EXPLANATORY MEMORANDUM TO

THE AIRPORT NOISE-RELATED OPERATING RESTRICTIONS (AMENDMENT) REGULATIONS 2026

2026 No. 332

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Keir Mather, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Decarbonisation at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Joe Delafield, Deputy Director for Aviation Decarbonisation and Environment at the Department for Transport, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Tim May at the Department for Transport can be contacted by email at the following address with any queries regarding the instrument: tim.may@dft.gov.uk Alternatively, the Department can be contacted by telephone: 07920 710991.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated law with reference to noise-related operating restrictions at airports. 'Assimilated law' refers to what was previously called retained EU law, where it has not been revoked by the end of 2023. 'Noise-related operating restrictions' refers to measures which limit the noise climate around airports, such as reducing the operational capacity of an airport.

4.2 This instrument amends UK Regulation (EU) No 598/2014, on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at United Kingdom airports. This Regulation implements the International Civil Aviation Organization's (ICAO) Balanced Approach to Noise Management which sets out a process to be followed before the introduction of such restrictions. The instrument shortens the notice period currently required before a noise-related operating restriction is introduced at a UK airport. The current statutory period, which is not a feature of the ICAO process, includes a six-month window intended for the European Commission to give its opinion. This is no longer required, as the Commission has had no role in the process since the UK left the EU.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 This instrument amends Regulation (EU) No 598/2014.

5.2 This instrument removes the requirement for the competent authorities to give 6 months' notice of the introduction of operating restrictions to the relevant authority and relevant interested parties. Prior to EU exit, the six-month period was required for the European Commission to give its view on the proposed operating restrictions. This legal notice period is no longer required, so the notice period required before introducing noise-related operating restrictions at UK airports is shortened to two months. The effect of this change is that the legal notice period will be no longer than is practically necessary, making the administrative process more efficient and allowing the final decision to be taken closer to the implementation date.

What was the previous policy, how is this different?

5.3 The previous policy included an additional notice period of 6 months, during which the European Commission could give its views on the proposed operating restrictions. Following EU exit, this 6-month period is no longer required, so the policy has been updated to reflect this.

6. Legislative and Legal Context

How has the law changed?

6.1 The Airport Noise-related Operating Restrictions (Amendment) Regulations 2026 amend Regulation (EU) No 598/2014 using powers conferred by section 14(2) of the Retained EU Law (Revocation and Reform) Act 2023 ("the REUL Act 2023").

6.2 Regulation 2(2) amends Article 8 (rules on the introduction operating restrictions), by revoking and replacing part of paragraph 1. This currently requires the competent authorities to give six months' notice of the introduction of an operating restriction to the relevant authority and relevant interested parties, ending at least two months before decisions are taken on the allocation of airport slots. The amendment requires the competent authorities to give two months' notice to the relevant authority and interested parties, thereby reducing the burden on the competent authorities. The amendment does not change the requirement for a minimum three-month consultation period with interested parties prior to the adoption of any new operating restrictions.

6.3 Under Schedule 3, paragraph 4 of the Northern Ireland Act 1998, civil aviation is a reserved matter, with the exception of aerodromes (which include airports), which are transferred to the NI Assembly. This amendment relates to procedures for the assessment of noise-related operating restrictions at airports, so falls within the Northern Ireland Assembly's legislative competence, and therefore requires its consent to legislate. This instrument has been made in consultation with Northern Ireland's Department for Infrastructure, and legislative consent has been received.

6.4 Section 14(5) of the REUL Act 2023 requires that the overall effect of any changes made to assimilated law using section 14 powers (including changes made previously) may not increase the regulatory burden in relation to that subject area. The amendment to Regulation (EU) No 598/2014 reduces the overall regulatory burden on competent authorities in the area of noise-related operating restrictions at airports by decreasing the notice period which must be given to the relevant authority and interested parties before such a restriction comes into operation. The burden on the aviation industry is unchanged: airport operators will still have 2 months before any changes in slot parameters must be declared as part of the slot coordination process and have confirmed that this is sufficient. Relevant airport operators, airline representatives, local residents and other parties continue to be statutory consultees under Article 6(2)(d) when a new operating restriction is proposed. This instrument therefore complies with the requirements of s.14(5).

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No formal consultation was considered necessary for the amendment made by this instrument, as it is technical and procedural in nature and does not change the Government's policy approach to aircraft noise management which remains aligned with ICAO's Balanced Approach. The relevant interested parties contacted were the airport slot coordinator Airport Coordination Limited (ACL), airport operators, the Department for Environment, Food and Rural Affairs (the Government department responsible for environmental noise policy) and the Department for Business and Trade (the Government department responsible for businesses): these have been made aware of the amendment, and have stated that they are content for it to be made.

8. Applicable Guidance

8.1 There is no applicable guidance for this amendment.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument because there is no impact anticipated on businesses. The amendment made by this instrument is of a technical nature. This instrument is also out of scope of the Better Regulation Framework, since the activity (the process of assessing noise-related operating restrictions to be introduced at airports) is not carried out by a business, but by public authorities (the competent authorities).

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the competent authorities responsible for the activity (the process of assessing noise-related operating restrictions to be introduced at airports) are not businesses, charities or voluntary bodies. Airport operators and the slot coordinator Airport Coordination Ltd have confirmed that this change will not impact their slot planning process.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because there are no public sector financial costs associated with the change to the Regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Aviation noise legislation, including this legislation, will continue to be subject to regular review by relevant Ministers and officials within the Department for Transport.

10.2 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Keir Mather MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Decarbonisation, has made the following statement:

10.3 "In my view, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the provisions of the Airport Noise-related Operating Restrictions (Amendment) Regulations 2026 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the costs associated with such a review and the limited scope for change."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument was laid for sift in Parliament on 23 January 2026. Sift requirements were satisfied on 4 February 2026, when the Transport Committee agreed with the Secondary Legislation Scrutiny Committee that the instrument should follow the negative procedure.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is made under section 14(2) of the REUL Act 2023 and therefore relates to the reform of assimilated law.

13.2 Keir Mather MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Decarbonisation has made the following statement regarding use of legislative powers in the REUL Act 2023:

13.3 "In my view the Airport Noise-related Operating Restrictions (Amendment) Regulations 2026 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)".

13.3.1 This is the case because the power in section 14(2) is used to amend an obligation in Regulation (EU) No 598/2014 by revoking and replacing it to achieve similar objectives. Schedule 5, paragraph (5)(2)(d) of the REUL Act 2023 provides that the draft affirmative procedure is only required for the powers in section 14(2) where they are used to confer a power to make subordinate legislation or create a criminal offence. As this instrument does neither of those, the negative procedure is appropriate.