

Status: Point in time view as at 10/11/2011.

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SCHEDULES

SCHEDULE 1

Section 2.

ADDITIONAL PROVISIONS RELATING TO CONSTITUTION, ETC. OF CAA

Appointment and tenure of members

- 1 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member, that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
 - (b) to satisfy himself from time to time with respect to each member that the member has no such interest;
- and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish him with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or a deputy chairman in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or a deputy chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.
- 4 (1) If a member becomes or ceases to be the chairman or a deputy chairman the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office as a member.
- (2) If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.
- 5 (1) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the CAA for a period longer than three consecutive months without the permission of the CAA, or
 - (b) has become bankrupt or made an arrangement with his creditors, or
 - (c) is incapacitated by physical or mental illness, or
 - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as he thinks fit; and thereupon the office shall become vacant.
- (2) In the application of sub-paragraph (1) above to Scotland, for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a

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member's having made a trust deed for behoof of his creditors or a composition contract.

Remuneration etc. of members

- 6 The CAA shall pay each member such remuneration as the Secretary of State may determine with the consent of the Treasury.
- 7 (1) The CAA shall make such provision as may be determined by the Secretary of State with the consent of the Treasury for the payment of pensions, allowances or gratuities to or in respect of such members as may be so determined.
- (2) The Secretary of State shall as soon as possible after making a determination in pursuance of sub-paragraph (1) above lay before each House of Parliament a statement containing particulars of the determination.
- 8 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Treasury direct the CAA to make that person a payment of such amount as the Secretary of State may determine with the consent of the Treasury.

Proceedings

- 9 Subject to section 7 of this Act, the quorum of the CAA and the arrangements relating to its meetings shall be such as it may determine.
- 10 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the CAA, or in any other matter whatsoever which falls to be considered by the CAA, shall disclose the nature of his interest at a meeting of the CAA and the disclosure shall be recorded in the minutes of the meeting; and the member shall not—
- (a) in the case of a contract, take part in any deliberation or decision of the CAA with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the CAA with respect to the matter if the CAA decides that the interest in question might affect prejudicially the member's consideration of the matter.
- (2) A notice given by a member at a meeting of the CAA to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of sub-paragraph (1) above, be a sufficient disclosure of his interest in relation to any contract so made.
- (3) A member need not attend in person at a meeting of the CAA in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 11 The validity of any proceedings of the CAA shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 10 above.

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Staff

- 12 The CAA may appoint such officers and servants as it may determine; and any reference in this Act to an employee of the CAA is a reference to a person appointed in pursuance of this paragraph or employed by the CAA in pursuance of paragraph 14 of Schedule 1 to the ^{M1}Civil Aviation Act 1971 (existing employees to whom CAA obliged to offer employment).

Marginal Citations

M1 1971 c. 75.

- 13 (1) The CAA shall, in the case of such of its employees as it may determine, pay such pensions, allowances or gratuities to or in respect of them as it may determine, make such payments towards the provision of such pensions, allowances or gratuities as it may determine or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as it may determine.
- (2) If an employee of the CAA becomes a member and was by reference to his employment by the CAA a participant in a pension scheme maintained by the CAA for the benefit of any of its employees, the CAA may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the CAA; and the benefits payable to or in respect of a person by virtue of the preceding provisions of this sub-paragraph shall be in addition to the benefits, if any, which are payable to or in respect of him by virtue of paragraph 7 above.
- 14 It shall be the duty of the CAA, except so far as it is satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the CAA to be appropriate with a view to the conclusion between the CAA and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of employees of the CAA, with provision for reference to arbitration in default of such a settlement in such cases as may be determined by or under the agreements; and
 - (b) the promotion and encouragement of measures affecting the safety, health and welfare of employees of the CAA and the discussion of other matters of mutual interest to the CAA and its employees, including efficiency in the performance of the CAA's functions.

Performance of functions

- 15 Subject to section 7(1) of this Act, the CAA may authorise any member or employee of the CAA and, except so far as regulations made by the Secretary of State provide otherwise, any other person to perform on behalf of the CAA such of its functions (including the function conferred on it by this paragraph) as are specified in the authorisation.

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Instruments and contracts

- 16 The fixing of the common seal of the CAA shall be authenticated by the signature of the secretary of the CAA or some other person authorised by the CAA to act for that purpose.
- 17 A document purporting to be duly executed under the seal of the CAA shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Interpretation

- 18 In this Schedule “the chairman”, “a deputy chairman” and “a member” mean respectively the chairman, a deputy chairman and a member of the CAA and “gratuities” includes a refund of contributions to a pension fund with or without interest on, or any other addition to, the contributions.

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