



Civil Aviation Act 2012

2012 CHAPTER 19

PART 2

OTHER AVIATION MATTERS

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—

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- (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—
 - “(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) ”.

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