



# Civil Aviation Act 1971

## 1971 CHAPTER 75

### PART I

#### THE CIVIL AVIATION AUTHORITY

##### *Regulation of performance by the Authority of its functions*

### **3 General objectives, and guidance by the Secretary of State**

- (1) It shall be the duty of the Authority to perform the functions conferred on it otherwise than by this section in the manner which it considers is best calculated—
- (a) to secure that British airlines provide air transport services which satisfy all substantial categories of public demand (so far as British airlines may reasonably be expected to provide such services) at the lowest charges consistent with a high standard of safety in operating the services and an economic return to efficient operators on the sums invested in providing the services and with securing the sound development of the civil air transport industry of the United Kingdom;
  - (b) to secure that at least one major British airline which is not controlled by the British Airways Board has opportunities to participate in providing, on charter and other terms, the air transport services mentioned in the preceding paragraph ;
  - (c) subject to the preceding paragraphs, to encourage the civil air transport industry of the United Kingdom to increase the contribution which it makes towards a favourable balance of payments for the United Kingdom and towards the prosperity of the economy of the United Kingdom ; and
  - (d) subject to the preceding paragraphs, to further the reasonable interests of users of air transport services;

and in this subsection " British airline " means an undertaking having power to provide air transport services and appearing to the Authority to have its principal place of business in the United Kingdom, the Channel Islands or the Isle of Man and to be controlled by persons who either are United Kingdom nationals or are for the time being approved by the Secretary of State for the purposes of this subsection.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (2) Subject to the following subsection, the Secretary of State may from time to time, after consultation with the Authority, give guidance to the Authority in writing with respect to the performance of the functions conferred on it otherwise than by this subsection; and it shall be the duty of the Authority to perform those functions in such a manner as it considers is in accordance with the guidance for the time being given to it in pursuance of this subsection.
- (3) No guidance shall be given to the Authority in pursuance of the preceding subsection unless a draft of the document containing it has been approved by a resolution of each House of Parliament.

#### **4 Secretary of State's directions in national interest etc.**

- (1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order require that all or any property or rights of or under the control of the Authority shall be placed at the disposal of the Secretary of State; and while an order under this subsection is in force—
- (a) the Secretary of State may give to the Authority such directions as the Secretary of State thinks fit; and
  - (b) in so far as any directions given in pursuance of this subsection conflict with any requirements of this Act apart from this subsection those requirements shall be disregarded.
- (2) Section 28 of the Air Corporations Act 1967 (which also relates to the Secretary of State's powers in case of emergency) shall have effect as if any reference in subsections (3) to (5) of that section to an order under that section included a reference to an order under the preceding subsection.
- (3) The Secretary of State may, after consultation with the Authority, give to the Authority directions to do a particular thing which it has power to do or refrain from doing a particular thing if the Secretary of State considers it appropriate to give such directions—
- (a) in the interests of national security; or
  - (b) in connection with any matter appearing to the Secretary of State to affect the relations of the United Kingdom with a country or territory outside the United Kingdom; or
  - (c) in order to discharge or facilitate the discharge of an obligation binding on the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement; or
  - (d) in order to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Secretary of State appropriate in view of the fact that the United Kingdom is a member of an international organisation or a party to an international agreement; or
  - (e) in order to enable the United Kingdom to become a member of an international organisation or a party to an international agreement; or
  - (f) in order to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation ;
- and in so far as any directions given in pursuance of this subsection conflict with the requirements of any provision of this Act except subsections (1) and (2) of this section those requirements shall be disregarded.

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## **5 Special provisions as respects certain functions**

- (1) Such functions of the Authority as may be prescribed for the purposes of this subsection shall not be performed on behalf of the Authority by any other person; and regulations may provide that for the purpose of performing a function prescribed in pursuance of this subsection the quorum of the Authority shall be such as may be prescribed.
- (2) Regulations may provide for regulating the conduct of the Authority and other persons, including the procedure to be followed by them, in connection with the performance by the Authority of such of its functions as may be prescribed for the purposes of this subsection; and, without prejudice to the generality of the preceding provisions of this subsection, regulations made in pursuance of this subsection may include provision—
  - (a) requiring or entitling the Authority, notwithstanding any rule of law, to withhold from any person (hereafter in this paragraph referred to as "the prospective recipient") information which is furnished to the Authority by another person in connection with any function so prescribed and which in the opinion of the Authority relates to the commercial or financial affairs of the other person and cannot be disclosed to the prospective recipient without disadvantage to the other person which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted;
  - (b) for the imposition on summary conviction of a fine of an amount not exceeding £100 for any contravention of the regulations.
- (3) The Tribunals and Inquiries Act 1971 shall have effect as if—
  - (a) the Authority were a tribunal specified in Part I of Schedule 1 to that Act (which lists the tribunals of which among other things the workings and constitutions are to be kept under review and reported on by the Council on Tribunals) ; and
  - (b) section 8 of that Act (under which certain consents are required for the removal of members of tribunals) did not apply to the Authority ; and
  - (c) the functions of the Authority were confined to those prescribed for the purposes of the preceding subsection.