# EXPLANATORY MEMORANDUM TO THE AIRPORT BYELAWS (DESIGNATION) ORDER 2011

**2011 No. 828**

**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 Instrument

2.1 This order is made to enable the operators of Shoreham Airport in Sussex 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 the Joint Committee on Statutory Instruments

3.1 None.

## 4. Legislative Context

4.1 The existing byelaws date from 1973 and are no longer fit for purpose: for example, there are a number of references to the 'Joint Municipal Airport Committee', a body which ceased to exist with the sale of the airport in 2006 and also there is a need to reflect the safety and security changes that have occurred, as the existing byelaws are silent on such areas as restricted zones, wearing of passes and aircraft accident reporting, compared to the model byelaws. Under the Airports Act 1986 it is the airport operator who may be empowered to make byelaws. However, in order to empower the present operator of the airport to add to, revoke, amend or replace these byelaws the airport needs to be designated under the 1986 Act.

## 5. Territorial Extent and Application

5.1 This instrument extends to the whole of the United Kingdom, but applies to just one airport, namely Shoreham Airport .

## 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

7.1 In June 2006 Shoreham Airport was sold by Brighton and Hove City Council and Worthing Borough Council to a private company called Erinaceous Group. The councils granted a 150 year lease to Erinaceous, selected because of its plans for regeneration, aviation development, financing and preservation of employment.

7.2 In April 2008 the Erinaceous Group went into administration and sold the airport to a related company called Albemarle Shoreham Airport Limited (ASAL), the current operators of the Airport.

7.3 Shoreham Airport have existing byelaws dated 1973. These need to be updated adequately to cater for their current operations, and ASAL have requested that Shoreham Airport be designated for the purposes of making airport byelaws.

7.4 Shoreham is the oldest licensed airfield in the UK and is home to a wide range of general and commercial aviation activities. The core of the airport's business is in General Aviation but it is also developing more commercial services - short haul commercial flights, air taxi services and smaller business jets. About 30 businesses operate from the airport site which include flight training schools, aircraft dealers, aircraft maintenance and some commercial transport.

## 8. Consultation Outcome

8.1 A Consultation is not appropriate for designation purposes.

## 9. Guidance

9.1 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.

## 10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. This designation order is being made at the request of the Shoreham airport.

## 11. Regulating small business

11.1 This legislation applies to Shoreham airport only. It does not apply generally to small businesses.

## 12. Monitoring & review

12.1 Byelaws are subject to confirmation (with or without modification) by the Secretary of State. .

## 13. Contact

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