
STATUTORY INSTRUMENTS

2014 No. 2920

CIVIL AVIATION

The Air Navigation (Amendment) (No. 3) Order 2014

Made - - - - *5th November 2014*
Laid before Parliament *12th November 2014*
Coming into force - - *10th December 2014*

At the Court at Buckingham Palace, the 5th day of November 2014

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2), (3)(c), (3)(h), (3)(n), and 102 of the Civil Aviation Act 1982(1) and section 2(2) of the European Communities Act 1972(2).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation, commencement and extent

1. This Order may be cited as the Air Navigation (Amendment) (No. 3) Order 2014 and comes into force on 10th December 2014.

Revocation

2. The Air Traffic Controller Licensing (National Supervisory Authority) Regulations 2011(3) are revoked.

Amendment of the Air Navigation Order 2009

3. The Air Navigation Order 2009(4) is amended as follows.

4. Paragraph (2) of article 246 (competent authority) is amended as follows—

(1) 1982 c.16; there have been amendments to the Act but none is relevant.

(2) 1972 c.68; section 2 has been amended by the Legislative and Regulatory Reform Act 2006 (c.51); and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(3) S.I. 2011/2261.

(4) S.I. 2009/3015, amended by S.I. 2012/1751 and S.I. 2013/3169; there are other amendments but none is relevant.

- (a) in subparagraph (c) delete the word “and”;
- (b) for subparagraph (d) substitute “(d) subject to paragraph (6), the EASA Air Operations Regulation;”;
- (c) after subparagraph (d) insert—
 - “(e) the EASA Aerodromes Regulation; and
 - (f) the Standardised European Rules of the Air Regulation.”;
- (d) after paragraph (5) add—
 - “(6) The Secretary of State is the competent authority of the United Kingdom for the purposes of Subpart RAMP of Part-ARO.
 - (7) The CAA is the national supervisory authority and the competent authority of the United Kingdom for the purposes of Article 4 and Article 27 of the Air Traffic Controllers’ Licensing Regulation.”

Interpretation

5. In article 255—

- (a) after the definition of “Air/ground communications service” insert—
 - ““Air Traffic Controllers’ Licensing Regulation” means Commission Regulation (EU) No 805/2011 of 10th August 2011⁽⁵⁾ laying down detailed rules for air traffic controllers’ licences and certain certificates pursuant to Regulation (EC) No 216/2008⁽⁶⁾ of the European Parliament and of the Council;”;
- (b) after the definition of “EASA” insert—
 - ““EASA Aerodromes Regulation” means Commission Regulation (EU) No 139/2013 of 12th February 2014⁽⁷⁾ laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council;”;
- (c) after the definition of “Part-ARA” insert—
 - ““Part-ARO” means Annex II so entitled to the EASA Air Operations Regulation;”;
- (d) after the definition of “Standard instrument departure” insert—
 - ““Standardised European Rules of the Air Regulation” means Regulation (EU) No 923/2012 of the European Parliament and of the Council of 26th September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010⁽⁸⁾.”;

Ceri King
Deputy Clerk of the Privy Council

(5) O.J. No L 206, 11.8.2011, p.21.
 (6) O.J. No L 79, 19.3.2008, p.1.
 (7) O.J. No L 44, 14.2.14, p.1.
 (8) O.J. No L 281, 13.10.2012, p.1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Air Navigation Order 2009 (“the 2009 Order”).

Article 4 amends the 2009 Order so that it specifies the Civil Aviation Authority (“CAA”) as the national supervisory authority and competent authority for the United Kingdom for the purposes of Articles 4 and 27 of Commission Regulation (EU) No 805/2011 of 10th August 2011 (O.J. No L206, 11.8.2011, p.21) laying down detailed rules for air traffic controllers’ licences and certain certificates pursuant to Regulation (EC) No 216/2008 (O.J. No L79, 19.3.2008, p.1) of the European Parliament and of the Council. Regulation 805/2011 contains provisions for the training and licensing of air traffic controllers, the issue of medical certificates and the certification of training organisations. (*Article 2* having repealed the Air Traffic Controller Licensing (National Supervisory Authority) Regulations 2011).

Article 4 further amends the 2009 Order so that it specifies the CAA as the competent authority for the United Kingdom for the purposes of Commission Regulation (EU) No 139/2013 of 12th February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (O.J. No L 44, 14.2.14, p.1).

Article 4 further amends the 2009 Order to provide that the Secretary of State is the competent authority in the United Kingdom for the purposes of Subpart RAMP of Part-ARO of Commission Regulation (EU) No. 965/2012 of 5th October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No. 216/2008 of the European Parliament and of the Council (O.J. No. L 296, 25.10.2012, p.1). Subpart RAMP contains provisions for the inspection of aircraft used by third country operators landed at aerodromes located in the European Union.

Article 4 further amends the 2009 Order so that it specifies the CAA as the competent authority for the purposes of Regulation (EU) No 923/2012 of the European Parliament and of the Council of 26th September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (O.J. No L 281 of 13.10.2012, p.1).

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

An Explanatory Memorandum for these Regulations is available alongside this instrument on the website www.legislation.gov.uk.