



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

General duties

1 CAA's general duty

- (1) The CAA must carry out its functions under this Chapter in a manner which it considers will further the interests of users of air transport services regarding the range, availability, continuity, cost and quality of airport operation services.
- (2) The CAA must do so, where appropriate, by carrying out the functions in a manner which it considers will promote competition in the provision of airport operation services.
- (3) In performing its duties under subsections (1) and (2) the CAA must have regard to—
 - (a) the need to secure that each holder of a licence under this Chapter is able to finance its provision of airport operation services in the area for which the licence is granted,
 - (b) the need to secure that all reasonable demands for airport operation services are met,
 - (c) the need to promote economy and efficiency on the part of each holder of a licence under this Chapter in its provision of airport operation services at the airport to which the licence relates,
 - (d) the need to secure that each holder of a licence under this Chapter is able to take reasonable measures to reduce, control or mitigate the adverse environmental effects of the airport to which the licence relates, facilities used

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- or intended to be used in connection with that airport (“associated facilities”) and aircraft using that airport,
 - (e) any guidance issued to the CAA by the Secretary of State for the purposes of this Chapter,
 - (f) any international obligation of the United Kingdom notified to the CAA by the Secretary of State for the purposes of this Chapter, and
 - (g) the principles in subsection (4).
- (4) Those principles are that—
 - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (5) If, in a particular case, the CAA considers that there is a conflict—
 - (a) between the interests of different classes of user of air transport services, or
 - (b) between the interests of users of air transport services in different matters mentioned in subsection (1),
 its duty under subsection (1) is to carry out the functions in a manner which it considers will further such of those interests as it thinks best.
- (6) For the purposes of subsection (3)(d) the environmental effects of the airport, associated facilities and aircraft include—
 - (a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,
 - (b) visual or other disturbance to the public,
 - (c) effects from works carried out at the airport or the associated facilities or to extend the airport or the associated facilities, and
 - (d) effects from services provided at the airport or the associated facilities.
- (7) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the carrying out by the CAA of its functions under this Chapter.

Commencement Information

II S. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

2 Secretary of State's general duty

- (1) The Secretary of State must carry out the functions listed in subsection (3) in a manner which the Secretary of State considers will further the interests of users of air transport services regarding the range, availability, continuity, cost and quality of airport operation services.
- (2) The Secretary of State must do so, where appropriate, by carrying out the functions in a manner which the Secretary of State considers will promote competition in the provision of airport operation services.
- (3) Those functions are—
 - (a) the Secretary of State's functions under this Chapter, and
 - (b) the Secretary of State's functions under Chapter 3, other than the functions under sections 66(3) and 68(6).

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- (4) In performing the duties under subsections (1) and (2) the Secretary of State must have regard to—
- (a) the need to secure that each holder of a licence under this Chapter is able to finance its provision of airport operation services in the area for which the licence is granted,
 - (b) the need to secure that all reasonable demands for airport operation services are met,
 - (c) the need to promote economy and efficiency on the part of each holder of a licence under this Chapter in its provision of airport operation services at the airport to which the licence relates,
 - (d) the need to secure that each holder of a licence under this Chapter is able to take reasonable measures to reduce, control or mitigate the adverse environmental effects of the airport to which the licence relates, facilities used or intended to be used in connection with that airport (“associated facilities”) and aircraft using that airport, and
 - (e) the principles in subsection (5).
- (5) Those principles are that—
- (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (6) If, in a particular case, the Secretary of State considers that there is a conflict—
- (a) between the interests of different classes of user of air transport services, or
 - (b) between the interests of users of air transport services in different matters mentioned in subsection (1),
- the duty under subsection (1) is to carry out the functions in a manner which the Secretary of State considers will further such of those interests as the Secretary of State thinks best.
- (7) For the purposes of subsection (4)(d) the environmental effects of the airport, associated facilities and aircraft include the effects mentioned in section 1(6).

Commencement Information

I2 S. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Prohibition

3 Prohibition

- (1) Subsection (2) applies where for a period—
- (a) a person (“P”) is the operator of an airport area (“area A”) that is a dominant area or part of a dominant area,
 - (b) area A is located at a dominant airport, and
 - (c) P does not have a licence in respect of area A.
- (2) The persons mentioned in subsection (3) may not require a person to pay a relevant charge in respect of airport operation services that are provided during that period in—
- (a) area A, or

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- (b) any other area that forms part of the same airport and in respect of which P is the operator and does not have a licence.
- (3) Those persons are—
 - (a) P,
 - (b) a person who is connected to P,
 - (c) a person to whom P or a person connected to P has assigned the right to require payment of the charge, and
 - (d) a person acting on behalf of a person within paragraph (a), (b) or (c).
- (4) If a person requires payment of charges in contravention of subsection (2)—
 - (a) the charge is not recoverable by the person, and
 - (b) if paid, the charge is recoverable from the person.
- (5) A charge is not irrecoverable under subsection (4)(a) or recoverable under subsection (4)(b) by reason of—
 - (a) the invalidity of a market power determination (and the consequent continuation in effect of a previous market power determination), or
 - (b) the invalidity of an operator determination,
 if it is a charge in respect of services provided before invalidity is finally determined in legal proceedings.
- (6) Subsection (5) applies—
 - (a) whether or not the charge is required to be paid before the final determination of invalidity, and
 - (b) whether or not the charge is paid before that determination.
- (7) The CAA may enforce subsection (2) in civil proceedings for an injunction or, in Scotland, an interdict.
- (8) In this section “relevant charge” means any charge other than—
 - (a) a penalty payable by virtue of section 38C of the Civil Aviation Act 1982 (breaches of noise control schemes),
 - (b) a penalty payable by virtue of section 78A of the Civil Aviation Act 1982 (penalty schemes established by managers of aerodromes), or
 - (c) a charge payable by virtue of section 73 of the Transport Act 2000 (charges for chargeable air services).

Commencement Information

I3 S. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

4 Prohibition: exemption

- (1) This section applies if a person who is the operator of an airport area (“area A”) on a day on which area A becomes a dominant area located at a dominant airport, or part of such an area, does not have a licence in respect of area A on that day.
- (2) For the purposes of section 3, the person is to be treated as having a licence in respect of area A during the preliminary period.
- (3) The preliminary period begins for area A on the day mentioned in subsection (1).

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- (4) The preliminary period ends for area A when one of the following occurs—
- (a) a licence is granted to the person in respect of area A or an area that includes all of area A;
 - (b) the CAA publishes a notice of its decision to refuse to grant a licence to the person in respect of area A;
 - (c) the person ceases to be the operator of area A;
 - (d) area A ceases to be a dominant area or part of a dominant area;
 - (e) the airport at which area A is located ceases to be a dominant airport.
- (5) If subsection (4)(a), (b), (c) or (d) is satisfied in relation to a part of area A, the preliminary period ends for that part of the area.

Commencement Information

I4 S. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Dominant airports

5 Dominant areas and dominant airports

- (1) For the purposes of this Part, an airport area is dominant if the CAA has—
- (a) made a determination that the market power test is met in relation to the area (see section 6), and
 - (b) published a notice of the determination.
- (2) For the purposes of this Part, an airport is dominant if all or part of its core area is a dominant area or part of a dominant area.
- (3) In this Part—
- “airport area” means an area that consists of or forms part of an airport;
 - “area” includes an area of land, a building or other structure and a part of a building or other structure.
- (4) In this Part “core area”, in relation to an airport, means—
- (a) the land, buildings and other structures used for the purposes of the landing, taking off, manoeuvring, parking and servicing of aircraft at the airport,
 - (b) the passenger terminals, and
 - (c) the cargo processing areas,
- (subject to regulations under section 66).
- (5) In subsection (1) the reference to a determination does not include a determination that has ceased to have effect (see section 7(9) and (10)).

Commencement Information

I5 S. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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6 Market power test

- (1) The market power test is met in relation to an airport area if tests A to C are met by or in relation to the relevant operator.
- (2) For the purposes of tests A to C “the relevant operator” means the person who is the operator of the airport area at the time the test is applied.
- (3) Test A is that the relevant operator has, or is likely to acquire, substantial market power in a market, either alone or taken with such other persons as the CAA considers appropriate (but see subsections (6) and (7)).
- (4) Test B is that competition law does not provide sufficient protection against the risk that the relevant operator may engage in conduct that amounts to an abuse of that substantial market power.
- (5) Test C is that, for users of air transport services, the benefits of regulating the relevant operator by means of a licence are likely to outweigh the adverse effects.
- (6) Test A is met only if—
 - (a) the market is a market for one or more of the types of airport operation service provided in the airport area (or for services that include one or more of those types of service), and
 - (b) geographically the market consists of or includes all or part of the airport area.
- (7) In relation to an airport area that includes all or part of the core area of an airport (as well as all or part of the rest of the airport), subsection (6) has effect as if the references to the airport area were references to the core area or, as appropriate, the part of the core area.
- (8) For the purposes of test B conduct may, in particular, amount to an abuse of substantial market power if it is conduct described in section 18(2)(a) to (d) of the Competition Act 1998.
- (9) In test B “competition law” means—
 - (a) Articles 101 and 102 of the TFEU,
 - (b) Part 1 of the Competition Act 1998, and
 - (c) Part 4 of the Enterprise Act 2002 (market investigations).
- (10) In applying tests A to C, the CAA must have regard to—
 - (a) relevant notices and guidance published by the European Commission about the application and enforcement of the prohibitions in Articles 101 and 102 of the TFEU;
 - (b) relevant advice and information published under section 52 of the Competition Act 1998 (advice and information about the application and enforcement of the prohibitions in Part 1 of that Act and Articles 101 and 102 of the TFEU);
 - (c) relevant advice and information published under section 171 of the Enterprise Act 2002 (advice and information about the operation of Part 4 of that Act).
- (11) In this section “the TFEU” means the Treaty on the Functioning of the European Union.

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I6 S. 6 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

7 Market power determinations

- (1) The CAA may make a determination that the market power test is or is not met in relation to an airport area (a “market power determination”) whenever it considers it appropriate to do so.
- (2) The CAA must make a market power determination in respect of an airport area if—
 - (a) it is asked to do so by a person listed in subsection (3),
 - (b) the area is located at an airport that is a large airport at the time the request is made, and
 - (c) the area consists of or includes all or part of the core area of the airport.
- (3) Those persons are—
 - (a) the operator of the airport area, and
 - (b) any other person whose interests are likely to be materially affected by the determination.
- (4) For the purposes of subsection (2)(b), an airport is a large airport during a calendar year if, in the previous calendar year, the number of passenger movements at the airport exceeded 5 million.
- (5) Subsection (2) does not apply if—
 - (a) the CAA has previously made a market power determination in respect of the airport area (or an area that includes all of the airport area), and
 - (b) it considers that there has not been a material change of circumstances since that determination.
- (6) The CAA may treat a request under subsection (2) in respect of an airport area (“area A”) as if it were—
 - (a) a number of requests in respect of a number of airport areas that consist of or include different parts of area A, or
 - (b) a request in respect of an area that includes all of area A.
- (7) When choosing an airport area that is to be the subject of a market power determination, the CAA must have regard to the market or markets that are relevant for the purposes of test A (see section 6(3)).
- (8) The CAA may, in particular—
 - (a) make separate market power determinations in respect of different areas which are located at the same airport and have the same relevant operator (within the meaning of section 6(2));
 - (b) make a market power determination in respect of an airport area that consists of two or more areas that are not adjacent if the areas are located at the same airport.
- (9) A market power determination in respect of an airport area ceases to have effect if the CAA publishes a notice of a further market power determination in respect of the airport area or in respect of an area that includes all of the airport area.

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(10) Where the CAA—

- (a) publishes a notice of a market power determination in respect of an airport area (“determination A”), and
- (b) subsequently publishes a notice of a market power determination in respect of part of the airport area or in respect of an area that includes part of the airport area,

determination A ceases to have effect in relation to that part (but continues to have effect in relation to the rest of the airport area).

(11) In this section “passenger movements” has the same meaning as in Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.

Commencement Information

I7 S. 7 in force at 6.4.2013 by [S.I. 2013/589, art. 2\(1\)-\(3\)](#)

8 Publication of market power determinations

(1) As soon as practicable after making a market power determination the CAA must—

- (a) publish a notice of the determination, and
- (b) send a copy of the notice to each person listed in subsection (2).

(2) Those persons are—

- (a) the operator of the airport area that is the subject of the determination,
- (b) if the CAA was required by section 7(2) to make the determination, any other person who requested the determination, and
- (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

(3) If the notice does not include the CAA's reasons for the determination, the CAA must as soon as practicable after publishing the notice—

- (a) publish its reasons, and
- (b) send a copy of them to each person listed in subsection (2).

Commencement Information

I8 S. 8 in force at 6.4.2013 by [S.I. 2013/589, art. 2\(1\)-\(3\)](#)

9 Operators of areas

(1) For the purposes of this Part, a person is the operator of an airport area if the person has overall responsibility for the management of all of the area.

(2) The Secretary of State may by regulations make provision about when a person is or is not to be treated for the purposes of this Part as having overall responsibility for the management of an airport area.

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- (3) The regulations may, in particular, make provision for determining which person has overall responsibility for the management of an airport area where more than one person controls or may control the matters listed in subsection (4) to some extent.
- (4) Those matters are—
 - (a) the types of services that are or may be provided in the area,
 - (b) the prices that are or may be charged for services provided in the area,
 - (c) the quality of services provided in the area,
 - (d) access to the area, and
 - (e) the development of the area.
- (5) The regulations have effect subject to operator determinations by the CAA under section 10.

Commencement Information

I9 S. 9 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

10 Operator determinations

- (1) The CAA may determine whether, in a particular case, a person has overall responsibility for the management of an airport area.
- (2) A determination under subsection (1) is an “operator determination” for the purposes of this Part if the CAA states in the determination that it is made for the purposes of this section.
- (3) If the CAA publishes a notice of an operator determination in respect of a person, the person is to be treated for the purposes of this Part as having or not having overall responsibility for the management of the airport area in accordance with the determination until the CAA publishes a notice withdrawing it.
- (4) When making an operator determination in respect of a person, the CAA must have regard, in particular, to—
 - (a) regulations under section 9, and
 - (b) the extent to which the person controls or may control the matters listed in section 9(4).
- (5) The CAA must make an operator determination in respect of a person and an area that consists of or forms part of a dominant airport if it is asked to do so by the person.
- (6) Subsection (5) does not apply if—
 - (a) the CAA has previously made an operator determination to the effect that the person requesting the determination does or does not have overall responsibility for the management of the airport area,
 - (b) it has not published a notice withdrawing that determination, and
 - (c) it considers that there has not been a material change of circumstances since that determination.
- (7) Subsection (5) does not apply if the CAA considers that it is possible to ascertain whether the person has overall responsibility for the management of the area from—
 - (a) information that is in the public domain, and

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- (b) information that is in the person's custody or under the person's control.
- (8) The CAA may treat a request under subsection (5) in respect of an airport area (“area A”) as if it were—
 - (a) a number of requests in respect of a number of airport areas that consist of or include different parts of area A, or
 - (b) a request in respect of an area that includes all of area A.

Commencement Information

I10 S. 10 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

11 Publication of operator determinations

- (1) As soon as practicable after making an operator determination the CAA must—
 - (a) publish a notice of the determination, and
 - (b) send a copy of the notice to each person listed in subsection (2).
- (2) Those persons are—
 - (a) the person in respect of whom the determination was made, and
 - (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (3) The notice of the determination must include the statement under section 10(2).
- (4) As soon as practicable after withdrawing an operator determination the CAA must—
 - (a) publish a notice of the withdrawal, and
 - (b) send a copy of the notice to each person listed in subsection (2).
- (5) If a notice under subsection (1) or (4) does not include the CAA's reasons for the determination or withdrawal, the CAA must as soon as practicable after publishing the notice—
 - (a) publish its reasons, and
 - (b) send a copy of them to each person listed in subsection (2).

Commencement Information

I11 S. 11 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

12 Advance determinations

- (1) The CAA may make a market power determination or an operator determination based entirely or partly on circumstances that have not arisen at the time the determination is made.
- (2) The CAA must specify the circumstances in the determination.
- (3) The CAA may make a determination in reliance on subsection (1) only if it considers that the specified circumstances are likely to arise.

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- (4) Sections 8 and 11 do not require the CAA to publish or send a copy of a notice of a determination made in reliance on subsection (1), or reasons for such a determination, at a time when—
 - (a) the circumstances specified in the determination have not arisen, and
 - (b) it considers that doing so would involve disclosing commercially sensitive information.
- (5) If a notice of a market power determination made in reliance on subsection (1) is published before the circumstances specified in the determination arise—
 - (a) an airport area or airport is not dominant by virtue of the determination until those circumstances arise, and
 - (b) a previous market power determination which would otherwise cease to have effect by virtue of section 7(9) or (10) continues to have effect until those circumstances arise.
- (6) If a notice of an operator determination made in reliance on subsection (1) is published before the circumstances specified in the determination arise, a person is not to be treated as having or not having overall responsibility for the management of an airport area by virtue of the determination until those circumstances arise.

Commencement Information

I12 S. 12 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

13 Appeals against determinations

Schedule 1 (appeals against determinations) has effect.

Commencement Information

I13 S. 13 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Licences

14 Application for licence

- (1) An application for a licence—
 - (a) must be made in the specified form and manner,
 - (b) must contain or be accompanied by the specified information, and
 - (c) must be published by the applicant in the specified form and manner and within a period notified to the applicant by the CAA.
- (2) On an application made and published in accordance with subsection (1), the CAA must—
 - (a) grant the licence (see section 15), or
 - (b) refuse to grant the licence (see section 16),unless the application is withdrawn.

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- (3) Subsection (4) applies if a person who is the operator of an airport area (“area A”) on a day on which area A becomes a dominant area located at a dominant airport, or part of such an area, does not have a licence in respect of area A on that day.
- (4) The person is to be treated as having made and published an application for such a licence in accordance with subsection (1).
- (5) In subsection (1) “specified” means specified by the CAA.
- (6) The CAA must publish a copy of the matters specified for the purposes of subsection (1).

Commencement Information

I14 S. 14 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

15 Granting licence

- (1) Before granting a licence the CAA must—
 - (a) publish a notice in relation to the proposed licence,
 - (b) send a copy of the notice to the persons listed in subsection (2), and
 - (c) consider any representations about the proposal to grant the licence, including the proposed conditions, that are made in the period specified in the notice (and not withdrawn).
- (2) Those persons are—
 - (a) the applicant for the licence, and
 - (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (3) A notice under subsection (1) must—
 - (a) state that the CAA proposes to grant the licence to the applicant,
 - (b) specify the airport area for which it is to be granted,
 - (c) specify the airport at which the area is located,
 - (d) specify the conditions proposed to be included in the licence,
 - (e) give the CAA's reasons for the proposed conditions, and
 - (f) specify a reasonable period for making representations.
- (4) The CAA may withdraw a notice under subsection (1) at any time.
- (5) If, after complying with subsections (1) to (3), the CAA decides to grant the licence, it must—
 - (a) publish a copy of the licence and a notice in relation to the licence, and
 - (b) send a copy of the licence and the notice to the persons listed in subsection (2).
- (6) The CAA is not to be treated as having complied with subsections (1) to (3) in relation to a licence granted to an applicant for an area if the conditions included in the licence when it is granted differ significantly from the conditions proposed in the notice under subsection (1) relating to the applicant and the area (or, if more than one, the latest such notice).
- (7) A notice under subsection (5) must—

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- (a) specify the date from which the licence comes into force (subject to subsection (9)),
 - (b) give the CAA's reasons for the conditions included in the licence,
 - (c) state how it has taken account of any representations made in the period specified in the notice under subsection (1), and
 - (d) state the reason for any differences between the conditions included in the licence and those proposed in the notice under subsection (1).
- (8) The date specified under subsection (7)(a) must be a date falling after the end of the period of 6 weeks beginning with the day on which the notice under subsection (5) was published.
- (9) If the CAA grants a licence to a person in respect of an airport area at a time when the person is not the operator of any part of the area, the licence does not come into force until the person becomes the operator of all or part of the area.

Commencement Information

I15 S. 15 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

16 Refusing to grant licence

- (1) The CAA may refuse to grant a licence for an airport area if—
- (a) the CAA considers that the applicant is not the operator of the area and is not likely to become the operator of the area,
 - (b) the area is not a dominant area (or part of a dominant area) and the CAA considers that it is not likely to become a dominant area (or part of a dominant area),
 - (c) the airport at which the area is located is not a dominant airport and the CAA considers that it is not likely to become a dominant airport,
 - (d) the applicant is a person falling within subsection (2), or
 - (e) the applicant is connected to a person falling within subsection (2).
- (2) A person falls within this subsection if—
- (a) the person has previously held a licence in respect of the airport area that is the subject of the application or an area that included all or part of that airport area, and
 - (b) the licence was revoked in accordance with a relevant provision of the licence.
- (3) For the purposes of subsection (2)(b) a provision is a relevant provision of the licence if it states that revocation of the licence entirely or partly in reliance on that provision is relevant for the purposes of this section.
- (4) Before refusing to grant a licence, the CAA must—
- (a) publish a notice in relation to the proposed refusal,
 - (b) send a copy of the notice to the persons listed in subsection (5), and
 - (c) consider any representations about the proposed refusal that are made in the period specified in the notice (and not withdrawn).
- (5) Those persons are—
- (a) the applicant for the licence, and

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- (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (6) A notice under subsection (4) must—
 - (a) state that the CAA proposes to refuse to grant the licence,
 - (b) specify the airport area in respect of which the application was made,
 - (c) specify the airport at which the area is located, and
 - (d) give the CAA's reasons for the proposed refusal.
- (7) The period specified in the notice must be a period of not less than 30 days beginning with the day on which the notice is published.
- (8) The CAA may withdraw a notice under subsection (4) at any time.
- (9) If, after complying with subsections (4) to (7), the CAA decides to refuse to grant the licence, it must—
 - (a) publish a notice of its decision, and
 - (b) send a copy of the notice to the persons listed in subsection (5).
- (10) A notice under subsection (9) must—
 - (a) specify the airport area in respect of which the application was made,
 - (b) specify the airport at which the area is located, and
 - (c) give the CAA's reasons for the refusal.

Commencement Information

I16 S. 16 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

17 Content and effect of licence

- (1) A licence must include provision specifying—
 - (a) the airport area for which it is granted, and
 - (b) the airport at which the area is located.
- (2) The specified area may consist of two or more separate areas if they form part of the same airport.
- (3) References in this Part to licence conditions do not include provision mentioned in subsection (1).
- (4) A licence must—
 - (a) include provision about the circumstances in which it may be revoked by the CAA, and
 - (b) provide that it may be revoked only in accordance with section 48.
- (5) References in this Part to licence conditions include provision mentioned in subsection (4), except in section 21(6).
- (6) A licence continues in force until it is revoked in accordance with its provisions.
- (7) A licence is not valid unless it is in writing.
- (8) A licence is not transferable.

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

Commencement Information

I17 S. 17 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Licence conditions

18 Licence conditions

- (1) A licence may include—
- (a) such conditions as the CAA considers necessary or expedient having regard to the risk that the holder of the licence may engage in conduct that amounts to an abuse of substantial market power in a market for airport operation services (or for services that include airport operation services), and
 - (b) such other conditions as the CAA considers necessary or expedient having regard to the CAA's duties under section 1.
- (2) For the purposes of this section conduct may, in particular, amount to an abuse of substantial market power if it is conduct described in section 18(2)(a) to (d) of the Competition Act 1998.

Commencement Information

I18 S. 18 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

19 Price control conditions

- (1) For the purposes of this Part a licence condition is a price control condition to the extent that it regulates prices by—
- (a) providing that the amount, or the maximum amount, that may be charged is an amount specified in, or determined in accordance with, the condition, or
 - (b) requiring the amount, or maximum amount, that may be charged to be approved by the CAA.
- (2) A licence must include such price control conditions as the CAA considers necessary or expedient having regard to the risk referred to in section 18(1)(a).
- (3) The duty in subsection (2) has effect subject to—
- (a) the provision in this Chapter about the conditions that may be included in the licence,
 - (b) the provision in this Chapter about granting licences, and
 - (c) the provision in this Chapter and in the licence about modifying licence conditions.
- (4) Subsection (5) applies where the CAA considers that the holder (“H”) of a licence for an airport area engaged in conduct amounting to an abuse of substantial market power by directly or indirectly imposing unfairly high charges in respect of activities carried on in the airport area during—
- (a) a period during which H was treated as having a licence in respect of the area by virtue of section 4;

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- (b) a period during which H would have been so treated but for the suspension of a market power determination or operator determination under Schedule 1.
- (5) The licence may include such price control conditions as the CAA considers appropriate for the purpose of depriving the holder of the licence of an amount not exceeding the amount which the CAA considers was earned from the abuse during that period.
- (6) A price control condition may make provision—
 - (a) by reference to the amount charged for particular goods or services;
 - (b) by reference to the overall amount charged for a range of goods or services.
- (7) A licence that includes a price control condition must include conditions specifying a period or periods for which the price control condition has effect.

Commencement Information

I19 S. 19 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

20 Conditions relating to CAA charges

- (1) A licence may include conditions requiring the payment to the CAA of charges determined under a scheme or regulations made under section 11 of the Civil Aviation Act 1982 in respect of the carrying out of the CAA's functions under this Chapter.
- (2) Such conditions may require the payment of charges on the grant of the licence or while it continues in force (or both).
- (3) The inclusion of such conditions does not prevent the CAA recovering charges mentioned in subsection (1) as a debt due to it.

Commencement Information

I20 S. 20 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

21 Content and effect of licence conditions

- (1) Licence conditions may, in particular, include—
 - (a) provision for a condition to have effect or to cease to have effect at times or in circumstances specified in, or determined in accordance with, a condition,
 - (b) provision requiring the holder of the licence to enter into a contract or other arrangement for a purpose specified in a condition and on terms specified in, or determined in accordance with, a condition,
 - (c) provision requiring the holder of the licence to comply with requirements imposed (by directions or otherwise) by a specified person,
 - (d) provision requiring the holder of the licence to do or not to do things specified, or of a description specified, in the licence unless a specified person consents to its not doing or doing those things,
 - (e) provision requiring the holder of the licence to refer a matter to a specified person for approval or determination, and

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- (f) provision relating to activities carried on outside the airport area for which the licence is granted.
- (2) In subsection (1) the references to a specified person are to—
- (a) a person specified, or of a description specified, in a condition for the purpose concerned, and
 - (b) a person nominated for the purpose concerned by a person within paragraph (a).
- (3) A licence condition may include provision for its modification only if it specifies or describes—
- (a) the circumstances in which it may be modified,
 - (b) the types of modification that may be made, and
 - (c) the period or periods in which it may be modified.
- (4) If a licence condition includes such provision, it may be modified in accordance with that provision or in accordance with the provision made by this Chapter about modifying licence conditions.
- (5) Where a licence condition is subject to an exception (however expressed) relating to, or operating by reference to, financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before section 3 came into force, the licence may not—
- (a) provide for the exception to cease to have effect at times or in circumstances specified in, or determined in accordance with, a licence condition, or
 - (b) provide for the CAA to determine which financial arrangements benefit from the exception.
- (6) A licence condition does not have effect at a time when—
- (a) the holder of the licence is not the operator of any part of the airport area for which the licence is granted, or
 - (b) that airport area is not a dominant area located at a dominant airport (or part of such an area) and does not include all or part of such an area,
- and provision included in a licence under subsection (1)(a) has effect subject to this subsection.

Commencement Information

I21 S. 21 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Modifying licences

22 Modifying licence conditions and licence area

- (1) The CAA may modify a licence by modifying—
- (a) the licence conditions, or
 - (b) the area for which the licence is granted,
- subject to section 23.
- (2) Before modifying a licence in reliance on this section, the CAA must—
- (a) publish a notice in relation to the proposed modification,

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- (b) send a copy of the notice to the persons listed in subsection (3), and
 - (c) consider any representations about the proposed modification that are made in the period specified in the notice (and not withdrawn).
- (3) Those persons are—
- (a) the holder of the licence, and
 - (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (4) The notice under subsection (2) must—
- (a) state that the CAA proposes to modify the licence,
 - (b) specify the proposed modification,
 - (c) give the CAA's reasons for the proposed modification,
 - (d) state the effect of the proposed modification, and
 - (e) specify a reasonable period for making representations.
- (5) If, after publishing the notice under subsection (2), the CAA decides not to modify the licence in reliance on this section, the CAA must—
- (a) publish a notice, giving its reasons, and
 - (b) send a copy of the notice to the persons listed in subsection (3).
- (6) If, after complying with subsections (2) to (4) in relation to a modification, the CAA decides to modify the licence in reliance on this section, the CAA must—
- (a) publish a notice in relation to the modification, and
 - (b) send a copy of the notice to the persons listed in subsection (3).
- (7) The CAA is not to be treated as having complied with subsections (2) to (4) in relation to a modification of a licence if the modification differs significantly from the modification proposed in the notice under subsection (2).
- (8) The notice under subsection (6) must—
- (a) specify the modification,
 - (b) specify the date from which the modification has effect (subject to paragraphs 7, 8 and 12 to 14 of Schedule 2),
 - (c) give the CAA's reasons for the modification,
 - (d) state the effect of the modification,
 - (e) state how it has taken account of any representations made in the period specified in the notice under subsection (2), and
 - (f) state the reason for any differences between the modifications and those set out in the notice given under subsection (2).
- (9) In the case of a modification of a licence condition, the date specified under subsection (8)(b) must fall after the end of the period of 6 weeks beginning with the day on which the notice under subsection (6) was published (subject to paragraph 21(2) of Schedule 2).

Commencement Information

I22 S. 22 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

23 Restriction on power to modify

- (1) This section applies where—
 - (a) a licence condition is subject to an exception (however expressed) relating to, or operating by reference to, financial arrangements specified or described in the licence,
 - (b) the financial arrangements were entered into by the holder of the licence, or a person connected to the holder of the licence, before section 3 came into force, and
 - (c) the CAA proposes to modify the licence by removing or restricting the exception.
- (2) The CAA may not make such a modification unless it has determined that—
 - (a) there has been a material change of circumstances since the day on which the exception was included in the licence condition, and
 - (b) for users of air transport services, the benefits of the modification are likely to outweigh any adverse effects.
- (3) On or before the day on which it publishes a notice under section 22(2) in respect of a proposal to make such a modification, the CAA must—
 - (a) publish a notice of its determination under subsection (2) of this section, giving its reasons for the determination, and
 - (b) send a copy of the notice to the persons listed in subsection (4).
- (4) Those persons are—
 - (a) the holder of the licence, and
 - (b) such bodies representing airport operators or providers of transport services as the CAA considers appropriate.
- (5) For the purposes of subsection (1)(b), financial arrangements entered into after section 3 came into force but pursuant to other financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before that time are to be treated as entered into before that time.
- (6) In subsection (2) “material change of circumstances” includes a material change in the terms of the financial arrangements.

Commencement Information

I23 S. 23 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Appeals against licence conditions etc

24 Appeal to Competition Commission: conditions of new licences

- (1) An appeal lies to the Competition Commission against a decision by the CAA under section 15 to include, or not to include, a condition in a licence when it is granted.
- (2) An appeal may be brought under this section only by—
 - (a) the holder of the licence, or
 - (b) a provider of air transport services whose interests are materially affected by the decision.

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- (3) An appeal may be brought under this section only with the permission of the Competition Commission.
- (4) An application for permission to appeal under this section may be made only by a person who, if permission is granted, will be entitled to bring the appeal.
- (5) The Competition Commission may refuse permission to appeal under this section only on one of the following grounds—
 - (a) that the appeal is brought for reasons that are trivial or vexatious, or
 - (b) that the appeal does not have a reasonable prospect of success.

Commencement Information

I24 S. 24 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

25 Appeal to Competition Commission: modification of licence conditions

- (1) An appeal lies to the Competition Commission against a decision by the CAA to modify a licence condition under section 22.
- (2) An appeal may be brought under this section only by—
 - (a) the holder of the licence, or
 - (b) a provider of air transport services whose interests are materially affected by the decision.
- (3) An appeal may be brought under this section only with the permission of the Competition Commission.
- (4) An application for permission to appeal under this section may be made only by a person who, if permission is granted, will be entitled to bring the appeal.
- (5) The Competition Commission may refuse permission to appeal under this section only on one of the following grounds—
 - (a) that the appeal is brought for reasons that are trivial or vexatious,
 - (b) that the appeal does not have a reasonable prospect of success, or
 - (c) that subsection (6) is satisfied.
- (6) This subsection is satisfied if the appeal is brought—
 - (a) against a decision that relates entirely to a matter remitted to the CAA following an earlier appeal under section 24 or this section, and
 - (b) on grounds that were considered, or could have been raised by the current applicant or a relevant connected person, as part of the earlier appeal.
- (7) In subsection (6), in relation to an applicant, “relevant connected person” means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the Competition Commission.

Commencement Information

I25 S. 25 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

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26 When appeals may be allowed

The Competition Commission may allow an appeal under section 24 or 25 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion.

Commencement Information

I26 S. 26 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

27 Determination of appeal

- (1) Where it does not allow an appeal under section 24 or 25, the Competition Commission must confirm the decision appealed against.
- (2) Where it allows an appeal under section 24 or 25, the Competition Commission must do one or more of the following—
 - (a) quash the decision appealed against;
 - (b) remit the matter that is the subject of the decision appealed against to the CAA for reconsideration and decision in accordance with this Chapter and any directions given by the Commission;
 - (c) substitute its own decision for that of the CAA.
- (3) Where it allows only part of an appeal under section 24 or 25—
 - (a) subsection (2) applies in relation to the part of the decision appealed against in respect of which the appeal is allowed, and
 - (b) subsection (1) applies in relation to the rest of that decision.
- (4) Where the Competition Commission substitutes its own decision for that of the CAA, the Commission may give directions to—
 - (a) the CAA, and
 - (b) the holder of the licence.
- (5) The Competition Commission must not give a direction under this section that requires a person to do anything that the person would not have power to do apart from the direction.
- (6) A person to whom a direction is given under this section must comply with it.
- (7) A direction given under this section to a person other than the CAA is enforceable—
 - (a) in England and Wales and Northern Ireland, as if it were an order of the High Court, and
 - (b) in Scotland, as if it were an order of the Court of Session.

Commencement Information

I27 S. 27 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

28 Determination of appeal: time limits

- (1) The Competition Commission must determine an appeal under section 24 or 25 against a decision in respect of a licence within the period of 24 weeks beginning with the day on which the CAA published the relevant notice, subject to subsections (3) to (6).
- (2) In subsection (1) “the relevant notice” means—
 - (a) in the case of an appeal under section 24, the notice published in accordance with section 15 of the decision to grant the licence, and
 - (b) in the case of an appeal under section 25, the notice published in accordance with section 22 of the decision that is the subject of the appeal.
- (3) The Competition Commission may extend the appeal period by not more than 8 weeks if it is satisfied that there are good reasons for doing so.
- (4) The Competition Commission may only extend the appeal period once in reliance on subsection (3).
- (5) The Competition Commission may extend the appeal period by such period as it considers appropriate if—
 - (a) there is an appeal to the Competition Appeal Tribunal under this Chapter which the Commission considers may be relevant to the appeal under section 24 or 25, and
 - (b) the appeal to the Tribunal has not been determined or withdrawn.
- (6) The Competition Commission may extend the appeal period more than once in reliance on subsection (5).
- (7) If the Competition Commission extends the appeal period it must—
 - (a) publish a notice stating the new time limit for determining the appeal, and
 - (b) send a copy of the notice to the persons listed in subsection (8).
- (8) Those persons are—
 - (a) the holder of the licence which is the subject of the appeal,
 - (b) if the appeal was brought by someone other than the holder of that licence, the appellant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 35(4) of Schedule 2),
 - (d) such bodies representing airport operators or providers of air transport services as the Competition Commission considers appropriate, and
 - (e) the CAA.
- (9) The Secretary of State may by regulations modify the periods of time specified in this section.
- (10) In this section “the appeal period”, in relation to an appeal under section 24 or 25, means the period allowed for determining the appeal.

Commencement Information

I28 S. 28 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

29 Determination of appeal: publication etc

- (1) A determination made by the Competition Commission on an appeal under section 24 or 25—
 - (a) must be contained in an order made by the Commission, and
 - (b) takes effect at the time specified in the order or determined in accordance with the order.
- (2) The order must set out the reasons for the determination.
- (3) The Competition Commission must—
 - (a) publish the order as soon as practicable after the determination is made, and
 - (b) send a copy of the order to the persons listed in subsection (4).
- (4) Those persons are—
 - (a) the holder of the licence which is the subject of the appeal,
 - (b) if the appeal was brought by someone other than the holder of that licence, the appellant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 35(4) of Schedule 2),
 - (d) such bodies representing airport operators or providers of air transport services as the Competition Commission considers appropriate, and
 - (e) the CAA.
- (5) The Competition Commission may exclude from publication under subsection (3) any information which it is satisfied is—
 - (a) commercial information, the disclosure of which would, or might in the Commission's opinion, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual, the disclosure of which would, or might in the Commission's opinion, significantly harm the individual's interests.
- (6) The CAA must take such steps as it considers requisite for it to comply with the order.
- (7) The steps must be taken—
 - (a) if a time is specified in the order or is to be determined in accordance with the order, within that time, and
 - (b) otherwise, within a reasonable time.

Commencement Information

129 S. 29 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

30 Procedure on appeals

- (1) Schedule 2 (appeals under sections 24 and 25) has effect.
- (2) In carrying out the functions listed in subsection (3) the Competition Commission must have regard to the matters in respect of which duties are imposed on the CAA by section 1.
- (3) Those functions are—

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- (a) deciding an application for permission to appeal under section 24 or 25,
 - (b) deciding an application under Schedule 2 for permission to intervene in an appeal, and
 - (c) determining an appeal under section 24 or 25, including taking decisions and giving directions described in section 27.
- (4) The functions of the Competition Commission under this Chapter are not to be regarded as comprised in its general functions for the purposes of Part 2 of Schedule 7 to the Competition Act 1998 (manner in which general functions are to be carried out).

Commencement Information

I30 S. 30 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Enforcement of licence conditions

31 Contravention notice

- (1) The CAA may give a notice under this section (a “contravention notice”) to a person if it has reasonable grounds for believing that the person is contravening, or has contravened, a licence condition.
- (2) A contravention notice must—
 - (a) specify the condition and contravention in respect of which it is given,
 - (b) explain the action that the CAA may take under this Chapter in connection with the contravention, and
 - (c) explain that representations may be made about the matters in the notice before the end of the period specified in the notice.
- (3) The CAA must specify a period of not less than 30 days beginning with the day on which the contravention notice is given, subject to subsection (4).
- (4) The CAA may specify a shorter period in a contravention notice given in respect of a repeated contravention.
- (5) A contravention notice is given to a person in respect of a repeated contravention if, in the period of 2 years ending with the day on which the notice is given, the CAA did one or more of the following in respect of a contravention by the person of the same condition—
 - (a) gave the person a contravention notice;
 - (b) gave the person an enforcement order;
 - (c) gave the person an urgent enforcement order;
 - (d) imposed a penalty on the person under section 39 or 40.
- (6) The CAA may extend the period specified in a contravention notice given to a person on one or more occasions by giving a notice to that person.
- (7) The CAA may withdraw a contravention notice given to a person at any time by giving a notice to the person that includes its reasons for doing so.
- (8) As soon as practicable after giving a notice under subsection (1), (6) or (7), the CAA must—

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- (a) publish the notice, and
 - (b) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (9) A contravention notice given in respect of a contravention that is or was a continuing contravention must specify the period of contravention in respect of which it is given.
- (10) In this Part “representation period”, in connection with a contravention notice, means—
- (a) the period specified in the contravention notice for making representations, or
 - (b) where the period has been extended in accordance with subsection (6), the extended period.

Commencement Information

I31 S. 31 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

32 Restrictions on giving contravention notices

- (1) If the CAA gives a person a contravention notice or an urgent enforcement order (see section 35) in respect of a contravention, it may not subsequently give the person a contravention notice in respect of the same contravention.
- (2) Subsection (1) does not apply if—
- (a) the CAA withdraws the first contravention notice without imposing a penalty on the person under section 39, or
 - (b) the CAA revokes the urgent enforcement order without imposing a penalty on the person under section 40.
- (3) Subsection (1) does not prevent the CAA giving a person more than one contravention notice, or a contravention notice and an urgent enforcement order, in respect of—
- (a) contraventions of the same condition in different ways, or
 - (b) contraventions of the same condition at different times or during different periods.

Commencement Information

I32 S. 32 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

33 Enforcement order

- (1) The CAA may give an order under this section (an “enforcement order”) to a person if—
- (a) it has given the person a contravention notice (and has not withdrawn it),
 - (b) the representation period has ended,
 - (c) it has considered any representations made about the matters in the contravention notice before the end of that period (and not withdrawn), and
 - (d) subsection (2) or (3) is satisfied.

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- (2) This subsection is satisfied if the CAA has determined that the person is contravening a condition specified in the contravention notice in one or more of the ways specified in the notice.
- (3) This subsection is satisfied if the CAA has determined that the person—
 - (a) has contravened a condition specified in the contravention notice in one or more of the ways specified in the notice, and
 - (b) did not, before the end of the representation period, take all of the appropriate steps mentioned in subsection (6)(b).
- (4) An enforcement order must—
 - (a) specify the condition and contravention in respect of which it is given,
 - (b) require the person to take such of the appropriate steps as are specified in the order,
 - (c) specify a reasonable period within which the steps must be taken, and
 - (d) give the CAA's reasons for giving the order.
- (5) As soon as practicable after giving an enforcement order, the CAA must—
 - (a) publish the order, and
 - (b) send a copy of the order to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (6) In this section “the appropriate steps”, in relation to a contravention of a condition, means the steps that the CAA has determined are appropriate—
 - (a) for complying with the condition, and
 - (b) for remedying the consequences of the contravention.

Commencement Information

I33 S. 33 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

34 Enforcement order: modification and revocation

- (1) The CAA may—
 - (a) modify an enforcement order with the agreement of the person to whom it was given, or
 - (b) revoke an enforcement order.
- (2) Before modifying or revoking the order, the CAA must—
 - (a) publish a notice in relation to the proposed modification or revocation,
 - (b) send a copy of the notice to the person to whom the order was given, and
 - (c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).
- (3) The notice under subsection (2) must—
 - (a) state that the CAA proposes to modify or revoke the order,
 - (b) specify the proposed modification (if relevant),
 - (c) give the CAA's reasons for the modification or revocation, and
 - (d) specify a reasonable period for making representations.

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (4) As soon as practicable after modifying or revoking an enforcement order, the CAA must—
 - (a) publish a notice giving details of the modification or revocation, and
 - (b) send a copy of the notice to the persons listed in subsection (5).
- (5) Those persons are—
 - (a) the person to whom the enforcement order was given, and
 - (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I34 S. 34 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

35 Urgent enforcement order

- (1) The CAA may give an order under this section (an “urgent enforcement order”) to a person if subsection (2) or (3) is satisfied.
- (2) This subsection is satisfied if the CAA has reasonable grounds for believing that—
 - (a) the person is contravening, or has contravened, a licence condition,
 - (b) the contravention has resulted in, or creates an immediate risk of, a serious economic or operational problem for users of air transport services, for a class of user of such services or for a relevant service provider, and
 - (c) it is appropriate to give the urgent enforcement order to prevent, remove or reduce that problem or risk.
- (3) This subsection is satisfied if the CAA has reasonable grounds for believing that—
 - (a) the person is likely to contravene a licence condition,
 - (b) the contravention is likely to result in, or create an immediate risk of, a problem described in subsection (2)(b), and
 - (c) it is appropriate to give the urgent enforcement order to prevent, or reduce the likelihood of, that problem or risk arising.
- (4) An urgent enforcement order must—
 - (a) specify the condition and contravention in respect of which it is given,
 - (b) require the person to take such of the appropriate steps as are specified in the order,
 - (c) specify a reasonable period within which the steps must be taken, and
 - (d) give the CAA's reasons for giving the order.
- (5) As soon as practicable after giving an urgent enforcement order, the CAA must—
 - (a) publish the order, and
 - (b) send a copy of the order to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (6) In this section “the appropriate steps” means—
 - (a) in relation to a contravention of a condition that has occurred or is occurring, the steps that the CAA has determined are appropriate—
 - (i) for complying with the condition, and

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- (ii) for remedying the consequences of the contravention, and
 - (b) in relation to a contravention of a condition that is likely to occur, the steps that the CAA has determined are appropriate for securing that the contravention does not occur.
- (7) In this section “relevant service provider” means a person, other than the person to whom the urgent enforcement order is to be given, who provides services at the airport at which, or in connection with which, the contravention occurred, is occurring or is likely to occur.

Commencement Information

I35 S. 35 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

36 Urgent enforcement order: confirmation

- (1) As soon as practicable after giving an urgent enforcement order, the CAA must—
 - (a) confirm the order, or
 - (b) revoke the order (see section 37).
- (2) The CAA may confirm an urgent enforcement order with or without modifications.
- (3) The CAA may confirm an urgent enforcement order given in reliance on section 35(2) only if it has determined that—
 - (a) the person is contravening, or has contravened, a licence condition specified in the order in one or more of the ways specified in the order,
 - (b) the contravention has resulted in, or creates an immediate risk of, a problem described in section 35(2)(b), and
 - (c) it is appropriate to confirm the urgent enforcement order, with any modifications, to prevent, remove or reduce that problem or risk.
- (4) The CAA may confirm an urgent enforcement order given in reliance on section 35(3) only if it has determined—
 - (a) that paragraphs (a) to (c) of subsection (3) of this section are satisfied, or
 - (b) that—
 - (i) the person is likely to contravene a licence condition specified in the order in one or more of the ways specified in the order,
 - (ii) the contravention is likely to result in, or create an immediate risk of, a problem described in section 35(2)(b), and
 - (iii) it is appropriate to confirm the urgent enforcement order, with any modifications, in order to prevent, or reduce the likelihood of, that problem or risk arising.
- (5) Before confirming an urgent enforcement order, the CAA must—
 - (a) publish a notice in relation to the proposal to confirm the order,
 - (b) send a copy of the notice to the person to whom the order was given, and
 - (c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).
- (6) The notice under subsection (5) must—
 - (a) state that the CAA proposes to confirm the order,

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- (b) specify any proposed modifications of the order,
 - (c) give the CAA's reasons for confirming the order and for any modifications, and
 - (d) specify a reasonable period for making representations.
- (7) As soon as practicable after confirming an urgent enforcement order, the CAA must—
- (a) publish a notice giving details of the confirmation, including any modifications of the order, and
 - (b) send a copy of the notice to the persons listed in subsection (8).
- (8) Those persons are—
- (a) the person to whom the urgent enforcement order was given, and
 - (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I36 S. 36 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

37 Urgent enforcement order: modification and revocation

- (1) The CAA may—
- (a) modify an urgent enforcement order with the agreement of the person to whom it was given, or
 - (b) revoke an urgent enforcement order.
- (2) Before modifying or revoking the order, the CAA must—
- (a) publish a notice in relation to the proposed modification or revocation,
 - (b) send a copy of the notice to the person to whom the order was given, and
 - (c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).
- (3) The notice under subsection (2) must—
- (a) state that the CAA proposes to modify or revoke the order,
 - (b) specify the proposed modification (if relevant),
 - (c) give the CAA's reasons for the modification or revocation, and
 - (d) specify a reasonable period for making representations.
- (4) As soon as practicable after modifying or revoking an urgent enforcement order, the CAA must—
- (a) publish a notice giving details of the modification or revocation, and
 - (b) send a copy of the notice to the persons listed in subsection (5).
- (5) Those persons are—
- (a) the person to whom the urgent enforcement order was given, and
 - (b) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (6) Nothing in this section restricts, or applies in relation to the exercise of, the CAA's power under section 36 to modify an urgent enforcement order when confirming the order.

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Commencement Information

I37 S. 37 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

38 Civil proceedings

- (1) A person who is given an enforcement order must comply with it (unless it is revoked).
- (2) The obligation to comply with an enforcement order is a duty owed to every person who may be affected by a contravention of a requirement of the order.
- (3) A person who is given an urgent enforcement order must comply with it, whether or not it has been confirmed (unless it is revoked).
- (4) The obligation to comply with an urgent enforcement order that has been confirmed is a duty owed to every person who may be affected by a contravention of a requirement of the order.
- (5) Where a duty is owed to a person under subsection (2) or (4), the following are actionable by the person—
 - (a) a breach of the duty that causes the person to sustain loss or damage, and
 - (b) an act that—
 - (i) by inducing a breach of the duty or interfering with its performance, causes that person to sustain loss or damage, and
 - (ii) is done entirely or partly for achieving that result.
- (6) In proceedings brought against a person (“P”) by virtue of subsection (5)(a), it is a defence for P to show that P took all reasonable steps and exercised all due diligence to avoid contravening the requirements of the order.
- (7) The CAA may enforce the duties under subsections (1) and (3) in—
 - (a) civil proceedings for an injunction,
 - (b) civil proceedings in Scotland for an interdict or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) civil proceedings for any other appropriate remedy or relief.
- (8) Enforcement of a duty under subsection (1) or (3) by the CAA does not prejudice any rights that a person may have by virtue of subsection (5).

Commencement Information

I38 S. 38 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

39 Penalty for contravention of licence condition

- (1) The CAA may impose a penalty on a person if—
 - (a) it has given the person a contravention notice (and has not withdrawn it),
 - (b) the representation period has ended,
 - (c) it has considered any representations made about the matters in the contravention notice before the end of that period (and not withdrawn), and

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- (d) it has determined that the person is contravening, or has contravened, a licence condition specified in the notice in one or more of the ways specified in the notice.
- (2) If the contravention notice specifies more than one contravention, the CAA may impose a separate penalty under this section for each contravention.
- (3) If the contravention notice specifies more than one period of contravention, the CAA may impose a separate penalty under this section for each period.

Commencement Information

I39 S. 39 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

40 Penalty for contravention of order

The CAA may impose a penalty on a person if it has determined that the person is contravening, or has contravened, a requirement of—

- (a) an enforcement order, or
- (b) an urgent enforcement order that has been confirmed.

Commencement Information

I40 S. 40 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

41 Procedure before imposing penalty

- (1) Before imposing a penalty on a person under section 39 or 40 the CAA must—
 - (a) give the person a notice about the proposed penalty,
 - (b) publish the notice as soon as practicable,
 - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
 - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) A notice under subsection (1) must—
 - (a) state that the CAA proposes to impose a penalty,
 - (b) state the proposed amount of the penalty,
 - (c) specify the relevant licence condition or requirement, and
 - (d) specify the act or omission that the CAA has determined constitutes a contravention of the condition or requirement.
- (3) In the case of a penalty calculated entirely or partly by reference to a daily amount (see section 43(2)), a notice under subsection (1) must specify—
 - (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.

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- (4) The period specified in a notice under subsection (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (5) Before varying the proposed amount of the penalty, the CAA must—
 - (a) give the person on whom the penalty is to be imposed a notice about the proposed variation,
 - (b) publish the notice as soon as practicable,
 - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
 - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (6) In the case of a penalty calculated entirely or partly by reference to a daily amount (see section 43(2)), the reference in subsection (5) to varying the proposed amount of the penalty includes varying—
 - (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or circumstances in which, they would cease to accumulate.
- (7) The notice under subsection (5) must—
 - (a) specify the proposed variation, and
 - (b) give the CAA's reasons for the proposed variation.
- (8) The period specified in the notice under subsection (5) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (9) The CAA may withdraw a notice under subsection (1) or (5) at any time by giving notice to the person on whom it proposed to impose the penalty.
- (10) As soon as practicable after giving a notice under subsection (9), the CAA must—
 - (a) publish the notice, and
 - (b) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I41 S. 41 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

42 Procedure after imposing penalty

- (1) As soon as practicable after imposing a penalty under section 39 or 40 the CAA must—
 - (a) give a notice to the person on whom the penalty is imposed,
 - (b) publish the notice, and
 - (c) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (2) The notice must—
 - (a) state that the CAA has imposed the penalty,
 - (b) state the amount of the penalty,

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- (c) specify the relevant licence condition or requirement,
 - (d) specify the act or omission that the CAA has determined constitutes a contravention of the condition or requirement, and
 - (e) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.
- (3) In the case of a penalty calculated entirely or partly by reference to a daily amount (see section 43(2)), the notice must specify—
- (a) the day on which daily amounts begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they cease to accumulate.
- (4) As soon as practicable after daily amounts cease to accumulate, the CAA must—
- (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate,
 - (b) publish the notice, and
 - (c) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I42 S. 42 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

43 Amount of penalty

- (1) The amount of a penalty imposed on a person under section 39 or 40 must be such amount as the CAA determines to be—
- (a) appropriate, and
 - (b) proportionate to the contravention for which it is imposed.
- (2) The penalty may consist of either or both of the following—
- (a) a fixed amount (see section 44);
 - (b) a daily amount (see section 45).
- (3) In determining the amount of a penalty, the CAA must have regard, in particular, to—
- (a) any representations made to it in a period specified in a notice proposing the penalty given under section 41(1) or (5) (and not withdrawn),
 - (b) any steps taken by the person on whom the penalty is to be imposed towards complying with the licence condition or requirement specified in the notice under section 41(1), and
 - (c) any steps taken by that person towards remedying the consequences of the contravention of the condition or requirement.

Commencement Information

I43 S. 43 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

44 Amount of penalty: fixed amount

- (1) A penalty imposed on a person (“P”) under section 39 or 40 for a contravention may not consist of or include a fixed amount exceeding 10% of P’s qualifying turnover for the qualifying period.
- (2) P’s qualifying turnover is—
 - (a) P’s turnover from activities carried on at the airport at which, or in connection with which, the contravention occurred or is occurring (“the qualifying airport”), and
 - (b) the turnover of persons connected to P from such activities.
- (3) The qualifying period is the last regulatory year ending on or before the day on which the notice proposing the penalty is given under section 41(1) (“the notice day”), except in the cases described in subsection (4).
- (4) Those cases are—
 - (a) where P was not the operator of an area at the qualifying airport throughout the last regulatory year that ends on or before the notice day;
 - (b) where there is no regulatory year or the last regulatory year ended more than 12 months before the notice day;
 - (c) where P has not provided the CAA with accounts prepared in accordance with the licence for the last regulatory year that ends on or before the notice day.
- (5) In those cases—
 - (a) if P was the operator of an area at the qualifying airport on the notice day, the qualifying period is the year ending with the notice day (or, if shorter, the period ending with the notice day during which P was the operator of such an area), and
 - (b) if P was not the operator of such an area on the notice day, the qualifying period is the year ending with the last day before the notice day on which P was the operator of such an area (or, if shorter, the period ending with that day during which P was the operator of such an area).
- (6) P’s qualifying turnover for a qualifying period is to be taken to be the qualifying turnover for that period as reported in accounts which P is required to prepare by a licence condition, unless regulations under subsection (7) provide otherwise.
- (7) The Secretary of State may by regulations—
 - (a) amend or otherwise modify the definition of qualifying turnover, and
 - (b) make provision about how a person’s qualifying turnover for a qualifying period is to be calculated.
- (8) The regulations may, in particular—
 - (a) make provision about cases in which turnover is or is not to be treated as qualifying turnover for a qualifying period,
 - (b) provide that a person’s qualifying turnover for a qualifying period is to be taken to be the qualifying turnover reported in accounts specified or described in the regulations, and
 - (c) provide that a person’s qualifying turnover is to be calculated entirely or partly using accounting rules specified or described in the regulations.
- (9) In this section “regulatory year” means a year for which P was required to prepare accounts by a licence condition in respect of an area at the qualifying airport.

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Commencement Information

I44 S. 44 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

45 Amount of penalty: daily amounts

- (1) In relation to a penalty under section 39 or 40, a daily amount is an amount payable where the contravention in respect of which the penalty is imposed continues after it is imposed.
- (2) A penalty under section 39 may not consist of or include a daily amount unless that contravention has been continuous since the end of the representation period for the contravention notice in which the contravention was specified.
- (3) A daily amount must not exceed 0.1% of the person's qualifying turnover for the qualifying period.
- (4) A daily amount is payable in respect of each day in a period specified by the CAA in the notice under section 42 stating that it has imposed the penalty.
- (5) A specified period during which daily amounts accumulate must be such period as the CAA considers appropriate, subject to subsections (6) and (7).
- (6) The period must begin after the day on which the CAA gives the notice under section 42.
- (7) The period must end before—
 - (a) the day on which the contravention specified in the notice under section 42 ceases, or
 - (b) if more than one contravention is specified in that notice, the day on which the last of those contraventions ceases.
- (8) In this section “qualifying turnover” and “qualifying period” have the same meaning as in section 44.

Commencement Information

I45 S. 45 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

46 Use of powers under Competition Act 1998

- (1) Before exercising a power listed in subsection (3), the CAA must consider whether it would be more appropriate to proceed under the Competition Act 1998.
- (2) The CAA must not exercise such a power to the extent that it considers that it would be more appropriate to proceed under the Competition Act 1998.
- (3) Those powers are—
 - (a) the power to give a contravention notice under section 31;
 - (b) the power to give an enforcement order under section 33;
 - (c) the powers to give and confirm an urgent enforcement order under sections 35 and 36;

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- (d) the powers to impose penalties under sections 39 and 40.

Commencement Information

I46 S. 46 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

47 Appeals against orders and penalties

Schedule 3 (appeals against orders and penalties) has effect.

Commencement Information

I47 S. 47 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Revocation of licence

48 Revocation of licence

- (1) A licence may be revoked by the CAA by giving a notice to the holder of the licence.
- (2) The CAA may give a notice revoking a licence only in circumstances specified in the licence in accordance with section 17.
- (3) Before revoking a licence, the CAA must—
 - (a) notify the holder of the licence that it intends to revoke the licence, giving its reasons, and
 - (b) give the holder of the licence an opportunity to make representations.
- (4) The CAA must not give a notice revoking a licence before the end of the period of 30 days beginning with the day on which the CAA notifies the holder of the licence in accordance with subsection (3), unless the holder of the licence agrees otherwise.
- (5) A notice revoking a licence takes effect at the end of the period specified in the notice (subject to paragraph 1(3) of Schedule 4).
- (6) The period specified in the notice must be a period of not less than 30 days beginning with the day on which the notice is given.
- (7) The CAA may extend the period specified in the notice at any time before the end of that period by giving a notice to the holder of the licence.
- (8) The CAA may only extend the period once and only by up to 30 days.
- (9) The CAA may withdraw a notice revoking a licence at any time before it takes effect by giving a further notice to the holder of the licence.
- (10) A notice under subsection (1) or (9) must give the CAA's reasons for revoking the licence or withdrawing a notice revoking the licence (as appropriate).
- (11) As soon as practicable after giving a notice under subsection (1), (7) or (9), the CAA must—
 - (a) publish the notice, and

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- (b) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I48 S. 48 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

49 Appeals against revocation of licence

Schedule 4 (appeals against revocation of licence) has effect.

Commencement Information

I49 S. 49 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Obtaining information

50 Power to obtain information

- (1) The CAA may by notice require a person to provide—
 - (a) information, or
 - (b) a document that is in the person's custody or under the person's control.
- (2) The CAA may give a notice under this section only in respect of information or documents that it reasonably requires for the purpose of carrying out its functions under this Chapter.
- (3) The notice may require the information or document to be provided—
 - (a) at a time and place specified in the notice, and
 - (b) in a form and manner specified in the notice.
- (4) The notice may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the appropriate court.
- (5) “The appropriate court” means—
 - (a) in relation to England and Wales and Northern Ireland, the High Court, and
 - (b) in relation to Scotland, the Court of Session.

Commencement Information

I50 S. 50 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

51 Enforcement of information notice

- (1) If a person fails to comply with a notice under section 50 without reasonable excuse, the CAA may do either or both of the following—
 - (a) impose a penalty on the person;

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- (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (2) The amount of the penalty must be such amount as the CAA determines to be—
 - (a) appropriate, and
 - (b) proportionate to the failure in respect of which it is imposed.
- (3) A penalty may consist of either or both of the following—
 - (a) a fixed amount;
 - (b) an amount payable in respect of each day in a period specified by the CAA (a “daily amount”).
- (4) A fixed amount must not exceed £2,000,000.
- (5) A daily amount must not exceed £100,000.
- (6) A specified period during which daily amounts accumulate must be such period as the CAA considers appropriate, subject to subsections (7) and (8).
- (7) The period must begin after the day on which the CAA gives the notice under section 54(1) stating that it has imposed the penalty.
- (8) The period must end before the day on which the person provides the information or documents specified in the notice under section 50.
- (9) The Secretary of State may by regulations replace the amount for the time being specified in subsection (4) or (5).

Commencement Information

I51 S. 51 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

52 Penalty for providing false information, destroying documents etc

- (1) The CAA may impose a penalty on a person if, in relevant circumstances, the person provides information to the CAA that is false or misleading in a material respect and—
 - (a) the person knows that the information is false or misleading, or
 - (b) the person is reckless as to whether the information is false or misleading.
- (2) A person provides information in relevant circumstances if the person does so—
 - (a) in accordance with a licence condition,
 - (b) in response to a notice under section 50, or
 - (c) knowing that the CAA is likely to use the information for the purpose of carrying out its functions under this Chapter.
- (3) The CAA may impose a penalty on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under section 50.
- (4) The amount of a penalty imposed on a person under this section must be such amount as the CAA determines to be—
 - (a) appropriate, and

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- (b) proportionate to the action in respect of which it is imposed.

Commencement Information

I52 S. 52 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

53 Procedure before imposing penalty

- (1) Before imposing a penalty on a person under section 51 or 52 the CAA must—
- (a) give the person a notice about the proposed penalty,
 - (b) publish the notice as soon as practicable,
 - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
 - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under subsection (1) must—
- (a) state that the CAA proposes to impose a penalty,
 - (b) state the proposed amount of the penalty, and
 - (c) give the CAA's reasons for imposing the penalty.
- (3) In the case of a penalty under section 51 calculated entirely or partly by reference to a daily amount, the notice under subsection (1) must specify—
- (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The period specified in the notice under subsection (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (5) Before varying the proposed amount of the penalty, the CAA must—
- (a) give the person on whom the penalty is to be imposed a notice about the proposed variation,
 - (b) publish the notice as soon as practicable,
 - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
 - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (6) In the case of a penalty under section 51 calculated entirely or partly by reference to a daily amount, the reference in subsection (5) to varying the proposed amount of the penalty includes varying—
- (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or circumstances in which, they would cease to accumulate.
- (7) The notice under subsection (5) must—
- (a) specify the proposed variation, and
 - (b) give the CAA's reasons for the proposed variation.

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (8) The period specified in the notice under subsection (5) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (9) The CAA may withdraw a notice under subsection (1) or (5) at any time by giving notice to the person on whom it proposed to impose the penalty.
- (10) As soon as practicable after giving a notice under subsection (9), the CAA must—
 - (a) publish the notice, and
 - (b) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I53 S. 53 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

54 Procedure after imposing penalty

- (1) As soon as practicable after imposing a penalty on a person under section 51 or 52, the CAA must—
 - (a) give a notice to the person on whom the penalty is imposed,
 - (b) publish the notice, and
 - (c) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (2) The notice must—
 - (a) state that the CAA has imposed the penalty,
 - (b) state the amount of the penalty,
 - (c) give the CAA's reasons for imposing the penalty, and
 - (d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.
- (3) In the case of a penalty under section 51 calculated entirely or partly by reference to a daily amount, the notice must specify—
 - (a) the day on which daily amounts begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they cease to accumulate.
- (4) As soon as practicable after daily amounts cease to accumulate, the CAA must—
 - (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate,
 - (b) publish the notice, and
 - (c) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I54 S. 54 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

55 Appeals against penalties

Schedule 5 (appeals against penalties: information) has effect.

Commencement Information

I55 S. 55 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Penalties

56 Imposing penalties

- (1) The CAA may not impose a penalty on a person under section 39, 40 or 51 for an act or omission if it has imposed a penalty on the person under one of those sections in respect of the same act or omission.
- (2) Subsection (1) does not prevent the CAA imposing more than one penalty on a person in respect of acts or omissions that take place at different times or over different periods.

Commencement Information

I56 S. 56 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

57 Recovering penalties

- (1) This section applies if all or part of a penalty imposed on a person under this Chapter is not paid within the period specified in the notice given in respect of the penalty under—
 - (a) section 42, or
 - (b) section 54.
- (2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.
- (3) The CAA may recover from the person as a debt due to the CAA—
 - (a) the unpaid balance, and
 - (b) any interest on the penalty that has not been paid.
- (4) Any sums received by the CAA by way of a penalty or interest under this Chapter must be paid into the Consolidated Fund.

Commencement Information

I57 S. 57 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

58 Statement of policy on penalties

- (1) The CAA must prepare and publish a statement of its policy with respect to—
 - (a) imposing penalties under this Chapter, and

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- (b) determining their amount.
- (2) The CAA may revise the statement of policy and, if it does so, it must publish the revised statement.
- (3) When imposing a penalty under this Chapter, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published before the act or omission in respect of which the penalty is to be imposed.
- (4) When preparing or revising a statement of policy, the CAA must consult such persons as it considers appropriate.

Commencement Information

I58 S. 58 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Disclosing information

59 Disclosing information

- (1) Nothing in this Chapter requires the CAA to publish or otherwise disclose any information which it is satisfied is—
 - (a) commercial information, the disclosure of which would, or might in the CAA's opinion, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual, the disclosure of which would, or might in the CAA's opinion, significantly harm the individual's interests.
- (2) Schedule 6 (restrictions on disclosing information) has effect.

Commencement Information

I59 S. 59 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

CHAPTER 2

COMPETITION

60 Functions under Part 4 of Enterprise Act 2002

- (1) The functions of the Office of Fair Trading (“the OFT”) specified in subsection (2) are to be concurrent functions of the CAA and the OFT.
- (2) Those functions are the OFT's functions under Part 4 of the Enterprise Act 2002 (market investigations) so far as they relate to the provision of airport operation services, other than functions under sections 166 and 171.
- (3) References to the OFT in the following are to be read as including a reference to the CAA—
 - (a) Part 4 of the Enterprise Act 2002, other than sections 166 and 171, and

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- (b) provisions of that Act applied by that Part.
- (4) But subsection (3) applies—
 - (a) only so far as it is consequential on subsections (1) and (2), and
 - (b) only if the context does not otherwise require.

Commencement Information

I60 S. 60 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

61 Enterprise Act 2002: supplementary

- (1) Before the Office of Fair Trading (“the OFT”) or the CAA first carries out functions specified in section 60(2) (“relevant 2002 Act functions”) in relation to a matter it must consult the other.
- (2) If the OFT or the CAA has carried out relevant 2002 Act functions in relation to a matter, the other must not carry out those functions in relation to that matter.
- (3) Subsections (4) to (6) apply if, in carrying out relevant 2002 Act functions, the CAA makes a reference to the Competition Commission.
- (4) The CAA must give the Competition Commission any information in the CAA's possession or control—
 - (a) which is requested by the Commission for the purpose of the reference, or
 - (b) which the CAA considers it appropriate to give to the Commission for that purpose.
- (5) The CAA must give the Competition Commission any other assistance requested by the Commission for the purpose of the reference which it is within the CAA's power to give.
- (6) In carrying out its investigation on the reference the Competition Commission must take account of any information given to it under subsection (4).
- (7) If a question arises as to whether a relevant 2002 Act function must or may be carried out by the CAA in relation to a particular case, the question must be referred to and determined by the Secretary of State.
- (8) No objection may be taken to anything done by or in relation to the CAA under Part 4 of the Enterprise Act 2002, other than section 166 or 171, on the ground that it should have been done by or in relation to the OFT.
- (9) The CAA may, when carrying out relevant 2002 Act functions, have regard to any matter in respect of which a duty is imposed by section 1(1) to (3) of this Act if it is a matter to which the OFT may have regard when carrying out relevant 2002 Act functions.
- (10) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the carrying out by the CAA of relevant 2002 Act functions.
- (11) In section 136(7) of the Enterprise Act 2002 (investigations and reports on market investigation references: relevant sectoral enactments), at the end of paragraph (g) insert “ or section 60 of the Civil Aviation Act 2012; ”.

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

Commencement Information

I61 S. 61 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

62 Functions under Competition Act 1998

- (1) The functions of the Office of Fair Trading (“the OFT”) specified in subsection (2) are to be concurrent functions of the CAA and the OFT.
- (2) Those functions are the OFT's functions under Part 1 of the Competition Act 1998 (competition) so far as they relate to anything which—
 - (a) is mentioned in subsection (3)(a) to (d), and
 - (b) relates to the provision of airport operation services, other than functions under sections 31D(1) to (6), 38(1) to (6) and 51.
- (3) Those things are—
 - (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,
 - (b) conduct of the kind mentioned in section 18(1) of that Act,
 - (c) agreements, decisions or concerted practices of the kind mentioned in Article 101 of the Treaty on the Functioning of the European Union, or
 - (d) conduct which amounts to abuse of the kind mentioned in Article 102 of that Treaty.
- (4) References to the OFT in Part 1 of the Competition Act 1998, other than in sections 31D(1) to (6), 38(1) to (6) and 51, are to be read as including a reference to the CAA.
- (5) But subsection (4) applies—
 - (a) only so far as it is consequential on subsections (1) and (2), and
 - (b) only if the context does not otherwise require.

Commencement Information

I62 S. 62 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

63 Competition Act 1998: supplementary

- (1) No objection may be taken to anything done by or in relation to the CAA under a provision of Part 1 of the Competition Act 1998, other than sections 31D(1) to (6), 38(1) to (6) and 51, on the ground that it should have been done by or in relation to the Office of Fair Trading.
- (2) The CAA may, when carrying out relevant 1998 Act functions, have regard to any matter in respect of which a duty is imposed by section 1(1) to (3) of this Act if it is a matter to which the Office of Fair Trading may have regard when carrying out relevant 1998 Act functions.
- (3) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the carrying out by the CAA of relevant 1998 Act functions.

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- (4) In this section “relevant 1998 Act functions” means functions specified in section 62(2).

Commencement Information

I63 S. 63 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

64 Review etc of airport operation services

- (1) The CAA must, so far as it appears to it practicable to do so—
- (a) keep under review the provision of airport operation services in the United Kingdom and elsewhere, and
 - (b) collect information about the provision of such services in the United Kingdom and elsewhere,
- with a view to facilitating the carrying out of its functions under this Chapter.
- (2) The CAA must provide information, advice and assistance to the Secretary of State and the Office of Fair Trading (“the OFT”) regarding any matter in respect of which the CAA has a function under this Chapter if—
- (a) it thinks it expedient to do so, or
 - (b) it is asked by the Secretary of State or the OFT to do so.
- (3) Subsection (2)(b) applies only so far as it appears to the CAA practicable for the CAA to provide the information, advice or assistance requested.
- (4) The CAA may—
- (a) prepare reports relating to competition in markets for airport operation services, and
 - (b) arrange for such reports to be published.
- (5) The CAA may exclude from publication under subsection (4)(b) any information which it is satisfied is—
- (a) commercial information, the disclosure of which would, or might in the CAA's opinion, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual, the disclosure of which would, or might in the CAA's opinion, significantly harm the individual's interests.
- (6) For the purposes of carrying out its functions under this section the CAA may carry out, commission or provide financial or other support for research.

Commencement Information

I64 S. 64 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

65 Power to modify CAA's competition powers

- (1) The Secretary of State may by regulations modify sections 60(2) and 62(2) by providing that the functions of the Office of Fair Trading mentioned in those provisions—
 - (a) do not include functions relating to the provision of particular airport operation services, or
 - (b) include functions relating to the provision of particular services at an airport that are not airport operation services.
- (2) The regulations may make consequential, incidental or supplementary provision amending this Chapter.

Commencement Information

I65 S. 65 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

CHAPTER 3

GENERAL PROVISION

Interpretation

66 Airports

- (1) In this Part “airport” means an aerodrome within the meaning of the Civil Aviation Act 1982 together with other land, buildings and structures used for the purposes of—
 - (a) the landing and taking off of aircraft at the aerodrome,
 - (b) the manoeuvring, parking or servicing of aircraft between landing and take-off at the aerodrome,
 - (c) the arrival or departure of persons carried or to be carried as passengers by air transport services operating to or from the aerodrome, together with their baggage,
 - (d) the arrival or departure of cargo carried or to be carried by such services,
 - (e) the processing of such persons, baggage and cargo between their arrival and departure, and
 - (f) the arrival or departure of persons who work at the airport.
- (2) Section 67 makes further provision about what is and is not included in an airport for the purposes of this Part.
- (3) The Secretary of State may by regulations provide that, for the purposes of this Part, land, buildings and other structures specified in the regulations, or of a description specified in the regulations, are or are not—
 - (a) part of an airport, or
 - (b) part of the core area of an airport.
- (4) The regulations may, in particular—
 - (a) modify subsection (1)(a) to (f) and section 67, and
 - (b) modify the definition of the core area of an airport in section 5.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

(5) In this section “modify” includes amend or repeal.

Commencement Information

I66 S. 66 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

67 Airports: supplementary

- (1) An airport includes, in particular—
- (a) a passenger terminal,
 - (b) the forecourt of a passenger terminal,
 - (c) a qualifying car park,
 - (d) a cargo processing area,
 - (e) land, buildings and other structures used for air traffic services, and
 - (f) land, buildings and other structures used for the purposes of transferring passengers, baggage or cargo—
 - (i) between passenger terminals or cargo processing areas that form part of the airport, or
 - (ii) between such terminals or areas and aircraft using the airport,
- subject to the following provisions of this section.
- (2) The forecourt of a passenger terminal includes an area that—
- (a) is used by road vehicles to pick up or drop off passengers using the terminal, and
 - (b) has pedestrian access to the terminal,
- other than a car park, bus station, tram station or railway station.
- (3) A car park is a qualifying car park if—
- (a) it is part of a passenger terminal that forms part of the airport, or
 - (b) it has pedestrian access to such a terminal.
- (4) An airport does not include a hotel, unless it is situated in a passenger terminal that forms part of the airport.
- (5) An airport does not include a bus station, tram station or railway station.
- (6) For the purposes of section 66(1) when a person arrives at, or departs from, an airport other than in an aircraft the person's arrival or departure takes place on arrival at or departure from—
- (a) a passenger terminal that is part of the airport,
 - (b) the forecourt of such a terminal, or
 - (c) a qualifying car park that is part of the airport.
- (7) For the purposes of section 66(1)—
- (a) when cargo arrives at an airport other than in an aircraft its arrival takes place when it is first unloaded from the vehicle in which it arrives, and
 - (b) when cargo departs from an airport other than in an aircraft its departure takes place when it is loaded on to the vehicle in which it is to depart.

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- (8) For the purposes of sections 5(4) and 66(1) the servicing of aircraft between landing and take-off at the aerodrome includes—
- (a) the supply of fuel, and
 - (b) the repair, maintenance and overhaul of aircraft that land at the aerodrome.

Commencement Information

I67 S. 67 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

68 Airport operation services

- (1) In this Part “airport operation services” means services provided at an airport for the purposes of—
- (a) the landing and taking off of aircraft,
 - (b) the manoeuvring, parking or servicing of aircraft,
 - (c) the arrival or departure of passengers and their baggage,
 - (d) the arrival or departure of cargo,
 - (e) the processing of passengers, baggage or cargo between their arrival and departure, or
 - (f) the arrival or departure of persons who work at the airport.
- (2) Section 67(6) to (8) apply for the purposes of subsection (1) as they apply for the purposes of section 66(1).
- (3) “Airport operation services” include, in particular, the provision at an airport of—
- (a) groundhandling services described in the Annex to Council Directive [96/67/EC](#) of 15 October 1996 on access to the groundhandling market at Community airports (as amended from time to time),
 - (b) facilities for car parking, and
 - (c) facilities for shops and other retail businesses.
- (4) “Airport operation services” do not include—
- (a) air transport services,
 - (b) air traffic services, or
 - (c) services provided in shops or as part of other retail businesses.
- (5) For the purposes of this Part—
- (a) “airport operation services” include permitting a person to access or use land that forms part of an airport or facilities at an airport for a purpose described in subsection (1)(a) to (f), and
 - (b) a person who permits another to access or use land that forms part of an airport area, or facilities in an airport area, for such a purpose is to be treated as providing airport operation services in that area.
- (6) The Secretary of State may by regulations provide that, for the purposes of this Part, services are or are not to be treated as airport operation services.
- (7) The regulations may, in particular, modify subsections (1) to (5).
- (8) In this section “modify” includes amend or repeal.

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

Commencement Information

I68 S. 68 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

69 Air transport services

(1) In this Part—

“air transport service” means a service for the carriage by air of passengers or cargo to or from an airport in the United Kingdom;

“provider”, in relation to an air transport service, means a person who has the management of the aircraft used to provide the service;

“user”, in relation to an air transport service, means a person who—

- (a) is a passenger carried by the service, or
- (b) has a right in property carried by the service.

(2) In this Part references to users of air transport services include future users of such services.

Commencement Information

I69 S. 69 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

70 Joint operators of areas

(1) Two or more persons are joint operators of an airport area where they jointly have overall responsibility for the management of all of the area.

(2) Regulations under section 9 may include provision about when two or more persons are or are not to be treated for the purposes of this Part as jointly having such responsibility.

(3) The CAA's power under section 10 to make a determination includes power to determine whether, in a particular case, two or more persons have such responsibility.

(4) The Secretary of State may by regulations provide that, where there are joint operators of an airport area, the provisions of Chapters 1 and 3 of this Part (other than this section) apply in relation to the operators and the area with the modifications specified in the regulations.

Commencement Information

I70 S. 70 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

71 Connected persons

(1) For the purposes of this Part one person is connected with another if they are group undertakings in relation to each other.

(2) “Group undertaking” has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).

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- (3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Part, including provision amending or otherwise modifying subsections (1) and (2).

Commencement Information

I71 S. 71 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

72 Minor definitions and index

- (1) In this Part—

“air traffic services” has the same meaning as in Part 1 of the Transport Act 2000 (see section 98 of that Act);

“airport operator” means a person who is the operator of an area that consists of or forms part of an airport;

“the CAA” means the Civil Aviation Authority;

“cargo” includes mail;

“change of circumstances” includes the discovery that information is false or misleading in a material respect;

“conduct” includes a failure to act and unintentional conduct;

“contravention” includes a failure to comply and related expressions are to be interpreted accordingly;

“contravention notice” has the meaning given in section 31(1);

“document” means anything in which information is recorded;

“enforcement order” has the meaning given in section 33(1);

“international obligation of the United Kingdom” includes—

- (a) an EU obligation, and
- (b) an obligation that arises or may arise under an international agreement or arrangement to which the United Kingdom is a party;

“land” includes land covered by water;

“licence” means a licence under Chapter 1 of this Part and includes a licence which has been granted under section 15 but has not come into force;

“market power determination” has the meaning given in section 7(1);

“modifying”, in relation to a licence condition, means adding, removing or altering a licence condition and related expressions are to be interpreted accordingly;

“representation” includes objection;

“urgent enforcement order” has the meaning given in section 35(1).

- (2) References in this Part to providing a service, however expressed, include providing a facility (and related expressions are to be interpreted accordingly).
- (3) References in this Part to a building or other structure are to any building or structure, whether above or below ground.
- (4) References in this Part to a notice are to a notice in writing.
- (5) References in this Part to remedying the consequences of a contravention of a licence condition or requirement include paying an amount to a person—

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- (a) by way of compensation for loss or damage suffered by the person, or
 - (b) in respect of annoyance, inconvenience or anxiety suffered by the person.
- (6) Schedule 7 (index of defined expressions) has effect.

Commencement Information

I72 S. 72 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Other general provision

73 Regulations

- (1) Regulations under this Part—
- (a) may make different provision for different cases,
 - (b) may make provision generally or only for particular cases, and
 - (c) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (2) Regulations under this Part are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under the following provisions is subject to annulment in pursuance of a resolution of either House of Parliament—
- (a) section 28(9);
 - (b) section 77;
 - (c) paragraph 33 of Schedule 2;
 - (d) paragraph 6 of Schedule 6.
- (4) A statutory instrument containing other regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I73 S. 73 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

74 Publication and production of documents

- (1) Where a person is required to publish something by this Part, the person must publish it in such form and manner as the person considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (2) A person to whom a document is produced under this Part may take copies of the document.

Commencement Information

I74 S. 74 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

75 Sending documents

- (1) A document required or authorised by this Part to be sent to a person may be sent—
 - (a) by delivering it to the person or by leaving it at the person's proper address or by sending it by post to the person at that address,
 - (b) if the person is a body corporate, by sending it in accordance with paragraph (a) to the secretary of the body or to any other person authorised to receive the document on behalf of the body, or
 - (c) if the person is a partnership, by sending it in accordance with paragraph (a) to a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person to whom a document is to be sent is the person's last known address, except that—
 - (a) if the person is a body corporate, it is the address of the registered or principal office of the body, and
 - (b) if the person is a partnership or a partner or a person having the control or management of the partnership business, it is the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to whom a document is to be sent by another person under this Part has specified to that other person an address within the United Kingdom other than the proper address (as determined under subsection (2)) as the one to which documents of the same description as the document should be sent.
- (5) In relation to that document, that address must be treated as the person's proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) This section does not apply to a document if rules of court make provision about how or where it should be sent.
- (7) In this section references to sending include references to similar expressions (such as giving).

Commencement Information

I75 S. 75 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

76 Minor, consequential and transitional provision

- (1) Part 4 of the Airports Act 1986 (economic regulation of airports) is repealed.
- (2) Part 4 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (economic regulation of airports) is revoked.
- (3) Schedule 8 (status of airport operators as statutory undertakers etc) has effect.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (4) Schedule 9 (regulation of operators of dominant airports: consequential provision) has effect.
- (5) Schedule 10 (regulation of operators of dominant airports: transitional provision) has effect.

Commencement Information

- I76** S. 76 partly in force; s.76(5) in force for certain purposes at Royal Assent, see s. 110(2)(a)
I77 S. 76(1) in force at 6.4.2013 for specified purposes by S.I. 2013/589, art. 2(1)-(3) (with art. 3)
I78 S. 76(2)(3) in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3) (with art. 4)
I79 S. 76(4) in force at 6.4.2013 for specified purposes by S.I. 2013/589, art. 2(3)
I80 S. 76(5) in force at 6.4.2013 in so far as not already in force by S.I. 2013/589, art. 2(1)-(3)

77 Crown application

- (1) Chapter 2 of this Part binds the Crown to the extent that it applies or modifies provisions of the Competition Act 1998, subject to section 73 of that Act.
- (2) The following provisions of this Part bind the Crown—
 - (a) Chapter 1, other than sections 50 to 52, and
 - (b) Chapter 3,subject to subsections (3) and (5) to (9).
- (3) Chapters 1 and 3 of this Part do not affect Her Majesty in her private capacity.
- (4) Subsection (3) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Part.
- (5) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in the course of carrying out exempt Crown functions.
- (6) If the operator of an airport area (“area C”) exercises overall responsibility for its management in the course of carrying out exempt Crown functions—
 - (a) section 7(2) (requirement to make market power determination) does not apply in respect of area C,
 - (b) section 14(4) (deemed application for licence where airport area becomes dominant) does not apply in relation to the operator, and
 - (c) the absence of a licence in respect of area C does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in area C or another area that forms part of the same airport.
- (7) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in an exempt Crown airport area.
- (8) The absence of a licence in respect of an exempt Crown airport area does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in another area that forms part of the same airport.
- (9) A licence must not include conditions relating to services provided in an exempt Crown airport area.

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- (10) For the purposes of this section, an airport area is an exempt Crown airport area if—
- (a) it consists of all or part of a small airport,
 - (b) the operator of the airport area is the Crown or a person acting on behalf of the Crown, and
 - (c) the airport area is exempted for the purposes of this section by the Secretary of State by regulations.
- (11) For the purposes of this section, an airport is a small airport during a calendar year if in the previous calendar year—
- (a) the number of passenger movements at the airport did not exceed 5 million, or
 - (b) the airport was not open to commercial traffic.
- (12) In this section—
- “exempt Crown functions” means the following functions to the extent that they are carried out by or on behalf of the Crown—
- (a) customs functions within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009,
 - (b) functions relating to immigration, asylum or nationality,
 - (c) police functions, and
 - (d) other functions exempted for the purposes of this section by the Secretary of State by regulations;
- “open to commercial traffic” and “passenger movements” have the same meaning as in Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.

Commencement Information

181 S. 77 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

PART 2

OTHER AVIATION MATTERS

Aviation security

VALID FROM 01/04/2014

78 Aviation security directions etc

- (1) Part 2 of the Aviation Security Act 1982 (protection of civil aviation against acts of violence and other unlawful interference) is amended as follows.
- (2) After section 14 insert—

“14A Review by CAA

- (1) The CAA must keep under review the directions under sections 12 to 14 for the time being in force.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

(2) The CAA must, when it considers it appropriate, make recommendations to the Secretary of State about those directions and about the giving of further directions under those sections.

(3) The CAA must make the recommendations in the form specified by the Secretary of State.”

(3) After section 16 insert—

“16A Directions requiring national security vetting

(1) This section applies where a direction under any of sections 12 to 14 makes provision requiring an individual who carries on, or wishes to carry on, an activity specified or described in the direction to be subject to national security vetting by the CAA.

(2) The CAA must make arrangements for carrying out that vetting, including—
(a) arrangements for renewing and withdrawing clearance, and
(b) arrangements for appeals.

(3) The Secretary of State may give directions to the CAA in connection with the arrangements, including directions as to—
(a) steps to be included in the vetting process,
(b) time limits for completing such steps, and
(c) the period for which clearance is to remain valid.

(4) The CAA must comply with a direction given to it under this section.

(5) This section does not affect any other power relating to national security vetting.”

(4) After section 23 insert—

“23A Functions of CAA under this Part

(1) The CAA must carry out the functions conferred on it by or under this Part of this Act with a view to achieving the purposes to which this Part of this Act applies.

(2) If the CAA considers that there is a conflict between its duty under subsection (1) and its duty under section 4 of the Civil Aviation Act 1982 (CAA's general objectives) it must—
(a) consult the Secretary of State, and
(b) resolve the conflict in the manner directed by the Secretary of State, and doing so is to be treated for all purposes as compliance with subsection (1) of this section and section 4 of that Act.”

(5) In section 24A(1) (interpretation)—

(a) for the definition of “authorised person” substitute—

““authorised person” means a person authorised in writing by the Secretary of State or the CAA for the purposes of this Part of this Act,”, and

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (b) after that definition insert—
 ““the CAA” means the Civil Aviation Authority.”.

- (6) Schedule 11 (aviation security directions etc: minor and consequential amendments) has effect.

VALID FROM 01/04/2014

79 Approved providers of aviation security services

- (1) Section 20A of the Aviation Security Act 1982 (aviation security services: approved providers) is amended as follows.
- (2) In subsection (2), for “provide for the Secretary of State to maintain a list of persons who are approved by him” substitute “ provide for the CAA to maintain a list of persons who are approved by it ”.
- (3) In subsection (3)—
- (a) before paragraph (a) insert—
 “(za) provide for approval to be given, and persons to be listed, in respect of the provision of the aviation security service generally or only at a particular location;”,
- (b) in paragraphs (a) and (b) for “that service” substitute “ the provision of that service generally or at the relevant location ”,
- (c) after paragraph (d) insert—
 “(da) make provision about factors to be taken into account when deciding whether to grant an application;”,
- (d) after paragraph (e) insert—
 “(ea) make provision for employees of persons who are listed in respect of the provision of an aviation security service generally or at a particular location to be treated as listed in respect of the provision of that service generally or at that location (as appropriate) in specified circumstances;”,
- (e) in paragraph (f), after “are listed” insert “ , or employees of such persons, ”,
- (f) after that paragraph insert—
 “(fa) make provision about other conditions with which persons who apply to be listed or who are listed, or employees of such persons, must comply;”,
- (g) in paragraph (g) omit “which shall include provision for appeal”, and
- (h) in paragraph (i) after “functions” insert “ on the CAA, ”.
- (4) After subsection (3) insert—
 “(3A) The regulations must—
- (a) include provision for appeals against the refusal of applications for inclusion in a list,
- (b) include provision for appeals against removal from a list, and
- (c) if they make provision described in subsection (3)(f) or (fa), include provision for appeals against the conditions.”

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

(5) After subsection (5) insert—

“(5A) In subsection (5) “listed person”, in relation to an aviation security service, means a person who is listed in respect of the provision of that service generally or at the relevant location.”

VALID FROM 01/04/2014

80 Advice and assistance in connection with aviation security

After section 21G of the Aviation Security Act 1982 insert—

“Advice and assistance

21H Provision of advice and assistance to Secretary of State

- (1) The CAA must provide such advice and assistance to the Secretary of State as the Secretary of State requires in connection with matters relevant to the purposes to which this Part of this Act applies.
- (2) A requirement under subsection (1) may be expressed so as to operate as a continuing requirement on the CAA.
- (3) Nothing in this section affects the generality of section 16 of the Civil Aviation Act 1982 (provision by CAA of assistance etc for Secretary of State and others).

21I Provision of advice and assistance to other persons

- (1) The CAA must provide such advice and assistance to the persons listed in subsection (3) as it considers appropriate having regard to the purposes to which this Part of this Act applies.
- (2) The CAA may, in particular, provide advice and assistance to such persons in connection with measures that they are required to take by directions under sections 12 to 14.
- (3) Those persons are—
 - (a) managers of aerodromes in the United Kingdom,
 - (b) authorities responsible for air navigation installations in the United Kingdom,
 - (c) operators of aircraft registered or operating in the United Kingdom,
 - (d) persons occupying land forming part of an aerodrome or air navigation installation in the United Kingdom,
 - (e) persons permitted to have access to a security restricted area of such an aerodrome or air navigation installation for the purposes of carrying on a business, and
 - (f) any other persons carrying on activities at or in connection with such an aerodrome or air navigation installation, or considering doing so,

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

who are of a description notified to the CAA by the Secretary of State for the purposes of this section.

- (4) The Secretary of State may provide such advice and assistance to the persons listed in subsection (3) as the Secretary of State considers appropriate having regard to—
- (a) the purposes to which this Part of this Act applies, and
 - (b) any advice and assistance provided to those persons by the CAA.”

VALID FROM 01/04/2014

81 Power to modify functions of CAA etc relating to aviation security

After section 21I of the Aviation Security Act 1982 (inserted by section 80) insert—

“21J Power to modify functions of CAA etc relating to aviation security

- (1) The Secretary of State may by regulations modify—
 - (a) the functions of the CAA relating to the purposes to which this Part of this Act applies, and
 - (b) the functions under this Part of this Act of persons authorised in writing by the CAA for the purposes of this Part.
- (2) Regulations under this section may, in particular—
 - (a) confer powers, or impose duties, on the CAA or persons mentioned in subsection (1)(b),
 - (b) remove or restrict powers or duties of the CAA or such persons,
 - (c) require the CAA to comply with directions given by the Secretary of State when carrying out a function conferred by the regulations,
 - (d) make different provision for different cases,
 - (e) amend or repeal an enactment (whenever passed), including a provision of this Part of this Act, and amend or revoke a provision of an instrument made under an enactment (whenever made), and
 - (f) include consequential, supplementary, incidental, transitional, transitory and saving provision.
- (3) The Secretary of State must consult the CAA before making regulations under this section.
- (4) The regulations must be made by statutory instrument.
- (5) A statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

82 Transfer schemes

- (1) The Secretary of State may make one or more schemes for the transfer to the Civil Aviation Authority (“the CAA”) of—

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (a) rights, powers, duties and liabilities of the Crown in connection with individuals employed in the civil service of the Crown, and
 - (b) other property, rights and liabilities of the Crown.
- (2) A scheme may transfer only such property, rights, powers, duties and liabilities as the Secretary of State considers appropriate having regard to—
 - (a) the functions conferred on the CAA by or under Part 2 of the Aviation Security Act 1982 (as amended by sections 78 to 81 and Schedule 11), and
 - (b) the functions of persons authorised by the CAA for the purposes of that Part (as so amended).
- (3) Before making a scheme under this section the Secretary of State must consult the CAA.
- (4) Schedule 12 (aviation security: further provision about transfer schemes) has effect.

Commencement Information

182 S. 82 in force at 11.3.2014 by S.I. 2014/262, art. 2

Provision of information about aviation

83 Information for benefit of users of air transport services

- (1) The CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate for the purpose of assisting users of air transport services to compare—
 - (a) air transport services provided to or from a civil airport;
 - (b) services and facilities provided at a civil airport in the United Kingdom;
 - (c) services and facilities provided elsewhere in the United Kingdom and used, or likely to be used, in connection with the use of air transport services provided to or from a civil airport.
- (2) The CAA may publish guidance and advice with a view to improving the standard of such services and facilities for users of air transport services.
- (3) The CAA must take such steps as it considers practicable to keep under review information, guidance and other advice that is published under this section by the CAA or by other persons.
- (4) Subsection (1) does not require the CAA to disclose, or arrange for the disclosure of, information if the CAA could refuse to disclose the information in response to a request made under the Freedom of Information Act 2000.
- (5) For the purposes of carrying out its functions under this section, the CAA may carry out, commission or provide financial or other support for research.
- (6) Information and advice published under subsection (1) by persons other than the CAA must be published in such form and manner as the CAA considers appropriate.
- (7) In this section—

“air transport service” means a service for the carriage by air of passengers or cargo to or from an airport in the United Kingdom;

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

“airport” has the same meaning as in Part 1 of this Act (see sections 66 and 67);

“civil airport” means an airport other than a military airport;

“user”, in relation to an air transport service, means a person who—

- (a) is a passenger carried by the service, or
- (b) has a right in property carried by the service.

- (8) In this section references to users of air transport services include potential users of such services.

84 Environmental information

- (1) The CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate relating to—

- (a) the environmental effects of civil aviation in the United Kingdom,
- (b) how human health and safety is, or may be, affected by such effects, and
- (c) measures taken, or proposed to be taken, with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.

- (2) The CAA may publish guidance and advice with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.

- (3) The CAA must take such steps as it considers practicable to keep under review information, guidance and other advice that is published under this section by the CAA or by other persons.

- (4) Subsection (1) does not require the CAA to disclose, or arrange for the disclosure of, information if it could refuse to disclose the information in response to a request made under the Freedom of Information Act 2000.

- (5) For the purposes of carrying out its functions under this section, the CAA may carry out, commission or provide financial or other support for research.

- (6) Information and advice published under subsection (1) by persons other than the CAA must be published in such form and manner as the CAA considers appropriate.

- (7) In this section—

“civil aviation” means civil airports, associated facilities and aircraft using such airports;

“airport” has the same meaning as in Part 1 of this Act (see sections 66 and 67);

“associated facilities”, in relation to an airport, means facilities used, or intended to be used, in connection with the airport;

“civil airport” means an airport other than a military airport.

- (8) In this section references to the environmental effects of civil aviation include—

- (a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,
- (b) visual or other disturbance to the public,
- (c) effects from works carried out at civil airports or associated facilities or in the construction of such airports or facilities, and
- (d) effects from services provided at civil airports or associated facilities.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

85 Power to obtain information

- (1) The CAA may by notice require a person to provide—
 - (a) information, or
 - (b) a document that is in the person's custody or under the person's control.
- (2) The CAA may give a notice under this section only in respect of information or documents that it reasonably requires for the purpose of carrying out its functions under section 83 or 84.
- (3) The notice may require the information or document to be provided—
 - (a) at a time and place specified in the notice, and
 - (b) in a form and manner specified in the notice.
- (4) The notice may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the appropriate court.
- (5) “The appropriate court” means—
 - (a) in relation to England and Wales and Northern Ireland, the High Court, and
 - (b) in relation to Scotland, the Court of Session.
- (6) Schedule 6 (restrictions on disclosure of information) applies to information and documents provided to the CAA by virtue of this section as it applies to information obtained under or by virtue of Chapter 1 of Part 1.

86 Enforcement of information notice

- (1) If a person fails to comply with a notice under section 85 without reasonable excuse, the CAA may do either or both of the following—
 - (a) impose a penalty on the person;
 - (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (2) The amount of the penalty must be such amount as the CAA determines to be—
 - (a) appropriate, and
 - (b) proportionate to the failure in respect of which it is imposed.
- (3) A penalty may consist of either or both of the following—
 - (a) a fixed amount;
 - (b) an amount payable in respect of each day in a period specified by the CAA (a “daily amount”).
- (4) A fixed amount must not exceed £50,000.
- (5) A daily amount must not exceed £5,000.
- (6) A specified period during which daily amounts accumulate must be such period as the CAA considers appropriate, subject to subsections (7) and (8).
- (7) The period must begin after the day on which the CAA gives the notice under section 89 stating that it has imposed the penalty.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (8) The period must end before the day on which the person provides the information or documents specified in the notice under section 85.
- (9) The Secretary of State may by regulations replace the amount for the time being specified in subsection (4) or (5).
- (10) The regulations must be made by statutory instrument.
- (11) A statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

87 Penalty for providing false information, destroying documents etc

- (1) The CAA may impose a penalty on a person if, in relevant circumstances, the person provides information to the CAA that is false or misleading in a material respect and—
 - (a) the person knows that the information is false or misleading, or
 - (b) the person is reckless as to whether the information is false or misleading.
- (2) A person provides information in relevant circumstances if the person does so—
 - (a) in response to a notice under section 85, or
 - (b) knowing that the CAA is likely to use the information for the purpose of carrying out its functions under section 83 or 84.
- (3) The CAA may impose a penalty on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under section 85.
- (4) The amount of a penalty imposed on a person under this section must be such amount as the CAA determines to be—
 - (a) appropriate, and
 - (b) proportionate to the action in respect of which it is imposed.

88 Procedure before imposing penalty

- (1) Before imposing a penalty on a person under section 86 or 87 the CAA must—
 - (a) give the person a notice about the proposed penalty,
 - (b) publish the notice as soon as practicable, and
 - (c) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under subsection (1) must—
 - (a) state that the CAA proposes to impose a penalty,
 - (b) state the proposed amount of the penalty, and
 - (c) give the CAA's reasons for imposing the penalty.
- (3) In the case of a penalty under section 86 calculated entirely or partly by reference to a daily amount, the notice under subsection (1) must specify—
 - (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (4) The period specified in the notice under subsection (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (5) Before varying the proposed amount of the penalty, the CAA must—
 - (a) give the person on whom the penalty is to be imposed a notice about the proposed variation,
 - (b) publish the notice as soon as practicable, and
 - (c) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (6) In the case of a penalty under section 86 calculated entirely or partly by reference to a daily amount, the reference in subsection (5) to varying the proposed amount of the penalty includes varying—
 - (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or circumstances in which, they would cease to accumulate.
- (7) The notice under subsection (5) must—
 - (a) specify the proposed variation, and
 - (b) give the CAA's reasons for the proposed variation.
- (8) The period specified in the notice under subsection (5) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (9) The CAA may withdraw a notice under subsection (1) or (5) at any time by giving notice to the person on whom it proposed to impose the penalty.
- (10) The CAA must publish a notice under subsection (9) as soon as practicable after it is given.

89 Procedure after imposing penalty

- (1) As soon as practicable after imposing a penalty on a person under section 86 or 87, the CAA must—
 - (a) give a notice to the person on whom the penalty is imposed, and
 - (b) publish the notice.
- (2) The notice must—
 - (a) state that the CAA has imposed the penalty,
 - (b) state the amount of the penalty,
 - (c) give the CAA's reasons for imposing the penalty, and
 - (d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.
- (3) In the case of a penalty under section 86 calculated entirely or partly by reference to a daily amount, the notice must specify—
 - (a) the day on which daily amounts begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they cease to accumulate.
- (4) As soon as practicable after daily amounts cease to accumulate, the CAA must—

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate, and
- (b) publish the notice.

90 Appeals

Schedule 13 (appeals against penalties) has effect.

91 Recovering penalties

- (1) Subsections (2) and (3) apply if all or part of a penalty imposed on a person under section 86 or 87 is not paid within the period specified in the notice given in respect of the penalty under section 89.
- (2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.
- (3) The CAA may recover from the person as a debt due to the CAA—
 - (a) the unpaid balance, and
 - (b) any interest on the penalty that has not been paid.
- (4) Any sums received by the CAA by way of a penalty under section 86 or 87 or interest under this section must be paid into the Consolidated Fund.

92 Statement of policy

- (1) The CAA must prepare and publish a statement of its policy with respect to—
 - (a) carrying out its functions under sections 83 and 84,
 - (b) imposing penalties under sections 86 and 87, and
 - (c) determining the amount of such penalties.
- (2) The CAA may revise a statement of policy and, if it does so, it must publish the revised statement.
- (3) When preparing or revising a statement of policy with respect to carrying out the functions under sections 83 and 84, the CAA must have regard to the principle that the benefits of carrying out the functions should outweigh any adverse effects.
- (4) When imposing a penalty under section 86 or 87, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published under this section before the act or omission in respect of which the penalty is to be imposed.
- (5) When preparing or revising a statement of policy, the CAA must consult such persons as it considers appropriate.

93 Minor definitions

In sections 83 to 92 and Schedule 13—

- (a) “the CAA” means the Civil Aviation Authority, and
- (b) references to a notice are to a notice in writing.

Status: Point in time view as at 11/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

Regulation of provision of flight accommodation

94 Regulation of provision of flight accommodation

(1) Section 71 of the Civil Aviation Act 1982 (regulation of provision of accommodation in aircraft) is amended in accordance with subsections (2) to (4).

(2) For subsection (1) substitute—

“(1) The Secretary of State may by regulations make provision so as to secure—

- (a) that a person does not in the United Kingdom make available flight accommodation, either as principal or agent, unless the person meets the condition in subsection (1A) or (1B);
- (b) that a person does not in the United Kingdom hold himself or herself out as one who may make flight accommodation available, either as principal or agent or without disclosing the person's capacity, unless the person meets the condition in subsection (1A) or (1B);
- (c) that a person (“A”) acting as an agent for another person (“B”), in the course of a business carried on by A, does not in the United Kingdom procure flight accommodation on behalf of B unless A meets the condition in subsection (1A);
- (d) that a person (“P”) acting in the course of a business carried on by P does not in the United Kingdom facilitate the making available of flight accommodation by another person in circumstances in which one or more prescribed arrangements relating to payment apply, unless P meets the condition in subsection (1A).

(1A) A person meets the condition in this subsection if the person—

- (a) holds and acts in accordance with a licence issued in pursuance of the regulations, or
- (b) is exempt from the need to hold a licence as a result of provision made by or under the regulations.

(1B) A person meets the condition in this subsection if the person—

- (a) is the operator of the aircraft on which flight accommodation is made available, and
- (b) in making the flight accommodation available is acting as a flight-only provider.

(1C) The regulations may make provision for the purposes of subsection (1B) about when the operator of an aircraft acts as a flight-only provider.

(1D) The arrangements relating to payment that may be prescribed under subsection (1)(d) are any arrangements under which P makes or receives payment, or facilitates the making or receipt of payment by another person, in connection with the making available of the flight accommodation.”

(3) In subsection (2)—

- (a) in paragraph (b), for the words from “the minimum charges” to the end substitute “ goods, services and other benefits which are or are not to be provided by any person in prescribed circumstances; ”, and
- (b) omit paragraph (f).

(4) After subsection (2) insert—

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

- “(3) The Secretary of State may by regulations make provision—
- (a) imposing requirements to be complied with by persons holding licences issued in pursuance of regulations under subsection (1), or by prescribed descriptions of such persons, which may include requirements as to goods, services or other benefits which are or are not to be provided by any person in prescribed circumstances;
 - (b) about rights of action in respect of contraventions of requirements imposed by virtue of paragraph (a);
 - (c) imposing criminal penalties for contraventions of such requirements.
- (4) Regulations made by virtue of subsection (3)(c) may not provide for penalties exceeding, in the case of each contravention—
- (a) on summary conviction, a fine of the statutory maximum;
 - (b) on conviction on indictment, a fine and imprisonment for a term not exceeding 2 years.
- (5) In this section “flight accommodation” means accommodation for the carriage of persons on flights in any part of the world.”
- (5) In consequence of the above—
- (a) in sections 71A(1) and (3) and 71B(2)(a) of the Civil Aviation Act 1982 (contributions by licence holders to Air Travel Trust) for “71” substitute “71(1) ”;
 - (b) in section 99(4) of that Act (offences) for “71” substitute “71(1) or (3) ”.

CAA membership

95 CAA membership

- (1) In section 2 of the Civil Aviation Act 1982 (constitution of CAA) for subsection (2) substitute—
- “(2) The CAA is to consist of at least seven but not more than sixteen members.
- (2A) It is to consist of—
- (a) a person appointed to chair the CAA (“the chair”) and other non-executive members, and
 - (b) a chief executive and other executive members.
- (2B) The chair and other non-executive members are to be appointed by the Secretary of State.
- (2C) The Secretary of State may appoint a deputy chair from among the non-executive members.
- (2D) The chief executive is to be appointed by the non-executive members with the approval of the Secretary of State.
- (2E) Other executive members are to be appointed by the chief executive with the approval of—
- (a) the chair, and
 - (b) at least one other non-executive member.

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- (2F) The Secretary of State and the chief executive must exercise their powers under this section to secure that, so far as practicable, the number of non-executive members exceeds the number of executive members.”
- (2) In paragraph 12 of Schedule 1 to that Act (CAA staff), at the beginning insert “ Subject to section 2, ”.
- (3) In paragraph 18 of that Schedule (interpretation of additional provisions relating to constitution, etc of CAA), for the words from “ “the chairman”” to “the CAA and” substitute “—
- (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)”.

96 Non-executive members of CAA

- (1) Schedule 1 to the Civil Aviation Act 1982 (additional provisions relating to constitution, etc of CAA) is amended as follows.
- (2) For the heading immediately before paragraph 1 substitute— “ Appointment and tenure of non-executive members ”.
- (3) In paragraphs 1 to 4 for “a member”, in each place, substitute “ a non-executive member ”.
- (4) In paragraph 1(b) for “each member” substitute “ each non-executive member ”.
- (5) In paragraphs 2 to 4 for “the chairman or a deputy chairman”, in each place, substitute “ the chair or deputy chair ”.
- (6) In paragraph 5 for sub-paragraph (1) substitute—
- “(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.”
- (7) For the heading immediately before paragraph 6 substitute— “ Remuneration etc of non-executive members ”.
- (8) In paragraph 6—
- (a) for “member” substitute “ non-executive member ”, and
 - (b) omit “with the consent of the Treasury”.
- (9) In paragraph 7—

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- (a) omit “with the consent of the Treasury”,
 - (b) for “pensions, allowances or gratuities to or in respect of” substitute “allowances to”,
 - (c) for “members” substitute “ non-executive members ”, and
 - (d) omit sub-paragraph (2).
- (10) In paragraph 8—
- (a) for “member” substitute “ non-executive member ”, and
 - (b) omit “with the consent of the Treasury” in both places.
- (11) Omit paragraph 13(2) (member's participation in employee pension scheme).

97 Executive members of CAA

- (1) Schedule 1 to the Civil Aviation Act 1982 (additional provisions relating to constitution, etc of CAA) is amended as follows.
- (2) After paragraph 8 insert—

8A “Executive members: terms and conditions

- (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.”
- (3) In paragraph 12 (staff)—
- (a) after “a reference to” insert “a person who is—
 - (a) an executive member, or
 - (b)”,
 - and
 - (b) at the end insert “ (referred to in this Act as a “general employee”) ”.
- (4) In paragraph 13(1) (payment of pensions, allowances and gratuities) for “its employees” substitute “ its general employees ”.
- (5) In Schedule 3 to that Act (matters arising out of certain transfers to the CAA), in paragraph 2(1) for “an employee” substitute “ a general employee ”.

98 CAA's air navigation functions

- (1) In section 66 of the Transport Act 2000 (CAA's air navigation functions), for subsection (3) substitute—

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- “(3) The chief executive of the CAA must, with the approval of the chair and at least one other non-executive member of the CAA, nominate another executive member of the CAA for the purposes of this section.
- (3A) A person nominated under subsection (3) must perform on the CAA's behalf such of its air navigation functions as the Secretary of State may specify.
- (3B) The chief executive must consult the Secretary of State before nominating a person under subsection (3).”
- (2) In section 67 of that Act (national security nominee), in subsection (1) for “member” substitute “ non-executive member ”.

99 Transitional and saving provision

Schedule 14 (CAA membership: transitional and saving provision) has effect.

Further provision about CAA

100 CAA charges

- (1) Section 11 of the Civil Aviation Act 1982 (schemes and regulations determining CAA's charges) is amended as follows.
- (2) In subsection (1) omit “, after consultation with the Secretary of State,”.
- (3) After that subsection insert—
 - “(1A) Before making a scheme under this section, the CAA must—
 - (a) consult the persons who, in its opinion, are likely to be affected by the scheme or such of those persons as it thinks fit, and
 - (b) after consulting those persons, consult the Secretary of State.”
- (4) In subsection (2) for “sixty days” substitute “ 14 days ”.
- (5) After subsection (3) insert—
 - “(3A) Before making regulations under this section, the Secretary of State must consult the persons who, in the Secretary of State's opinion, are likely to be affected by the regulations or such of those persons as the Secretary of State thinks fit.
 - (3B) Subsection (3A) does not apply if the Secretary of State is satisfied that such consultation is unnecessary having regard to consultation carried out by the CAA in accordance with subsection (1A).”
- (6) In section 16 of that Act (provision by CAA of assistance etc for Secretary of State and others), in subsection (4A)—
 - (a) after “with” insert “—
 - (a)”,
 - and
 - (b) at the end insert “, or
 - (b) the making of regulations under section 11(3).”

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(7) In section 17 of that Act (provision by CAA of information etc for Secretary of State), at the end insert—

“(4) Subsection (3) above does not apply in relation to information furnished to the Secretary of State in connection with the making of regulations under section 11(3).”

Commencement Information

I83 S. 100 in force at 6.4.2013 by S.I. 2013/589, art. 2(4)(a)

101 Criminal proceedings

In section 20 of the Civil Aviation Act 1982 (supplementary provisions with respect to the functions of CAA), after subsection (1) insert—

“(1A) The power conferred on the CAA by subsection (1)(a) includes power to institute and carry on criminal proceedings in England and Wales or Northern Ireland.”

VALID FROM 01/04/2014

102 CAA efficiency

(1) Section 21 of the Civil Aviation Act 1982 (annual report) is amended as follows.

(2) In subsection (2), after paragraph (d) insert—

“(e) shall contain a statement by the CAA about efficiency in the performance of its functions (an “efficiency statement”);

(f) shall contain the auditors' assessment mentioned in subsection (2B).”

(3) After subsection (2) insert—

“(2A) The Secretary of State may from time to time give directions about matters that must be covered in an efficiency statement, including matters relating to the plans or the past or present activities of the CAA.

(2B) The auditors appointed under section 15(2) in respect of an accounting year must produce an assessment of the efficiency statement for that year.”

103 Civil sanctions

(1) Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (civil sanctions) is amended as follows.

(2) In Schedule 5 (designated regulators) at the appropriate place insert— “Civil Aviation Authority”.

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- (3) In Schedule 7 (powers under specified enactments to include power to make provision for civil sanctions) at the appropriate place insert— “ Civil Aviation Act 1982, sections 7, 61, 71, 71A, 86 ”.

Commencement Information

I84 S. 103 in force at 6.4.2013 by S.I. 2013/589, art. 2(4)(b)

104 Regulatory burdens

- (1) Section 73 of the Regulatory Enforcement and Sanctions Act 2008 (functions to which duty not to impose or maintain unnecessary burdens applies) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—
“(aa) the regulatory functions specified in subsection (2A),”.
- (3) After subsection (2) insert—
“(2A) The regulatory functions referred to in subsection (1)(aa) are the regulatory functions exercised by the Civil Aviation Authority under—
(a) Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services);
(b) Chapter 1 of Part 1 of the Civil Aviation Act 2012 (regulation of operators of dominant airports).”
- (4) In subsection (3) for “subsection (2)” substitute “ subsection (2) or (2A) ”.

Commencement Information

I85 S. 104 in force at 6.4.2013 by S.I. 2013/589, art. 2(4)(c)

105 Disclosure of medical information

- (1) Section 23 of the Civil Aviation Act 1982 (disclosure of information) is amended as follows.
- (2) In subsection (1) for “subsection (4)” substitute “ subsections (4) and (4A) ”.
- (3) After subsection (4) insert—
“(4A) Nothing in subsection (1) above prohibits the disclosure of medical information provided to the CAA in accordance with an Air Navigation Order if—
(a) the disclosure is for the purposes of medical research approved by a research ethics committee,
(b) the CAA considers that the research is likely to improve understanding of risks to the health of the types of individual who are required by an Air Navigation Order to provide medical information to the CAA,
(c) the CAA considers that it would be difficult or expensive to take the steps necessary to enable all of the information to be disclosed in reliance on subsection (1), and

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- (d) the information disclosed is anonymised.
- (4B) For the purposes of subsection (4A)(d), information is anonymised if no individual can be identified—
 - (a) from that information, or
 - (b) from that information and any other information which the CAA has reasonable grounds for believing is likely to be in the possession of the person to whom it is disclosed or is likely to come into that person's possession.”
- (4) After subsection (6) insert—
 - “(7) In this section “research ethics committee” means a committee which is—
 - (a) established to advise on the ethics of research investigations in human beings, and
 - (b) recognised for that purpose by the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland or by a body comprising two or more of those persons.”

Miscellaneous

106 Dangerous flying

- (1) Section 81 of the Civil Aviation Act 1982 (dangerous flying) is repealed.
- (2) In consequence of subsection (1), that Act is amended in accordance with subsections (3) to (7).
- (3) In section 76 (liability of aircraft in respect of trespass etc), in subsection (1) omit the words “and there has been no breach of section 81 below”.
- (4) In section 92 (application of criminal law to aircraft), in the definition of “the air navigation enactments” in subsection (5), for “81 to” substitute “ 82, ”.
- (5) In section 101 (power to apply certain provisions to Crown aircraft), in subsection (2) omit “81,”.
- (6) In Part 3 of Schedule 13 (subordinate instruments: supplemental powers), in paragraph 4(2) omit “81,”.
- (7) In Schedule 14 (transitional and transitory provisions and savings), in paragraph 7 omit “81,”.

107 Offences under Civil Aviation Act 1982

- (1) Section 99 of the Civil Aviation Act 1982 (offences) is amended as follows.
- (2) In subsection (4)—
 - (a) for “or under” substitute “ , under ”, and
 - (b) at the end insert “ or under an Air Navigation Order ”.
- (3) In subsection (5) omit paragraphs (c) and (d).

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Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012. (See end of Document for details)

PART 3

FINAL PROVISIONS

108 Power to make consequential and transitional provision

- (1) The Secretary of State may by regulations make consequential, transitional, transitory or saving provision in relation to any provision of this Act.
- (2) The regulations may, in particular, amend, repeal, revoke or otherwise modify legislation.
- (3) Regulations under this section are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section—
 - “legislation”, in relation to regulations made in relation to a provision of this Act, means—
 - (a) an enactment passed before the end of the Session in which this Act is passed, including an enactment contained in this Act, and
 - (b) an instrument made under an enactment before the provision of this Act comes into force;
 - “enactment” means an enactment contained in—
 - (a) an Act,
 - (b) an Act or Measure of the National Assembly for Wales,
 - (c) an Act of the Scottish Parliament, or
 - (d) Northern Ireland legislation.

109 Financial provision

There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.

110 Commencement

- (1) The provisions of this Act come into force on such day as the Secretary of State may by order appoint, subject to subsections (2) to (4).
- (2) The following provisions come into force on the day on which this Act is passed—
 - (a) paragraphs 1 and 7 of Schedule 10 and section 76(5) so far as it relates to those paragraphs, and
 - (b) this Part.
- (3) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
 - (a) sections 83 to 93 and Schedule 13,
 - (b) section 94,
 - (c) sections 95 to 99 and Schedule 14,
 - (d) section 101, and
 - (e) sections 105 to 107.

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- (4) The day appointed for the coming into force of section 3 must fall on or after 1 April 2014, unless paragraph 3 of Schedule 10, or provision having equivalent effect, comes into force on or before the appointed day.
- (5) An order under this section must be made by statutory instrument.
- (6) An order under this section may—
 - (a) appoint different days for different purposes, and
 - (b) make transitional, transitory or saving provision.

111 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to subsection (2).
- (2) The amendments, repeals and revocations made by section 76 and Schedules 8 and 9 have the same extent as the provisions amended, repealed or revoked.

112 Channel Islands, Isle of Man and British overseas territories

- (1) The powers in section 108(1) of the Civil Aviation Act 1982 (power to extend to Channel Islands, Isle of Man and British overseas territories) are exercisable in relation to the amendments of that Act made by or under this Act.
- (2) The powers in section 39(3) of the Aviation Security Act 1982 (extension outside United Kingdom) are exercisable in relation to the amendments of that Act made by or under this Act.
- (3) The power in section 107 of the Transport Act 2000 (extension outside United Kingdom) is exercisable in relation to the amendments of provisions listed in section 107(2) of that Act made by or under this Act.

113 Short title

This Act may be cited as the Civil Aviation Act 2012.

Status:

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Changes to legislation:

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