

EXPLANATORY MEMORANDUM TO
THE AIRPORT BYELAWS (DESIGNATION) ORDER 2021

2021 No. 105

1. Introduction

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

2. Purpose of the instrument

- 2.1 This order is made to enable the operators of London Oxford Airport to make byelaws. These are byelaws for regulating the use and operation of the airport and the conduct of people while in the airport.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is London Oxford Airport.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 Certain airport operators are able to make byelaws regulating the use and operation of their airports and the conduct of all persons within the airport under section 63(1) of the Airports Act 1986.
6.2 In order to exercise this power, the airport (if it is not managed by the Secretary of State) must first be designated by an order made by the Secretary of State.
6.3 This order accordingly designates London Oxford Airport for the purposes of section 63(1) so that it is able to make such byelaws.
6.4 This instrument will empower the operator of London Oxford Airport to make byelaws for regulating the use and operation of the airport and the conduct of all persons while within the airport.

6.5 Any byelaws, when drawn up by the airport operator in due course, will be subjected to the existing prescribed public consideration process and must be confirmed by the Secretary of State in accordance with section 63(5) and Schedule 3 of the above Act.

7. Policy background

What is being done and why?

7.1 London Oxford Airport is a privately-owned airport located near Kidlington, 62 miles (100 km) from central London. It specialises in general and business aviation and is home to Oxford Aviation Academy, formerly Oxford Aviation Training, the largest air training school in Europe.

7.2 London Oxford Airport hosts well over thirty aircraft and helicopters available for private charter with seating from three to nineteen passengers.

7.3 The airport continues to consider new ways to expand with the possibility of introducing new scheduled routes. The airport can also accommodate regional charter flights with airlines up to 95-seat aircraft. The airport expects this part of their operations to continue to expand.

7.4 With a potential increase in passengers, the airport wishes to apply byelaws to the land that the airport owns and operates, which will assist in maintaining aviation security in accordance with the applicable standards.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This instrument does not consolidate any other instrument.

10. Consultation outcome

10.1 A consultation has not been carried out as this is not appropriate for designation purposes.

11. Guidance

11.1 No guidance is issued to airport operators on designation. The procedure for an airport operator to follow in making byelaws is given in Schedule 3 to the Airports Act 1986. To assist this process draft Model Byelaws are available from the Department.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it has no impact on business, charities or voluntary bodies. This designation order is being made at the request of the London Oxford Airport.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 Once this instrument comes into force, London Oxford Airport will be able to prepare its own byelaws. Those byelaws will be subject to confirmation (with or without modification) by the Secretary of State in accordance with section 63(5) and Schedule 3 to the Airports Act 1986.
- 14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister of State at the Department for Transport, Andrew Stephenson MP, has made the following statement:
“It is not appropriate to make provision for review as a review would be disproportionate as the instrument only impacts upon London Oxford Airport which has requested this designation, such impact is expected to have an annual net impact of less than £5 million, and the need for certainty for the commercial operation of the airport in the long term.”

15. Contact

- 15.1 Jason Richardson at the Department for Transport Telephone: 07966 511527 or email: Jason.Richardson@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Lydia Strawson, Deputy Director for Airport Policy Division, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Andrew Stephenson MP, Minister of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.