EXPLANATORY MEMORANDUM TO

THE CIVIL AVIATION (MISCELLANEOUS REVOCATIONS) REGULATIONS 2014

2014 No. 3225

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

This instrument revokes three sets of regulations. They are being revoked because they are spent.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

4.1 This instrument revokes the following instruments (listed in chronological order):

- The Civil Aviation (Personnel Licences) Order 1992 (S.I. 1992/2673)
- The Civil Aviation (Personnel Licences) Order 1992 (Amendment) Regulations 1994 (S.I. 1994/1733)
- The Procurement of Air Navigation Equipment (Technical Specifications) Regulations 1997 (S.I. 1997/2329).

4.2 These Regulations form part of the implementation of the Government's Red Tape Challenge initiative. More information about this programme of work, and the instruments revoked by these Regulations, is provided below.

5. Territorial Extent and Application

This instrument extends to the whole of the United Kingdom except that regulation 2 extends only to Northern Ireland.

6. European Convention on Human Rights

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

7. Policy background

- *What is being done and why*

7.1 In April 2013, the Department for Transport published on-line 83 statutory instruments applying to the aviation sector as part of the Government's Red Tape Challenge initiative, inviting comments on whether each instrument should be revoked, retained or improved. The objective was to re-examine all the instruments and gather views on how the aims of existing regulation can be fulfilled in the least burdensome way possible. The initiative also considered how the statute book might be tidied up through the revocation of instruments which are spent, have been superseded, or are no longer required.

7.2 Following detailed examination it was concluded that 26 instruments could be revoked and 17 improved. These three instruments were amongst those identified as suitable for revocation because they are now spent.

7.3 *The Civil Aviation (Personnel Licences) Order 1992* (and one amending instrument) implemented, in Northern Ireland only, Article 5 of EC Directive 91/670. The effect was to make it unlawful for a person from a member state other than the UK seeking admission to aviation training establishments in Northern Ireland to be treated any differently to UK nationals. This Directive was repealed and replaced by Regulation (EC) 216/2008, which made common rules in the field of civil aviation and established a European Aviation Safety Agency. The instruments revoked are therefore spent.

7.4 *The Procurement of Air Navigation Equipment (Technical Specifications) Regulations 1997* transposed Council Directive 93/65/EEC into UK law. The effect was to oblige the UK's air traffic service provider, National Air Traffic Systems ("NATS"), to comply with the specifications and standards adopted in this Directive when procuring air traffic management equipment and services.

7.5 Directive 93/65/EEC was repealed in 2005 by Regulation (EC) 552/2004 (on the Interoperability of the European Air Traffic Management network). This was one of four high level regulations (the others being Framework, Service Provision and Airspace) made to establish the Single European Sky, the European Commission's initiative to modernise EU air traffic service provision. The Regulations are therefore spent and can be revoked.

- *Consolidation*

7.6 This instrument revokes three instruments and no consolidation is required.

8. Consultation outcome

8.1 The Department consulted the Department for Regional Development in Northern Ireland about the proposed revocation of the Civil Aviation (Personnel Licences) Order 1992, and the instrument which amends it. The Department was content with the proposed revocations.

8.2 The Department consulted NATS about the proposed revocation of the Procurement of Air Navigation Equipment (Technical Specifications) Regulations 1997. NATS confirmed that the requirements of the instrument are now spent and that it can be revoked.

9. Guidance

Specific guidance on this instrument is unnecessary because it revokes legislation which is redundant.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply or impact on small business.

12. Monitoring & review

This instrument revokes three instruments so no monitoring or review is necessary.

13. Contact

Craig Griffiths at the Department for Transport Tel: 020 7944 3246 or email: craig.griffiths@dft.gsi.gov.ukcan answer any queries regarding the instrument.