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

2020 No.

EXITING THE EUROPEAN UNION

CIVIL AVIATION

The Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2020

Made - - - - 2020

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2020 and come into force immediately before IP completion day.

PART 2

Amendment of subordinate legislation

Amendment of the Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2018

2.—(1) The Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2018(**b**) are amended as follows.

(**a**) 2018 c. 16. Section 8 is amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**b**) S.I. 2018/1363; the reference to exit day in regulation 1 (commencement) is to be read as a reference to IP completion day, by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) For regulation 9(c) substitute—

"(c) in paragraph 5(**a**), for "The Commission is empowered to adopt delegated acts in accordance with Article 8a amending", substitute "The Secretary of State may, by regulations, amend".".

(3) For regulation 10(b) substitute—

"(b) in paragraph 2(**b**), for "The Commission is empowered to adopt delegated acts in accordance with Article 8a amending", substitute "The Secretary of State may, by regulations, amend".".

(4) For regulation 11 substitute—

"**11.** Omit Article 8 (enforcement and sanctions), Article 8a (exercise of the delegation)(**c**) and Article 9 (committee procedure)(**d**).".

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 in section 8 of the European Union (Withdrawal) Act 2018 (c.16) ("the 2018 Act") in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under sections 8(2)(a), (b), (d) and (g), and (6)(a)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations amend the Civil Aviation (Insurance) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1363) ("the 2018 Regulations") in response to amendments to Regulation (EC) 785/2004 ("the Regulation") which have come into force since the 2018 Regulations were made. The Regulation prescribes minimum insurance requirements for air carriers and aircraft operators in respect of passengers, baggage, cargo and third parties.

Part 2 amends regulations 9(c) and 10(b) of the 2018 Regulations so that those provisions replace the legislative powers conferred on the Commission under the amended Regulation with powers to make regulations conferred on the Secretary of State. It also substitutes a new regulation 11 which revokes Article 8a of the amended Regulation which sets out the conditions under which the Commission can exercise its powers to adopt delegated Acts.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum has been published alongside these Regulations and is available with these Regulations on www.legislation.gov.uk.

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(**a**) Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019, p. 241), Annex, Part IX, para 6(1).
(**b**) Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019, p. 241), Annex, Part IX, para 6(2).
(**c**) Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019, p. 241), Annex, Part IX, para 6(3)
(**d**) Amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 (OJ L 311, 21.11.2008, p. 1.), Annex, para.9.12(3).

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