

*Status: Point in time view as at 29/07/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 2.

#### ADDITIONAL PROVISIONS RELATING TO CONSTITUTION, ETC. OF CAA

#### *[<sup>F1</sup>Appointment and tenure of non-executive members ]*

##### Textual Amendments

- F1** Sch. 1 para. 1 crossheading substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(2\), 110\(3\)](#) (c) (with [Sch. 10 paras. 12, 17](#))

- 1 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a [<sup>F2</sup>a non-executive 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 [<sup>F2</sup>a non-executive member]; and
- (b) to satisfy himself from time to time with respect to [<sup>F3</sup>each non-executive member] that the [<sup>F2</sup>a non-executive member] has no such interest;
- and a person who is a [<sup>F2</sup>a non-executive member] or whom the Secretary of State proposes to appoint as a [<sup>F2</sup>a non-executive 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.

##### Textual Amendments

- F2** Words in Sch. 1 paras. 1-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(3\), 110\(3\)](#) (c) (with [Sch. 10 paras. 12, 17](#))
- F3** Words in [Sch. 1 para. 1\(b\)](#) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(4\), 110\(3\)](#) (c) (with [Sch. 10 paras. 12, 17](#))

- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a [<sup>F2</sup>a non-executive member] or [<sup>F4</sup>the chair or deputy chair] in accordance with the terms of the instrument appointing him to that office.

##### Textual Amendments

- F2** Words in Sch. 1 paras. 1-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(3\), 110\(3\)](#) (c) (with [Sch. 10 paras. 12, 17](#))
- F4** Words in Sch. 1 paras. 2-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(5\), 110\(3\)](#) (c) (with [Sch. 10 paras. 12, 17](#))

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- 3 A person may at any time resign his office as a <sup>F2</sup>a non-executive member] or <sup>F4</sup>the chair or deputy chair] by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.

**Textual Amendments**

- F2** Words in Sch. 1 paras. 1-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(3\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))
- F4** Words in Sch. 1 paras. 2-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(5\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))

- 4 (1) If a <sup>F2</sup>a non-executive member] becomes or ceases to be <sup>F4</sup>the chair or deputy chair] the Secretary of State may vary the terms of the instrument appointing him to be a <sup>F2</sup>a non-executive member] so as to alter the date on which he is to vacate office as a <sup>F2</sup>a non-executive member].
- (2) If the chairman or a deputy chairman ceases to be a <sup>F2</sup>a non-executive member], he shall cease to be the chairman or a deputy chairman, as the case may be.

**Textual Amendments**

- F2** Words in Sch. 1 paras. 1-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(3\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))
- F4** Words in Sch. 1 paras. 2-4 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(5\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))

- 5 <sup>F5</sup>(1) The Secretary of State may by notification in writing remove a non-executive member from office if the Secretary of State is satisfied that the member—
- (a) has a financial or other interest that is likely to affect prejudicially the performance of the member's functions,
  - (b) has become bankrupt or made an arrangement with the member's creditors,
  - (c) is a person in respect of whom a debt relief order has been made under Part 7A of the Insolvency Act 1986,
  - (d) is failing, or has failed, to perform the functions of a non-executive member, or
  - (e) is otherwise unable or unfit to perform those functions.]
- (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 member's having made a trust deed for behoof of his creditors or a composition contract.

**Textual Amendments**

- F5** [Sch. 1 para. 5\(1\)](#) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(6\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))

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*[<sup>F6</sup> Remuneration etc of non-executive members ]*

**Textual Amendments**

- F6** Sch. 1 para. 6 crossheading substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(7\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))

- 6 The CAA shall pay each [<sup>F7</sup>non-executive member] such remuneration as the Secretary of State may determine <sup>F8</sup>....

**Textual Amendments**

- F7** Words in [Sch. 1 para. 6](#) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(8\)\(a\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))
- F8** Words in [Sch. 1 para. 6](#) omitted (19.2.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\), ss. 96\(8\)\(b\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))

- 7 (1) The CAA shall make such provision as may be determined by the Secretary of State <sup>F9</sup>... for the payment of [<sup>F10</sup>allowances to] such [<sup>F11</sup>non-executive members] as may be so determined.

<sup>F12</sup>(2) .....

**Textual Amendments**

- F9** Words in [Sch. 1 para. 7](#) omitted (19.2.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\), ss. 96\(9\)\(a\)](#), (with [Sch. 10 paras. 12, 17, 110\(3\)\(c\)](#)[Sch. 14 para. 6](#))
- F10** Words in [Sch. 1 para. 7](#) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(9\)\(b\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))
- F11** Words in [Sch. 1 para. 7](#) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(9\)\(c\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))
- F12** [Sch. 1 para. 7\(2\)](#) omitted (19.2.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\), ss. 96\(9\)\(d\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17, Sch. 14 para. 6](#))

- 8 Where a person ceases to be a [<sup>F13</sup>non-executive 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 <sup>F14</sup>... direct the CAA to make that person a payment of such amount as the Secretary of State may determine <sup>F14</sup>....

**Textual Amendments**

- F13** Words in [Sch. 1 para. 8](#) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\), ss. 96\(10\)\(a\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))
- F14** Words in [Sch. 1 para. 8](#) omitted (19.2.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\), ss. 96\(10\)\(b\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17](#))

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*[<sup>F15</sup>Executive members: terms and conditions*

**Textual Amendments**

**F15** Sch. 1 para. 8A inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), [ss. 97\(2\), 110\(3\)\(c\)](#) (with [Sch. 10 paras. 12, 17, 14 para. 2](#))

- 8A (1) The chief executive is to be employed on such terms and conditions as the non-executive members may determine.
- (2) Other executive members are to be employed on such terms and conditions as the chief executive may determine with the approval of the chair and at least one other non-executive member.
- (3) In sub-paragraphs (1) and (2) references to terms and conditions include terms and conditions as to remuneration and the payment of pensions, allowances or gratuities.
- (4) The CAA shall make provision for the payment of pensions, allowances and gratuities to or in respect of executive members in accordance with their terms and conditions. ]

*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 [F16Subject to section 2, ] 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 [F17a person who is—
- (a) an executive member, or
  - (b) a person appointed in pursuance of this paragraph or employed by the CAA in pursuance of paragraph 14 of Schedule 1 to the Civil Aviation Act 1971 (existing employees to whom CAA obliged to offer employment).]
- [F18(referred to in this Act as a “general employee”) ]

#### Textual Amendments

- F16** Words in Sch. 1 para. 12 inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 95(2)**, 110(3)(c) (with [Sch. 10 paras. 12, 17](#))
- F17** Words in Sch. 1 para. 12 inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 97(3)(a)**, 110(3)(c) (with [Sch. 10 paras. 12, 17](#))
- F18** Words in Sch. 1 para. 12 inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 97(3)(b)**, 110(3)(c) (with [Sch. 10 paras. 12, 17](#))

- 13 (1) The CAA shall, in the case of such of [F19:its general 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.

F20(2) .....

#### Textual Amendments

- F19** Words in Sch. 1 para. 13(1) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 97(4)**, 110(3)(c) (with [Sch. 10 paras. 12, 17](#))
- F20** Sch. 1 para. 13(2) omitted (19.2.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 96(11)**, 110(3)(c) (with [Sch. 10 paras. 12, 17](#), [Sch. 14 para. 7](#))

- 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.

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### *Performance of functions*

15 <sup>[F21]</sup>(1) 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. ]

<sup>[F22]</sup>(2) The power in sub-paragraph (1) is subject to provision in rules made under section 51 of the Competition Act 1998 by virtue of paragraph 1A of Schedule 9 to that Act in respect of the exercise of a function under Part 1 of that Act.]

#### **Textual Amendments**

**F21** Sch. 1 para 15 renumbered as para. 15(1) (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#) , s. 103(3) , **Sch. 15 para. 1(a)** ; S.I. 2014/416 , art. 2(1)(f) (with Sch. )

**F22** Sch. 1 para. 15(2) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#) , s. 103(3) , **Sch. 15 para. 1(b)** ; S.I. 2014/416 , art. 2(1)(f) (with Sch. )

### *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 <sup>[F23]</sup>—

(a) " chair ", " deputy chair ", " member ", " executive member " and " non-executive member " mean respectively the chair, the deputy chair, a member, an executive member and a non-executive member of the CAA , and

(b)] "gratuities" includes a refund of contributions to a pension fund with or without interest on, or any other addition to, the contributions.

#### **Textual Amendments**

**F23** Words in Sch. 1 para. 18 substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#) , **ss. 95(3)** , 110(3) (c) (with Sch. 10 paras. 12, 17)

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