

This Statutory Instrument corrects defects in SI 2011/2491 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2018 No. 1081

EXITING THE EUROPEAN UNION TRANSPORT

The Airport Charges (Amendment) (EU Exit) Regulations 2018

<i>Sift requirements satisfied</i>	<i>5th September 2018</i>
<i>Made - - - -</i>	<i>10th October 2018</i>
<i>Laid before Parliament</i>	<i>19th October 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018(1) (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of that Act and section 2(2) of the European Communities Act 1972(2).

The Secretary of State is a Minister designated(3) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to air transport.

Citation and commencement

1.—(1) These Regulations may be cited as the Airport Charges (Amendment) (EU Exit) Regulations 2018 and come into force in accordance with paragraphs (2) and (3).

(2) This regulation and regulations 2 and 3 come into force 22 days after the day on which these Regulations are laid.

(3) Regulation 4 comes into force on exit day.

Amendment of Regulations

2. The Airport Charges Regulations 2011(4) are amended as follows.

(1) 2018 c.16.

(2) 1972 c. 68; section 2(2) was amended by section 27(1) of 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. 1993/2661, to which there are amendments not relevant to these Regulations.

(4) S.I. 2011/2491, amended by the Civil Aviation Act 2012 (Regulation of Operators of Dominant Airports) (Consequential Amendments) Regulations 2013.

Amendments coming into force prior to exit day

3.—(1) In regulation 3 (interpretation), in paragraph (2)(f), for the words from “Chapter III” to the end, substitute “Commission Implementing Regulation (EU) No. 391/2013 of 3rd May 2013 laying down a common charging scheme for air navigation services”(5).

(2) In regulation 33 (service of documents by the CAA), in paragraph (1)(b), for “the operator’s” substitute “that person’s”.

Amendments coming into force on exit day

4.—(1) In regulation 3 (interpretation), in paragraph (1), omit the definition of “Eurostat”.

(2) In regulation 6 (publication), omit paragraph (4).

Signed by authority of the Secretary of State for Transport

10th October 2018

Sugg of Coldharbour
Parliamentary Under Secretary of State
Department for Transport

(5) OJ L 128, 9.5.2013, p. 31-58.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Airport Charges Regulations 2011 (“the 2011 Regulations”). In part they are made in exercise of the powers conferred by section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 3, which comes into force 22 days after the day on which these Regulations are laid, is made under section 2(2) of the European Communities Act 1972.

Regulation 3(1) reflects the repeal and replacement of [Commission Regulation \(EC\) No. 1794/2006](#) of 6th December 2006 laying down a common charging scheme for air navigation services (OJ L 341, 7th December 2006, p.3), as amended by [Commission Regulation \(EU\) No. 1191/2010](#) of 16th December 2010 (OJ L 333, 17th December 2010, p.6) and by Commission Implementing Regulation (EU) No. 391/2013 of 3rd May 2013 (OJ L 128, 9th May 2013, p. 31).

Regulation 3(2) revises regulation 33(1)(b) of the 2011 Regulations by providing that service of a notice on any person can be effected by leaving it at that person’s proper address. This corrects a drafting error in the 2011 Regulations and these Regulations are being issued free of charge to all known recipients of the 2011 Regulations.

Regulation 4, which comes into force on exit day, is made in exercise of the powers conferred by section 8 of the European Union (Withdrawal) Act 2018 in order to address deficiencies arising from the withdrawal of the United Kingdom from the European Union. It removes provision requiring the Civil Aviation Authority to have regard to statistics compiled by Eurostat, the statistical office of the European Union

An 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 published alongside the instrument on www.legislation.gov.uk.