

2013 No. 610

CIVIL AVIATION

**The Civil Aviation Act 2012 (Regulation of Operators of
Dominant Airports) (Consequential Amendments) Regulations
2013**

Made - - - - *13th March 2013*

Laid before Parliament *15th March 2013*

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the power conferred by section 108 of the Civil Aviation Act 2012(a), makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Aviation Act 2012 (Regulation of Operators of Dominant Airports) (Consequential Amendments) Regulations 2013 and come into force in accordance with paragraphs (2) and (3).

(2) This regulation, regulation 2 and Schedule 1 come into force on 6th April 2013.

(3) Regulation 3 and Schedule 2 come into force on 1st April 2014.

Amendments and revocation coming into force on 6th April 2013

2.—(1) The amendments specified in Schedule 1 have effect.

(2) The Civil Aviation Authority (Economic Regulation of Airports) (Northern Ireland) Regulations 1995(b) are revoked.

Amendments and revocation coming into force on 1st April 2014

3.—(1) The amendments specified in Schedule 2 have effect.

(2) The Civil Aviation Authority (Economic Regulation of Airports) Regulations 1986(c) are revoked.

(a) 2012 c. 19.
(b) S.I. 1995/2294.
(c) S.I. 1986/1544.

Signed by authority of the Secretary of State

13th March 2013

Simon Burns
Minister of State
Department for Transport

SCHEDULE 1

Regulation 2

Amendments coming into force on 6th April 2013

The Airports Act 1986

1. The Airports Act 1986(a) is amended as follows—
 - (a) in section 30(5) (directions to airport operators in the interests of national security etc) after “Part IV of this Act” insert “or Part 1 of the Civil Aviation Act 2012”, and
 - (b) in section 69(5) (duty of CAA with respect to implementation of recommendations concerning airport capacity) for “subject to economic regulation under Part IV” substitute “an airport to which Part 5 applies”.

The Airports (Groundhandling) Regulations 1997

2. In regulation 27(2) of the Airports (Groundhandling) Regulations 1997(b) for “Part IV of the Airports (Northern Ireland) Order 1994” substitute “Part 1 of the Civil Aviation Act 2012(c)”.

The Enterprise Act 2002 (Super-complaints to Regulators) Order 2003

3. In the Schedule to the Enterprise Act 2002 (Super-complaints to Regulators) Order 2003(d) after “Transport Act 2000” insert “; Civil Aviation Act 2012(e)”.

The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003

4. In the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003(f) omit paragraph 13 of Schedule 4.

The Utilities Contracts Regulations 2006

5. In Part O of Category 7 of Schedule 1 to the Utilities Contracts Regulations 2006(g)—
 - (a) omit “An airport operator within the meaning of the Airports Act 1986 who has the management of an airport subject to economic regulation under Part IV of that Act.”, and
 - (b) omit “An airport operator within the meaning of the Airports (Northern Ireland) Order 1994.”

(a) 1986 c.31. Section 30(5) was amended by section 97 to, and paragraph 19(1) and (3) of Part V of Schedule 8 to, the Transport Act 2000.
(b) S.I. 1997/2389. Regulation 27 was inserted by S.I. 1998/2918.
(c) 2012 c. 19.
(d) S.I. 2003/1368, to which there are amendments not relevant to these Regulations.
(e) 2012 c. 19.
(f) S.I. 2003/1592, to which there are amendments not relevant to these Regulations.
(g) S.I. 2006/6, to which there are amendments not relevant to these Regulations.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

6. In Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(a) after “Part 1 of the Transport Act 2000” insert “Part 1 of the Civil Aviation Act 2012(b)”.

The Airport Charges Regulations 2011

7. In the Airport Charges Regulations 2011(c)—
- (a) omit Part 8, and
 - (b) omit regulation 32(b) and (c).

SCHEDULE 2

Regulation 3

Amendments coming into force on 1st April 2014

The Airports Act 1986

1. In section 30(5) (directions to airport operators in the interests of national security etc) of the Airports Act 1986 omit “Part IV of this Act or”.

The Airports (Groundhandling) Regulations 1997

2. In regulation 27(2) of the Airports (Groundhandling) Regulations 1997—
- (a) omit “either Part IV of the Airports Act 1986 or”, and
 - (b) for “either of those Parts” substitute “that Part”.

The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003

3. In the Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 omit paragraph 5 of Schedule 4.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

4. In Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 omit “Part 4 of the Airports Act 1986”.

The Airport Charges Regulations 2011

5. In the Airport Charges Regulations 2011 omit Part 7.

(a) S.I. 2007/3544, to which there are amendments not relevant to these Regulations.
(b) 2012 c. 19.
(c) S.I. 2011/2491.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement legislative changes that arise from the commencement of provisions of the Civil Aviation Act 2012 (“the 2012 Act”) that are concerned with the regulation of operators of dominant airports. Those provisions are commenced by the Civil Aviation Act 2012 (Commencement No. 1, Transitional, Transitory and Savings Provisions) Order 2013 (S.I. 2013/589(C. 23)) (“the 2013 Order”). In particular, section 76(1) of the 2012 Act repeals Part IV of the Airports Act 1986 and section 76(2) revokes Part IV of the Airports (Northern Ireland) Order 1994.

Regulations 2(1) and 3(1) of, and Schedule 1 and 2 to, these Regulations amend legislation that refers to Part IV of the Airports Act 1986 or Part IV of the Airports (Northern Ireland) Order 1994 to reflect the repeal of those Parts, in particular to remove references to those Parts and insert references to the 2012 Act. Regulations 2(2) and 3(2) of these Regulations revoke the statutory instruments that are in part based on Part IV of the Airports Act 1986 or Part IV of the Airports (Northern Ireland) Order 1994. The differing coming into force dates for regulation 2 and Schedule 1 on the one hand and regulation 3 and Schedule 2 on the other are for consistency with the dates for coming into force of provisions of the 2012 Act set out in the 2013 Order.

The Economic Regulation of Airports (Designation) Order 1986 (S.I. 1986/1502), the Economic Regulation of Airports (Expenses of the Monopolies and Mergers Commission) Regulations 1997 (S.I. 1997/403) and the Economic Regulation of Airports (Designation) Order (Amendment) Order 2008 (S.I. 2008/2702) derive from powers wholly within Part IV of the Airports Act 1986 and are impliedly revoked with the repeal of Part IV of the Airports Act 1986.

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