent authority of the United Kingdom for the purposes of—
 - (i) Commission Regulation (EC) No. 1702/2003 of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations(c); and
 - (ii) Commission Regulation (EC) No. 2042/2003 of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks(d).

(2) The Secretary of State shall be the competent authority under article 15 of Council Directive 96/29/Euratom of 13th May 1996 for the purposes of article 42 of the Directive(e).”.

Signed by authority of the Secretary of State

14th January 2004

Tony McNulty
Parliamentary Under Secretary of State
Department for Transport

(a) S.I. 2000/1562; amendments have been made to this Order which are not relevant for the purposes of these Regulations.
(b) O.J. L240, 7.9.02, p.1; the amendments which have been made to this Community Regulation are not relevant for the purposes of these Regulations.
(c) O.J. L243, 24.9.03, p.6.
(d) O.J. L315, 28.11.03, p.1.
(e) O.J. L159, 29.6.96, p.1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Aviation Act 1982 and the Air Navigation Order 2000.

Regulation 2 abolishes the Airworthiness Requirements Board. It removes the duty of the Civil Aviation Authority to consult the Board in connection with the standards of design, construction and maintenance by reference to which certificates of airworthiness are granted to aircraft registered in the United Kingdom and makes consequential amendments. The standards by reference to which these certificates are now granted are set by the European Aviation Safety Agency under the European Community Regulation which established the Agency (EC Regulation 1592/2002).

By virtue of regulation 3 of these Regulations, the CAA becomes the UK's national aviation authority for the purposes of EC Regulation 1592/2002 and the UK's competent authority for the purposes of the two Commission Regulations made under Regulation 1592/2002. In addition, regulation 3 of these Regulations ends the CAA's responsibility for carrying out in the UK the functions of the Authority under Joint Aviation Requirement 145.

A full regulatory impact assessment has not been produced for this instrument, because it has no impact on the costs of businesses.

STATUTORY INSTRUMENTS

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£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0045 1/2004 140045T 19585

ISBN 0-11-048444-4



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