

2022 No. 321

CIVIL AVIATION

The Air Navigation (Amendment) Order 2022

Made - - - - *16th March 2022*
Laid before Parliament *23rd March 2022*
Coming into force - - *13th April 2022*

At the Court at Windsor Castle, the 16th day of March 2022

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2), (3)(b), (d), (f) and (h), 61(1)(a) and 101(1)(a), and Schedule 13 to, the Civil Aviation Act 1982(a).

The requirements of paragraph 14(2) of Schedule 8 to the European Union (Withdrawal) Act 2018(b) (relating to the appropriate procedure for this Order) have been satisfied.

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Air Navigation (Amendment) Order 2022 and comes into force on 13th April 2022.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment of the Air Navigation Order 2016

2. The Air Navigation Order 2016(c) is amended as follows.

3. In article 34(1) (issue of airworthiness directives), for “article 14(1)”, substitute “article 70(1)”.

4. In article 37(3)(b) (certificate of airworthiness for State aircraft), for “article 14”, substitute “article 70(1)”.

(a) 1982 c. 16. Section 61 was amended by the Aviation (Offences) Act 2003 (c. 19), section 2. There are other amendments but none is relevant.
(b) 2018 c. 16. Paragraph 14 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), Schedule 5, paragraph 54, and the European Union (Future Relationship) Act 2020 (c. 29), Schedule 6, paragraph 8.
(c) S.I. 2016/765; relevant amending instruments are S.I. 2017/1112, S.I. 2018/623, S.I. 2019/261, S.I. 2019/645, S.I. 2020/1555 and S.I. 2021/879.

5. In article 137(2) (requirement for appropriate licence), for “paragraphs (a)(ii), (d) or (h) of Annex II”, substitute “paragraph (1)(a)(ii), (d) or (g) of Annex I”.

6. In article 248(6)(a) (operational directives), for “article 14(1)”, substitute “article 70(1)”.

7. In paragraph 1 of Schedule 1 (interpretation), for the definition of “Basic Regulation” substitute—

““Basic Regulation” means Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91(a);”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 2016 (S.I. 2016/765). It makes changes which are consequential upon the repeal of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation etc. and its replacement by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation etc. (“the Basic Regulation”). The Basic Regulation has been retained in UK law and was amended by the Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/645).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or business sectors is foreseen. An Explanatory Memorandum has been published alongside this Order and is available at www.legislation.gov.uk.

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(a) EUR 2018/1139, as amended by S.I. 2019/645.

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