



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART I

#### ADMINISTRATION

##### *Regulation of performance by CAA of its functions*

#### **4 General objectives.**

- (1) It shall be the duty of the CAA to perform the functions conferred on it otherwise than by this section in the manner which it considers is best calculated—
  - (a) to secure that British airlines provide air transport services which satisfy all substantial categories of public demand (so far as British airlines may reasonably be expected to provide such services) at the lowest charges consistent with a high standard of safety in operating the services and an economic return to efficient operators on the sums invested in providing the services and with securing the sound development of the civil air transport industry of the United Kingdom; and
  - (b) to further the reasonable interests of users of air transport services.
- (2) In subsection (1) above “British airline” means an undertaking having power to provide air transport services and appearing to the CAA to have its principal place of business in the United Kingdom, the Channel Islands or the Isle of Man and to be controlled by persons who either are United Kingdom nationals or are for the time being approved by the Secretary of State for the purposes of this subsection.
- <sup>F1</sup>(3) The duty mentioned in subsection (1) above does not apply in relation to anything done by the CAA in the performance of functions mentioned in subsection (3) of section 86 of the Transport Act 2000 which, by virtue of that section, are concurrent functions of the CAA and <sup>F2</sup>the Office of Fair Trading].
- (4) However, when performing such a function the CAA may have regard to any matter in respect of which a duty is imposed by subsection (1) above if it is a matter to which <sup>F3</sup>the Office of Fair Trading] could have regard when performing that function.]

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### Textual Amendments

- F1** S. 4(3)(4) inserted (1.2.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. IV para. 13** (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with transitional provisions and savings in Sch. 2 Pt. II)
- F2** Words in s. 4(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278(1), 279, **Sch. 25 para. 11(2)**; S.I. 2003/766, art. 2, Sch. (with transitional and transitory provisions in art. 3)
- F3** Words in s. 4(4) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278(1), 279, **Sch. 25 para. 11(2)**; S.I. 2003/766, art. 2, Sch. (with transitional and transitory provisions in art. 3)

### Modifications etc. (not altering text)

- C1** S. 4 excluded by Airports Act 1986 (c. 31, SIF 9), s. 34(2)
- C2** S. 4 applied (E.W.S.) by Airports Act 1986 (c. 31, SIF 9), s. 69(6)
- C3** S. 4 excluded (1.2.2001) by 2000 c. 38, ss. 70(5), 87(8) (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with transitional provisions and savings in Sch. 2 Pt. II)
- C4** S. 4 excluded (31.8.2004) by The Single European Sky (National Supervisory Authority) Regulations 2004 (S.I. 2004/1958), regs. 2, {3}, Sch.
- C5** S. 4 excluded (31.1.2008) by The Civil Aviation (Allocation of Scarce Capacity) Regulations 2007 (S.I. 2007/3556), reg. 9(2)

## 5 Duty of CAA to consider environmental factors when licensing certain aerodromes.

- (1) Subject to section 4 above, it shall be the duty of the CAA, in exercising any aerodrome licensing function in relation to any aerodrome to which this section applies, to have regard to the need to minimise so far as reasonably practicable—
- (a) any adverse effects on the environment, and
  - (b) any disturbance to the public,
- from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation.
- (2) The reference in subsection (1) above to an aerodrome licensing function of the CAA is a reference to any function conferred on it by or under an Air Navigation Order with respect to the licensing of aerodromes.
- (3) This section applies to any aerodrome in the United Kingdom specified in an order made by the Secretary of State for the purposes of this section; but the Secretary of State may not specify in any such order an aerodrome which is designated for the purposes of section 78 below.

## 6 Secretary of State's directions in national interest, etc.

- (1) Without prejudice to subsection (2)(a) below, the Secretary of State may, after consultation with the CAA, give it such directions of a general character as to the performance of its functions as he thinks it appropriate to give in the interests of national security;<sup>F4</sup> . . .
- (2) The Secretary of State may, after consultation with the CAA, give it directions to do a particular thing which it has power to do or refrain from doing a particular thing, if the Secretary of State considers it appropriate to give such directions—
- (a) in the interests of national security; or

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- (b) in connection with any matter appearing to him to affect the relations of the United Kingdom with a country or territory outside the United Kingdom; or
- (c) in order to discharge or facilitate the discharge of an obligation binding on the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement; or
- (d) in order to attain or facilitate the attainment of any other object the attainment of which is in his opinion appropriate in view of the fact that the United Kingdom is a member of an international organisation or a party to an international agreement; or
- (e) in order to enable the United Kingdom to become a member of an international organisation or a party to an international agreement; or
- (f) in order to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation;

F4 . . .

[<sup>F5</sup>(3) In so far as any directions given under this section conflict with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the directions shall be disregarded.

(4) In so far as any directions given under this section conflict with the requirements of any enactment or instrument relating to the CAA (other than section 93 of the Transport Act 2000 or an order under section 94 of that Act) the requirements shall be disregarded.]

#### Textual Amendments

**F4** Words in s. 6(1)(2) omitted (1.2.2001) and repealed (1.4.2001) by 2000 c. 38, ss. 97, 274, Sch. 8 Pt. V para. 17(2), Sch. 31 Pt. I(3) (with s. 106); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II); S.I. 2001/869, art. 2

**F5** S. 6(3)(4) inserted (1.2.2001) by 2000 c. 38, s. 97, Sch. 8 Pt. V para. 17(3) (with s. 106); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

## 7 Special provisions as respects certain functions.

- (1) Such functions of the CAA as may be prescribed for the purposes of this subsection shall not be performed on behalf of the CAA by any other person; and regulations made by the Secretary of State may provide that for the purpose of performing a function prescribed in pursuance of this subsection the quorum of the CAA shall be such as may be prescribed.
- (2) Regulations made by the Secretary of State may provide for regulating the conduct of the CAA and other persons, including the procedure to be followed by them, in connection with the performance by the CAA of such of its functions as may be prescribed for the purposes of this subsection; and, without prejudice to the generality of the preceding provisions of this subsection, regulations made in pursuance of this subsection may include provision—
  - (a) requiring or entitling the CAA, notwithstanding any rule of law, to withhold from any person (hereafter in this paragraph referred to as “the prospective recipient”) information which is furnished to the CAA by another person in connection with any function so prescribed and which in the opinion of the CAA relates to the commercial or financial affairs of the other person and cannot be disclosed to the prospective recipient without disadvantage to the

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other person which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted;

- (b) for the imposition on summary conviction of a fine of an amount not exceeding [<sup>F6</sup>level 3 on the standard scale] for any contravention of the regulations.

<sup>F7</sup>(3) .....

#### Textual Amendments

- F6** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 40, 46**, (S.) Criminal Procedure (Scotland) Act 1975 (c.21, SIF 39:1), **ss. 289F, 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **arts. 5, 8**
- F7** S. 7(3) repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt. I.**

#### Modifications etc. (not altering text)

- C6** S. 7(1) excluded (1.2.2001) by 2000 c. 38, **s. 66(4)(a)** (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I**(subject to savings and transitional provisions in Sch. 2 Pt. II)
- C7** S. 7(2) extended (1.9.1995) by S.I. 1994/426 (N.I. 1), **art. 27(3)**; S.R. 1995/294, art. 2, **Sch.** (with arts. 2(3), 16)
- C8** S. 7(2)(b) amended (E.W.) by Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 40, 46(2)** and (N.I.) S.I. 1984/703, **arts. 5, 8**

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