



Civil Aviation Act 1982

1982 CHAPTER 16

PART V

MISCELLANEOUS AND GENERAL

105 General interpretation.

(1) In this Act, except where the context otherwise requires—

“accounting year”, in relation to the CAA, means the period of twelve months ending with 31st March in any year;

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

[^{F1}“the Aerodromes Regulation” means Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council;]

“Air Navigation Order” means an Order in Council under section 60 above;

“air navigation services” includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft, and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

“air transport licence” has the meaning given by section 64(1)(a) above;

“air transport service” means a service for the carriage by air of passengers or cargo;

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.....
[^{F3}“the appropriate tribunal” means—

(a) in the application of this Act to England and Wales, the Upper Tribunal;

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(b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

(c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;]

“the CAA” means the Civil Aviation Authority;

“cargo” includes mail;

“the Chicago Convention” means the convention on International Civil Aviation which was, on 7th December 1944, signed on behalf of the Government of the United Kingdom at the International Civil Aviation Conference held at Chicago;

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“Convention country” means a country in which the Tokyo Convention is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country;

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...

“enactment” includes [^{F6}any [^{F7}assimilated direct] legislation and] any enactment contained in an Act of the Parliament of Northern Ireland, an Order in Council under section 1(3) of the ^{M1}Northern Ireland (Temporary Provisions) Act 1972 or a Measure of the Northern Ireland Assembly;

“Eurocontrol” and “the Eurocontrol Convention” have the meanings given by section 24 above;

“flight” means a journey by air beginning when the aircraft in question takes off and ending when it next lands;

“functions” includes powers and duties;

“the initial debt” has the meaning given by section 9(1) above;

“the Land Compensation Act”—

(a) in relation to England and Wales, means the ^{M2}Land Compensation Act 1961;

(b) in relation to Scotland, means the ^{M3}Land Compensation (Scotland) Act 1963; and

(c) in relation to Northern Ireland, means, subject to subsection (7) below, the ^{M4}Acquisition of Land (Assessment of Compensation) Act 1919;

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...

[^{F9} “ licence holder ” means a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);]

“local authority”—

(a) in relation to England ^{F10}. . . , means a county council, . . . ^{F11} the council of a district or London borough or the Common Council of the City of London;

(aa) [^{F12}in relation to Wales, means a county council or a county borough council;]

(b) in relation to Scotland, means a [^{F13}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

(c) in relation to Northern Ireland, means a district council established under the ^{M5}Local Government Act (Northern Ireland) 1972;

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“loss or damage” includes, in relation to persons, loss of life and personal injury;

“modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly’;

“^{F14}the Operation of Air Services in the Community Regulation” means Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community;]

“operator”, in relation to an aircraft, means the person having the management of the aircraft for the time being or, in relation to a time, at that time;

“prescribed” means prescribed by regulations made by the Secretary of State;

“relevant overseas territory” means any of the Channel Islands, the Isle of Man, any colony . . . ^{F15}

“reward”, in relation to a flight, includes any form of consideration received or to be received wholly or partly in connection with the flight irrespective of the person by whom or to whom the consideration has been or is to be given;

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. . .

“statutory undertaker” means the CAA, [^{F17}a licence holder,][^{F18}a universal service provider in connection with the provision of a universal postal service], . . . ^{F19} or any person (including a local authority) authorised by any Act (whether public general or local) or by any order or scheme made under or confirmed by any Act to construct, work or carry on—

- (a) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking;
- (b) any undertaking for the supply of . . . ^{F20} . . . ^{F21} . . . ^{F20} hydraulic power;
- (c) [^{F22}any undertaking for the supply of water;]

and “statutory undertaking” shall be construed accordingly;

“subsidiary” shall be construed in accordance with [^{F23}section 1159 of the Companies Act 2006]; and

“Tokyo Convention” means the Convention on Offences and certain other Acts Committed on board Aircraft, which was signed at Tokyo on 14th September 1963;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British Dependent Territories citizen [^{F24}, a British National (Overseas)] or a British Overseas citizen;
- (c) a person who under the ^{M6} British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).

[^{F25}“universal service provider” has the same meaning as in [^{F26}Part 3 of the Postal Services Act 2011]; and references to the provision of a universal postal service shall be construed in accordance with [^{F27}that Part].]

[^{F28}(1ZA) For the purposes of this Act—

- (a) a licence holder shall not be considered to be a statutory undertaker unless it is carrying out activities authorised by the licence;
- (b) the licence holder’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is its undertaking as licence holder;

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and references in this Act to a licence holder’s undertaking shall be construed accordingly.]

[^{F29}(1A) The undertaking of a universal service provider so far as relating to the provision of a universal postal service shall be taken to be his statutory undertaking for the purposes of this Act; and references in this Act to his undertaking shall be construed accordingly.]

(2) Except where the context otherwise requires, any reference in this Act to the provisions of an Order in Council shall, if paragraph 3 of Part III of Schedule 13 to this Act (power to authorise making of regulations) applies to the power to make the Order in question, include a reference to the provisions of any regulations made, or directions given, under the Order in Council.

(3) Without prejudice to any transitional or transitory provision made by this Act or to section 17(2) of the ^{M7}Interpretation Act 1978 (repeal and re-enactment), any reference in any enactment contained in this Act (including a reference to a provision of that enactment or to any other enactment so contained) to a provision which is a re-enactment of a repealed enactment or to things done or falling to be done under such a provision shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the repealed enactment had effect, a reference to, or to things done or falling to be done under, that repealed enactment; and where the repealed enactment was itself a re-enactment of an earlier provision the reference shall extend in the same way to that earlier provision, and so on.

(4) Any reference in this Act to the re-enactment of a provision includes a reference to this re-enactment with modifications.

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[^{F31}(5A) In the application of this Act to Scotland references to a highway shall have effect as references to a road within the meaning of section 151(1) of the Roads (Scotland) Act 1984.]

(6) Except where the context otherwise requires, any reference in this Act to an Act of Parliament shall include a reference to an Act of the Parliament of Northern Ireland, an Order in Council under section 1(3) of the ^{M8} Northern Ireland (Temporary Provisions) Act 1972 and a Measure of the Northern Ireland Assembly.

(7) In the application of this Act to Northern Ireland, references in this Act to provisions of the ^{M9} Acquisition of Land (Assessment of Compensation) Act 1919 shall, in relation to any matter about which the Parliament of Northern Ireland had power to make laws, have effect as references to the corresponding provisions of the Land Compensation (Northern Ireland) Order 1982.

(8) ^{F32}

Textual Amendments

F1 Words in s. 105(1) inserted (10.1.2015) by [The Air Navigation \(Amendment\) \(No. 4\) Order 2014 \(S.I. 2014/3302\)](#), art. 1(1), **Sch. para. 3(9)**

F2 Definition repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6**

F3 Words in s. 105(1) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 156(a)(ii)** (with Sch. 5)

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- F4** Words in s. 105(1) omitted (26.1.2009) by virtue of The Operation of Air Services in the Community Regulations 2009 (S.I. 2009/41), regs. 1, **35(a)**
- F5** Words in s. 105(1) omitted (31.12.2020) by virtue of The Operation of Air Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1392), regs. 1(2), **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 105(1) inserted (31.12.2020) by The Civil Aviation Act 1982 (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1091), regs. 1, **2**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 105(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 16**
- F8** Words in s. 105(1) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 156(a)(i)** (with Sch. 5)
- F9** Definition of “licence holder” in s. 105(1) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 14** (with s. 106); S.I. 2001/869, **art. 2**
- F10** Words in s. 105(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 66(2), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F11** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1) s. 102, Sch. 17
- F12** S. 105(1) in the definition of “local authority” sub-paragraph (aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 66(2)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F13** Words in s. 105(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 126(5)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F14** Words in s. 105(1) inserted (26.1.2009) by The Operation of Air Services in the Community Regulations 2009 (S.I. 2009/41), regs. 1, **35(b)**
- F15** Words repealed by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2), s. 53(2), **Sch. 4**
- F16** Definition in s. 105(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**
- F17** Words in s. 105(1) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 6(a)**
- F18** Words in s. 105(1) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 56(2)(a)** (with art. 4(11))
- F19** Words repealed by Telecommunications Act 1984 (c.12, SIF 96), s. 109, **Sch. 7 pt. I**
- F20** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18**
- F21** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 pt. I**
- F22** Para. (c) repealed (E.W.) by Water Act 1989 (c.15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27**
- F23** Words in s. 105(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 51(3)** (with art. 10)
- F24** Words inserted by S.I. 1986/948, art.8, **Sch.**
- F25** Words in s. 105(1) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 56(2)(b)** (with art. 4(11))
- F26** Words in s. 105(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 114(a)**; S.I. 2011/2329, art. 3
- F27** Words in s. 105(1) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 114(b)**; S.I. 2011/2329, art. 3
- F28** S. 105(1ZA) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 6(b)**
- F29** S. 105(1A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 56(3)** (with art. 4(11))
- F30** S. 105(5) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 156(b)** (with Sch. 5)
- F31** S. 105(5A) inserted by (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 85(2)**
- F32** s. 105(8) repealed by S.I. 1984/703 (N.I. 3), art. 19(2), **Sch.7**

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Modifications etc. (not altering text)

- C1** S. 105 extended (overseas territories) (with modifications) (26.5.2021) by [The Civil Aviation Act 1982 \(Overseas Territories\) Order 2021 \(S.I. 2021/477\)](#), arts. 1(1), 2, **Sch.**
- C2** S. 105(1): references to British Telecommunications in s. 105(1) cease to have effect by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 4 para. 3(1)(m)**, Sch. 5 para. 45
- C3** S. 105(1) extended (Anguilla) (with modifications) (8.5.2019) by [The Civil Aviation Act 1982 \(Anguilla\) Order 2019 \(S.I. 2019/756\)](#), arts. 1, 2, **Sch.**
- C4** S. 105(2)-(4) extended (Anguilla) (with modifications) (8.5.2019) by [The Civil Aviation Act 1982 \(Anguilla\) Order 2019 \(S.I. 2019/756\)](#), arts. 1, 2, **Sch.**

Marginal Citations

- M1** 1972 c. 22.
M2 1961 c. 33.
M3 1963 c. 51.
M4 1919 c. 57.
M5 1972 c. 9 (N.I.).
M6 1981 c.61.
M7 1978 c.30.
M8 1972 c.22.
M9 1919 c.57.

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