

Transport Committee

Sifting of proposed negative Statutory instruments

Sixth Report of Session 2024–26

HC 1679

Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

Current membership

[Ruth Cadbury](#) (Labour; Brentford and Isleworth) (Chair)

[Steff Aquarone](#) (Liberal Democrat; North Norfolk)

[Dr Scott Arthur](#) (Labour; Edinburgh South West)

[Mrs Elsie Blundell](#) (Labour; Heywood and Middleton North)

[Jacob Collier](#) (Labour; Burton and Uttoxeter)

[Olly Glover](#) (Liberal Democrat; Didcot and Wantage)

[Katie Lam](#) (Conservative; Weald of Kent)

[Alex Mayer](#) (Labour; Dunstable and Leighton Buzzard)

[Baggy Shanker](#) (Labour; Derby South)

[Rebecca Smith](#) (Conservative; South West Devon)

[Laurence Turner](#) (Labour; Birmingham Northfield)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the internet via www.parliament.uk.

Publication

This Report, together with formal minutes relating to the Report, was Ordered by the House of Commons, on 4 February 2026, to be printed. It was published on 6 February 2026 by authority of the House of Commons.
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Sifting of proposed negative Statutory Instrument: The Aviation Safety (Amendment) Regulations 2026

1. Following the UK's exit from the European Union (EU), the House of Commons has had the power to “sift” certain proposed negative statutory instruments. This applies to instruments that have been laid under either Schedule 7 paragraph 3 of the European Union (Withdrawal) Act 2018, or Schedule 5 paragraph 6 of the Retained EU Law (Revocation and Reform) Act 2023, and amend some aspect of assimilated—that is, formerly EU—law. The House's sifting role involves assessing whether an instrument should follow the negative procedure, as recommended by the Government, or whether a draft of it should be laid before, and approved by, a resolution of each House of Parliament before it is made – that is, the affirmative procedure. This function was previously carried out by the European Statutory Instruments Committee, which no longer exists. In February 2025, the House resolved to allocate responsibility for sifting proposed negative instruments to the relevant departmental select committee.
2. On 4 February 2026 we considered the Aviation Safety (Amendment) Regulations 2026 under this procedure. This proposed instrument amends Article 71 of Regulation (EU) 2018/1139 (“the Basic Regulation”), which contains detailed requirements for different areas of aviation safety.¹ The Basic Regulation covers, amongst other things, safety standards for aircraft design; licensing and certification of pilots and engineers; and environmental requirements relating to noise and emissions. Article 71 sets out the process that the UK Civil Aviation Authority (CAA) must follow to grant exemptions from these requirements (this excludes essential safety requirements, such as the requirement that aircraft must not have features that are known to be hazardous).²

1 [Regulation \(EU\) 2018/1139, 4 July 2018](#)

2 Ibid.

3. The purpose of this amendment is to update the requirements the CAA must meet before it can issue exemptions to industry from most of the laws covered by the Basic Regulation. Currently, the CAA can only exempt industry from the requirements of the Basic Regulation if there are urgent unforeseeable circumstances or operational needs, for example, if the Government needs to carry weapons to an overseas destination on non-military planes. Regulation 3 of this instrument removes the current conditions, granting the CAA the power to issue exemptions in more circumstances, such as allowing for limited air traffic support for major events or for the trialling of new aircraft.³
4. Paragraph 7.1 of the Explanatory Memorandum (EM) to the instrument states that, in practice, the CAA “does not intend to use these powers to regulate by exemption and the granting of exemptions will continue to be exceptional”.⁴ The wording of Regulation 3, however, does not support this assertion as it does not contain provisions which limit the granting of exemptions to exceptional circumstances. Furthermore, paragraph 5.5 of the EM states that this could include exemptions which would facilitate “day-to-day activities” which the CAA knows to be safe. There is an apparent inconsistency between the Department’s assertion that the CAA will only grant exemptions on an exceptional basis but also allow for “day-to-day”—that is, routine—activity. The Department has explained that these changes would give the CAA greater powers to issue exemptions, for example, to support annual events which are foreseeable by nature but that it still considers exceptional. We would argue, however, that annual events which are scheduled in advance should still be considered routine activity, and therefore granting an exemption for such events should not be considered “exceptional”.
5. The Committee notes, therefore, that the changes proposed by this instrument could represent a significant diminution of existing regulatory protections. On that basis we believe that it is appropriate for this instrument to be considered under the affirmative procedure, which would give the House the opportunity to scrutinise the proposed changes in more depth.

6.

RECOMMENDATION

The Committee recommends that the appropriate procedure for the instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made (that is, the affirmative procedure) so that Parliament can seek further clarity about the intended effect.

3 [Explanatory Memorandum to the Aviation Safety \(Amendment\) Regulations 2026](#)

4 [Explanatory Memorandum to the Aviation Safety \(Amendment\) Regulations 2026](#)

Formal minutes

Wednesday 4 February 2026

Members present:

Ruth Cadbury, in the Chair

Dr Scott Arthur

Mrs Elsie Blundell

Jacob Collier

Alex Mayer

Baggy Shanker

Rebecca Smith

Laurence Turner

Sifting of proposed negative Statutory Instruments

Draft Report (*Sifting of proposed negative Statutory Instruments*),
proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time,
paragraph by paragraph.

Paragraphs 1 to 6 read and agreed to.

Resolved, That the Report be the Sixth Report to the House.

Ordered, That embargoed copies of the Report be made available,
in accordance with the provisions of Standing Order No. 134.

Adjournment

Adjourned till Tuesday 10 February 2026 at 4.00 pm

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2024–26

Number	Title	Reference
5th	Engine for growth: securing skills for transport manufacturing	HC 1223
4th	National Policy Statement for Ports	HC 1028
3rd	Buses connecting communities	HC 494
2nd	Managing the impact of street works	HC 522
1st	Access denied: rights versus reality in disabled people's access to transport	HC 770
3rd Special	Buses connecting communities: Government Response	HC 1419
2nd Special	Managing the impact of street works: Government Response	HC 1318
1st Special	Access denied: rights versus reality in disabled people's access to transport: Government Response	HC 931