

SCHEDULE 1

Regulation 17

Review of penalties placed on airport users

1. A decision to impose a penalty under regulation 16 may be made on behalf of the CAA by a CAA employee.

2. If the decision to impose a penalty under regulation 16 is made by a CAA employee then—

(1) the person on whom the penalty is imposed may within 14 days of receiving a notice under regulation 16(5) serve on the CAA a written request that the decision to impose a penalty be retaken by CAA Members on behalf of the CAA, and

(2) the notice given under regulation 16(5) must inform the person to whom it is given of the right to serve a request under sub-paragraph (1).

3. Where a request is served under paragraph 2(1)—

(1) the notice given under regulation 16(5) has no further effect, and

(2) a decision as to whether or not to impose a penalty in the circumstances of the case must be retaken by at least two CAA Members who were not involved in the original decision taken by the CAA employee.

4. Before taking a decision the CAA Members must consider—

(1) any briefing supplied by the CAA employee who took the original decision, and

(2) any representations by the person requesting the decision to be retaken, served on the CAA within 21 days of that person receiving a notice under regulation 16(5) or such additional period as the CAA Members may determine.

5. When the CAA retakes a decision under this Schedule it must—

(1) give a notice setting out the decision and a statement of its reasons for that decision to the person who requested the original decision to be retaken, and

(2) publish the decision and the statement of its reasons for the decision.

6. If the decision is to impose a penalty then the notice under paragraph 5(1) must specify that the penalty is to be paid within 30 days.

7. For the purposes of this Schedule, “CAA Member” means a member of the CAA appointed by the Secretary of State under section 2(1) of the Civil Aviation Act 1982.

SCHEDULE 2

Regulation 29

Prohibition of management of aerodromes by CAA: consequential amendments

Civil Aviation Act 1982

1.—(1) The Civil Aviation Act 1982(2) is amended as follows.

(2) In section 3(b) (functions of CAA) omit “, the operation of aerodromes”.

(3) In section 23(6) (disclosure of information)(3) omit “section 36 (so far only as it relates to aerodromes owned or managed by the CAA),”.

(1) Section 2(2) was amended by section 72 of the Airports Act 1986 (c. 31).

(2) 1982 c. 16.

(3) Section 23(6) has been amended in a way which is not relevant to the effect of these Regulations.

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

(4) In the heading of section 36 (health control at certain aerodromes)(4) omit “and aerodromes of CAA”.

(5) In subsection (1) of that section—

(a) in paragraph (a) omit “or at any aerodrome in the United Kingdom which is owned or managed by the CAA”, and

(b) omit the words following paragraph (b).

(6) In section 45 (power to restrict use of land for purpose of securing safety at aerodromes)—

(a) in subsection (1) omit “or at any aerodrome in the United Kingdom owned or managed by the CAA”, and

(b) in subsection (7) omit the words following paragraph (b).

(7) In section 53(5) (compensation in respect of planning decisions relating to safety of aerodromes)—

(a) omit subsections (1)(b)(i) and (ii),

(b) in subsection (3) for “subsection (1)(b)(i) to (iii)” substitute “subsection (1)(b)(iii)”, and

(c) omit subsection (10)(a) (and the “and” following it).

(8) In section 55(7)(b) (registration of orders under Part 2), for sub-paragraphs (i) and (ii) substitute “, the Secretary of State”.

(9) In Schedule 7 (provisions relating to certain orders under Part 2), in paragraph 5(2)(a), omit “or in the case of an order under section 45 of this Act made in respect of an aerodrome owned or managed by the CAA”.

(10) In Schedule 8 (provisions relating to orders under section 45)—

(a) in paragraph 1, omit sub-paragraph (b) (and the “and” before it), and

(b) in paragraph 3, omit sub-paragraph (b) (and the “and” before it).

Public Health (Control of Disease) Act 1984

2. In section 14(1) of the Public Health (Control of Disease) Act 1984(6) (application to aerodromes of power to make regulations for control of certain diseases)—

(1) omit “, and in relation to aerodromes owned or managed by the Civil Aviation Authority”, and

(2) in paragraph (b) omit “and aerodromes owned or managed by the Civil Aviation Authority”.

Building Act 1984

3.—(1) The Building Act 1984(7) is amended as follows.

(2) In section 4(1)(b)(ii)(8) (exemption of educational buildings and buildings of statutory undertakers) omit the words from “or in the case of” to “the Authority”.

(4) Relevant amendments were made to section 36 by the Public Health (Control of Disease) Act 1984 (c. 22), Schedule 3.

(5) Relevant amendments were made to section 53 by the Planning (Consequential Provisions) Act 1990 (c. 11), Sch. 2, paragraph 55(3); by the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Sch. 2, paragraph 35(3); and by the Transport Act 2000 (c. 38), Sch. 4, paragraph 11.

(6) 1984 c. 22; section 14 has been amended in a way which is not relevant to the effect of these Regulations. Section 14 will be repealed on the coming into force of Schedule 15 to the Health and Social Care Act 2008 (c. 14).

(7) 1984 c. 55.

(8) Section 4(1)(b) has been amended in a way which is not relevant to the effect of these Regulations. Section 4 will be repealed on the coming into force of the Schedule to the Sustainable and Secure Buildings Act 2004 (c. 22).

(3) In section 59(4)(b)(9) (drainage of buildings) omit the words from “or in the case of” to “the Authority”.

The 1986 Act

4.—(1) The 1986 Act is amended as follows.

(2) In section 37(4) (airports subject to economic regulation: requirement for permission to levy airport charges) omit paragraph (b) (but not the “or” following it).

(3) In section 57(1) (scope of Part 5: status of certain airport operators as statutory undertakers) omit paragraph (b) (and the “and” before it).

The 1994 Order

5.—(1) The 1994 Order is amended as follows.

(2) In Article 7(1) (power to obtain rights over land) omit sub-paragraph (c) (and the “and” before it).

(3) In Article 10(1) (power to stop up and divert roads) omit sub-paragraph (c) (and the “and” before it).

(4) In Article 25(1) (status of certain airport operators as statutory undertakers) omit sub-paragraph (c) (and the “and” before it).

(5) In Article 28(4) (airports subject to economic regulation: requirement for permission to levy airport charges) omit sub-paragraph (b) (but not the “or” following it).

SCHEDULE 3

Regulation 31

Restriction on the disclosure of information

The 1986 Act

1. Section 74 of the 1986 Act (restriction on disclosure of information)(**10**) has effect in relation to information obtained under or by virtue of these Regulations as it has effect in relation to information obtained under or by virtue of the 1986 Act.

2. In subsection (3) of that section at the end insert—

“(w) the Airport Charges Regulations 2011.”

The 1994 Order

3. Article 49 of the 1994 Order (restriction on disclosure of information)(**11**) has effect in relation to information obtained under or by virtue of these Regulations as it has effect in relation to information obtained under or by virtue of Part 4 of the 1994 Order.

4. In paragraph (3) of that article at the end insert—

“(x) the Airport Charges Regulations 2011.”

(9) Section 59(4)(b) has been amended in a way which is not relevant to the effect of these Regulations. Subsection 4 will be repealed on the coming into force of the Schedule to the Sustainable and Secure Buildings Act 2004.

(10) Section 74(2)(a) was amended by regulation 7(6) of the Control of Misleading Advertisement Regulations 1998 (S.I. 1998/915); there are other amendments to section 74 but none is relevant to the effect of these Regulations.

(11) There are various amendments to Article 49 but none is relevant to the effect of these Regulations.

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

Transport Act 2000

5. In paragraph 3(3) of Schedule 9 to the Transport Act 2000(**12**) (restrictions on disclosure of information), after paragraph (rd) insert—

“(re) the Airport Charges Regulations 2011;”.

Enterprise Act 2002

6. In Schedule 15 to the Enterprise Act 2002(**13**) (enactments conferring functions in relation to which a public authority may disclose information), at the end insert—

“Airport Charges Regulations 2011.”.

(12) 2000 c. 38. There are various amendments to paragraph 3(3) of Schedule 9 to that Act, none of which is relevant to the effect of these Regulations.

(13) 2002 c. 40.