

2011 No. 205

CIVIL AVIATION

**The Transport Act 2000 (Amendment of section 5(4))
Regulations 2011**

<i>Made</i>	- - - -	<i>31st January 2011</i>
<i>Laid before Parliament</i>		<i>4th February 2011</i>
<i>Coming into force</i>	- -	<i>6th April 2011</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to matters relating to air transport(b).

In exercise of the powers conferred by that section, the Secretary of State makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Transport Act 2000 (Amendment of section 5(4)) Regulations 2011 and they come into force on 6th April 2011.

Amendment

2. In section 5(4) of the Transport Act 2000(c), omit the words “(as defined in section 1(1) of the Companies Act 2006)”.

Signed by authority of the Secretary of State for Transport

31st January 2011

Theresa Villiers
Minister of State
Department for Transport

(a) 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51), and Schedule 1, Part 1, to the European Union (Amendment) Act 2008 (c.7). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51), regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(b) S.I. 1993/2661.

(c) 2000 c.38. Section 5(4) has been amended by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), Schedule 1, paragraph 184(1) and (2).

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Article 2(4) of Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system (OJ L 300, 14.11.2009, p. 34).

Article 2(4) amends Article 8 of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (OJ L 96, 31.3.2004, p.10).

Article 8(2) (as amended) prohibits (among other things) any requirement in the legal system of a Member State for an air traffic service provider who provides services in that Member State to have its registered office there.

Section 5(4) of the Transport Act 2000 provides that a licence to provide air traffic services is not valid unless it is granted to a company that has been incorporated under the companies legislation of the United Kingdom, which would necessitate having a registered office in the United Kingdom. Accordingly, these Regulations amend section 5(4) to remove the reference to domestic legislation.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the International Aviation and Safety Branch, Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. The impact assessment is also annexed to the Explanatory Memorandum which is available alongside this instrument on www.legislation.gov.uk.

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