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Civil Aviation Act 1982

CHAPTER 16

CIVIL AVIATION ACT 1982

PART I

ADMINISTRATION

The Secretary of State

- 1 Functions of Secretary of State.

Constitution and functions of CAA

- 2 Constitution of CAA.
- 3 Functions of CAA.

Regulation of performance by CAA of its functions

- 4 General objectives.
- 5 Duty of CAA to consider environmental factors when licensing certain aerodromes.
- 6 Secretary of State's directions in national interest, etc.
- 7 Special provisions as respects certain functions.

Financial provisions in relation to CAA

- 8 General financial duties.
- 9 The initial debt.
- 10 Borrowing powers.
- 11 Charges.
- 12 Grants and loans by Secretary of State.
- 13 Payments to Secretary of State.
- 14 Guarantees.

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15 Accounts and audit.

Assistance, information, etc. to be given by CAA

- 16 Provision by CAA of assistance, etc. for Secretary of State and others.
17 Provision by CAA of information, etc. for Secretary of State.

Supplemental provisions in relation to CAA

- 18 Official secrets.
19 Application of certain enactments to CAA.
20 Supplementary provisions with respect to the functions of CAA.
21 Annual report.
22 Matters arising in connection with original transfer to CAA of property, staff, etc.

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- 23 Disclosure of information.

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- 24 Eurocontrol.

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- 25 Secretary of State's power to provide aerodromes.
26 Consultation with local bodies.
27

CAA's aerodromes

- 28 Prohibition of management, etc. of aerodromes by CAA
29

Aerodromes and facilities at aerodromes provided by local authorities

- 30 Provision of aerodromes and facilities at aerodromes by local authorities.
31 Power to carry on ancillary business.
32

Other aerodromes

- 33

Miscellaneous provisions as to aerodromes

- 34 Financial assistance for certain aerodromes.
35 Facilities for consultation at certain aerodromes.
36 Health control at Secretary of State's aerodromes
37 Miscellaneous provisions as to aerodromes
38 Aerodrome charges: noise and emissions
38A Noise control schemes

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- 38B Noise control schemes: supplementary
- 38C Breaches of noise control schemes
- 39 Trespassing on licensed aerodromes.
- 40 Miscellaneous provisions as to aerodromes

Powers in relation to land exercisable in connection with civil aviation

- 41 Power of Secretary of State to acquire and manage land.
- 42 Acquisition of land by CAA.
- 42A Acquisition of land: air traffic services licence holders.
- 43 Rights granted over land to Secretary of State or CAA to bind grantor's successors.
- 44 Power to obtain rights over land.
- 45 Power to restrict use of land for purpose of securing safety at aerodromes.
- 46 Power to exercise control over land in interests of civil aviation.
- 47 Warning of presence of obstructions near licensed aerodromes.
- 48 Power of Secretary of State to stop up and divert highways etc. in interests of civil aviation.
- 49 Power to acquire land in connection with order under s. 48.
- 50 Power of entry for purposes of survey.

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- 51 Special provisions relating to statutory undertakers.
- 52 Displacements from land.
- 53 Compensation in respect of planning decisions relating to safety of aerodromes, etc.
- 54 Consecrated land and burial grounds.
- 55 Registration of orders, etc. under Part II.
- 56 Notices.
- 57 Power to appoint special constables.
- 58
- 59 Expenses and stamp duty.

PART III

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- 60 Power to give effect to Chicago Convention and to regulate air navigation, etc.
- 61 Air Navigation Orders etc.: supplemental.

War and emergencies

- 62 Control of aviation in time of war or emergency.
- 63 Control of CAA and air transport undertakings in time of war or emergency.

Air transport, etc.

- 64 Restriction of unlicensed carriage by air for reward.
- 65 Grant and refusal of air transport licences.
- 66 Revocation, suspension and variation of air transport licences.

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- 67 Supplementary provisions relating to air transport licensing.
- 68 General duties in relation to air transport licensing functions of CAA.
- 69 Periodical publication of CAA's policies.
- 69A Regulation of carriage by air by route licences.
- 70 Modification of CAA's duties with respect to British airlines in relation to certain air transport services.
- 71 Regulation of provision of accommodation in aircraft.
- 71A Contributions by licence holders to Air Travel Trust
- 71B Procedure relating to regulations under section 71A

Air navigation services

- 72 Duty of CAA to provide air navigation services.
- 73 Charges for air navigation services etc.
- 74 Provisions supplementary to s. 73.
- 74A Enforcement of foreign judgments etc. in respect of route charges.

Investigation of accidents

- 75 Investigation of accidents.

Trespass by aircraft and aircraft nuisance, noise, etc.

- 76 Liability of aircraft in respect of trespass, nuisance and surface damage.
- 77 Nuisance caused by aircraft on aerodromes.
- 78 Regulation of noise and vibration from aircraft.
- 78A Penalty schemes
- 78B Direction to establish, amend or revoke penalty scheme
- 79 Grants towards cost of sound-proofing buildings.
- 80 Designation of aerodromes for purposes of ss. 78 and 79.
- 81 Dangerous flying.
- 82 Prohibition of aerial advertising and propaganda.

Records and provision of information, etc.

- 83 Recording and registration of births and deaths, etc.
- 84 Provision by others of information for the CAA and Secretary of State.

PART IV

AIRCRAFT

Design, construction and maintenance of aircraft

- 85 Design, construction and maintenance of aircraft.

Rights etc. in relation to aircraft

- 86 Power to provide for the mortgaging of aircraft.
- 87 Application of law of wreck and salvage to aircraft.
- 88 Detention and sale of aircraft for unpaid airport charges.
- 89 Exemption of aircraft and parts thereof from seizure on patent claims.
- 90 Power to give effect to Convention on rights in aircraft.

Jurisdiction, etc.

- 91 Jurisdiction in civil matters.

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- 92 Application of criminal law to aircraft.
- 93

Powers of commander of aircraft

- 94 Powers of commander of aircraft.

Evidence, etc.

- 95 Provisions as to evidence in connection with aircraft.
- 96 Use of records and documentary evidence.

Seaplanes

- 97 Seaplanes

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- 98 Construction of certain provisions of Part IV.

PART V

MISCELLANEOUS AND GENERAL

- 99 Offences.
- 100 Application of Act to hovercraft.
- 101 Power to apply certain provisions to Crown aircraft
- 102 Powers to make Orders in Council, orders and regulations.
- 103 Special parliamentary procedure: Scotland.
- 104 Construction of provisions relating to property.
- 105 General interpretation.
- 106 Application of Act to territorial waters.
- 107 Application of Act to Northern Ireland.
- 108 Extension of provisions of Act outside United Kingdom.
- 109 Transitional provisions, consequential amendments, repeals, etc.
- 110 Citation and commencement.

SCHEDULES

SCHEDULE 1 — Additional Provisions Relating to Constitution, Etc. of CAA

Appointment and tenure of members

- 1 It shall be the duty of the Secretary of State—...
- 2 Subject to the following provisions of this Schedule, a person...
- 3 A person may at any time resign his office as...
- 4 (1) If a member becomes or ceases to be the...
- 5 (1) If the Secretary of State is satisfied that a...

Remuneration etc. of members

- 6 The CAA shall pay each member such remuneration as the...
- 7 (1) The CAA shall make such provision as may be...
- 8 Where a person ceases to be a member otherwise than...

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Proceedings

- 9 Subject to section 7 of this Act, the quorum of...
- 10 (1) A member who is in any way directly or...
- 11 The validity of any proceedings of the CAA shall not...

Staff

- 12 The CAA may appoint such officers and servants as it...
- 13 (1) The CAA shall, in the case of such of...
- 14 It shall be the duty of the CAA, except so...

Performance of functions

- 15 Subject to section 7(1) of this Act, the CAA may...

Instruments and contracts

- 16 The fixing of the common seal of the CAA shall...
- 17 A document purporting to be duly executed under the seal...

Interpretation

- 18 In this Schedule “the chairman”, “a deputy chairman” and “a...

SCHEDULE 2 — Application of Enactments Relating to Statutory Undertakers, Etc.

- 1 (1) Section 39(3) of the Public Health Act 1936 (which...
- 2 The CAA shall be deemed to be public utility undertakers...
- 3 (1) Section 93 of Schedule 3 to the Water Act...
- 4 The CAA shall be deemed to be statutory undertakers and...
- 5 In the following enactments, that is to say— section 13...
- 6
- 7

SCHEDULE 3 — Matters Arising out of Transfer to CAA of Aerodromes and other Property, Rights and Liabilities and Staff

- 1 A certificate issued by the Secretary of State and stating...
- 2 (1) Any agreement and any provision in a document which...
- 3 For the purposes of . . . Chapter II of...
- 4 The Secretary of State shall, before making a determination or...
- 5 (1) Where after any land was transferred to the CAA...
- 6
- 7 (1) Where a person entered the employment of the CAA...
- 8 (1) For the purposes of section 94(1) of and paragraph...
- 9 It is hereby declared that in this Schedule “property” includes...

SCHEDULE 4 — Eurocontrol

- 1 (1) Eurocontrol shall have the legal capacity of a body...
- 2 (1) The Secretary of State may from time to time...
- 3 (1) Subject to paragraph 1 above and sub-paragraph (2) below,...

SCHEDULE 5 —

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SCHEDULE 6 — Modifications of Schedule 6 to the Local Government Act (Northern Ireland) 1972

- 1 For references to the department concerned there shall be substituted...
- 2 For references to a district council there shall be substituted...
- 3 References to Schedule 6 to the Local Government Act (Northern...
- 4 For paragraph 1 there shall be substituted the following paragraph—...
- 5 For sub-paragraph (2) of paragraph 6 there shall be substituted...
- 6 In paragraph 12(2) for the words “the clerk of the...
- 7 Paragraph 20(2) shall be omitted.

SCHEDULE 7 — Provisions Relating to Certain Orders Under Part II

Part I

- 1 (1) Before making the order, the Secretary of State shall,...
- 2 If no objection is duly made by any such local...
- 3 If any objection duly made as aforesaid is not withdrawn,...
- 4 Notwithstanding anything in paragraphs 2 and 3 above, the Secretary...
- 5 (1) Immediately after the order has been made the appropriate...
- 6 In this Part of this Schedule “owner” has the same...

Part II

- 7 If any person aggrieved by the order desires to question...
- 8 Subject to the provisions of paragraph 7 above, the order...
- 9 (1) Subject to sub-paragraph (2) below, this Part of this...

Part III

- 10 (1) Any person having an interest in land the value...
- 11 (1) Where any interest in land is subject to a...
- 12 (1) Where the order provides for the creation of any...

SCHEDULE 8 — Provisions Relating to Orders Under Section 45

- 1 Any person having an interest in land to which the...
- 2 Paragraph 11 of Schedule 7 to this Act shall have...
- 3 Any person who sustains damage by being disturbed in the...
- 4 For the purpose of assessing compensation under this Schedule, in...
- 5 Where any dispute arises as to whether compensation is payable...

SCHEDULE 9 — Provisions Relating to Directions Under Section 46

Part I

- 1 (1) Immediately after the Secretary of State has given the...
- 2 The provisions of Part II of Schedule 7 to this...

Part II

- 3 Any person having an interest in land the value of...
- 4 Paragraph 11 of Schedule 7 to this Act shall have...
- 5 Any person who sustains damage by being disturbed in the...
- 6 The appropriate person shall pay compensation in respect of any...
- 7 The compensation payable to any person by virtue of the...
- 8 For the purpose of assessing compensation under this Schedule, in...
- 9 Where any dispute arises as to whether compensation is payable...
- 10 Where the direction affects any building, structure, or apparatus held...

Part III

- 11 In this Schedule— “the appropriate person” means— except where the...

SCHEDULE 10 — Adjustments of the Functions of Statutory Undertakers

Part I

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- 1 Where it appears to the Secretary of State, upon a...
- 2 Without prejudice to the generality of paragraph 1 above, an...
- 3 As soon as may be after the making of a...
- 4 The provisions of section 278 of the Town and Country...
- 5 An order under this Part of this Schedule shall be...

Part II

- 6 Where on a representation made for the purpose by the...
- 7 As soon as may be after the making of a...
- 8 The provisions of section 278 of the Town and Country...
- 9 If any objection to the making of an order under...

SCHEDULE 11 —

Tenure of members

- 1 (1) A person shall hold and vacate office as a...
- 2 If the chairman ceases to be a member he shall...

Procedure

- 3 The procedure of the board (including the quorum) shall be...

Supplemental

- 4 It shall be the duty of the CAA—
- 5 In this Schedule— “the board” means the Airworthiness Requirements Board;...

SCHEDULE 12 — Patent Claims Against Aircraft not Protected Under Chicago Convention

- 1 Where it is alleged by any person interested that a...
- 2 The deposited sum shall be such sum as may be...
- 3 The deposited sum shall be dealt with by such tribunal...
- 4 For the purposes of this Schedule— “owner” shall include the...

SCHEDULE 13 — Subordinate Instruments

Part I — POWERS NOT EXERCISABLE BY STATUTORY INSTRUMENT

Part II — PROVISIONS APPLYING TO CERTAIN POWERS

Part III — SUPPLEMENTAL POWERS

Different provision for different cases

- 1 (1) A power to which this paragraph applies shall include...

Incidental supplementary and transitional provision

- 2 A power to which this paragraph applies shall include power...

Power to authorise making of regulations

- 3 (1) An Order in Council made in pursuance of a...

Power to provide for detention of aircraft

- 4 (1) Any Order in Council, order or regulations made, in...

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Crown aircraft

5 Without prejudice to section 101 of this Act, an Order...

Extra-territorial provisions

6 (1) Notwithstanding that an Order in Council or regulation made...
7 (1) Without prejudice to paragraph 6 above, an Air Navigation...

SCHEDULE 14 — Transitional and Transitory Provisions and Savings

General

1 Where any enactment has been repealed (whether by this Act...
2 (1) Subject to sub-paragraph (2) below, where any period of...
3 Where anything was done before the operative date for the...

Extra-territorial provisions

4 (1) The repeals made by this Act shall not affect...

Byelaws

5 (1)

Section 6 of the Civil Aviation Act 1949

6 Notwithstanding the repeal of section 6 of the Civil Aviation...

Lighthouse authorities

7 The rights, powers and privileges of any general or local...

The Hovercraft Act 1968

8 The enactments and instruments with respect to which provision may...

Schedule 9 to the Civil Aviation Act 1971

9 The repeal by this Act of Schedule 9 to the...

Section 1 of the Civil Aviation Act 1978

10

Section 7 of the Civil Aviation Act 1978

11

The British Nationality Act 1981

12 (1) Until the commencement of the British Nationality Act 1981—...

Interpretation

13 In this Schedule “the operative date” means the date of...

SCHEDULE 15 — Consequential Amendments

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The Law of Property Act 1925

- 1 For paragraph (b) of section 84(11) of the Law of...

The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

- 2 (1) In section 1(1) of the Acquisition of Land (Authorisation...

The Public Records Act 1958

- 3 The Table at the end of paragraph 3 of Schedule...

The Harbours Act 1964

- 4 In section 37 of the Harbours Act 1964—

The Industrial Development Act 1966

- 5 Consequential Amendments

The Tokyo Convention Act 1967

- 6 Consequential Amendments
7 Consequential Amendments

The Land Registration Act (Northern Ireland) 1970

- 8 In Schedule 11 to the Land Registration Act (Northern Ireland)...

The Rolls Royce (Purchase) Act 1971

- 9 Consequential Amendments
10 Consequential Amendments

The Local Government Act 1972

- 11 In section 236(2) of the Local Government Act 1972, for...

The Land Compensation Act 1973

- 12 (1) In section 1(6) of the Land Compensation Act 1973, ...
13 Consequential Amendments

The Land Compensation (Scotland) Act 1973

- 14 (1) In section 1(6) of the Land Compensation (Scotland) Act...
15 Consequential Amendments

The Air Travel Reserve Fund Act 1975

- 16 Consequential Amendments
17 Consequential Amendments

The Aircraft and Shipbuilding Industries Act 1977

- 18 In subsection (1) of section 56 of the Aircraft and...

The Patents Act 1977

- 19 In section 60(7) of the Patents Act 1977, in the...

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The Civil Aviation Act 1978

20 Consequential Amendments

The Suppression of Terrorism Act 1978

21 In subsection (7) of section 4 of the Suppression of...

The National Health Service (Scotland) Act 1978

22 In paragraph 19 of Schedule 1 to the National Health...

The Customs and Excise Management Act 1979

23 In section 21(7) of the Customs and Excise Management Act...

The Highlands and Islands Air Services (Scotland) Act 1980

24 In section 3 of the Highlands and Islands Air Services...

Senior Courts Act 1981

25 In subsections (2)(j) and (6) of section 20 of the...

The New Towns Act 1981

26 In section 79(3)(b) of the New Towns Act 1981, for...

The Acquisition of Land Act 1981

27 In section 32(8) of the Acquisition of Land Act 1981,...

SCHEDULE 16 — Repeals

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