

2006 No. 2316

CIVIL AVIATION

The Air Navigation (Amendment) Order 2006

Made - - - - *5th September 2006*
Laid before Parliament *7th September 2006*
Coming into force - - *30th September 2006*

At the Court at Balmoral, the 5th day of September 2006

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 60(1), (2)(b), (3)(h) and (4), 61(1)(a) and 102(2)(b) of, and paragraph 2 of Part 3 of Schedule 13 to, the Civil Aviation Act 1982(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Amendment) Order 2006 and shall come into force on 30th September 2006.

Amendment of the Air Navigation Order 2005

- 2.—(1) The Air Navigation Order 2005(b) shall be amended as follows.
(2) After article 141 there shall be inserted—

“Directions to operators of aircraft to make data available

141A.—(1) The Secretary of State may give a direction to any person who is an operator of an aircraft referred to in paragraph (2) requiring him to take the action referred to in paragraph (3).

(2) The aircraft referred to in paragraph (1) is any aircraft which (alone or in combination with one or more other aircraft operated by the operator) is flown for the carriage of passengers from the United Kingdom (directly or via another country) to a country which is outside the European Economic Area and is specified in the direction.

(3) The action referred to in paragraph (1) is the making available electronically of data in respect of all passengers and crew on the aircraft or expected to be on the aircraft.

(4) A direction may be given in respect of—

(a) 1982 c.16, to which there are amendments which are not relevant to this Order in Council.

(b) S.I. 2005/1970, to which there are amendments which are not relevant to this Order in Council.

- (a) all aircraft,
- (b) any aircraft, or
- (c) any class of aircraft,

of which (at the time when the direction is given or at any subsequent time) the person is the operator and which is or are specified in the direction.

(5) A direction shall specify—

- (a) the competent authorities of the country to whom the data are to be made available electronically; and
- (b) the types of data to which the direction relates.

(6) A direction shall only have effect in relation to data which are collected and contained in the operator's automated reservation system or departure control system."

(3) In article 155(1)—

(a) after the definition of "Authorised person" there shall be inserted—

““Automated reservation system” means, in relation to an operator of an aircraft, the central reservation system of the operator which holds data relating to a flight booked by or on behalf of a passenger;”; and

(b) after the definition of "Declared distances" there shall be inserted—

““Departure control system” means, in relation to an operator of an aircraft, the system used by the operator to check passengers onto a flight;”.

(4) In Schedule 14, Part A, after the entry relating to article 137(1) and (3) (Management of aviation fuel at aerodromes), there shall be inserted—

“141A Operator’s obligation to make data available”.

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council amends the Air Navigation Order 2005 so as to enable the Secretary of State to direct an operator of an aircraft to make data relating to passengers and crew available electronically to authorities in a country outside the European Economic Area to which the aircraft is being flown. (*Article 2*, inserting a new article 141A into the Air Navigation Order 2005.)

Failure without reasonable excuse to comply with a direction will be an offence and will render the operator liable on summary conviction to a fine not exceeding level 4 on the standard scale. (Articles 147(2) and 148(5) of the ANO 2005; and Part A of Schedule 14 to the ANO 2005 as amended by *Article 2(4)* of this Order in Council.)

A Regulatory Impact Assessment has not been produced as it is considered that the Order will have a negligible impact on the costs or savings of businesses, charities or the voluntary sector.

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