Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. XXXX

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Airports Slot Allocation (Amendment) (EU Exit) Regulations 2021

Made - - - -	***
Coming into force - -	***

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Airports Slot Allocation (Amendment) (EU Exit) Regulations 2021 and they come into force on the day after the day on which they are made.

(2) These Regulations extend to, and apply in relation to airports located in, England and Wales and Scotland.

Amendment of Council Regulation (EEC) No 95/93

2. Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports(**b**) is amended as follows.

3.—(1) Article 10a is amended as follows.

(2) In paragraph 2, for "Union" substitute "United Kingdom".

(3) In paragraph 4—

(a) for "Commission", in the first place it appears, substitute "Secretary of State";

(b) for ", which is the network manager for the air traffic network functions of the single European sky," substitute "or other relevant data";

(c) for "Commission shall adopt delegated acts in accordance with Article 12a to" substitute "Secretary of State may by regulations".

(**a**) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) Council Regulation (EEC) No 95/93 was amended by S.I. 2019/276.

(4) Omit paragraphs 5 and 6.

4. For Article 12a (exercise of the delegation) substitute—

"Article 12a

Exercise of the power under Article 10a(4)

The power to make regulations under Article 10a(4) may not be exercised after 2nd April 2021.".

5. Omit Article 12b (urgency procedure).

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures in 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.

These Regulations amend legislation in the field of aviation, relating to the allocation of slots at congested airports, to ensure that it operates effectively as part of retained EU law. It amends Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at United Kingdom airports ("Regulation 95/93").

Regulation 3 amends Article 10a of Regulation 95/93. Paragraph 1 of that Article provides that slot coordinators are to consider slots allocated for the period from 1 March 2020 until 27 March 2021 to have been operated by the air carrier to which they were initially allocated. Paragraph 4 of that Article gives the European Commission power to amend this period if the reduction in air traffic persists and is the result of the impact of the Covid-19 pandemic. Regulation 3(3) transfers this power to the Secretary of State.

Regulation 4 replaces Article 12a of Regulation 95/93. Most of Article 12a, in particular the role of European Union institutions, is no longer relevant following the end of the implementation period.

Regulation 5 omits Article 12b of Regulation 95/93, which provided for an urgency procedure for the adoption of legislation by the Commission under Article 10a of that Regulation, as it is no longer relevant following the end of the implementation period.

An 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 the UK legislation website, www.legislation.gov.uk.

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