Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

CIVIL AVIATION

The Aeroplane Noise Regulations 1999

Made - - - -	*1999*
Coming into force - -	*1999*

Whereas a draft of these Regulations has been approved by a resolution of each House of Parliament:

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to air transport, in exercise of the powers conferred by that section, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Aeroplane Noise Regulations 1999 and shall come into force on the seventh day after the day on which they are made.

Revocation and amendment

2.—(1) The Aeroplane Noise (Limitation on Operation of Aeroplanes) Regulations 1993(**3**) and the Aeroplane Noise (Limitation on Operation of Aeroplanes) (Amendment) Regulations 1994(**4**) are hereby revoked.

(2) The Air Navigation (Noise Certification) Order 1990(**5**) shall be amended as follows—

(a) in article 4, before "This Order" there shall be inserted

"(1) Subject to paragraph (2) of this article,;"

(b) in article 4, at the end, there shall be added the following paragraph—

"(2) This Order shall not apply to any aeroplane to which the Aeroplane Noise Regulations 1999(**6**) applies.";

(**1**) S.I. 1993/2661.
(**2**) 1972 c. 68.
(**3**) S.I. 1993/1409.
(**4**) S.I. 1994/1734.
(**5**) S.I. 1990/1514.
(**6**) S.I. 1999/xxxx.

(c) in article 5, paragraph (1), the words ", other than an aeroplane to which paragraph (2) applies,", shall be omitted;

(d) in article 5, paragraph (2) shall be omitted;

(e) in article 6, paragraphs (2) to (8) shall be omitted;

(f) in Schedule 1, in Part I, paragraphs 3(1) and (2) and 4 shall be omitted, and

(g) in Schedule 1, Parts II, III, IV and VI shall be omitted.

Interpretation

3. In these Regulations—

"accepted" in relation to a certificate of airworthiness means an application made to the CAA for such a certificate or for the modification of such a certificate which the CAA has not rejected;

"aeroplane" means an aeroplane in respect of which a certificate of airworthiness is in force;

"air carrier" means an air transport undertaking with a valid operating licence;

"authorised person" means any constable and any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"the CAA" means the Civil Aviation Authority;

"certificate of airworthiness" has the same meaning as in article 118(1) of the Air Navigation (No. 2) Order 1995(**7**);

"Community air carrier" means an air carrier with a valid operating licence granted by a member State or EEA State in accordance with Council Regulation (EEC) No. 2407/92 of 23 July 1992 on licensing air carriers(**8**);

"the Convention" means the Convention on International Civil Aviation signed on behalf of the United Kingdom at Chicago on 7th December 1944(**9**);

"the 1989 Council Directive" means Council Directive 89/629/EEC of 4th December 1989(**10**) on the limitation of noise emission from civil subsonic jet aeroplanes;

"the 1992 Council Directive" means Council Directive 92/14/EEC of 2 March 1992(**11**) on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 as amended by Council Directive 98/20/EC of 30 March 1998(**12**);

"derived version" means a modification of a prototype aeroplane which, from the point of view of airworthiness, is similar to the prototype but incorporates changes in type design which may affect its noise characteristics adversely;

(**7**) S.I. 1995/1970, to which there are amendments not relevant to these Regulations.

(**8**) O.J. No. L 240, 24.8.92, p.1—extended to EEA States by the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2073 and 2183) as amended by the decision of the EEA Joint Committee No. 7/94 of 21 March 1994 (O.J. L 160, 28.6.94, p.1).

(**9**) 7th edition published in 1997 by the International Civil Aviation Organisation, reference Doc. 7300/7.

(**10**) O.J. No. L 363, 13.12.89, p.27. the 1989 Council Directive was extended to EEA States by the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2073 and 2183). See also the Decision of the Council and the Commission on the conclusion of that Agreement 94/1/ECSC,EC —O.J. L 1, 3.1.94, p.1 and particularly article 23 on p.11 and paragraph 2 of Part XVII of Annex II on p.312.

(**11**) O.J. No. L 76, 23.3.92, p.21, as corrected in O.J. No. L 168, 23.6.92, p.30. The 1992 Council Directive was extended to EEA States by the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2073 and 2183) as amended by the Decision of the EEA Joint Committee No. 7/94 of 21 March 1994 (O.J. L 160, 28.6.94, p.1.).

(**12**) O.J. No. L 107, 7.4.98, p.4. The 1998 Directive was extended to EEA States by the decision of the EEA Joint Committee No. 105/98 of 30 October 1998 amending Annex XX to the EEA Agreement (O.J. L).

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(**13**);

"EEA State" means a State, other than a member State, which is a Contracting Party to the EEA Agreement;

"Government airport" has the same meaning as "Government aerodrome" in the Air Navigation (No. 2) Order 1995;

"noise certificate" means a document issued or validated by a State or by a competent authority of a State attesting noise certification in respect of an aeroplane either by way of a separate certificate or a statement contained in another document approved by the State of registry of the aeroplane and required by that State to be carried in the aeroplane;

"operating licence" means an authorisation granted to an undertaking permitting it to carry out carriage by air of passengers, mail and/or cargo for remuneration and/or hire;

"overseas departments" has the same meaning as in article 2.3 of the 1992 Council Directive;

"total civil subsonic jet fleet" in relation to a Community air carrier means the total aircraft fleet of civil subsonic jet aeroplanes at the disposal of that carrier, through ownership or any form of lease agreement of not less than one year;

"Volume 1 of Annex 16/1981" means the first edition—1981 of Volume 1 of Annex 16 to the Convention(**14**);

"Volume 1 of Annex 16/1988" means the second edition—1988 of Annex 16 to the Convention(**15**).

Noise certificate requirements for UK registered propeller driven aeroplanes

4.—(1) This regulation shall apply to any civil propeller-driven aeroplane registered in the United Kingdom and falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to regulation 6, an aeroplane to which this regulation applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the CAA certifying that—

(a) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane to which sub-paragraphs (e), (f) or (g) applies, which in the opinion of the CAA—

(i) (a) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness before 6 October 1977, or

(b) conforms to a derived version of such a prototype aeroplane, and

(ii) was first issued with a certificate of airworthiness on or after 26 November 1981,

the aeroplane meets the standards specified in Part II, Chapter 2 of Volume I of Annex 16/1988, less sections 2.1 and 2.4.2 of that Chapter;

(b) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane described in section 6.1.1 of Part II of Volume 1 of Annex 16/1988 and other than an aeroplane to which sub-paragraph (h) applies, which in the opinion of the CAA—

(**13**) Cm 2073 and 2183.
(**14**) This Annex is published by the International Civil Aviation Organisation. The first edition of Volume 1 of this Annex was published in 1981.
(**15**) This Annex is published by the International Civil Aviation Organisation. The second edition of Volume 1 of this Annex was published in 1988.

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 1 January 1985 and before 17 November 1988, or

(ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 3 of Volume I of Annex 16/1988;

(c) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 9,000 kilograms which in the opinion of the CAA—

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 17 November 1988, or

(ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 3 of Volume I of Annex 16/1988;

(d) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane to which sub-paragraphs (f), (g) or (h) applies, which in the opinion of the CAA—

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 6 October 1977 and before 1 January 1985, or

(ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 5 of Volume I of Annex 16/1988;

(e) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the CAA—

(i) (a) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness before 1 January 1975, or

(b) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA accepted an application to modify the certificate of airworthiness for the prototype before 17 November 1988, and

(ii) was either first issued with a certificate of airworthiness on or after 1 January 1980 or first registered in the United Kingdom on or after that date,

the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

(f) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the CAA—

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, or

(ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA accepted an application to modify the certificate of airworthiness for the prototype on or after 1 January 1975 and before 17 November 1988,

the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988,

(g) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the CAA—

(i) conforms to a derived version of a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, and

(ii) in respect of which the CAA accepted an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988,

the aeroplane meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;

(h) subject to sub-paragraph (i), in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms and which in the opinion of the CAA—

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 17 November 1988, or

(ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane, meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;

(i) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms and which in the opinion of the CAA—

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 17 November 1998 and before 17 November 1993, or

(ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA accepted an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988 and before 17 November 1993,

the areoplane, if it is unable to meet the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988, meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

(j) in the case of any other aeroplane, the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2, 5 or 6 of Volume 1 of Annex 16/1981.

5.—(1) Subject to paragraph (3), this regulation shall apply to any civil propeller-driven aeroplane with a maximum certificated take-off mass not exceeding 5,700 kilograms first registered in the United Kingdom on or after 24th July 1980 and not falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to regulation 6, an aeroplane to which this regulation applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the CAA certifying—

(a) in the case of an aeroplane which in the opinion of the CAA—

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, or

(ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA accepted an application to modify the certificate of