STATUTORY INSTRUMENTS

2021 No. 614

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Aviation Safety (Amendment) (No. 2) Regulations 2021

Sift requirements satisfied	*27th April 2021*
Made - - - -	*20th May 2021*
Laid before Parliament	*25th May 2021*
Coming into force - -	*16th June 2021*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(**a**) and by Article 23(1) of 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(**b**).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Aviation Safety (Amendment) (No. 2) Regulations 2021 and they come into force on the 22nd day after the day on which they are laid.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of Commission Regulation (EU) No 965/2012 (Air operations)

2.—(1) Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(**c**) is amended as follows.

(2) In Annex 2, Subpart OPS (Air operations), point ARO.OPS.226–

(a) in point (a), for "a competent authority" substitute "the CAA";

(b) in points (b), (c) and (d), for "competent authority" substitute "CAA";

(c) omit point (e).

(3) In Annex 3, point ORO.FC.231, point (e)(2)(iii) omit ", the Agency,".

(**a**) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) EUR 2018/1139, as amended by S.I. 2019/645.
(**c**) EUR 2012/965, as amended by S.I. 2019/645 and 2020/1116.

Amendment of Commission Delegated Regulation (EU) 2020/723 (Acceptance of third-country certification of pilots)

3.—(1) Commission Delegated Regulation (EU) 2020/723 of 4 March 2020 laying down detailed rules with regard to the acceptance of third-country certification of pilots(**a**) is amended as follows.

(2) In Article 3—

(a) in the first paragraph—

(i) for "Union" substitute "United Kingdom";

(ii) for "Member States" substitute "the Civil Aviation Authority ("the CAA")";

(b) in point (d), after "third country", in the second place it occurs, insert "and used by an operator established or resident in that country".

(3) In Article 4—

(a) in paragraph 1, for "A competent authority of a Member State" substitute "The CAA";

(b) omit paragraph 2;

(c) in paragraph 3, in the unnumbered subparagraph, for "competent authority that validated the licence" substitute "CAA";

(d) in paragraph 4, for "a Member State" substitute "the CAA".

(4) In Article 8—

(a) in paragraph 1—

(i) for "a competent authority of a Member State" substitute "the CAA";

(ii) in the unnumbered subparagraph, for "the competent authority" substitute "the CAA";

(b) in paragraph 2—

(i) for "a competent authority of a Member States" substitute "the CAA";

(ii) in point (a), for "the competent authority" substitute "the CAA";

(c) in paragraph 3, for "a competent authority of a Member State" substitute "the CAA".

(5) In Article 9, in paragraph 1, for "competent authority of a Member State" substitute "CAA".

(6) After Article 12, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States.".

Amendment of Commission Regulation (EU) No 1178/2011 (Aircrew)

4.—(1) Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council(**b**) is amended as follows.

(2) In Article 3, in paragraph 2, after the words "in accordance with Subpart B or C of Annex 1 to this Regulation" insert "or of pilot licences issued in accordance with article 152 of the Air Navigation Order 2016(**c**) and which are deemed to comply with this Regulation in accordance with Article 3(3) of this Regulation".

(3) In Article 3, after paragraph 2, insert–

"3. A pilot licence issued in accordance with article 152 of the Air Navigation Order 2016 is deemed to comply with this Regulation where—

(**a**) EUR 2020/723.
(**b**) EUR 2011/1178, as amended by S.I. 2019/645, 2020/1116 and 2021/10.
(**c**) S.I. 2016/765, amended by S.I. 2019/645. There are other amending instruments but none is relevant.

(a) it remains valid in accordance with that Order;

(b) it includes one of the following ratings: SSEA, SLMG, TMG, or SEP; and

(c) it is used within the privileges of those ratings on a flight conducted in accordance with Annex VII of Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council.

4. The ratings SSEA, SLMG and TMG have the meanings given in Schedule 1 to the Air Navigation Order 2016, and the rating SEP refers to a single-engine piston aeroplane of the kind described in Annex 1, Subpart B, point FCL.105.A(a) to this Regulation.".

(4) In Article 4, in paragraph 8, for "Until 8 September 2021, the" substitute "The".

Signed by authority of the Secretary of State for Transport

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

20th May 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to legislation in the field of aviation safety.

Regulations 2 and 3 are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends Commission Regulation (EU) No 965/2012 (Air operations) and regulation 3 amends Commission Delegated Regulation (EU) 2020/723 (Acceptance of third-country certification of pilots). Both make changes to retained EU law so that it correctly operates in the UK and references the Civil Aviation Authority ("the CAA") as the relevant safety authority.

Regulation 4 amends Commission Regulation (EU) No 1178/2011 (Aircrew) to allow certain pilot's licences issued under the Air Navigation Order 2016 to be recognised within Commission Regulation (EU) No 1178/2011, and to allow the CAA to continue to issue restricted instrument ratings after 8th September 2021.

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

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

http://www.legislation.gov.uk/id/uksi/2021/614

ISBN 978-0-34-822393-4

