



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART II

#### AERODROMES AND OTHER LAND

##### *Miscellaneous provisions as to aerodromes*

#### **34 Financial assistance for certain aerodromes.**

- (1) Subject to subsection (2) below, the Secretary of State may, with the approval of the Treasury, make grants or loans—
- (a) in respect of any expenses incurred or to be incurred by any person—
    - (i) in investigating the need for, or for the expansion of, an aerodrome in any part of Great Britain;
    - (ii) in establishing or expanding any such aerodrome;
    - (iii) in maintaining any such aerodrome or in providing or maintaining, in connection therewith, roads, approaches, apparatus, equipment, buildings or other accommodation;
  - (b) for making good any losses incurred by any person in the operation of, or in the provision of any services at, any such aerodrome.
- (2) .....<sup>F1</sup>
- (3) Any loan made under this section shall be repaid to the Secretary of State at such times and by such methods, and (except in the case of a loan made free of interest) interest thereon shall be paid to the Secretary of State at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

#### **Textual Amendments**

**F1** S. 34(2) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. I](#)

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Cross Heading: Miscellaneous provisions as to aerodromes. (See end of Document for details)*

### 35 Facilities for consultation at certain aerodromes.

- (1) This section applies to any aerodrome which . . . <sup>F2</sup> is designated for the purposes of this section by an order made by the Secretary of State.
- (2) The person having the management of any aerodrome to which this section applies shall provide—
  - (a) for users of the aerodrome,
  - (b) for any local authority (or, if the person having the management of the aerodrome is a local authority, for any other local authority) in whose area the aerodrome or any part thereof is situated or whose area is in the neighbourhood of the aerodrome, and—
  - (c) for any other organisation representing the interests of persons concerned with the locality in which the aerodrome is situated,

adequate facilities for consultation with respect to any matter concerning the management or administration of the aerodrome which affects their interests.

- [<sup>F3</sup>(3) The reference in subsection (2)(b) above to any local authority includes in relation to the area of Greater London a reference to the Mayor of London acting on behalf of the Greater London Authority.]

#### Textual Amendments

**F2** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. 1](#)

**F3** [S. 35\(3\)](#) inserted (3.7.2000) by [1999 c. 29, s. 372\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2) (c), [Sch. Pt. 3](#)

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

**C1** [S. 31, 35](#) extended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 40(3)

### 36 Health control at Secretary of State's aerodromes and aerodromes of CAA. **E** **+W**

- (1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Secretary of State to make such arrangements as appear to him to be necessary—
  - (a) for preventing danger to public health from aircraft arriving at any aerodrome which is vested in or under the control of the Secretary of State or at any aerodrome in the United Kingdom which is owned or managed by the CAA; and
  - (b) for preventing the spread of infection by means of any aircraft leaving any aerodrome mentioned in paragraph (a) above, so far as may be expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country;

and in relation to aerodromes in the United Kingdom owned or managed by the CAA it shall also, to such extent as the Secretary of State may direct, be the CAA's duty to make such arrangements as appear to him to be so necessary.
- (2) A relevant authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as are mentioned in subsection (1) above, and the Secretary of State shall make to the relevant authority

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such payments as the relevant authority may reasonably require in respect of expenses incurred by the relevant authority in the performance of those duties.

(3) In the application of subsections (1) and (2) above to Northern Ireland, for references to the Secretary of State (except the reference in paragraph (a) of subsection (1) above) there shall be substituted references to the Department of Health and Social Services for Northern Ireland.

(4) In subsection (2) above “relevant authority” means—

- (a) in relation to England and Wales any local authority for the purposes of the <sup>M1</sup>Public Health Act 1936, any county council and any port health authority and any joint board of which all the constituent authorities are authorities or councils as aforesaid;
- (b) in relation to Scotland, any islands or district council and any port local authority as defined in section 172 of the <sup>M2</sup>Public Health (Scotland) Act 1897; and
- (c) in relation to Northern Ireland, such authority as the Department of Health and Social Services for Northern Ireland may designate for the purposes of that subsection.

[<sup>F4</sup>(5) Section 143 of the <sup>M3</sup>Public Health Act 1936 (which authorises the making of health regulations) shall have effect in relation to relevant aerodromes and in relation to persons and aircraft [<sup>F5</sup>arriving at or] departing from such aerodromes subject to the following modifications, that is to say—

- (a) in subsection (1), the proviso shall be omitted;
- (b) in subsection (3), for the words from “shall specify” to “executed” there shall be substituted the words “may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State”, and paragraphs (i) and (ii) of the proviso shall be omitted;
- (c) in subsection (4), for the words “Authorised officers of any such authority” there shall be substituted the words “Officers designated as aforesaid”.]

[<sup>F4</sup>(6) In subsection (5) above “relevant aerodromes” means aerodromes for the time being vested in or under the control of the Secretary of State and aerodromes in Great Britain which are owned or managed by the CAA.]

[<sup>F4F6</sup>(7) Without prejudice to the generality of the power conferred by the said section 143, regulations made thereunder may provide for requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection.]

(8) In the application of subsections (5) to (7) above to Scotland any reference to section 143 of the <sup>M4</sup>Public Health Act 1936 shall have effect as if it were a reference to section 1 of the <sup>M5</sup>Public Health (Scotland) Act 1945, and in subsection (5), paragraph (a) and in paragraph (b) the words from “and paragraphs” onwards shall be omitted.

[<sup>F4</sup>(9) Her Majesty may by Order in Council direct that any regulations made under the said section 143, as that section has effect by virtue of subsections (5) and (7) above in relation to aerodromes vested in or under the control of the Secretary of State, shall extend with such modifications, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man; and for the purposes of this subsection, subsections (4) and (5) of that section shall be deemed to form part of those regulations.]

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#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F4** S. 36(5)–(7)(9) repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)
- F5** Words repealed (for N.I.) by [S.I. 1986/2229 \(N.I. 24\)](#), art. 19, [Sch.](#)
- F6** S. 36(7) repealed (for N.I.) by [S.I. 1986/2229 \(N.I. 24\)](#), art. 19, [Sch.](#)

#### Marginal Citations

- M1** 1936 c. 49.
- M2** 1897 c. 38.
- M3** 1936 c. 49.
- M4** 1936 c. 49.
- M5** 1945 c. 15 (9 & 10 Geo. 6).

### 36 Health control at Secretary of State’s aerodromes and aerodromes of CAA. S

- (1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Secretary of State to make such arrangements as appear to him to be necessary—
- (a) for preventing danger to public health from aircraft arriving at any aerodrome which is vested in or under the control of the Secretary of State or at any aerodrome in the United Kingdom which is owned or managed by the CAA; and
  - (b) for preventing the spread of infection by means of any aircraft leaving any aerodrome mentioned in paragraph (a) above, so far as may be expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country;
- and in relation to aerodromes in the United Kingdom owned or managed by the CAA it shall also, to such extent as the Secretary of State may direct, be the CAA’s duty to make such arrangements as appear to him to be so necessary.
- (2) A relevant authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as are mentioned in subsection (1) above, and the Secretary of State shall make to the relevant authority such payments as the relevant authority may reasonably require in respect of expenses incurred by the relevant authority in the performance of those duties.
- (3) In the application of subsections (1) and (2) above to Northern Ireland, for references to the Secretary of State (except the reference in paragraph (a) of subsection (1) above) there shall be substituted references to the Department of Health and Social Services for Northern Ireland.
- (4) In subsection (2) above “relevant authority” means—
- (a) in relation to England and Wales any local authority for the purposes of the <sup>M6</sup>Public Health Act 1936, any county council and any port health authority and any joint board of which all the constituent authorities are authorities or councils as aforesaid;

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- (b) in relation to Scotland, any <sup>F12</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] and any port local authority as defined in section 172 of the <sup>M7</sup>Public Health (Scotland) Act 1897; and
- (c) in relation to Northern Ireland, such authority as the Department of Health and Social Services for Northern Ireland may designate for the purposes of that subsection.

<sup>F13</sup>(5) Section 143 of the <sup>M8</sup>Public Health Act 1936 (which authorises the making of health regulations) shall have effect in relation to relevant aerodromes and in relation to persons and aircraft <sup>F14</sup>arriving at or] departing from such aerodromes subject to the following modifications, that is to say—

- (a) in subsection (1), the proviso shall be omitted;
- (b) in subsection (3), for the words from “shall specify” to “executed” there shall be substituted the words “may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State”, and paragraphs (i) and (ii) of the proviso shall be omitted;
- (c) in subsection (4), for the words “Authorised officers of any such authority” there shall be substituted the words “Officers designated as aforesaid”.]

<sup>F13</sup>(6) In subsection (5) above “relevant aerodromes” means aerodromes for the time being vested in or under the control of the Secretary of State and aerodromes in Great Britain which are owned or managed by the CAA.]

<sup>F13F15</sup>(7) Without prejudice to the generality of the power conferred by the said section 143, regulations made thereunder may provide for requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection.]

(8) In the application of subsections (5) to (7) above to Scotland any reference to section 143 of the <sup>M9</sup>Public Health Act 1936 shall have effect as if it were a reference to section 1 of the <sup>M10</sup>Public Health (Scotland) Act 1945, and in subsection (5), paragraph (a) and in paragraph (b) the words from “and paragraphs” onwards shall be omitted.

<sup>F13</sup>(9) Her Majesty may by Order in Council direct that any regulations made under the said section 143, as that section has effect by virtue of subsections (5) and (7) above in relation to aerodromes vested in or under the control of the Secretary of State, shall extend with such modifications, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man; and for the purposes of this subsection, subsections (4) and (5) of that section shall be deemed to form part of those regulations.]

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F12** Words in s. 36(4)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 126(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F13** S. 36(5)–(7)(9) repealed (E.W.) by **Public Health (Control of Disease) Act 1984** (c. 22, SIF 100:1), s. 78, **Sch. 3**
- F14** Words repealed (for N.I.) by S.I. 1986/2229 (N.I. 24), art. 19, **Sch.**
- F15** S. 36(7) repealed (for N.I.) by S.I. 1986/2229 (N.I. 24), art. 19, **Sch.**

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#### Marginal Citations

- M6** 1936 c. 49.  
**M7** 1897 c. 38.  
**M8** 1936 c. 49.  
**M9** 1936 c. 49.  
**M10** 1945 c. 15 (9 & 10 Geo. 6).

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F7

#### Textual Amendments

- F7** Ss. 27, 29, 32, 33, 37, 40 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. II**

### [<sup>F8</sup>38 Aerodrome charges: noise and emissions

- (1) Without prejudice to any power of any aerodrome authority to enter into an agreement on such terms as it thinks fit, an aerodrome authority may, for the purposes mentioned in subsection (2) below, fix its charges in respect of an aircraft or a class of aircraft by reference (among other things) to—
- (a) any fact or matter relevant to the amount of noise caused by the aircraft or the extent or nature of any inconvenience resulting from such noise;
  - (b) any fact or matter relevant to the amount or nature of emissions produced by the aircraft or the extent or nature of any atmospheric pollution resulting from such emissions;
  - (c) any fact or matter relevant to the effect of the aircraft on the level of noise or atmospheric pollution at any place in or in the vicinity of the aerodrome;
  - (d) any failure by the operator of the aircraft to secure that any noise or emissions requirements applying to the aircraft are complied with.
- (2) The purposes mentioned in this subsection are—
- (a) in relation to paragraph (a) of subsection (1) above, encouraging the use of quieter aircraft and reducing inconvenience from aircraft noise;
  - (b) in relation to paragraph (b) of that subsection, encouraging the use of aircraft which produce lower emissions of any substance which contributes to atmospheric pollution;
  - (c) in relation to paragraph (c) of that subsection, controlling the level of noise or atmospheric pollution in or in the vicinity of the aerodrome so far as attributable to aircraft taking off or landing at the aerodrome;
  - (d) in relation to paragraph (d) of that subsection, promoting compliance with noise or emissions requirements.

In paragraph (b) above “substance” includes a substance in solid or liquid form or in the form of a gas or vapour.

- (3) In subsections (1)(d) and (2)(d) above “noise or emissions requirements” means requirements imposed in relation to aircraft taking off or landing at the aerodrome, which are either—
- (a) requirements imposed under section 78 below for the purpose of limiting, or mitigating the effect of, noise caused by such aircraft, or

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- (b) requirements imposed by the aerodrome authority (otherwise than under that section) for the purpose of limiting, or mitigating the effect of, noise caused by, or emissions produced by, such aircraft.
- (4) The Secretary of State may by order direct specified aerodrome authorities to fix their charges in exercise of any power conferred by subsection (1) above; and any such order may contain directions as to the manner in which those charges are to be so fixed.
- (5) In determining whether, and if so how, to exercise his power under subsection (4) above in relation to an aerodrome authority, the Secretary of State shall have regard (among other things) to the interests of persons who live in the area in which the aerodrome is situated.
- (6) This section has effect subject to any provision relating to the use of, or charges for the use of, aerodromes which is made by or under any other enactment.
- (7) In this section—
  - “aerodrome authority” means a person owning or managing an aerodrome licensed under an Air Navigation Order; and
  - “charges”, in relation to an aerodrome authority, means the charges the authority makes for the use of an aerodrome so licensed which is owned or managed by the authority.]

#### Textual Amendments

**F8** S. 38 substituted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\), ss. 1, 14](#); [S.I. 2007/598, art. 2, Sch. 1](#)

### [<sup>F9</sup>38A Noise control schemes

- (1) An aerodrome operator may establish and maintain a scheme (referred to in this section and sections 38B and 38C below as a “noise control scheme”) for the purpose of avoiding, limiting or mitigating the effect of noise connected with the taking off or landing of aircraft at the aerodrome.
- (2) A noise control scheme may—
  - (a) require operators of aircraft which are to take off or land at the aerodrome to secure that specified requirements are complied with in relation to the aircraft after they take off, or before they land, at the aerodrome;
  - (b) prohibit aircraft of specified descriptions from taking off or landing at the aerodrome during specified periods;
  - (c) specify the maximum number of occasions on which aircraft of specified descriptions may take off or land at the aerodrome during specified periods;
  - (d) impose other restrictions for limiting the cumulative amount of noise caused by aircraft of specified descriptions taking off or landing at the aerodrome during specified periods.

In this subsection “specified” means specified in the scheme.

- (3) A noise control scheme which contains—
  - (a) provision under paragraph (c) of subsection (2) above, or
  - (b) provision under paragraph (d) of that subsection which has the effect of limiting the number of occasions on which aircraft may take off or land at the aerodrome during the periods specified under that paragraph,

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shall make provision for determining the matters mentioned in subsection (4).

- (4) The matters mentioned in this subsection are—
- (a) the persons who shall be entitled to arrange for aircraft of which they are the operators to take off or land at the aerodrome during the periods in question, and
  - (b) as respects each of those persons, the number of occasions (whether determined by reference to a maximum number or otherwise) on which aircraft of a particular description of which he is the operator may take off or land at the aerodrome during those periods.
- (5) Before making, amending or revoking any provision in a noise control scheme by virtue of subsection (3) above the aerodrome operator shall consult any body appearing to it to be representative of operators of aircraft using the aerodrome.
- (6) A noise control scheme may make provision as respects any period even if that period is included in, or there is included in that period, any other period as respects which provision relating to the aerodrome is made by the scheme.
- (7) A noise control scheme may—
- (a) provide for circumstances in which the scheme (or any provision of the scheme) is not to apply,
  - (b) contain such incidental or supplementary provisions as the aerodrome operator considers appropriate, and
  - (c) be amended or revoked by the aerodrome operator.
- (8) A noise control scheme shall not be established in relation to an aerodrome which is designated for the purposes of section 78 of this Act; and on such a designation coming into force in relation to an aerodrome any noise control scheme which has effect in relation to the aerodrome shall cease to have effect.
- (9) The amendment or revocation of a noise control scheme, or its ceasing to have effect by virtue of subsection (8) above, shall not affect the validity of anything previously done under the scheme.
- (10) The powers conferred on an aerodrome operator by this section and sections 38B and 38C below are in addition to, and do not prejudice, any other power of the aerodrome operator to take steps for the purpose of avoiding, limiting or mitigating the effect of noise connected with the taking off or landing of aircraft at the aerodrome.
- (11) In this section and sections 38B and 38C below “aerodrome operator” means a person owning or managing an aerodrome.

#### Textual Amendments

**F9** Ss. 38A-38C inserted (E.W.S.) (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), **ss. 4, 14**; [S.I. 2007/598](#), **art. 2, Sch. 1**

### **38B Noise control schemes: supplementary**

- (1) This section applies where a noise control scheme imposes requirements under section 38A(2)(a) above in relation to aircraft taking off or landing at an aerodrome.
- (2) The requirements so imposed shall have effect in relation to such an aircraft only—



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- (a) while it is within such area as may be specified in relation to the aerodrome by order made by the Secretary of State, or
  - (b) if no area has been so specified, while it is within the area represented by a circle with a radius of 40 kilometres from the centre of the longest runway at the aerodrome.
- (3) An area may be specified for the purposes of subsection (2)(a) above by description, by reference to a map or in any other way.
- (4) No point in the area so specified may be more than 60 kilometres in a straight line from the centre of the longest runway at the aerodrome.
- (5) Before making an order under this section the Secretary of State shall consult—
  - (a) the CAA,
  - (b) the aerodrome operator,
  - (c) any body appearing to the Secretary of State to be representative of operators of aircraft using the aerodrome,
  - (d) the local authorities in whose areas the aerodrome (or any part of it) is situated,
  - (e) other local authorities whose areas are in the neighbourhood of the aerodrome, and
  - (f) any other body appearing to the Secretary of State to be representative of persons concerned with the locality in which the aerodrome is situated.

#### Textual Amendments

**F9** Ss. 38A-38C inserted (E.W.S.) (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), **ss. 4, 14**; [S.I. 2007/598](#), **art. 2, Sch. 1**

### 38C Breaches of noise control schemes

- (1) This section also applies where a noise control scheme imposes requirements under section 38A(2)(a) above in relation to aircraft taking off or landing at an aerodrome.
- (2) The scheme may provide for the aerodrome operator to require the payment of a penalty if any such requirement is not complied with in relation to an aircraft taking off or landing at the aerodrome.
- (3) Any such penalty shall be—
  - (a) of an amount specified in the scheme, and
  - (b) paid to the aerodrome operator by the operator of the aircraft in question.
- (4) The scheme shall afford the operator of the aircraft an opportunity to make representations to the aerodrome operator with respect to the matter either before or after the penalty is imposed.
- (5) If the scheme affords an opportunity to make representations after the penalty is imposed, it shall provide for the aerodrome operator to cancel the penalty if it considers it appropriate to do so having considered those representations.
- (6) An aerodrome operator which receives penalties under a noise control scheme shall make payments equal to the amount of those penalties for purposes which appear to it to be likely to be of benefit to persons who live in the area in which the aerodrome is situated.]

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**Textual Amendments**

**F9** Ss. 38A-38C inserted (E.W.S.) (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), **ss. 4, 14**; [S.I. 2007/598](#), **art. 2**, Sch. 1

**39 Trespassing on licensed aerodromes.**

- (1) Subject to subsection (2) below, if any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Air Navigation Order, he shall be liable on summary conviction to a fine not exceeding [<sup>F10</sup>level 3 on the standard scale].
- (2) No person shall be liable under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

**Textual Amendments**

**F10** Words in [s. 39\(1\)](#) substituted (14.12.2001 with effect as mentioned in [s. 83\(2\)](#) of the amending Act) by [2001 c. 24](#), **ss. 83(1)**, 127(2)

**40** ..... <sup>F11</sup>

**Textual Amendments**

**F11** Ss. 27, 29, 32, 33, 37, 40 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. II**

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