



Civil Aviation Act 2012

2012 CHAPTER 19

PART 2

OTHER AVIATION MATTERS

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.

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