Draft Regulations laid before Parliament under section 103(6) of the Transport Act 2000, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2025 No. 0000

CIVIL AVIATION

The Transport Act 2000 (Air Traffic Services) (Prescribed Terms) Regulations 2025

Made - - - -	*2025*
Coming into force - -	*15th August 2025*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11(4) of the Transport Act 2000(**a**) ("the Act"), following consultation with the Civil Aviation Authority in accordance with section 103(9) of the Act.

In accordance with section 103(6) of the Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Transport Act 2000 (Air Traffic Services) (Prescribed Terms) Regulations 2025 and come into force on 15th August 2025.

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

(3) In these Regulations, "the Act" means the Transport Act 2000.

Prescribed term for the purposes of section 11(3)(b) of the Act

2. For the purposes of section 11(3)(b) of the Act, the following are prescribed terms—

(a) any term specifying air traffic services authorised under a licence;

(b) any term specifying the area in which a licence authorises the provision of air traffic services.

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) 2000 c. 38. Section 11 was amended by the Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), section 9(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 5(2) of the Transport Act 2000 ("the Act") provides that a licence may be granted (a) in respect of air traffic services of one or more specified descriptions and (b) in respect of one or more specified areas.

Section 11(3)(b) of the Act provides that the Secretary of State may modify prescribed terms in an air traffic services licence. Using the power to make regulations in section 11(4) of the Act, the Secretary of State may specify the prescribed terms that may be modified pursuant to section 11(3)(b) of the Act.

Regulation 2 therefore provides that terms in a licence specifying air traffic services, and the area served by some, or all, of those air traffic services, are prescribed licence terms capable of modification by the Secretary of State. This will allow the Secretary of State to modify a prescribed term in a licence so as to modify the types of air traffic services which are authorised in the licence and to modify the area(s) in which such authorised air traffic services may be provided.

These Regulations follow from a joint consultation by the Department for Transport and the Civil Aviation Authority ("CAA") on Airspace Modernisation(**a**) which sets out proposals for NATS (En Route) plc (the holder of a licence issued by the Secretary of State under section 5 of the Act) to provide an airspace design service to develop proposals for changes to airspace design (airspace change proposals) in an area determined by the Secretary of State from time to time. The process for this is set out in the Air Navigation Directions (**b**), which provide for the CAA to make changes to the design of UK airspace following receipt by the CAA of an airspace change proposal.

A full Impact Assessment has not been produced for this instrument as it is not expected to have significant impact on the private, public or voluntary sectors. Instead a de minimis assessment has been prepared as this instrument is likely to entail some costs for businesses, but the net impact is estimated to be below £10 million per year.

An Explanatory Memorandum and the de minimis assessment have been published alongside these Regulations on www.legislation.gov.uk.

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(**a**) Airspace modernisation: consultation on a UK Airspace Design Service (CAP 3029). To inspect a hard copy at CAA premises email OGCMailbox@caa.co.uk or write to The CAA, Legal Department, Aviation House, Beehive Ring Road, Crawley, West Sussex, RH6 0YR or The CAA, Legal Department, Westferry Circus, Canary Wharf, London E14 4HD.

(**b**) The Civil Aviation Authority (Air Navigation) Directions 2023. A copy is available at https://www.caa.co.uk/media/lzrl3drs/caa-air-navigation-directions-2023.pdf. A hard copy is available for inspection at the CAA Legal Department at the above addresses.

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