
STATUTORY INSTRUMENTS

2018 No. 1354

CIVIL AVIATION

The Air Navigation (Single European Sky) (Penalties) (Amendment) Order 2018

Made - - - - *12th December 2018*
Laid before Parliament *19th December 2018*
Coming into force - - *10th January 2019*

At the Court at Buckingham Palace, the 12th day of December 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1) and section 60(1) and (2)(b) of the Civil Aviation Act 1982(2), 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 (Single European Sky) (Penalties) (Amendment) Order 2018 and comes into force on 10th January 2019.

Amendments to the Air Navigation (Single European Sky) (Penalties) Order 2009

2. The Air Navigation (Single European Sky) (Penalties) Order 2009(3) is amended as follows.

Interpretation

3. In article 2(1) (interpretation)—

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- (1) 1972 c.68. Section 2(2) was amended by section 27(1)(a) 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). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51), regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).
- (2) 1982 c.16, to which there are amendments not relevant to this Order.
- (3) S.I. 2009/1735, amended by S.I. 2013/2874.

- (a) in the definition of “the common charging scheme regulation”, for “[Commission Regulation \(EC\) No 1794/2006](#)” substitute “Commission Implementing Regulation (EU) No 391/2013”(4); and
- (b) in the definition of “notified”, for “article 155 of the Air Navigation Order 2005” substitute “paragraph 1 of Schedule 1 to the Air Navigation Order 2016”(5).

Compliance and monitoring

4. In articles 8(1) (compliance and monitoring) and 9(1)(e) (offences in relation to documents, records and explanations), for “17” substitute “20”.

Penalties

5. In article 11(5) (penalties) for “5.1, 6.1, 6.2, 7, 8.1 or 11” substitute “6.1, 7.1, 7.2, 8, 9.1 or 12”.

Review

6. In article 14(2) (review) for “[Commission Regulation \(EC\) No 1794/2006](#) of December 2006” substitute “Commission Implementing Regulation (EU) No 391/2013 of 3 May 2013”.

Richard Tilbrook
Clerk of the Privy Council

(4) O.J. No. L 128, 9.5.2013, p.31.

(5) [S.I. 2016/765](#), to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends legislative references in the Air Navigation (Single European Sky) (Penalties) Order 2009 ([S.I. 2009/1735](#)) that are out of date.

References to [Commission Regulation \(EC\) No 1794/2006](#) (“the 2006 Regulation”) are replaced by references to Commission Implementing Regulation (EU) No 391/2013 (“the 2013 Regulation”) which supersedes it. Articles 4 and 5 of this Order replace the articles referenced in the 2006 Regulation with the corresponding article references in the 2013 Regulation which supersede them.

A reference to the Air Navigation Order 2005 ([S.I. 2005/1970](#)) is replaced by a reference to the Air Navigation Order 2016 ([S.I. 2016/765](#)) which supersedes it.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum has been prepared for this instrument and is available alongside this instrument on the UK Legislation website www.legislation.gov.uk.