

2013 No. 589 (C. 23)

CIVIL AVIATION

**The Civil Aviation Act 2012 (Commencement No. 1,
Transitional, Transitory and Saving Provisions) Order 2013**

Made - - - -

13th March 2013

The Secretary of State makes the following Order in exercise of the powers conferred by section 110(1), (4), (5) and (6) of the Civil Aviation Act 2012(a).

Citation and interpretation

1.—(1) This Order may be cited as the Civil Aviation Act 2012 (Commencement No. 1, Transitional, Transitory and Saving Provisions) Order 2013.

(2) In this Order—

“the 1986 Act” means the Airports Act 1986(b);

“the 1994 Order” means the Airports (Northern Ireland) Order 1994(c);

“the 2012 Act” means the Civil Aviation Act 2012;

“the 2011 Regulations” means the Airport Charges Regulations 2011(d);

“designated airport” means an airport (as defined in the 1986 Act or the 1994 Order) which is designated for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order;

“the interim period” means the period beginning on the 6th April 2013 and ending with 31st March 2014.

Provisions coming into force on 6th April 2013

2.—(1) Part 1 of the 2012 Act (AIRPORTS) comes into force on 6th April 2013, subject to paragraphs (2) to (3).

(2) On 6th April 2013 section 76(1) of the 2012 Act comes into force only so far as it relates to the repeal of the following provisions of Part IV of the 1986 Act—

- (a) section 37(2) to (7), (9) and (10) (Airports subject to economic regulation: requirement for permission to levy airport charges),
- (b) section 38 (Grant or refusal of permissions),
- (c) section 40A (Designation of certain regulated airports),
- (d) section 40B (Market power examinations),

(a) 2012 c.19
(b) 1986 c.31
(c) S.I. 1994/426 NI
(d) S.I. 2011/2491

- (e) section 41(1) (Discretionary conditions in relation to airports that are not designated), and
- (f) section 53 (Functions in relation to permissions and conditions initially exercisable by Secretary of State).

(3) On 6th April 2013 only the following provisions of Schedule 9 (Regulation of operators of dominant airports: consequential provision) to the 2012 Act come into force—

- (a) paragraph 2,
- (b) paragraph 3(2)(b) and (3)(b),
- (c) paragraphs 5 to 8,
- (d) paragraphs 10 to 13, 14(1), (2)(b) and (3)(b), 15 and 16, and
- (e) paragraph 17 so far as it relates to the repeal of –
 - (i) paragraphs 11(2) and (4) and 12 of Schedule 9 to the Enterprise Act 2002,
 - (ii) paragraph 33(3) to (6) of Schedule 25 to that Act, and
 - (iii) paragraph 26 of Schedule 6 to the Serious Crime Act 2007,

and section 76(4) of the 2012 Act (which gives effect to Schedule 9 to that Act) comes into force only to the extent that it relates to those provisions of that Schedule.

(4) The following provisions of the 2012 Act come into force on 6th April 2013—

- (a) Section 100 (CAA charges);
- (b) Section 103 (Civil sanctions);
- (c) Section 104 (Regulatory burdens).

Operation of Part IV of 1986 Act during the interim period

3.—(1) During the interim period, Part IV of the 1986 Act has effect with the following modifications—

- (a) references to an airport subject to economic regulation under that Part are to be treated as references to an airport that is designated under that Part,
- (b) references to the granting, or revoking, of a permission under that Part in respect of an airport are to be treated as references to the making of an order designating, or revoking the designation of, an airport,
- (c) references to a permission being or continuing in force under that Part in respect of an airport are to be treated as references to the airport being designated under that Part, and
- (d) the reference in section 51(8) to a copy of a permission in respect of an airport is to be treated as a reference to a copy of an order designating the airport.

(2) Nothing in this Article prevents action being taken under Part IV of the 1986 Act in respect of any failure before 6th April 2013 to comply with conditions imposed under that Part in relation to an airport.

Savings on and after 6th April 2013 (Northern Ireland)

4.—(1) Despite the commencement of the revocation of Part IV of the 1994 Order, Articles 27(1), 30(2) and (3), 39 to 41, 46 and 48 of, and paragraphs 9 to 11 of Schedule 6 to, that Order continue to have effect on and after 6 April 2013 in relation to any failure before 6th April 2013 to comply with conditions imposed under Part IV of that Order.

(2) Despite the commencement of the revocation of Part IV of the 1994 Order, Articles 27(1), 30(2) and (3), 39, 40, 46 and 48 of, and paragraphs 9 and 10 of Schedule 6 to, that Order continue to have effect on and after 6th April 2013 for the purposes of the 2011 Regulations.

Provisions coming into force on 1st April 2014

5.—(1) In so far as they are not already in force, the following provisions of Part 1 of the 2012 Act come into force on 1st April 2014—

- (a) section 76(1) (repeal of Part IV of the Airports Act 1986), and
- (b) section 76(4) and Schedule 9 (Regulation of operators of dominant airports: consequential provision).

(2) Section 102 (CAA efficiency) of the 2012 Act comes into force on 1st April 2014.

Savings on and after 1st April 2014 (England and Wales and Scotland)

6.—(1) Despite the commencement of the repeal of Part IV of the 1986 Act, sections 36(1), 39(2) and (3), 48 to 50 and 55 of, and paragraphs 9 to 11 of Schedule 1 to, that Act continue to have effect on and after 1st April 2014 in relation to any failure before 1st April 2014 to comply with conditions imposed under that Part.

(2) Despite the commencement of the repeal of Part IV of the 1986 Act, sections 36(1), 39(2) and (3), 48, 49 and 55 of, and paragraphs 9 and 10 of Schedule 1 to, that Act continue to have effect on and after 1st April 2014 for the purposes of the 2011 Regulations.

Signed by authority of the Secretary of State for Transport

13th March 2013

Simon Burns
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first Commencement Order bringing into force provisions of the Civil Aviation Act 2012 (c 19). The provisions listed in article 2 are brought into force on 6th April 2013 (though in relation to the repeal of Part IV of the Airports Act 1986 for limited purposes only), and those listed in article 5 on 1st April 2014. Article 3 makes modifications for transition purposes during the interim period to Part IV of the Airports Act 1986. Articles 4 and 6 make savings provision in respect of the revocation of Part IV (Economic Regulation of Airports) of the Airports (Northern Ireland) Order 1994 for Northern Ireland and repeal of Part IV (Economic Regulation of Airports) of the Airports Act 1986 for England and Wales and Scotland.

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