



Civil Aviation Act 2006

2006 CHAPTER 34

Noise, vibration and emissions

1 Aerodrome charges: noise and emissions

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;

Status: This is the original version (as it was originally enacted).

- (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.”