EXPLANATORY MEMORANDUM TO

THE AVIATION SECURITY (AMENDMENT, REVOCATION AND CONSEQUENTIAL PROVISION) REGULATIONS 2026

2026 No. 230

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, Minister for Aviation, Maritime and Decarbonisation at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Chris Selim, Deputy Director for Aviation Security Strategy and Policy, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jack Davies at the Department for Transport can be contacted by email at the following address with any queries regarding the instrument: ASPI@dft.gov.uk. Alternatively, the department can be contacted by telephone: 07890 968906.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Instrument revokes six items of secondary assimilated law in the area of aviation security. It does this by revoking the remaining provisions in Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 ("the Implementing Regulation"). It also revokes, in their entirety, Regulation (EC) No 300/2008 of 11 March 2008, Commission Regulation (EC) No 272/2009 of 2 April 2009 and Commission Regulation (EU) No 1254/2009 of 18 December 2009 ("the Other Regulations", together with the Implementing Regulation, "the Regulations"). Finally, it revokes Council Decision 2009/97/EC of 24 July 2008 and Council Decision 2010/302/EU of 10 May 2010 ("the Council Decisions").

4.2 The Chapters in the Annex to the Implementing Regulation have already been revoked, barring Chapter 11, so this Instrument will revoke Chapter 11, which sets out detailed requirements for staff recruitment and training, along with other non-substantive provisions. The Other Regulations further detail the basic standards on civil aviation security, as set out in paragraph 5.3. The Council Decisions relate to a Memorandum of Cooperation between the International Civil Aviation Organisation ("ICAO") and the EU.

4.3 The Secretary of State has the power to issue written directions to regulated industry under Part 2 of the Aviation Security Act 1982 (c.36) ("the ASA 1982"). These

powers have been used previously to move the content from the revoked Chapters in the Annex to the Implementing Regulation into the Single Consolidated Direction[1] ("the SCD"), where appropriate and in a manner that reflects the different framework of the ASA 1982. The SCD sits within the National Aviation Security Programme ("the NASP").[2]

4.4 In keeping with the approach to date, in respect of the content in the revoked Regulations, alternative provision will be made in the SCD and the NASP, where appropriate. The alternative provisions, while imposing regulatory requirements which are familiar to industry and which largely replicate the outcome of the revoked provisions, will be structured in a way which is more accessible to regulated industry, and which reflects the different framework of the ASA 1982. The Council Decisions will be revoked without alternative provision being made as they no longer have any practical effect in the UK.

4.5 The substantive regulatory requirements will remain unchanged, with some limited exceptions. We are aware the revocations in this Instrument will create regulatory gaps in, for example, the listing of those certified to provide training and evaluate cargo security at overseas airports, and measures for particular flights at smaller airports. We are developing alternative arrangements to be in place for when this Instrument comes into force. The intention is to maintain a similar level of regulation after the Regulations are revoked.

Where does the legislation extend to, and apply?

4.6 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.

4.7 The territorial application of this Instrument (that is, where the Instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland. In addition, in so far as the amendments to the ASA 1982 have effect, it applies to aircraft registered in the UK wherever they are in the world.

5. Policy Context

What is being done and why?

5.1 The current regulatory framework for aviation security is split across multiple sources of law including assimilated law and the SCD. The SCD is issued to industry under Part 2 of the ASA 1982. The resulting complexity makes regulation opaque and difficult to comprehend, including by regulated industry. The Department for Transport's general policy intention is to consolidate and simplify the regulatory framework to make regulation easier to understand, implement and enforce.

5.2 Most of the Chapters of the Annex to the Implementing Regulation have already been revoked as part of this consolidation. The remaining substantive Chapter is Chapter 11 which is now being revoked, along with other non-substantive provisions. Chapter 11 sets out detailed requirements relating to recruitment and training of staff who implement and oversee the implementation of the required security controls and screening measures, as well as persons who carry out other roles.

5.3 In addition to the Implementing Regulation the following parts of aviation security assimilated law are being revoked:

[1] The Aviation Security Single Consolidated Direction sets out security standards for the UK's aviation security industry.
[2] The NASP comprises the SCD, Aviation Security Guidance and Training Syllabi.

- Regulation (EC) No 300/2008 – sets out the basic standards on aviation security.
- Commission Regulation (EC) No 272/2009 – supplements the basic standards on civil aviation security.
- Commission Regulation (EU) No 1254/2009 – permits derogations from the basic standards on civil aviation security.

5.4 The Council Decisions relate to the application of a Memorandum of Cooperation between ICAO and the EU and no longer have any practical effect in the UK so they are being revoked in this Instrument and will not be replaced. The UK has a longstanding Memorandum of Understanding on aviation security with ICAO, and this change will have no impact on UK collaboration with ICAO.

5.5 In respect of the content in the revoked Regulations, alternative provisions will be inserted into the SCD and the NASP, where appropriate. The substantive regulatory requirements will remain unchanged, with some limited exceptions (see paragraph 4.5). This will bring the entire regulatory framework within the SCD and NASP, enabling the regulation to be consolidated and simplified. Consolidating the regulatory requirements for aviation security in this manner will also ensure that the Secretary of State is able to rapidly respond to changing threats and circumstances. As detailed in section 6 of this Explanatory Memorandum, amendments to the SCD can be drafted and issued to industry extremely quickly if a situation or threat so requires.

5.6 This Instrument also makes 11 consequential amendments to other legislation to address cross-references to the assimilated law being revoked, this is done in reliance on the power in section 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 ("REULA"). No policy changes are being made through these amendments.

5.7 In respect of the ASA 1982, this Instrument makes six amendments:

- In section 10(4), the cross-reference to Regulation 300/2008 is substituted with a cross-reference to the definition of "acts of unlawful interference" in the 12th edition of Annex 17 to the Convention on International Civil Aviation ("Annex 17"). This removes the cross-reference to Regulation (EC) No 300/2008 whilst ensuring that the UK remains in compliance with its international legal obligations. Section 10 sets out the purposes for which the Secretary of State can use the powers of direction under Part 2 of the ASA 1982 (being, protecting civil aviation from "acts of violence" and "unlawful interference"). Both terms are included because the term "unlawful interference" is broader in scope and ensures that the Secretary of State is able to issue directions to protect against acts such as hijacking, cyber-attacks and spoofing.
- Section 24A(1) is amended four times. The definition of "Framework Regulation" is deleted, as it is no longer required, and a revised definition of "security restricted area" is inserted to remove the need for a cross-reference to Regulation (EC) No 300/2008. The revised definition reflects the power to designate a security restricted area under section 11A of the ASA 1982 along with the definition of "security restricted area" in Annex 17. Further, definitions of "access control" and "security control" are inserted to assist with interpretation of the revised definition of "security restricted area". Both definitions come from Regulation (EC) No 300/2008, the definition of "security control" being an amalgamation of the definitions of "security control" and "prohibited articles", with UK-appropriate amendments.
- Section 24A(3) is omitted.

5.8 Regulation 2 of the Aviation Security Regulations 2010 is amended to confirm that the Secretary of State for Transport is designated as the appropriate authority for aviation security and, in particular, responsible for the development, implementation, and maintenance of the national aviation security programme, the development and implementation of a national training policy and developing, implementing and maintaining a national aviation security quality control programme. This amendment is being made to remove the cross-reference to Regulation (EC) 300/2008 and to demonstrate the UK's continuing compliance with the international obligations in Annex 17 once the Regulations are revoked.

5.9 Two amendments are made to Regulation 4(2) of the Private Security Industry Act 2001 (Exemption) (Aviation Security) Regulations 2010. The definition of "prohibited articles" is amended to ensure it cross-refers to section 10(4) of the ASA 1982 as amended by this Instrument. Likewise, the definition of "security restricted area" is amended to ensure it cross-refers to section 24A as amended by this Instrument.

5.10 Commission Regulation (EU) No 1178/2011 (detailing the training programme for the initial training course for cabin crew involved in commercial air transport operations) is amended to remove the cross-reference to Regulation (EC) No 300/2008. The requirement to train cabin crew in general aviation security aspects will remain.

5.11 Finally, in the Network and Information Systems Regulations 2018, the definition of "air carrier" is amended to insert the meaning given in Regulation (EC) No 300/2008, removing the need for the current cross-reference.

5.12 This Instrument has a delayed commencement date, being 25 January 2027. This is to enable sufficient time to take the necessary action to address gaps created in regulation prior to this SI coming into force (as per paragraph 4.5).

What was the previous policy, how is this different?

5.13 There has been no significant change in overall policy, with some limited exceptions. This is a continuation of the policy of consolidation of security regulation by moving requirements from assimilated law into the SCD and NASP, where appropriate. There will be no additional regulatory burden created by use of REULA powers in this Instrument. The changes being made by this Instrument are to consolidate and simplify the regulatory framework.

6 Legislative and Legal Context

How has the law changed?

6.1 Section 14(1) of REULA permits a relevant national authority[3] to use regulations to revoke any secondary assimilated law[4] without replacing it. Further, section 20(1)(b) sets out that the power to make regulations under REULA includes a power to make consequential provision. This Instrument is made under those powers.

6.2 The Regulations detail the basic standards and detailed measures for civil aviation security. These basic standards and detailed measures are supplemented in the UK by the SCD, and other directions issued to industry by the Secretary of State in reliance on Part 2 of the ASA 1982. The SCD already contains substantial additional detail on security controls and requirements that the UK aviation industry must implement in the field of aviation security. Publication of the SCD or other directions issued under the ASA 1982 would be contrary to the interests of national security as it would

[3] Section 21(1) of REULA defines "relevant national authority" to include a Minister of the Crown.
[4] As defined in section 21(1) of REULA.

provide hostile actors with information which could be used to undermine or circumvent security measures. In passing the ASA 1982, Parliament recognised the national security implications of the directions. The ASA 1982 does not require directions to be published. Instead, it requires (through section 23) the Secretary of State to produce an annual report on the number of directions issued under the relevant provisions of Part 2 and to lay that report before each House of Parliament, seeking to strike a balance between national security and Parliamentary accountability.

6.3 As set out above, where the revoking of the Regulations creates a gap that needs to be captured within the overall UK regulatory framework, action will be taken to ensure these are addressed prior to this SI coming into force.

Why was this approach taken to change the law?

6.4 This is the only possible approach to meet the two desired policy outcomes of consolidating the regulatory requirements for aviation security and ensuring the flexibility to rapidly respond to changing threats and circumstances.

7 Consultation

Summary of consultation outcome and methodology

7.1 The Department has not consulted on this Instrument, as the substantive regulatory requirements will remain unchanged, with some limited exceptions.

8 Applicable Guidance

8.1 The Civil Aviation Authority ("the CAA") will update the existing guidance for industry to reflect the regulatory content being moved to the SCD and the NASP. The updated guidance will be available from 25 January 2027.

Part Two: Impact and the Better Regulation Framework

9 Impact Assessment

9.1 A full Impact Assessment has not been prepared for this Instrument because industry will not be required to make any significant changes, as this Instrument makes no significant policy changes (barring some limited exceptions). A light-touch appraisal has been undertaken instead, which has identified no material economic costs.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the substantive regulatory requirements will remain unchanged, with some limited exceptions.

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 the substantive regulatory requirements will remain unchanged, with some limited exceptions.

10 Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the Department, along with the CAA, will monitor the impact of the changes through engagement with industry and

compliance activities to ensure that the legislation continues to support the policy objective.

10.2 As this Instrument is only made under the relevant European Union Acts (as defined at 13.1), no review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11 Matters of special interest to Parliament

11.1 The negative procedure was considered for this Instrument because it does not materially change existing policy in the field of aviation security, with some limited exceptions, and is a continuation of the policy of consolidation of security regulation.

11.2 This Instrument was laid for sifting on 26 January 2026 in the same name. At a meeting on 4 February 2026, and at a meeting on 10 February 2026 respectively, the Transport Select Committee (TSC) and the Secondary Legislation Scrutiny Committee (SLSC) agreed that this Instrument should follow the negative procedure. The Minister has considered the decision of the Sifting Committees and has approved and signed the Instrument.

11.3 This Instrument exercises powers provided for in sections 14(1) and 20(1)(b) of REULA.

11.4 This Instrument makes six amendments to the ASA 1982 to address cross-references to assimilated law being revoked by this Instrument. These amendments are being made under the power to make consequential provision in section 20(1)(b) of REULA. There is no change to the underlying policy, barring some limited exceptions.

12 European Convention on Human Rights

12.1 The Parliamentary Under Secretary of State, Minister for Aviation, Maritime and Decarbonisation, Keir Mather, has made the following statement regarding Human Rights:

"In my view the provisions of the Aviation Security (Amendment, Revocation and Consequential Provision) Regulations 2026 are compatible with the Convention rights."

13 The Relevant European Union Acts

13.1 This Instrument is made under sections 14(1) and 20(1)(b) of REULA and therefore relates to the reform of assimilated law. This Instrument revokes six items of secondary assimilated law. Two Council Decisions will be revoked and not replaced. In respect of the content of the Regulations, alternative provision will be made in the SCD and the NASP, where appropriate. There is a Department for Transport general policy intention in aviation security to consolidate and simplify the regulatory framework to make regulation easier to understand, implement and enforce and a wider Government policy to revoke assimilated law where possible. The Minister has made any relevant statements, below, under the 2023 Act.

Sifting Statement

13.2 The Parliamentary Under Secretary of State, Minister for Aviation, Maritime and Decarbonisation, Keir Mather, has made the following statement regarding use of legislative powers in the Retained EU Law (Revocation and Reform) Act 2023:

"In my view the Aviation Security (Amendment, Revocation and Consequential Provision) Regulations 2026 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)".

13.3 This is the case because, as set out in paragraph 5.13, this Instrument does not materially change existing policy in the field of aviation security, with some limited exceptions, it is a continuation of the policy of consolidation of security regulation.