

---

STATUTORY INSTRUMENTS

---

**2019 No. 459**

**The Air Traffic Management (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 2**

Amendment and revocation of retained direct principal EU legislation

**CHAPTER 3**

Amendment of Regulation (EC) No 551/2004

**Article 7 of Regulation (EC) No 551/2004**

**51.**—(1) Article 7 (flexible use of airspace) is amended as follows.

(2) In paragraph 1—

- (a) for “their responsibility” substitute “the responsibility of the Secretary of State”,
- (b) for “Member States” substitute “the persons mentioned in paragraph 1A”,
- (c) for “Single European Sky” substitute “UK ATMS”, and
- (d) omit “in the context of the common transport policy”.

(3) After that paragraph insert—

“**1A.** Those persons are:

- (a) any air navigation service provider,
- (b) the national supervisory authority, and
- (c) the Secretary of State.”.

(4) In paragraph 2—

- (a) for “Member States” substitute “The national supervisory authority”,
- (b) for “Commission” substitute “Secretary of State”,
- (c) omit “, in the context of the common transport policy,”, and
- (d) for “their responsibility” substitute “the responsibility of the United Kingdom”.

(5) For paragraph 3 substitute—

“**3.** The Secretary of State may by regulations made by statutory instrument make provision about the flexible use of airspace.

**4.** When making regulations under paragraph 3 the Secretary of State must have regard to the reports mentioned in paragraph 2.

**5.** Regulations under paragraph 3—

- (a) may make different provision for different purposes;
- (b) may make transitional, transitory or saving provision;

(c) may make consequential, incidental or supplementary provision.

6. A statutory instrument containing regulations under paragraph 3 is subject to annulment in pursuance of a resolution of either House of Parliament..”.