Draft Regulations laid before Parliament under paragraph 5(5) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. 0000

RETAINED EU LAW REFORM

CIVIL AVIATION

The Aviation Safety (Amendment) Regulations 2026

Made - - - -	***
Coming into force - -	*1st May 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 14(1), 14(2), and 14(4)(b) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**a**).

The Secretary of State is the relevant national authority for the purposes of sections 14(1) and 14(2) of the 2023 Act(**b**).

In accordance with paragraph 5(5) of Schedule 5 to the 2023 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 Aviation Safety (Amendment) Regulations 2026.

(2) These Regulations come into force on 1st May 2026.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment of Schedule 13 to the Air Navigation Order 2016

2.—(1) Schedule 13 (penalties) to the Air Navigation Order 2016(**c**) is amended as follows.

(2) In Part 2 (provisions referred to in article 265(6)), in Chapter 4, omit the entry for "SPA.ETOPS.100".

(**a**) 2023 c. 28 to which there are amendments not relevant to these Regulations.
(**b**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.
(**c**) S.I. 2016/765, relevant amending instruments are S.I. 2017/1112, 2018/1160, 2019/261, 2019/645, 2020/1555, 2021/879 and 2024/990.

Amendment of Article 71 of Regulation (EU) 2018/1139

3.—(1) Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation(**a**) is amended as follows.

(2) For Article 71 substitute—

"Article 71

Flexibility provisions

1. Subject to paragraph 2, the CAA may grant exemptions to any natural or legal person subject to this Regulation from the requirements applicable to that person pursuant to Chapter III or to regulations made under that Chapter.

2. Exemptions granted under this Article must not include exemptions from the essential requirements laid down in Chapter III.

3. Exemptions granted under paragraph 1 of this Article may include such conditions as the CAA deems appropriate.".

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 amend assimilated EU law in the field of aviation safety using powers conferred by the Retained EU Law (Revocation and Reform) Act 2023.

Regulation 2 revokes an assimilated provision in Schedule 13 to the Air Navigation Order 2016 to de-criminalise contravention of the SPA.ETOPS.100 prohibition on operating two-engined aeroplanes beyond a regulatory threshold distance unless the operator has been granted an ETOPS (extended range operations with two-engined aeroplanes) operational approval by the Civil Aviation Authority (CAA), a provision of Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations.

Regulation 3 amends Article 71 of Regulation (EU) 2018/1139 (common rules in the field of civil aviation) to remove conditions that must be met before the CAA may grant an exemption from all but the essential requirements of the Regulation and permits the CAA to attach such conditions as it considers appropriate before granting such an exemption.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or business sectors is foreseen. A de minimus assessment has been produced for this instrument.

The de minimus assessment and an Explanatory Memorandum for this instrument have been published alongside these Regulations and these are available at www.legislation.gov.uk.

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(**a**) EUR 2018/1139, relevant amending instruments are S.I. 2019/645 and 2022/637.

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