



# Civil Aviation Act 2012

## 2012 CHAPTER 19

### PART 1

#### AIRPORTS

### CHAPTER 1

#### REGULATION OF OPERATORS OF DOMINANT AIRPORTS

##### *Enforcement of licence conditions*

#### **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  - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).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

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 41. (See end of Document for details)*

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- (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (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  - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).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.

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**Commencement Information**

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

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