EXPLANATORY MEMORANDUM TO

THE AIRPORTS (DESIGNATION) (REMOVAL AND DISPOSAL OF VEHICLES) (AMENDMENT) ORDER 2021

2021 No. 104

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 Newcastle International Airport to have the power to remove abandoned vehicles on land within that 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 Newcastle International 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 remove abandoned vehicles on land within the airport under powers arising from section 66 of the Airports Act 1986.

6.2 In order to exercise this power, the airport must first be designated by an order made by the Secretary of State.

6.3 This order accordingly designates Newcastle International Airport for the purposes of section 66 of the Airports Act 1986.

7. Policy background

What is being done and why?

7.1 Newcastle International Airport are currently revising and updating their byelaws.

7.2 As part of this process Newcastle International Airport have indicated they wish to be given the power to remove and dispose of vehicles which have been abandoned within airport land.

7.3 The police have been involved to some extent in the past to assist in carrying out this role, though police intervention may not always be possible depending on available resource and where the vehicle has been abandoned.

7.4 In this regard and as part of the airport revising their byelaws, the airport has requested they are designated under section 66 of the Airports Act 1986 to enable the airport to remove and dispose of abandoned vehicles on any part of the airport.

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 public consultation has not been carried out as this is not appropriate for designation purposes. The operator of Newcastle International Airport was consulted in accordance with section 66(4) of the Airports Act 1986 and agrees to this designation.

11. Guidance

11.1 No guidance is issued to airport operators on the effect of designation by this Order.

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 Order is being made at the request of Newcastle International 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, Newcastle International Airport will be able to remove and dispose of abandoned vehicles on any part of the airport.

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, Parliamentary Under Secretary of State for the Department for Transport, Robert Courts MP, has made the following statement:

"It is not appropriate in the circumstances to make provision for a review as a review would be disproportionate taking into account the instrument only impacts upon Newcastle International Airport, which has requested this designation, that 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 longer 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 Robert Courts MP, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.