



Airports Act 1986

1986 CHAPTER 31

PART IV

ECONOMIC REGULATION OF AIRPORTS

Supplementary

51 Supplementary provisions relating to conditions

- (1) Any condition imposed by the CAA under this Part otherwise than in pursuance of section 40(3) shall (subject to the provisions of this section and to the continuation in force of a permission under this Part in respect of the airport in question) either remain in force for a particular period or remain in force without limit of time, as the CAA may determine; and when imposing any such condition the CAA shall accordingly either—
 - (a) specify the period in question, or
 - (b) specify that it is a condition whose duration is unlimited,as the case may require.
- (2) Where the CAA has in the case of any condition specified a period under subsection (1) (c), the CAA may, if it thinks fit, determine that that period shall be extended by such period as may be specified in its determination.
- (3) Where any such conditions as are mentioned in section 40(2) are in force in relation to an airport, the CAA may at any time modify or revoke those conditions; but the CAA shall not revoke any such conditions otherwise than in connection with replacing them with further conditions unless the conditions revoked were imposed in pursuance of section 41(1).
- (4) Where any such conditions as are mentioned in section 41(2) are in force in relation to an airport (being conditions imposed otherwise than following a reference to the Commission under section 43(3)) the CAA may at any time modify or revoke those conditions unless—
 - (a) subsection (5)(a) operates to preclude the modification of the conditions under this subsection, or

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- (b) that provision has previously so operated and the conditions were modified following a reference to the Commission made in pursuance of subsection (5) (b).
- (5) Before making any modifications under subsection (4) whose object is the more effective securing of the purpose for which the conditions concerned were imposed the CAA shall notify the airport operator concerned of the course of conduct within section 41(3)(a), (b) or (c) which it appears to the CAA that he is still pursuing and of the modifications which it proposes to make ; and, if within such period as may be prescribed, the airport operator notifies the CAA that he objects to its proposals, the CAA—
- (a) shall not proceed with the implementation of those proposals, but
 - (b) may instead make a reference to the Commission in respect of the airport under section 43(3);
- and, in relation to any such reference, section 43(3) shall have effect as if references to section 41(6) were references to this subsection.
- (6) Where any conditions have been imposed or modified by the CAA in relation to an airport for the purpose of remedying or preventing any such adverse effects as are mentioned in section 46(2), the CAA may—
- (a) make such modifications or further modifications of those conditions as it considers appropriate, or
 - (b) revoke the conditions,
- as long as the modifications or revocation in question would not permit of the occurrence or (as the case may be) recurrence of any of those adverse effects.
- (7) Where under this Part the CAA imposes any condition in relation to an airport or modifies, extends the period of operation of, or revokes, any such condition the CAA shall notify the airport operator of the imposition, modification or revocation of the condition, or (as the case may be) of the extension of the period of its operation, in such manner as may be prescribed.
- (8) Where a permission is in force under this Part in respect of an airport, the airport operator shall, if so required by any person and on payment of such reasonable fee as the airport operator may determine, provide that person with a copy of that permission and of any conditions for the time being in force under this Part in relation to the airport.

52 Special provisions relating to groups of airports

- (1) Where it appears to the CAA that two or more airports are airports serving the same area in the United Kingdom and either—
- (a) that they are managed by the same airport operator, or
 - (b) that they are owned by the same person, or by members of the same group of companies, and they operate as a group of airports whose activities are coordinated by the airport operators concerned,
- any conditions imposed or modified by the CAA in pursuance of section 40(3) or (4) in relation to any one of those airports may be framed so as to prescribe a limit or limits operating by reference to the aggregate of amounts levied by way of airport charges at that airport and amounts so levied at the other airport or airports.

- (2) In subsection (1) the reference to airports serving the same area in the United Kingdom shall be construed in accordance with section 31(6); and, for the purposes of that subsection, a body corporate and each of its subsidiaries shall be treated as members of a group of companies.

53 Functions in relation to permissions and conditions initially exercisable by Secretary of State

- (1) If the Secretary of State, at any time during the period of six months beginning with the date of the coming into force of section 37 notifies the CAA that he proposes to perform, in relation to any airport which is—
- (a) due to become subject to economic regulation under this Part at the end of that period by virtue of section 37(2). and
 - (b) specified in the notification,
- the functions of the CAA specified in subsection (2), those functions shall (subject to subsection (4)) be performed in relation to the airport by the Secretary of State and not by the CAA, and references to the CAA in the provisions mentioned in subsection (2) and in sections 51 and 73 shall, so far as may be necessary for the purpose or in consequence of the transfer of those functions, be read as references to the Secretary of State.
- (2) The functions of the CAA referred to in subsection (1) are—
- (a) its functions under section 38 with respect to the grant or refusal of a permission under this Part, and
 - (b) if the airport in question is for the time being designated for the purposes of section 40, its functions under that section and section 52 with respect to the imposition of conditions in accordance with section 4Q(1)(a), and
 - (c) if the airport in question is not so designated, its functions under section 41(1) with respect to the imposition of such conditions as are there mentioned at the time of granting a permission under this Part.
- (3) If the Secretary of State so determines at the time of granting a permission under this Part in respect of an airport in pursuance of this section, that airport shall, instead of becoming subject to economic regulation under this Part at the end of the period of six months referred to in subsection (1), become so subject on such earlier date as may be specified by the Secretary of State in his determination.
- (4) Where functions of the CAA under section 40 or 41(1) fall to be performed by the Secretary of State by virtue of this section, the Secretary of State—
- (a) shall perform those functions in the manner which he considers is best calculated to achieve the objectives specified in paragraphs (a) to (d) of section 39(2); and
 - (b) shall perform those functions with respect to the imposition of conditions in pursuance of section 40(3) without there having been made any prior reference to the Commission in connection with the imposition of any such conditions.
- (5) Where, before a notification is given by the Secretary of State under subsection (1) in the case of an airport, the airport operator has already made an application in accordance with section 38 to the CAA, then, as from the date when the notification is given—
- (a) the application shall be treated as if it had been so made to the Secretary of State, and

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(b) anything previously done by or in relation to the CAA in connection with the application shall be treated as if done by or in relation to the Secretary of State, and any fee paid by him in pursuance of section 38(2)(b) shall be refunded to him by the CAA.

54 Orders under the 1973 Act or 1980 Act modifying or revoking conditions

- (1) Where, in the circumstances mentioned in subsection (3), the Secretary of State by order exercises any of the powers specified in Parts I and II of Schedule 8 to the 1973 Act or section 10(2)(a) of the 1980 Act, the order may also provide for the revocation or modification of any relevant conditions to such extent as may be requisite to give effect to or to take account of any provision made by the order.
- (2) In subsection (1) "relevant conditions" means any conditions for the time being in force under this Part other than any conditions imposed or modified in pursuance of section 40(3) or (4).
- (3) Subsection (1) shall have effect where—
 - (a) the circumstances are as mentioned in section 56(1) of the 1973 Act (order on report on monopoly reference) and the monopoly situation exists in relation to the carrying on of any operational activities relating to one or more airports ;
 - (b) the circumstances are as mentioned in section 73(1) of that Act (order on report on merger reference) and at least one of the two or more enterprises which ceased to be distinct enterprises was an airport operator ; or
 - (c) the circumstances are as mentioned in section 10(1) of the 1980 Act (order on report on competition reference) and the anti-competitive practice relates to the carrying on of any operational activities relating to one or more airports.
- (4) Expressions used in this section which are also used in the 1973 Act or the 1980 Act have the same meanings as in that Act.

55 Application of Part IV to associated companies of airport operators

Schedule 1 shall have effect with respect to the application of the preceding provisions of this Part to associated companies of airport operators.

56 Co-ordination of exercise of functions by CAA and Director General of Fair Trading

The Secretary of State may by regulations make such provision as he thinks expedient—

- (a) for the purpose of regulating—
 - (i) the performance by the CAA of functions under this Part, and
 - (ii) the performance by the Director General of Fair Trading of functions under the 1973 Act or the 1980 Act,
 in cases where, apart from the regulations, such functions would be authorised or required to be performed by the CAA and the Director respectively in relation to the same matter ; and
- (b) for the purpose of prescribing the procedure to be followed in such cases by the CAA and the Director.