



Civil Aviation Act 2006

2006 CHAPTER 34

Noise, vibration and emissions

1 Aerodrome charges: noise and emissions **U.K.**

For section 38 of the Civil Aviation Act 1982 (c. 16) substitute—

“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;

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- (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
(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.”

Commencement Information

II [S. 1](#) in force at 1.3.2007 by [S.I. 2007/598](#), art. 2, [Sch. 1](#)

2 Regulation by Secretary of State of noise and vibration from aircraft **U.K.**

- (1) Section 78 of the Civil Aviation Act 1982 (c. 16) (regulation by Secretary of State of noise and vibration from aircraft) is amended as follows.

- (2) After subsection (6) insert—

“(6A) Directions under subsection (6) above may be given for the purpose of avoiding, limiting, or mitigating the effect of, such noise and vibration either—

- (a) generally, or
(b) in any particular area or areas.”

- (3) In subsection (9)—

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- (a) in paragraph (i) for the words from “not exceeding” to “; and” substitute “ not exceeding level 5 on the standard scale; and ”, and
- (b) in paragraph (ii) for “to be fined accordingly” substitute “ on summary conviction to a fine not exceeding 10% of level 5 on the standard scale ”.

Commencement Information

I2 S. 2 in force at 1.3.2007 by S.I. 2007/598, art. 2, Sch. 1

3 Power for aerodromes to establish penalty schemes U.K.

After section 78 of the Civil Aviation Act 1982 (c. 16) insert—

“78A Penalty schemes

- (1) The person for the time being managing an aerodrome (referred to in this section and section 78B below as the “relevant manager”) may establish and maintain a penalty scheme.
- (2) In this section and section 78B below “penalty scheme” means a scheme which requires a penalty to be paid if any requirement imposed under section 78(1) above in relation to an aircraft taking off or landing at the aerodrome is not complied with.
- (3) Any such penalty shall be—
 - (a) of an amount specified in the scheme, and
 - (b) paid to the relevant manager by the operator of the aircraft in question.
- (4) The penalty scheme shall afford the operator of the aircraft an opportunity to make representations to the relevant manager 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 relevant manager to cancel the penalty if he considers it appropriate to do so having considered those representations.
- (6) A penalty scheme may—
 - (a) contain such incidental or supplementary provisions as the relevant manager considers appropriate, and
 - (b) be amended or revoked by the relevant manager.
- (7) The amendment or revocation of a penalty scheme shall not affect the validity of anything previously done under the scheme.
- (8) A relevant manager who receives penalties under a penalty scheme shall make payments equal to the amount of those penalties for purposes which appear to him to be likely to be of benefit to persons who live in the area in which the aerodrome is situated.

78B Direction to establish, amend or revoke penalty scheme

- (1) The Secretary of State may direct a specified relevant manager—
 - (a) to establish a penalty scheme, or

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- (b) to amend or revoke a penalty scheme.
- (2) The Secretary of State shall publish any direction given under subsection (1) above in such manner as appears to him to be appropriate.
- (3) A direction under subsection (1) above which requires a relevant manager to establish or amend a penalty scheme may include directions as to the provisions which are to be included in the scheme.
- (4) Before giving a direction under subsection (1) above the Secretary of State shall consult—
 - (a) the relevant manager, and
 - (b) any body appearing to him to be representative of operators of aircraft using the aerodrome in question.
- (5) If a relevant manager fails to comply with a direction given to him under subsection (1) above he shall—
 - (a) be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
 - (b) if the failure continues after his conviction of an offence under this subsection arising from the failure, be guilty of a separate offence under this subsection on each day on which the failure continues thereafter and be liable on summary conviction to a fine not exceeding 10% of level 5 on the standard scale.”

Commencement Information

I3 S. 3 in force at 1.3.2007 by [S.I. 2007/598](#), art. 2, [Sch. 1](#)

4 Power for aerodromes to establish noise control schemes E+W+S

After section 38 of the Civil Aviation Act 1982 (c. 16) insert—

“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;

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- (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,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.

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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—
 - (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.

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.

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- (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.”

Commencement Information

I4 S. 4 in force at 1.3.2007 by [S.I. 2007/598](#), art. 2, [Sch. 1](#)

Changes to legislation:

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