

CIVIL AVIATION (CONSUMER PROTECTION AND REGULATORY REFORM) BILL

Supplementary Delegated Powers Memorandum from the Department for Transport

A. INTRODUCTION

1. This memorandum has been prepared by the Department for Transport to assist with the scrutiny of the Civil Aviation (Consumer Protection and Regulatory Reform) Bill (“the Bill”).
2. This Memorandum describes a delegated power which was amended at the Report Stage in the House of Lords (first House). This Memorandum supplements the Delegated Powers Memorandum on the Bill as introduced.
3. This memorandum covers one amended delegated power, made by an amendment approved by the House of Lords at Report Stage on 13 July 2026.

B. DELEGATED POWERS

CAA rules

Clause 12(2): CAA Rules. New section 61A(7). (Power for the Secretary of State to specify provision that may not be made by CAA rules or matters or purposes in relation to which provision may not be made by CAA rules.)

Power conferred on: Secretary of State

Power exercised by: Regulations

Parliamentary procedure: Affirmative

Context and Purpose

4. Clause 12 primarily delegates to the Civil Aviation Authority (CAA) the power to make aviation safety and operations rules. That power will sit alongside, and remain subject to, the Secretary of State’s existing powers under section 60 of the Civil Aviation Act 1982 and assimilated law, which will continue to apply.
5. The purpose of these measures is to modernise the UK’s aviation safety rulemaking framework by allowing detailed, technical safety requirements in domestic and assimilated law to be consolidated and updated more efficiently. Many of these requirements derive from the International Civil Aviation Organization (ICAO) and must be implemented by the UK under its treaty obligations as a signatory to the

Chicago Convention. Enabling such requirements to be set out in CAA rules will make the system faster and more efficient, while ensuring it remains led by the expert regulator and subject to appropriate ministerial and parliamentary oversight.

6. The new legislative framework set out in these provisions is intended to supersede the current fragmented legislative sources and slow amendment processes. This will enable quicker alignment with international standards such as those set by ICAO while also supporting new developments and industry technologies.
7. However, in their first report of session 2026-2027, the Delegated Powers and Regulatory Reform Committee (DPRRC) recommended that *“the power in section 61A(7) of the Civil Aviation Act 1982, read with section 61A(1), is inappropriate because its effect is to give the Government unconstrained power to decide which operational and safety aviation rules will be delegated to the CAA and consequently made without Parliamentary process”, and that “to ensure Parliament is properly able to scrutinise the scope of delegation of rulemaking to the CAA:*
 - *the power in section 61A(7) should be amended to make clear the principles underlying the exceptions to delegated rulemaking; and*
 - *that power should be subject to affirmative procedure.”*
8. By letter to the Committee on 8 July 2026 from Lord Hendy of Richmond Hill, the Government accepted these recommendations and confirmed that it had tabled amendments ahead of Report Stage to give effect to the Committee’s recommendations. Those amendments were accepted by the House at Report Stage on 13 July.

Justification for taking the power

9. The power to make exceptions is intended to allow Ministers to reserve matters or purposes that would otherwise fall within the CAA’s rulemaking power, where those matters are considered appropriate for Ministers alone.
10. As amended at Report and as recommended by the DPRRC, new section 61F sets out the principles for the use of this power. It would require the Secretary of State to consider matters such as national security, the wider public interest and passengers’ interests, including accessibility, when deciding what should remain reserved to the Department.

Justification for the procedure

11. As amended at Report and as recommended by the DPRRC, the power in section 61A(7) is subject to the affirmative procedure, which the Government has accepted to be the appropriate procedure for the use of this power following the DPRRC’s report.