



Civil Aviation Act 1971

1971 CHAPTER 75

PART II

REGULATION OF CIVIL AVIATION

Regulation of carriage by air for reward

21 Restriction of unlicensed carriage by air for reward

- (1) No aircraft shall be used for the carriage for reward of passengers or cargo on a flight to which this subsection applies unless—
 - (a) the operator of the aircraft holds a licence granted to him by the Authority in pursuance of the following section (hereafter in this Act referred to as an "air transport licence") authorising him to operate aircraft on such flights as the flight in question ; and
 - (b) the terms of the licence are complied with so far as they relate to that flight and fall to be complied with before or during the flight.
- (2) The preceding subsection applies to any flight in any part of the world by an aircraft registered in the United Kingdom and to any flight beginning or ending in the United Kingdom by an aircraft registered in a relevant overseas territory or an associated state, except that it does not apply to—
 - (a) a flight of a description specified in an instrument made by the Authority for the purposes of this paragraph and in force in accordance with the following subsection;
 - (b) a particular flight or series of flights specified in an instrument made by the Authority for the purposes of this paragraph;
 - (c) a flight by an aircraft of which the Authority is the operator.
- (3) An instrument made in pursuance of paragraph (a) of the preceding subsection shall not come into force until it is published in the prescribed manner, and it shall be the duty of the Authority forthwith after making an instrument in pursuance of paragraph (b) of that subsection to publish the instrument in the prescribed manner ;

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and an instrument made in pursuance of paragraph (a) or (b) of that subsection may be revoked or varied by a subsequent instrument made in pursuance of that paragraph.

- (4) Where an aircraft is used for the carriage of passengers or cargo in pursuance of an arrangement made between a member of an incorporated or unincorporated body of persons and that body or another member of it, then, if by reason of relationships arising from membership of the body the carriage is not apart from this subsection carriage for reward, it shall be treated for the purposes of this section as carriage for reward.
- (5) Where an aircraft is used on a flight in contravention of subsection (1) of this section or, after an aircraft has been used in pursuance of an air transport licence on a flight to which that subsection applies, any term of the licence relating to the flight and falling to be complied with at or after the end of the flight by the operator of the aircraft or by another person who made available such accommodation as is mentioned in paragraph (b) of this subsection is contravened, then—
- (a) if before the flight began the operator of the aircraft knew or had reasonable cause to suspect that the use of the aircraft on that flight was likely to be in contravention of that subsection or, as the case may be, that the term in question was likely to be contravened, he shall be guilty of an offence under this subsection; and
 - (b) if any other person, either by negotiating a contract or otherwise howsoever, made available accommodation for the carriage of passengers or cargo on the aircraft on the flight knowing or having reasonable cause to suspect before the flight began that the accommodation was likely to be provided on an aircraft when used on a flight in contravention of the said subsection (1) or, as the case may be, that such a term as the term in question was likely to be contravened, that person shall be guilty of an offence under this subsection ;
- but a person shall not (except in pursuance of section 62(3) of this Act or the law relating to persons who aid, abet, counsel or procure the commission of offences) be guilty of an offence by virtue of paragraph (b) of this subsection in consequence of the contravention by another person of a term of a licence.
- (6) For the purpose of determining in pursuance of the preceding subsection whether an offence relating to a flight has been committed by the operator of the aircraft used on the flight it is immaterial that the relevant contravention mentioned in that subsection occurred outside the United Kingdom if when it occurred the operator was a United Kingdom national or was a body incorporated under the law of any part of the United Kingdom or the law of a relevant overseas territory or an associated state or was a person (other than a United Kingdom national or such a body) maintaining a place of business in the United Kingdom; and for the purpose of determining in pursuance of that subsection whether an offence relating to a flight has been committed by a person who made available such accommodation as is mentioned in that subsection it is immaterial that the relevant contravention there mentioned occurred outside the United Kingdom and that at any relevant time that person was not a United Kingdom national or such a body as aforesaid if any part of the negotiations resulting in the making available of the accommodation in question took place, whether by means of the post or otherwise, in the United Kingdom.
- (7) Where the Authority has reason to believe that an aircraft is intended to be used in contravention of subsection (1) of this section on a particular flight beginning in the United Kingdom or that any term of an air transport licence relating to such a flight and falling to be complied with at or after the end of the flight may not be complied with, the Authority may—

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- (a) give to the person appearing to it to be in command of the aircraft a direction that he shall not permit the aircraft to take off until the Authority has informed him that the direction is cancelled ;
- (b) whether or not it has given such a direction, detain the aircraft until the Authority is satisfied that the aircraft will not be used on the flight in contravention of the said subsection (1) or, as the case may be, that the term aforesaid will be complied with;

and a person who fails to comply with a direction given to him in pursuance of this subsection shall be guilty of an offence under this subsection.

- (8) A person guilty of an offence under subsection (5) or (7) of this section shall be liable on summary conviction to a fine of an amount not exceeding £400 or on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

22 Grant and refusal of air transport licences

- (1) An application for the grant of an air transport licence must be made in writing to the Authority and contain such particulars with respect to such matters as the Authority may specify in a notice published in the prescribed manner; and where an application is made for the grant of a licence the Authority shall either grant a licence to the applicant in the terms requested in the application or in those terms with such modifications as the Authority thinks fit or refuse to grant a licence.
- (2) The Authority shall refuse to grant a licence in pursuance of an application if the Authority is not satisfied that—
 - (a) the applicant is, having regard to—
 - (i) his and his employees' experience in the field of aviation and his and their past activities generally, and
 - (ii) where the applicant is a body corporate, the experience in the field of aviation and the past activities generally of the persons appearing to the Authority to control that body,
a fit person to operate aircraft under the authority of the licence which, apart from this subsection, the Authority considers should be granted to him in pursuance of the application ; or
 - (b) the resources of the applicant and the financial arrangements made by him are adequate for discharging his actual and potential obligations in respect of the business activities in which he is engaged (if any) and in which he may be expected to engage if he is granted the licence which, apart from this subsection, the Authority considers should be granted to him in pursuance of the application.
- (3) If the Authority is not satisfied that an applicant for a licence is—
 - (a) a United Kingdom national; or
 - (b) a body which is incorporated under the law of any part of the United Kingdom or the law of a relevant overseas territory or an associated state and is controlled by United Kingdom nationals,

it shall refuse to grant a licence in pursuance of his application unless the Secretary of State consents to the grant of the licence ; and where the Authority proposes to refuse to grant a licence by reason only of the preceding provisions of this subsection it shall be the duty of the Authority to give the Secretary of State notice of the proposal and to postpone its decision on the application until the Secretary of State's consent is given or refused.

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- (4) Nothing in the provisions of subsections (2) and (3) of this section shall be construed as prejudicing the Authority's power in its discretion to refuse a licence otherwise than in pursuance of any of those provisions.
- (5) A licence may contain such terms as the Authority thinks fit; and (without prejudice to the generality of the Authority's power to decide those terms) the terms may—
- (a) be or include terms settled by a person other than the Authority and include provision for any of the terms to have effect with such modifications as the Authority or another person may from time to time determine; and
 - (b) include terms as to the charges which are to be made and the goods, services and other benefits which are and are not to be furnished by any person whatsoever under or in connection with any contract which includes provision for the making available of accommodation on flights to which the licence relates.
- (6) If the holder of a current licence applies for the grant of another licence in continuation of or in substitution for the current licence and does so not later than such time before the expiration of the term of the current licence as the Authority may specify in a notice published in the prescribed manner, then, unless the application is withdrawn and without prejudice to the Authority's power to revoke, suspend or vary the current licence, the current licence shall not cease to be in force by reason only of the expiration of that term—
- (a) until the Authority gives its decision on the application;
 - (b) if in pursuance of the application the Authority decides to refuse a licence or to grant a licence otherwise than in the terms requested in the application, until the expiration of the time during which an appeal to the Secretary of State against the decision may be brought in pursuance of regulations made by virtue of section 24(6) of this Act and, if such an appeal is brought, until the appeal is determined or abandoned;
 - (c) if such an appeal against a decision to refuse a licence or to grant one otherwise than in the terms aforesaid is successful, until the date when the licence granted in consequence of the appeal comes into force.
- (7) A notice published in pursuance of subsection (1) or subsection (6) of this section may be altered or cancelled by subsequent notice published in pursuance of that subsection.

23 Revocation, suspension and variation of air transport licences

- (1) An application for the revocation, suspension or variation of an air transport licence may be made to the Authority at any time by a person of a prescribed description.
- (2) The Authority may at any time revoke, suspend or vary a licence if the Authority considers it appropriate to do so, whether or not an application with respect to the licence has been made in pursuance of the preceding subsection.
- (3) It shall be the duty of the Authority to revoke or suspend or vary a licence (whichever the Authority thinks appropriate in the circumstances) if the Authority is not or is no longer satisfied—
 - (a) that the holder of the licence is, having regard to—
 - (i) his and his employees' experience in the field of aviation and his and their past activities generally, and

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- (ii) where the holder of the licence is a body corporate, the experience in the field of aviation and the past activities generally of the persons appearing to the Authority to control that body,
a fit person to operate aircraft under the authority of the licence; or
- (b) that the resources of the holder of the licence and the financial arrangements made by him are adequate for discharging his actual and potential obligations in respect of the business activities in which he is engaged ;
- and if the Authority has reason to believe that the holder of a licence is neither a United Kingdom national nor such a body as is mentioned in paragraph (b) of subsection (3) of the preceding section it shall be the duty of the Authority to inform the Secretary of State accordingly and, if he so directs, to revoke the licence.
- (4) The provisions of subsections (2) and (3) of this section conferring on the Authority power to suspend a licence shall be construed as conferring on the Authority power to provide, by a notice in writing served in the prescribed manner on the holder of the licence, that subject to the following subsection the licence shall not be effective during a period specified in the notice; and while a licence is ineffective by virtue of such a notice the Authority may, by a further notice in writing served in the prescribed manner on the holder of the licence, provide that the licence shall be effective on and after a date specified in the further notice, but the further notice shall not prejudice the Authority's powers to suspend the licence again or to revoke or vary it.
- (5) If a licence is revoked, suspended or varied by the Authority otherwise than on the application of the holder of the licence and otherwise than in consequence of a direction given in pursuance of subsection (3) of this section, the revocation, suspension or variation shall not take effect before the expiration of the period prescribed in pursuance of subsection (6) of the following section for the bringing of an appeal against the Authority's decision nor, if such an appeal is brought during that period, before the determination or abandonment of the appeal.

24 Supplementary provisions relating to air transport licensing

- (1) Regulations may make provision as to the circumstances in which an air transport licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted.
- (2) If the Secretary of State considers that it may be expedient for him to give guidance or different guidance to the Authority in pursuance of section 3(2) of this Act and that until he has decided whether to do so the Authority ought not to perform one or more of the functions conferred on it by section 22 or 23 of this Act, he may give the Authority a direction requiring that in any case or class of case specified in the direction the Authority shall not perform any of those functions which is so specified until the Secretary of State cancels the direction; and if the Authority considers that it may be expedient for the Secretary of State to give such guidance or different guidance and that until he has decided whether to do so the Authority ought not to perform one or more of the functions aforesaid, the Authority may request the Secretary of State to consider whether to give such guidance or different guidance and may postpone the performance of the function in question in any case or class of case until such time as the Secretary of State may determine.
- (3) Where the Authority takes a decision to grant, refuse to grant, vary, suspend or revoke a licence it shall be the duty of the Authority, subject to the following subsection, to furnish a statement of its reasons for the decision to the applicant for the licence or,

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as the case may be, to the holder or former holder of it and to any other person who in accordance with regulations has entered an objection in the case or requested such a statement, so however that no statement of reasons need be furnished in pursuance of this subsection in a case in which no such objection has been entered and no such request has been made and the decision is taken in pursuance of, and is in the terms requested in, an application for the grant of a licence or an application by the holder of a licence for the variation, suspension or revocation of it.

- (4) If the Authority has reason to believe that the furnishing of a statement of reasons in pursuance of the preceding subsection might be contrary to the interests of national security or might affect adversely the relations of the United Kingdom with any other country or territory, it shall be the duty of the Authority to give notice of the case to the Secretary of State and, if he so directs, to refrain from furnishing the statement in question or to exclude from the statement such matter as is specified in the direction; and the Authority may refrain from furnishing a statement of reasons in pursuance of the preceding subsection to a person who is an applicant for or holder or former holder of a licence or has in accordance with regulations entered an objection in the case or requested such a statement (hereafter in this subsection referred to as a "relevant person") or may exclude matter from a statement furnished in pursuance of that subsection to a relevant person if the Authority considers it necessary to do so for the purpose of withholding from the relevant person information which in the opinion of the Authority relates to the commercial or financial affairs of another person and cannot be disclosed to the relevant person without disadvantage to the other person which, by comparison with the advantage to the public and the relevant person of its disclosure to him, is unwarranted.
- (5) The Authority may publish in such manner as it thinks fit particulars of, and of its reasons for, any decision taken by it with respect to a licence or an application for a licence.
- (6) The Secretary of State shall make regulations—
- (a) conferring on persons of prescribed descriptions a right to appeal to the Secretary of State from any decision of the Authority with respect to or to an application for a licence;
 - (b) authorising the Secretary of State on such an appeal to direct the Authority to reverse or vary the decision in question and in consequence to do or refrain from doing such other things as may be specified in the direction; and
 - (c) containing such provisions as the Secretary of State thinks fit with respect to such an appeal, which (without prejudice to the generality of the preceding provisions of this paragraph) may include provisions as to—
 - (i) the time within which an appeal must be brought,
 - (ii) the persons in addition to the appellant who are to be parties to an appeal, and
 - (iii) the liability of any of the parties in respect of costs or expenses incurred in connection with an appeal;

and the Secretary of State shall, when considering whether to give a direction in pursuance of regulations made by virtue of paragraph (b) of this subsection and when considering the terms of any such direction, have regard in particular to the duties imposed on the Authority by section 3 of this Act.

- (7) A person who, for the purpose of obtaining for himself or another person either a licence or a variation of a licence or the cancellation of the suspension of a licence, knowingly or recklessly furnishes to the Authority or the Secretary of State any

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information which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

25 Transitional provisions as to air service licences

- (1) An air service licence in force immediately before the appointed day shall be deemed on and after that day to be an air transport licence and may be revoked, suspended or varied accordingly.
- (2) Any application for an air service licence (except such an application as is mentioned in the following subsection) and any appeal to the Secretary of State from a decision in respect of such a licence shall, if it is pending immediately before the appointed day, abate on that day; and where by virtue of this subsection an application abates or an appeal against a refusal to grant an air service licence abates, it shall be the duty of the Secretary of State to pay out of money provided by Parliament, to the person who was the applicant for the licence in question, a sum equal to the fees paid by that person to the Air Transport Licensing Board in respect of the application.
- (3) An application for an air service licence which is pending immediately before the appointed day and as to which no proceedings by way of an oral hearing before the said Board have taken place before that day shall be deemed to be an application for an air transport licence duly made to the Authority on that day; and the Secretary of State may give directions to the Authority containing such supplemental and such further transitional provisions as he considers appropriate for the purposes of this subsection.
- (4) In this section—
 - “ air service licence ” means a licence under section 2 of the Civil Aviation (Licensing) Act 1960; and
 - “ the appointed day ” means such day as the Secretary of State may by order appoint for the purposes of this section.

Regulation of provision of accommodation in aircraft

26 Regulation of provision of accommodation in aircraft

- (1) Provision may be made by regulations for securing that a person does not in the United Kingdom—
 - (a) make available, as a principal or an agent, accommodation for the carriage of persons or cargo on flights in any part of the world ; or
 - (b) hold himself out as a person who, either as a principal or an agent or without disclosing his capacity, may make such accommodation available,unless he is the operator of the relevant aircraft or holds and complies with the terms of a licence issued in pursuance of the regulations or is exempted by or under the regulations from the need to hold such a licence.
- (2) Regulations made for the purposes of the preceding subsection may contain such provisions as the Secretary of State, after consultation with the Authority, considers appropriate for those purposes and may, without prejudice to the generality of the preceding provisions of this subsection, include provision—

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- (a) as to the circumstances in which licences shall or shall not be issued in pursuance of the regulations;
- (b) as to the terms of licences, which may include terms as to the minimum charges which are to be made and the goods, services and other benefits which are or are not to be furnished by any person whatsoever under or in connection with any contract which includes provision for the making available of accommodation on flights to which the licences in question relate ;
- (c) for the variation, suspension and revocation of licences ;
- (d) for appeals against refusals, variations, suspensions or revocations of licences to lie to a prescribed body or person (which may be a court, a Minister of the Crown, a body or person constituted or appointed by or under the regulations or such other body or person as the Secretary of State thinks fit) and for applying the provisions of any enactment, with or without modifications, in relation to such appeals ;
- (e) for imposing penalties for contraventions of the regulations not exceeding in the case of each contravention a fine of £400 on summary conviction and a fine and imprisonment for a term not exceeding two years on conviction on indictment;
- (f) for repealing, either wholly or in relation to prescribed cases, so much of subsection (5) of section 21 of this Act as begins with the word " and " at the end of paragraph (a) and in subsection (6) of that section the words from " and for the purpose " onwards ;

and section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply to a repeal made by virtue of paragraph (f) of this subsection as if it were made by an Act passed after this Act.

Regulation of safety and navigation of aircraft and of noise from aircraft

27 Design, construction and maintenance of aircraft

- (1) Section 7 of the Civil Aviation Act 1949 (which among other things provides for the delegation by the Secretary of State of his functions with respect to the design, construction and maintenance of aircraft) shall cease to have effect.
- (2) It shall be the duty of the Authority to consult the board established in pursuance of the following provisions of this section on all matters appearing to the Authority to be of significance as respects the standards of design, construction and maintenance by reference to which certificates of airworthiness for aircraft are to be granted or renewed in pursuance of Air Navigation Orders and to consult the said board as to whether an aircraft of a new type satisfies the standards of design and construction required for the issue of such a certificate for the aircraft; and—
 - (a) any question whether a matter is one on which consultations are required by virtue of this subsection shall be decided by the Authority;
 - (b) it shall be the duty of the Authority to consider all advice given to it by the said board in pursuance of this section;
 - (c) if the Authority decides not to proceed in accordance with any advice given to the Authority by the said board it shall be the duty of the Authority to inform the board in writing of its reasons for the decision and, if the advice was given in consequence of consultations required by virtue of this subsection, to publish particulars of the case forthwith in the prescribed manner.

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- (3) There shall be a body of persons, to be known as the Airworthiness Requirements Board (and hereafter in this section referred to as "the board"), of which the functions shall be—
- (a) to give advice to the Authority on—
 - (i) all matters on which the Authority consults the board in pursuance of the preceding subsection, and
 - (ii) any other matters which appear to the board to relate to the standards mentioned in the preceding subsection and on which the board considers it appropriate to give advice to the Authority;
 - (b) to consult such persons as the board considers appropriate for the purpose of giving such advice as aforesaid.
- (4) The board shall consist of not less than twelve nor more than twenty persons appointed by the Authority of whom—
- (a) four shall be appointed on the nomination of any body or persons appearing to the Authority to be representative—
 - (i) as to one of the four, of manufacturers of aircraft,
 - (ii) as to another of them, of operators of aircraft,
 - (iii) as to another of them, of insurers of aircraft,
 - (iv) as to the other of them, of pilots of aircraft;
 - (b) more than half the persons for the time being so appointed shall be representative members (and in this paragraph "representative member" means a person appointed to be a member of the board on the nomination of any body or persons appearing to the Authority to be representative of manufacturers or operators or insurers or pilots of aircraft); and
 - (c) the remainder may include one or more members of the Authority;
- and the Authority shall designate as the chairman of the board a member of it nominated by the board.
- (5) The provisions of Schedule 6 to this Act shall have effect with respect to the board.

28 Air navigation services

- (1) It shall be the duty of the Authority to provide air navigation services—
- (a) in the United Kingdom ; and
 - (b) for any area outside the United Kingdom for which the United Kingdom has, in pursuance of international arrangements, undertaken to provide air navigation services,
- to the extent to which it appears to the Authority that such services are necessary and are not being provided by the Authority (either alone or jointly with another person) or by some other person.
- (2) It shall be the duty of the Authority to join with the Secretary of State, in such manner as may be specified in directions given to the Authority by the Secretary of State,—
- (a) in providing such air navigation services in respect of such areas (whether in the United Kingdom or elsewhere) as may be specified in the directions; and
 - (b) in defraying the cost of providing the services so specified ; and
 - (c) without prejudice to the generality of the preceding paragraph, in discharging any liability to a third party which is incurred by the Authority and the Secretary of State or either of them in providing the services so specified.

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- (3) Without prejudice to any right of action in respect of an act or omission which takes place in the course of providing air navigation services in pursuance of this section, no action shall lie in respect of a failure by the Authority to perform the duty imposed on it by subsection (1) or subsection (2) of this section.

29 Regulation of noise and vibration from aircraft

- (1) The Secretary of State may by a notice published in the prescribed manner provide that it shall be the duty of the person who is the operator of an aircraft which is to take off or land at a designated aerodrome to secure that, after the aircraft takes off or as the case may be before it lands at the aerodrome, such requirements as are specified in the notice are complied with in relation to the aircraft, being requirements appearing to the Secretary of State to be appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at the aerodrome.
- (2) If it appears to the Secretary of State that any requirement specified in relation to a designated aerodrome in a notice published in pursuance of the preceding subsection has not been complied with as respects any aircraft he may, after affording to the person who at the relevant time was the operator of the aircraft an opportunity of making representations to the Secretary of State with respect to the matter and after considering any representations then made by him, give to the person managing the aerodrome a direction requiring him to secure that, until the Secretary of State revokes the direction, facilities for using the aerodrome are withheld to the extent specified in the direction from aircraft of which the person aforesaid is the operator and from his servants ; and it shall be the duty of the person for the time being managing the aerodrome to comply with the direction.
- (3) If the Secretary of State considers it appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at a designated aerodrome to limit the number of occasions on which aircraft may take off or land at the aerodrome during certain periods, he may by a notice published in the prescribed manner—
- (a) specify the maximum number of occasions on which aircraft of descriptions specified in the notice may (otherwise than in an emergency of a description so specified) be permitted to take off or land respectively at the aerodrome during such periods as are so specified;
 - (b) determine the persons who shall be entitled to arrange for aircraft of which they are the operators to take off or land at the aerodrome during the periods so specified and, as respects each of those persons, the number of occasions on which aircraft of a particular description of which he is the operator may take off or land at the aerodrome during those periods ;
- and subject to paragraphs (d) and (e) of the following subsection it shall be the duty of the person for the time being managing the aerodrome to secure that the limitations relating to the aerodrome which are imposed by the notice are complied with.
- (4) The following supplementary provisions shall have effect for the purposes of the preceding subsection, that is to say—
- (a) it shall be the duty of the Secretary of State, before he makes a determination in respect of an aerodrome in pursuance of paragraph (b) of the preceding subsection, to consult any body appearing to him to be representative of operators of aircraft using the aerodrome;

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- (b) a notice under the preceding subsection may make, in relation to a designated aerodrome, provision as respects any period notwithstanding that the period is included in, or that there is included in the period, any other period as respects which provision relating to the aerodrome is made by the notice or by another notice under that subsection ;
 - (c) if it appears to the Secretary of State that an aircraft is about to take off in contravention of limitations imposed in pursuance of the preceding subsection, then, without prejudice to the powers exercisable by virtue of that subsection by the person managing the relevant aerodrome, any person authorised by the Secretary of State in that behalf may detain the aircraft for such period as that person considers appropriate for preventing the contravention and may for the purpose of detaining the aircraft enter upon any land;
 - (d) nothing in the preceding subsection requires a person managing an aerodrome to prevent an aircraft from landing at the aerodrome ; and
 - (e) the Secretary of State may, by a notice in writing served in the prescribed manner on the person managing an aerodrome to which a notice under the preceding subsection relates, determine that a particular occasion on which an aircraft takes off or lands at the aerodrome shall be disregarded for the purposes of the notice under that subsection.
- (5) The Secretary of State may give to the person managing a designated aerodrome such directions as the Secretary of State considers appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at the aerodrome; and it shall be the duty of the person for the time being managing the aerodrome to comply with the directions.
- (6) The duties imposed by subsections (1) to (3) and (5) of this section in relation to aerodromes in Scotland shall be enforceable by order of the Court of Session on an application by or on behalf of the Secretary of State under section 91 of the Court of Session Act 1868.
- (7) The Secretary of State may, after consultation with the person managing a designated aerodrome, by order require him at his own expense—
- (a) to provide in an area and within a period specified in the order, and to maintain and operate in accordance with any instructions so specified, such equipment for measuring noise in the vicinity of the aerodrome as is so specified ; and
 - (b) to make to the Secretary of State such reports as are so specified with respect to the noise measured by the equipment and to permit any person authorised by the Secretary of State in that behalf to inspect the equipment on demand at any time ;
- and it shall be the duty of the person for the time being managing the aerodrome to comply with the requirements of the order.
- (8) If a person fails to perform any duty imposed on him by the preceding subsection the Secretary of State may, after affording him an opportunity of making representations to the Secretary of State with respect to the matter and after considering any representations then made by him,—
- (a) take such steps as the Secretary of State considers appropriate for remedying the failure, which may include steps to secure the provision, maintenance and operation of equipment by the Secretary of State or the Authority; and

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- (b) recover in any court of competent jurisdiction from the person aforesaid any expense attributable to the taking of those steps which is incurred by the Secretary of State from time to time;

and if a person fails to perform any duty imposed on him by virtue of paragraph (b) of the preceding subsection, then, without prejudice to the preceding provisions of this subsection he shall—

- (i) be guilty of an offence and be liable on summary conviction to a fine of an amount not exceeding £50, and
 - (ii) if the failure continues after his conviction of an offence under this subsection arising from the failure, be guilty of a separate offence under this subsection on each day on which the failure continues thereafter and liable to be fined accordingly.
- (9) Any expenses incurred by the Secretary of State in pursuance of the preceding subsection shall be defrayed out of money provided by Parliament, and any sums received by the Secretary of State in pursuance of that subsection shall be paid into the Consolidated Fund.
- (10) The Secretary of State may, after consultation with any local authority appearing to him to be concerned, by order repeal any provision of a local Act which he considers is unnecessary having regard to the provisions of this section and of section 15 of the Airports Authority Act 1965 (which provides for grants towards the cost of sound-proofing buildings) as amended by this Act.

- (11) In this section—

" designated aerodrome " means any aerodrome in Great Britain which is designated by an order made by the Secretary of State as an aerodrome to which this section applies ; and

" local authority " means, in relation to England and Wales, the council of a county, county borough, London borough or county district, the Greater London Council or the Common Council of the City of London and, in relation to Scotland, any county or town council;

and any notice published in pursuance of subsection (1) or subsection (3) of this section may contain such incidental or supplementary provisions as the Secretary of State considers appropriate for the purposes of that subsection and may be varied or revoked by a subsequent notice published in pursuance of that subsection.

Operation of aerodromes by the Authority

30 Management etc.

- (1) The Authority shall not establish any aerodrome and shall not acquire any aerodrome in addition to those owned by it by virtue of section 14(1) of this Act; but the Authority may with the consent in writing of the Secretary of State undertake the management of any aerodrome (whether in the United Kingdom or elsewhere) which it does not own and to which the consent extends.
- (2) The Authority shall not discontinue the use of any aerodrome owned or managed by it except with the consent in writing of the Secretary of State.
- (3) It shall be the duty of the Authority to provide at the aerodromes in the United Kingdom which are owned or managed by it such services and facilities as the

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Authority considers are necessary or desirable for their operation; and in carrying out that duty the Authority shall have regard to the development of air transport and to efficiency, economy and safety of operation.

- (4) Subject to the preceding section, it shall also be the duty of the Authority to secure that, at all times when an aerodrome in the United Kingdom which is owned or managed by the Authority is available for the landing or departure of aircraft, it is so available to all persons on equal terms.
- (5) Notwithstanding anything in section 5 of this Act, the Authority may with the consent in writing of the Secretary of State appoint another person to manage on its behalf any aerodrome which is owned or is being managed by the Authority; and any reference in this Act to an aerodrome managed by the Authority includes a reference to an aerodrome managed by a person appointed in pursuance of this subsection.

31 Byelaws

- (1) The Authority may, in respect of any aerodrome in the United Kingdom which is owned or managed by it, make byelaws for regulating the use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws—
 - (a) for securing the safety of aircraft, vehicles and persons using the aerodrome and preventing danger to the public arising from the use and operation of the aerodrome ;
 - (b) for preventing obstruction within the aerodrome ;
 - (c) for regulating vehicular traffic anywhere within the aerodrome except on roads to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the aerodrome and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws ;
 - (d) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;
 - (e) for prohibiting or restricting access to any part of the aerodrome;
 - (f) for preserving order within the aerodrome and preventing damage to property in it;
 - (g) for regulating or restricting advertising within the aerodrome ;
 - (h) for requiring any person, if so requested by a constable or aerodrome official, to leave the aerodrome or a particular part of it or to state his name and address and the purpose of his being on the aerodrome;
 - (i) for restricting the area which is to be taken as constituting the aerodrome for the purposes of the byelaws.
- (2) A person contravening any byelaws made under this section shall be liable on summary conviction to a fine not exceeding such amount as may be specified by the byelaws in relation to the contravention, but no amount so specified shall exceed £100.
- (3) Byelaws made under this section shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 7 to this Act shall apply to any such byelaws.
- (4) If, in the case of any aerodrome owned or managed by the Authority, byelaws made or having effect as if made under section 2 of the Civil Aviation Act 1968 (which relates to byelaws for aerodromes of the Secretary of State) were in force in respect

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of the aerodrome immediately before the date when it vested in or came under the management of the Authority, the byelaws shall have effect as if made and confirmed under this section but with the substitution of references to the Authority for references to the Secretary of State and with any other necessary modifications.

(5) In this section—

" aerodrome official" means a person authorised by the Authority to act for the purposes of byelaws made by virtue of paragraph (h) of subsection (1) of this section ; and

" the road traffic enactments" means the enactments (whether passed before or after this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment;

and an aerodrome official shall not exercise any power conferred on him by byelaws made by virtue of the said paragraph (h) without producing written evidence of his authority if he is required to do so.

32 Health control

(1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Secretary of State, and to such extent as he may direct of the Authority, to make such arrangements as appear to him to be necessary—

- (a) for preventing danger to public health from aircraft arriving at any aerodrome in the United Kingdom which is owned or managed by the Authority; and
- (b) for preventing the spread of infection by means of any aircraft leaving any such aerodrome, so far as may be expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

(2) A local authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as aforesaid, and the Secretary of State shall make to the local authority out of money provided by Parliament such payments as the local authority may reasonably require in respect of expenses incurred by the local authority in the performance of those duties.

(3) In the application of subsections (1) and (2) of this section to Northern Ireland, for any reference to the Secretary of State there shall be substituted a reference to the Ministry of Health and Social Services for Northern Ireland and the words "out of money provided by Parliament" in subsection (2) shall be omitted ; but nothing in this section shall require or authorise the said Ministry to make payments or incur other expenses in pursuance of this section until provision has been made by the Parliament of Northern Ireland for those payments and expenses to be defrayed out of money provided by that Parliament.

(4) In subsection (2) of this section "local authority" means—

- (a) in relation to England and Wales, any local authority for the purposes of the Public Health Act 1936, any county council, any port health authority and any joint board of which all the constituent authorities are such authorities or councils as aforesaid ;
- (b) in relation to Scotland, any local authority for the purposes of the Public Health (Scotland) Act 1945 and any port local authority as defined in section 172 of the Public Health (Scotland) Act 1897; and

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- (c) in relation to Northern Ireland, such authority as the Ministry of Health and Social Services for Northern Ireland may designate as the appropriate authority for the purposes of subsection (2) of this section.
- (5) Section 143 of the Public Health Act 1936 (which authorises the making of health regulations) shall have effect in relation to aerodromes in Great Britain which are owned or managed by the Authority, and in relation to persons and aircraft arriving at or departing from such aerodromes, subject to the following modifications, that is to say—
- (a) in subsection (1) the proviso shall be omitted ;
 - (b) in subsection (3) for the words from " shall specify " to " executed" there shall be substituted the words "may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State" and paragraphs (i) and (ii) shall be omitted ; and
 - (c) in subsection (4) for the words " Authorised officers of any such authority" there shall be substituted the words "Officers designated as aforesaid".
- (6) In the application of the preceding subsection to Scotland, for the reference to section 143 of the Public Health Act 1936 there shall be substituted a reference to section 1 of the Public Health (Scotland) Act 1945 and paragraph (a) shall be omitted.

Provision of assistance and information

33 Provision by the Authority of assistance etc. for Secretary of State and others

- (1) Subject to subsection (3) of this section it shall be the duty of the Authority to provide such assistance and advice as the Secretary of State may require the Authority to provide for him or any other person in connection with any of the Secretary of State's functions relating to civil aviation.
- (2) Without prejudice to the preceding subsection, it shall also be the duty of the Authority—
- (a) to consider what aerodromes are in its opinion likely to be required from time to time in the United Kingdom in addition to or in place of or by way of alteration of existing aerodromes; and
 - (b) to make recommendations to the Secretary of State arising out of its consideration of that matter;
- and it shall be the duty of the Secretary of State to publish the recommendations (except any of them of which the publication appears to him unnecessary) in such manner as he considers appropriate for bringing them to the notice of the public.
- (3) Where in pursuance of subsection (1) of this section the Secretary of State requires the Authority to provide assistance or advice for a person other than the Secretary of State but does not undertake to pay to the Authority the cost of doing so, the Authority shall be entitled to refuse to do so until the other person pays to the Authority—
- (a) in so far as provision is made in pursuance of section 9 of this Act for charges in respect of the assistance or advice, those charges ; and
 - (b) in so far as provision is not so made, such reasonable charges in respect of the assistance or advice as the Authority may determine.
- (4) The Authority shall be entitled to recover from the Secretary of State a sum equal to any expense reasonably incurred by it in providing him with assistance or advice in

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pursuance of subsection (1) of this section and in performing the duty imposed on it by subsection (2) of this section, and any expenditure incurred by the Secretary of State in pursuance of this subsection shall be defrayed out of money provided by Parliament.

- (5) Without prejudice to subsection (1) of this section, the Authority may provide for any person technical assistance and advice, including research services, with respect to any matter in which the Authority has skill or experience.

34 Provision by the Authority of information etc. for Secretary of State

- (1) It shall be the duty of the Authority—
- (a) to furnish to the Secretary of State such information as he may specify and the Authority has or can reasonably be expected to obtain with respect to such matters relating to the Authority or to civil aviation as the Secretary of State may specify;
 - (b) to permit the Secretary of State to have access to all documents which are under the control of the Authority and relate to matters specified in pursuance of the preceding paragraph;
 - (c) if it comes to the notice of the Authority that a body which is the holder of an air transport licence is proposing to merge or has merged with another body, to give notice in writing of the proposal or merger to the Secretary of State;
 - (d) if it appears to the Authority that any matter which is being or has been dealt with by the Authority is likely—
 - (i) to affect the relations of the United Kingdom with any other country or territory or any international organisation, or
 - (ii) to be of special interest to the Secretary of State by reason of the fact that the matter involves or may involve noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation,
 to give notice in writing of the matter to the Secretary of State.
- (2) Nothing in the preceding subsection shall be construed as prejudicing the generality of subsection (1) of the preceding section, and nothing in paragraph (c) or (d) of the preceding subsection shall be construed as prejudicing the generality of paragraph (a) of the preceding subsection.
- (3) The Authority shall be entitled to recover from the Secretary of State a sum equal to any expense reasonably incurred by it in furnishing information in pursuance of subsection (1) of this section, and any expenditure incurred by the Secretary of State in pursuance of this subsection shall be defrayed out of money provided by Parliament.

35 Provision by others of information for the Authority and Secretary of State

- (1) The Authority may, by a notice in writing served in the prescribed manner on a person of any of the following descriptions, that is to say—
- (a) a holder of a licence issued by the Authority under this Act or a licence or certificate issued by the Authority under an Air Navigation Order;
 - (b) a recipient of an approval given by the Authority under an Air Navigation Order;
 - (c) a person who in the United Kingdom has, at any time during the period of two years ending with the date of service of the notice, held himself out as one who may as a principal or otherwise enter into a contract to make available

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accommodation for the carriage of persons or cargo on flights in any part of the world in aircraft of which he is not the operator;

(d) a person carrying on business in the United Kingdom as a manufacturer of aircraft or engines or other equipment for aircraft or as an insurer of aircraft, require him to furnish to the Authority, in such form and at such times as may be specified in the notice, information of such descriptions as may be so specified, being

- (i) in the case of such a holder or recipient as aforesaid (other than the holder of an aerodrome licence), descriptions of information which relates to his past, present or future activities as the holder or recipient of the licence, certificate or approval in question or his past activities as the holder or recipient of any similar licence, certificate or approval or is of a kind which the Authority considers that it requires for the purpose of reviewing the licence, certificate or approval in question,
- (ii) in the case of such a person as is mentioned in paragraph (c) of this subsection, descriptions of information which relates to his past, present or future activities in the United Kingdom connected with the making available of accommodation so mentioned,
- (iii) in the case of such a person as is mentioned in paragraph (d) of this subsection or the holder of an aerodrome licence, descriptions of information which relates to his past, present or future activities (including, in the case of the holder of an aerodrome licence, information as to the numbers of aircraft and passengers and the quantity of cargo passing and expected to pass through the relevant aerodrome) and is of a kind which the Authority considers that it requires for the purpose of performing any of its functions.

In this subsection " aerodrome licence " means a licence to operate an aerodrome issued by the Authority under an Air Navigation Order.

- (2) Without prejudice to the generality of the preceding subsection, the information relating to the activities of the holder of an air transport licence which the Authority may require him to furnish in pursuance of that subsection includes particulars of any contract or arrangement—
- (a) to which he is or was at any time a party and, if he is not or was not then an operator of aircraft registered in the United Kingdom or a relevant overseas territory or an associated state, to which such an operator is or was then a party ; and
 - (b) which constitutes or relates to an agreement or understanding between operators of aircraft or such operators and other persons with respect to any of the following matters, that is to say—
 - (i) the provision of flights or of accommodation in aircraft,
 - (ii) the sharing or transfer of revenue from flights on particular routes,
 - (iii) the sale by a party to the contract or arrangement of tickets for flights in aircraft operated by another party to it,
 - (iv) the making available by a party to the contract or arrangement of staff, equipment or other facilities for use by another party to it.
- (3) Provision may be made by regulations for requiring a person of any description specified in subsection (1) of this section to furnish to the Secretary of State, in such form and at such times as may be prescribed, information of such descriptions as may be prescribed, being descriptions of information relating to civil aviation which the Secretary of State considers that he requires for the purpose of performing any of his

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functions or descriptions of information which he considers that he requires in order to facilitate the performance by the Authority of any of its functions.

- (4) If a person required to furnish information by virtue of any of the preceding provisions of this section fails to comply with the requirement or in purported compliance with the requirement knowingly or recklessly furnishes information which is false in a material particular, then—
- (a) in the case of a failure to comply with the requirement he shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100 ; and
 - (b) in any other case he shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both ; and
 - (c) if the requirement was made by virtue of subsection (1) or (2) of this section, the Authority may, whether or not any proceedings in respect of the requirement have been brought in pursuance of paragraph (a) or (b) of this subsection, revoke any licence or certificate or approval which was issued or given by the Authority and to which the requirement related ;

and a person who fails to comply with a requirement imposed on him in pursuance of this section shall be guilty of an offence by virtue of paragraph (a) of this subsection notwithstanding that at any relevant time he is outside the United Kingdom and is neither a United Kingdom national nor a body incorporated under the law of a part of the United Kingdom or of a relevant overseas territory or an associated state.

36 Disclosure of information

- (1) Subject to the following subsection, no information which relates to a particular person and has been furnished to the Authority or the Secretary of State in pursuance of any provision of this Part of this Act or an Air Navigation Order shall be disclosed by the Authority or a member or employee of the Authority or an officer of the Secretary of State unless—
- (a) the person aforesaid has consented in writing to disclosure of the information ; or
 - (b) the Secretary of State, after affording that person an opportunity to make representations about the information and considering any representation then made by that person about it, determines that the information may be disclosed ; or
 - (c) the Secretary of State determines that the information is of the same kind as other information as respects which he has, after affording that person an opportunity of making representations about it in pursuance of the preceding paragraph, made a determination in pursuance of that paragraph.
- (2) Nothing in the preceding subsection prohibits the disclosure of any information—
- (a) by the Authority or a member or employee of the Authority to the Secretary of State or an officer of his or, with the consent of the Secretary of State, to an international organisation of which the United Kingdom is a member;
 - (b) by an officer of the Secretary of State to the Authority or a member or employee of the Authority or to such an organisation or, in accordance with directions given by the Secretary of State,—
 - (i) to an officer of any government department, or

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- (ii) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of any country or territory outside the United Kingdom, or
 - (iii) in connection with the discharge of any obligation of the United Kingdom under international arrangements;
 - (c) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 5(2) of this Act;
 - (d) in pursuance of section 24(3) or (5) of this Act;
 - (e) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings arising out of this Act or an Air Navigation Order or for the purposes of any investigation undertaken in pursuance of regulations made by virtue of section 10 of the Civil Aviation Act 1949 (which provides for the investigation of accidents connected with air navigation).
- (3) If the Authority or a member or employee of the Authority or an officer of the Secretary of State discloses any information in contravention of subsection (1) of this section, it or he shall be liable on summary conviction to a fine of an amount not exceeding £400 or on conviction on indictment to a fine or, except in the case of the Authority, imprisonment for a term not exceeding two years or both.