

EXPLANATORY MEMORANDUM TO

THE AIR NAVIGATION ORDER 2016

2016 No. 765

1. Introduction

- 1.1 This explanatory memorandum has been prepared by The Department for Transport (“the Department”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The Air Navigation Order 2016 (“the Order”) regulates matters such as aviation safety standards and aircraft navigation which fall outside the scope of EU regulation. It is wide-ranging, covering aircraft, air crew, passengers, cargo, air traffic services and aerodromes. The Order replaces the Air Navigation Order 2009 (“the 2009 Order”) and removes regulation for certain categories of aircraft, which for the first time fall within the scope of EU regulation which takes effect on 26 August 2016 and improves the operation and development of experimental aircraft and the medical requirements surrounding private pilots licences.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 Part III of the Civil Aviation Act 1982 makes provision for the regulation of civil aviation in the United Kingdom. This confers power on Her Majesty to make by Order in Council provision (amongst other things) for regulating air navigation including (but not limited to) registration of aircraft, airworthiness, regulation of aerodromes and licensing of pilots. The Order consolidates existing amendments to the 2009 Order and also implements a number of deregulatory measures from the Government’s General Aviation Red Tape Challenge, following a substantial review by the Civil Aviation Authority (CAA). It also takes account of certain requirements to apply Commission Regulation (EU) No. 965/2012 (“the EASA Air Operations Regulation”) in relation to different categories of aircraft after the expiry of the derogation period permitted under paragraph 3 of Article 10 of that Regulation. In this respect, the Order prescribes penalties in respect of the breach of the requirements by virtue of the EASA Air Operations Regulation.

5. Extent and Territorial Application

- 5.1 This extent of this instrument is the United Kingdom.

5.2 The territorial application of this instrument is the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 As described above, a number of changes must now be made to the 2009 Order. In response to the Government's General Aviation (GA) Red Tape Challenge, the CAA fundamentally reviewed regulation of General Aviation ("GA"), making it more proportionate and less burdensome, while maintaining high standards of safety. These changes include the outcome of this review and introduce amendments reflecting this work. The Order will also implement amendments reflecting national and EU changes to standards in aviation and air navigation safety. This includes changes to take account of the part of the EASA Air Operations Regulation in respect of non-commercial flights in complex motor-powered aircraft and other than complex motor-powered aircraft.

7.2 It is more straightforward for the people who need to understand and work with this legislation to consolidate these amendments in a wholly new instrument. The level of public interest in the policy is reflected in the analyses of consultation contained in the final Impact Assessments (IAs) undertaken by the Civil Aviation Authority which are attached to this Explanatory Memorandum.

Consolidation

7.3 This instrument has consolidated provision made in the 2009 Order and a number of subsequent orders which amended it.

8. Consultation outcome

8.1 Consultations were carried out by the CAA in relation to each of matters listed in paragraph 10.1. These matters have also been subject to a Regulatory Impact Assessment which is attached.

9. Guidance

9.1 Guidance relating to the various amendments contained within the Order is provided to users by the CAA in its role as the industry regulator with respect to such matters.

10. Impact

10.1 The impact on business, charities or voluntary bodies is £0.33m per annum.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment is submitted with this memorandum and will be published alongside the Explanatory Memorandum on the legislation.gov.uk website.

10.4 Regulatory impact assessments were completed in relation to thirteen measures which this Order implements. Five of these measures have a direct quantifiable impact on business, with the remainder having either impacts that cannot be quantified or

affecting private pilots only. The impact on the aviation sector from these changes will be deregulatory, which was the intent behind the GA Red Tape Challenge.

11. Regulating small business

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 No specific action is proposed to minimise regulatory burdens on small businesses. To minimise the impact of the requirements on small businesses, no action has been necessary; the impact of the requirements on businesses, including small business (employing up to 50 people), is positive.

12. Monitoring & review

- 12.1 The CAA will monitor the UK aviation industry to ensure compliance with the standards which set out in the Order and related EU legislation. The Department will continue to review the need to make further amendments to the Order as necessary.

13. Contact

- 13.1 Tom Camps at the Department of Transport. Telephone: 020 7944 2942 or email: tom.camps@dft.gsi.gov.uk can answer any queries regarding the instrument.