EXPLANATORY MEMORANDUM TO

THE CIVIL AVIATION (OVERSEAS TERRITORIES) (GIBRALTAR) (REVOCATIONS) ORDER 2008

2008 No. 3119

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

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

2. Purpose of the instrument

2.1 This Order revokes the Air Navigation (Overseas Territories) Order 1989 (S.I. 1989/2395), the Air Navigation (Overseas Territories) (Amendment) Order 1991 (S.I. 1991/189), the Air Navigation (Overseas Territories) (Amendment) (No 2) Order 1991 (S.I. 1991/1697), the Air Navigation (Overseas Territories) (Amendment) Order 1992 (S.I. 1992/3198), the Air Navigation (Overseas Territories) (Amendment) Order 1995 (S.I. 1995/2701) and the Air Navigation (Overseas Territories) (Amendment) Order 1997 (S.I. 1997/1746) in respect of their application to Gibraltar. The Government of Gibraltar intends to introduce new legislation in the field of civil aviation shortly. This Order is necessary to avoid a conflict that would otherwise occur when that civil aviation legislation in Gibraltar comes into force; that legislation will regulate the aspects of civil aviation in Gibraltar currently covered by the Orders being revoked.

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

3.1 None

4. Legislative Context

4.1 This Order revokes Orders that were all previously revoked, except insofar as they applied to Gibraltar, by the Air Navigation (Overseas Territories) Order 2001 (S.I. 2001/2128). The Government of Gibraltar intends to introduce new legislation in the field of civil aviation shortly. This Order is necessary to avoid a conflict that would otherwise occur when that civil aviation legislation in Gibraltar comes into force; that legislation will regulate the aspects of civil aviation in Gibraltar currently covered by the Orders being revoked. This Order is subject to the negative resolution parliamentary procedure.

5. Territorial Extent and Application

5.1 This instrument applies to Gibraltar.

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 Orders extending UK civil aviation legislation to Gibraltar are being revoked. This is because Gibraltar intends to bring into force its own civil aviation legislation that will then regulate the areas previously covered by these Orders.

8. Consultation outcome

8.1 There was no consultation in the UK.

9. Guidance

9.1 There is no guidance being issued.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible, if any.

10.2 The impact on the public sector is negligible, if any.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No monitoring or review is foreseen.

13. Contact

Eleanor Hourigan at the Foreign and Commonwealth Office Tel: 0207 008 3055 or email: Eleanor.Hourigan@fco.gov.uk can answer any queries regarding the instrument.