EXPLANATORY MEMORANDUM TO

THE AVIATION SAFETY (AMENDMENT) REGULATIONS 2025

2025 No. [XXXX]

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 Mike Kane MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Security at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Jenny Ward, Deputy Director for Aviation Safety, Innovation and Skills at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Emily Lee at the Department for Transport Telephone: 07977284994 or email: aviationsafety@dft.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated law in relation to aviation safety. 'Assimilated law' is the term used to refer to what was previously called retained EU law, where it had not been revoked by the end of 2023.

4.2 This instrument makes amendments to UK Regulation (EU) 1321/2014 ("the Continuing Airworthiness Regulation") to correct references and typographical errors arising from the Aviation Safety (Amendment) Regulations 2023[1] ("the 2023 Regulations"), the Aviation Safety (Amendment) Regulations 2024[2] ("the 2024 Regulations") and the Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 ("the 2019 Regulations")[3]. It also rationalises parts of the Continuing Airworthiness Regulation and introduces new specifications relating to the use of a Form 1 (see paragraph 5.1). It also makes amendments to Articles 62 and 69 of Regulation (EU) 2018/1139 ("the Basic Regulation").

[1] https://www.legislation.gov.uk/uksi/2023/588/contents/made
[2] https://www.legislation.gov.uk/uksi/2024/1290/contents/made
[3] https://www.legislation.gov.uk/uksi/2019/645/contents/made

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 This instrument makes amendments to the Continuing Airworthiness Regulations. This is further to the amendments in the 2023 Regulations, the 2024 Regulations, and the 2019 Regulations. These amendments make minor typographical corrections and changes to incorrect references which are confusing to industry and have the potential to be misinterpreted. These amendments also rationalise the Continuing Airworthiness Regulations by combining similar requirements into one point rather than spreading them across various subparts to make the regulations easier to follow. These amendments also detail specific components that can be fitted into an aircraft without a Form 1 (an authorised release certificate which ensures the airworthiness of maintenance work undertaken on products, parts and appliances) provided a 'declaration of maintenance' is issued. This will ensure all parts installed have a Form 1 equivalent. These amendments also reintroduce an amendment regarding qualification requirements that was erroneously omitted.

5.2 This instrument also makes amendments to Articles 62 (Certification, oversight and enforcement) and 69 (Qualified Entities) of the Basic Regulation. Under the Civil Aviation Act 1982, the Civil Aviation Authority ("CAA") has always had the ability to delegate its functions or tasks to third parties (Qualified Entities) when the CAA considers that the relevant skills sit outside the CAA (for example, to delegate the authorisation of carriage of dangerous goods such as radioactive materials to the Office for Nuclear Regulation), or when a third party is better placed to assess an issue than the CAA or is able to better protect the public (for example, the Meteorological obligations resting with the CAA are delegated to the UK Met Office). However, now that the UK is no longer a member of the European Union Aviation Safety Agency, these delegation powers cannot be used for CAA aviation safety tasks that stem from the now assimilated UK Basic Regulation because the Secretary of State is, prior to the making of this instrument, obliged to pass activating regulations before the CAA can delegate such tasks. The amendments made by this instrument will remove the words in Article 62 of the Basic Regulation that require the activating regulations and remove the reference to activating regulations in Article 69. This will reactivate the ability for the CAA to delegate aviation safety tasks stemming from the Basic Regulation without first making activating regulations.

What was the previous policy, how is this different?

5.3 There is no policy change associated with the amendments this instrument makes to rationalise and correct references and errors in the Continuing Airworthiness Regulations arising from the 2019, 2023 and 2024 Regulations.

5.4 There is a policy change associated with the amendment which details specific components that can installed on an aircraft without a Form 1, provided a 'declaration of maintenance' is issued. This allows certain aircraft components to be installed without needing a Form 1, as long as they are declared safe by the design organisation.

5.5 There is no policy change associated with the amendments made to Articles 62 and 69 of the Basic Regulation – the amendments are reinstating a previous policy.

6. Legislative and Legal Context

How has the law changed?

6.1 Regulation 2 amends the Continuing Airworthiness Regulation. The amendments correct grammatical, reference and terminological errors. They also specify the components which don't require a Form 1 in certain aircraft for maintenance purposes and permits certain components to be fitted without a Form 1, provided a "declaration of maintenance" is issued. The amendments also ensure consistent use of terminology across the Annexes to the Continuing Airworthiness Regulation, provide clarity on maintenance responsibilities and specifies the individual facets of record-keeping. The amendments also reinstate references and requirements which were previously erroneously omitted.

6.2 Regulation 3 amends Articles 62 and 69 of the Basic Regulation to remove the words in Article 62 of the Basic Regulation that require the activating regulations (see paragraph 5.2 above) and remove the reference to activating regulations in Article 69.

6.3 Section 14(5) of the REUL Act 2023 requires that any changes made to secondary assimilated EU law under Section 14 of the REUL Act must not increase the overall regulatory burden in that area (including changes made previously). The changes made using these powers relate to existing criminal offences and align with current rules rather than introducing new ones. The amendments clarify or standardise requirements already in the Continuing Airworthiness Regulations, in order to make them clearer and easier for industry to follow. These changes do not add any new administrative burdens. One specific amendment (see paragraph 5.1) allows certain aircraft components to be installed without needing a Form 1, as long as they are declared safe by the design organisation. This reduces the regulatory burden by removing unnecessary paperwork for low-risk components. Overall, these changes do not increase the regulatory burden on the aviation industry or the aviation safety regime more widely.

6.4 Section 14(5) of the REUL Act 2023 requires that any changes made to secondary assimilated law under Section 14 of the REUL Act must not increase the overall regulatory burden in that area (including changes made previously). The changes made using these powers relate to existing criminal offences and are designed to align with current rules rather than introduce new ones. Most of the amendments clarify or standardise requirements in the Continuing Airworthiness Regulations to make them clearer and easier for industry to follow. These changes to not add new administrative burdens. One specific amendment (see paragraph 5.1) allows certain aircraft components to be installed without needing a Form 1, as long as they are declared safe by the design organisation. This reduces the regulatory burden by removing unnecessary paperwork for low-risk components. Overall, the changes do not increase the regulatory burden on the aviation industry or the aviation safety regime more widely.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation was considered necessary for the amendments this instrument makes to rationalise and correct references and errors in the Continuing Airworthiness Regulations arising from the 2019, 2023 and 2024 Regulations.

7.2 No consultation was considered necessary for the amendments made to Articles 62 and 69 of the Basic Regulation which reactivate the CAA's ability to delegate aviation safety tasks to Qualified Entities because the amendments are reinstating a previous policy.

7.3 The amendment specifying the components that can be installed on an aircraft without a Form 1 was consulted on when the UK was still a member of European Union Aviation Safety Agency as set out in the Explanatory Memorandum to the 2023 Regulations[4].

8. Applicable Guidance

8.1 There is no applicable guidance for these amendments.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument because there is no impact anticipated on businesses. The amendments made by this instrument are of a technical nature and make corrections to regulations which will benefit industry by making them easier to follow. This instrument also reinstates a previous policy by amending articles 62 and 69, removing unnecessary obstacles in the regulations to the benefit of the CAA and industry.

Impact on businesses, charities and voluntary bodies

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

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 there are no public sector financial costs associated with the changes to the regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is that aviation safety legislation is subject to regular review. The regular review takes place on a much more frequent basis than the five-year interval required under the post implementation review clause. Necessary and appropriate amendments are identified through a process of ongoing review of aviation safety legislation necessitated by being part of an international system and being required to regularly consider, update and align with international standards and developments in aviation safety.

10.2 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Mike

[4] https://www.legislation.gov.uk/uksi/2023/588/pdfs/uksiem_20230588_en_003.pdf

Kane MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Security, has made the following statement:

10.3 "In my view, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the provisions of the Aviation Safety (Amendment) Regulations 2025 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the costs associated with such a review and the limited scope for change."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The Department has become aware that corrections to the Continuing Airworthiness Regulations are needed, following on from amendments made by the 2019 Regulations, the 2023 Regulations, and the 2024 Regulations. As the instrument is correcting errors in the above Regulations, a copy will be issued free of charge to all known recipients of those Regulations.

11.2 The unintended omissions or errors resulting from the 2019, 2023 and 2024 Regulations could have caused confusion as they introduced irregularities and inconsistencies, which impact the ease of use of the regulations by industry. This could have safety consequences as the confusion could lead to human factor-related safety issues as a result.

12. European Convention on Human Rights

12.1 Mike Kane MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Security at the Department for Transport has made the following statement regarding Human Rights:

"In my view the provisions of the Aviation Safety (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is made, in part, under sections 14(1), 14(2) and 14(4)(c) of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law. The powers in section 14 are used to amend obligations in the Continuing Airworthiness Regulation and the Basic Regulation by revoking and replacing an obligation, in some instances to effect corrections to the existing text. Where a criminal offence attaches to that obligation, the amendments retain measures which correspond to, or are similar to, the existing offence under secondary retained EU law. It is therefore subject to the affirmative procedure and therefore no Ministerial Statement relating to sifting is required.