

# Air Travel Organisers' Licensing Bill

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, are published separately as HL Bill 58 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Callanan has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Air Travel Organisers' Licensing Bill are compatible with the Convention rights.



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**B I L L**

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Amend sections 71, 71A and 84 of the Civil Aviation Act 1982, and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Air travel organisers' licences**

(1) Section 71 of the Civil Aviation Act 1982 (regulation of provision of accommodation in aircraft) is amended as follows.

(2) After subsection (1) insert—

“(1ZA) Subsection (1) applies to an activity in the European Economic Area by a person established in the United Kingdom as it applies to an activity in the United Kingdom.” 5

(3) After subsection (1D) insert—

“(1E) The provision that may be made under or by virtue of subsection (1A)(b) includes provision granting exemption in relation to cases where the person by whom flight accommodation is or may be made available or procured does not make available or procure any other services.” 10

**2 Air Travel Trust**

(1) In section 71A of the Civil Aviation Act 1982 (contributions by licence holders to Air Travel Trust), in subsection (5), after “the trust” insert “(as it has effect from time to time)”. 15

(2) After that subsection insert—

“(6) The Secretary of State may by regulations amend the definition of “Air Travel Trust” in subsection (5) above so that it refers, in addition to or instead of any trust for the time being referred to in that subsection, to one or more other qualifying trusts. 20

- (7) A trust is a qualifying trust for the purposes of subsection (6) above if –
- (a) the Secretary of State for Transport is a party to the deed establishing the trust, and
  - (b) the primary purpose of the trust is the assistance of persons who suffer losses or incur costs as a result of failure by contributors to the trust to fulfil obligations with regard to the provision of flight accommodation in connection with those persons' trips or holidays.

In paragraph (b) "flight accommodation" has the same meaning as in section 71." 10

- (3) In section 102 of that Act (powers to make Orders in Council, orders and regulations), after subsection (3) insert –

"(3A) Where an entry in the said column 3 specifies that a power to make regulations is subject to the affirmative resolution procedure, a statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House." 15

- (4) In Part 2 of Schedule 13 to that Act (provisions applying to certain powers) –
- (a) in the entry for section 71A, for "Section 71A" substitute "Section 71A(1)"; 20
  - (b) after that entry insert –

"Section 71A(6)	Regulations amending the definition of "Air Travel Trust"	Subject to the affirmative resolution procedure	Paragraphs 1 and 2 of Part 3 apply."	25
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### 3 Provision of information

- (1) Section 84 of the Civil Aviation Act 1982 (provision by others of information for the CAA and Secretary of State) is amended as follows.

- (2) In subsection (1) –
- (a) in paragraph (c) omit "of which he is not the operator"; 30
  - (b) after that paragraph insert –

"(ca) a person established in the United Kingdom who in the European Economic Area has, at any time during the period of two years ending with the date of service of the notice, held himself out as one who may as a principal or otherwise enter into a contract to make available accommodation for the carriage of persons or cargo on flights in any part of the world in aircraft;" 35

- (c) after paragraph (ii) insert –
  - "(iia) in the case of such a person as in mentioned in paragraph (ca) of this subsection, descriptions of information which relates to his past, present or future activities in the European Economic Area connected with the making available of accommodation so mentioned," 40
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(3) After subsection (1) insert –

“(1A) Paragraphs (c) and (ca) of subsection (1) apply to a person who is the operator of the aircraft in question only if –

- (a) the person is not the holder of a licence issued by the CAA in accordance with the Operation of Air Services in the Community Regulation, or
- (b) the accommodation to be made available as mentioned in those paragraphs is not limited to flight accommodation within the meaning of section 71.”

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#### **4 Commencement, extent and short title**

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(1) Section 3 comes into force on whatever day or days the Secretary of State appoints by regulations.

(2) The other provisions of this Act come into force on the day on which this Act is passed.

(3) The power to make regulations under subsection (1) is exercisable by statutory instrument.

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(4) Regulations under subsection (1) –

- (a) may appoint different days for different purposes;
- (b) may make transitional, transitory or saving provision.

(5) This Act extends to England and Wales, Scotland and Northern Ireland.

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(6) This Act may be cited as the Air Travel Organisers' Licensing Act 2017.

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## B I L L

To amend sections 71, 71A and 84 of the Civil Aviation Act 1982, and for connected purposes.

*Lord Callanan*

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