



Airports Act 1986

1986 CHAPTER 31

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary

73 Furnishing of information etc. to CAA

- (1) The CAA may by notice in writing served on any person require him at such time or times as may be specified in the notice—
 - (a) to produce to the CAA such documents or descriptions of documents specified in the notice, and
 - (b) to furnish to the CAA, in such form as may be specified in the notice, such accounts, estimates, returns or other information,as the CAA may reasonably require for the purpose of performing its functions under this Act or for the purpose of giving any advice, assistance or information to the Secretary of State in connection with the performance by him of any functions under this Act.
- (2) A person shall not by virtue of subsection (1) be compelled—
 - (a) to produce any documents which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Session, or
 - (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.
- (3) Any person who fails without reasonable excuse to comply with the requirements of a notice served on him under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (4) Any person who, in purported compliance with the requirements of any such notice, knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence and liable—

Status: This is the original version (as it was originally enacted).

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

74 Restriction on disclosure of information

- (1) Subject to the following provisions of this section, no information with respect to any particular business which has been obtained under or by virtue of the provisions of this Act shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.
- (2) Subsection (1) does not apply to any disclosure of information which is made—
 - (a) for the purpose of facilitating the performance of any functions under this Act or any of the enactments specified in subsection (3) of any Minister, any Northern Ireland department, the head of any such department, the CAA, the Commission, the Director General of Fair Trading or a local weights and measures authority in Great Britain;
 - (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings ;
 - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments specified in subsection (3);
 - (d) in pursuance of any Community obligation.
- (3) The enactments referred to in subsection (2) are—
 - (a) the Trade Descriptions Act 1968 ;
 - (b) the Fair Trading Act 1973 ;
 - (c) the Consumer Credit Act 1974 ;
 - (d) the Restrictive Trade Practices Act 1976 ;
 - (e) the Resale Prices Act 1976 ;
 - (f) the Estate Agents Act 1979 ;
 - (g) the Competition Act 1980 ; and
 - (h) the 1982 Act and any Order in Council made under section 60 of that Act (Air Navigation Orders).
- (4) Nothing in subsection (1) shall be construed—
 - (a) as limiting the matters which may be included in, or made public as part of, a report of the Commission under section 45 ; or
 - (b) as applying to any information which has been made public as part of such a report.
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (6) In this section " the Commission " means the Monopolies and Mergers Commission.

75 Supplementary provisions relating to transfer schemes

- (1) A scheme under section 1 or 15 may define the property, rights and liabilities to be transferred by the scheme—

Status: This is the original version (as it was originally enacted).

- (a) by specifying the property, rights and liabilities in question, or
 - (b) by referring to all the property, rights and liabilities comprised in the whole or any specified part of the transferor's undertaking,
- (or partly in one way and partly in the other) and may contain such supplementary, incidental and consequential provisions as may appear to the authority making the scheme to be necessary or expedient (including, in particular, provision with respect to the consideration to be furnished by the transferee for any transfer under the scheme, whether in the case of a scheme under section 15 it is to be furnished to the transferor or to any other person).
- (2) A scheme under section 1 or 15 may—
- (a) provide that any functions of the transferor under any statutory provision not contained in this Act shall, to the extent to which that provision relates—
 - (i) to property transferred by the scheme, or
 - (ii) to any undertaking of the transferor, or part of such an undertaking, so transferred,be transferred to the transferee under the scheme ; and
 - (b) define any such functions—
 - (i) by specifying the statutory provision in question,
 - (ii) by referring to all the statutory provisions (not contained in this Act) which relate to the property, or to the undertaking or part of the undertaking, to be transferred by the scheme, or
 - (iii) by referring to all the statutory provisions within sub-paragraph (ii), but specifying certain excepted provisions.
- (3) Subject to the following provisions of this section, Schedule 4 to the Transport Act 1968 (supplementary provisions as to certain transfers of property, rights and liabilities) shall apply to any transfer under section 1(8) or 15(7); and each of those provisions shall have effect subject to the provisions of that Schedule.
- (4) In Schedule 4 to that Act as it applies by virtue of subsection (3)—
- (a) any reference to a transfer by, or a vesting by virtue of, that Act shall be read as a reference to a transfer by, or a vesting by virtue of, the scheme in question;
 - (b) the reference in paragraph 8 to any of the transferred rights and liabilities shall be read as including a reference to any property or functions transferred by the scheme;
 - (c) the reference in paragraph 10, in relation to pending legal proceedings or applications, to any transferred property, right or liability shall be read as including a reference to any functions transferred by the scheme; and
 - (d) the reference in paragraph 13(5) to the relevant provisions of that Act shall be read as including a reference to the relevant provisions of this Act.
- (5) The Secretary of State may by order make modifications in Schedule 4 for the purposes of its application to transfers under section 1(8) or 15(7) of this Act.
- (6) For the purposes of this Act, and of Schedule 4 as it applies by virtue of subsection (3), the granting of a lease of any property by a scheme under section 1 or 15 to the transferee under the scheme shall be regarded as a transfer of that property to him by the scheme.

Status: This is the original version (as it was originally enacted).

- (7) In this section " statutory provision" means any provision (whether of a general or special nature) contained in, or having effect under, any Act (whether public general or local).

76 Stamp duty

- (1) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of—

- (a) the formation of a company in pursuance of section 1(3) or 13, or
- (b) any increase in the capital of a company—
 - (i) nominated under section 1(1), or
 - (ii) formed in pursuance of section 1(3) or 13,

if the transaction concerned is certified by the Treasury as satisfying the requirements of subsection (2) below.

- (2) A transaction satisfies the requirements of this subsection if—

- (a) it is effected solely in connection with a transfer to be effected in pursuance of a scheme made under section 1 or 15 ; and
- (b) it takes place on or before the transfer date ; and
- (c) in a case falling within subsection (1)(a) above, the total issued capital of the company does not on the transfer date exceed the total value of the assets less liabilities transferred; and
- (d) in a case falling within subsection (1)(b) above, the aggregate amount of the increase of issued capital of the company does not on that date exceed that total value;

and in this subsection " issued capital " means issued share capital or loan capital.

- (3) Stamp duty shall not be chargeable—

- (a) on any scheme made under section 1 or 15 ; or
- (b) on any instrument which is certified to the Commissioners of Inland Revenue by the transferring authority, or (as the case may be) by both or all of the transferring authorities, as having been made or executed in pursuance of Schedule 4 to the Transport Act 1968 as it applies in relation to any such scheme by virtue of section 75(3).

- (4) An instrument such as is mentioned in subsection (3)(b) shall not be treated as duly stamped unless it is stamped with the duty to which it would be liable but for subsection (3), or it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

- (5) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of any increase in the capital of the successor company which is effected by the issue of shares allotted at a time when the successor company is wholly owned by the Crown and which is certified by the Treasury as having been—

- (a) effected for the purpose of complying with the requirements of section 4 above; or
- (b) where any convertible securities have been issued in pursuance of that section, effected in consequence of the exercise of the conversion rights attached to those securities; or

- (c) effected by the issue of shares subscribed for by the Treasury or the Secretary of State under section 5(1)(a) above.

77 Corporation tax

- (1) Subject to subsection (2), the successor company shall be treated for all purposes of corporation tax as if it were the same person as the BAA.
- (2) The successor company shall not by virtue of subsection (1) be regarded as a body falling within section 272(5) of the 1970 Act (bodies established for carrying on industries or undertakings under national ownership or control).
- (3) Where any debentures are issued in pursuance of section 4, any annual payment secured by those debentures shall be treated for all purposes of corporation tax as if it were a charge on income of the successor company.
- (4) For the avoidance of doubt it is hereby declared that—
 - (a) any issue of shares in pursuance of section 4 is to be regarded as a subscription for shares for the purposes of section 48(10) of the Finance Act 1981 (write-off of government investment: restriction of tax losses); and
 - (b) where any debentures are issued in pursuance of section 4, the principal sums payable under the debentures are to be regarded as money lent for those purposes.
- (5) Where in the case of a claim for group relief—
 - (a) the claimant company is the BAA or the successor company and the surrendering company is a company to whom property, rights or liabilities have been transferred by a scheme made under section 1, and
 - (b) the claim relates to the accounting period of the surrendering company first ending after that transfer, and
 - (c) the corresponding accounting period of the claimant company ends with the same date as that accounting period,then, for the purposes of section 261(2) of the 1970 Act (corresponding accounting periods) as it applies in relation to the claim, those accounting periods shall be taken to coincide and, for the purposes of section 262(1) of the 1970 Act (companies joining or leaving group) as it so applies, the claimant company and the surrendering company shall be taken to have been members of the same group throughout each of those periods (notwithstanding anything in section 262(2) and (3) of that Act).
- (6) In this section " the 1970 Act" means the Income and Corporation Taxes Act 1970, and in subsection (5) above expressions used in sections 258 to 264 of that Act (group relief) have the same meanings as in those sections.

78 Offences by bodies corporate

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

Status: This is the original version (as it was originally enacted).

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

79 Orders and regulations

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing—
- (a) an order made by the Secretary of State under this Act, other than an order appointing a day or an order under section 2(2) or 32, or
 - (b) any regulations under this Act,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section 32 unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (4) A draft of an order under that section which would, apart from the provisions of this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (5) Any regulations under section 28 or order under section 64(3) or 85(5) may make such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or expedient.

80 Directions etc.

- (1) It shall be the duty of any person to whom the Secretary of State gives directions under this Act to give effect to those directions.
- (2) Subject to any express provision contained in this Act, any direction given by the Secretary of State under a provision of this Act may be varied or revoked by a subsequent direction given under that provision.
- (3) Any determination made by the Secretary of State under this Act shall be notified by him to such persons appearing to him to be likely to be affected by it as he considers appropriate.
- (4) Any direction or notification given under this Act shall be in writing.

81 Financial provisions

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act;
- (b) any sums required by him for making grants under section 67; and
- (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

82 General interpretation.

(1) In this Act—

" the 1975 Act " means the Airports Authority Act 1975;

" the 1982 Act " means the Civil Aviation Act 1982 ;

" airport " means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the 1982 Act;

" airport operator " means the person for the time being having the management of an airport, or, in relation to a particular airport, the management of that airport;

" air transport services " means services for the carriage by air of passengers or cargo ;

" the appointed day " means the day appointed under section 2(1);

" the BAA " means the British Airports Authority;

" the CAA " means the Civil Aviation Authority;

" cargo " includes mail;

" debenture " includes debenture stock ;

" functions " includes powers and duties ;

" modifications " includes additions, omissions and amendments ;

" operator ", in relation to an aircraft, means the person for the time being having the management of the aircraft;

" the registrar of companies " has the same meaning as in the Companies Act 1985 ;

" securities ", in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

" shares " includes stock ;

" subordinate legislation " has the same meaning as in the Interpretation Act 1978;

" subsidiary " has the same meaning as in the Companies Act 1985;

" the successor company " means the company nominated for the purposes of section 2;

" user ", in relation to an airport, means—

(a) a person for whom any services or facilities falling within the definition of " relevant activities " in section 36(1) are provided at the airport, or

(b) a person using any of the air transport services operating from the airport.

(2) A company shall be regarded for the purposes of this Act as wholly owned by the Crown at any time when each of the issued shares in the company is held by, or by a nominee of, the Treasury or the Secretary of State.

(3) Any reference in section 14 or 37 to the business carried on at any airport by the airport operator shall, in a case where the person for the time being having the management of the airport has not had its management for the whole or any part of any period relevant for the purposes of that section, be construed as including a reference to the business carried on there by any other person who had the management of the airport for the whole or any part of that period.

(4) For the purposes of this Act a body corporate shall be treated as an associated company of an airport operator if either that body or the airport operator is a body corporate

Status: This is the original version (as it was originally enacted).

of which the other is a subsidiary or if both of them are subsidiaries of one and the same body corporate.

83 Amendments, transitional provisions and repeals

- (1) The enactments mentioned in Schedule 4 shall have effect subject to the amendments there specified (being amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the appointed day as appear to him to be necessary or expedient in respect of any reference in that Act or subordinate legislation to the BAA.
- (3) The Secretary of State may, after consulting any local authority which appears to him to be concerned, by order repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act.
- (4) The transitional provisions and savings contained in Schedule 5 shall have effect; but nothing in that Schedule shall be taken as prejudicing the operation of sections 16 and 17 of the Interpretation Act 1978 (which relate to repeals).
- (5) The enactments mentioned in Schedule 6 are hereby repealed to the extent specified in the third column of that Schedule.

84 Application of provisions of Act to certain overseas territories

- (1) Her Majesty may by Order in Council direct that any of the following, namely—
 - (a) sections 30 and 35, and
 - (b) any provision of section 78, 80 or 82,
 shall extend, with such modifications (if any) as may be specified in the Order, to any of the Channel Islands or to any colony.
- (2) An Order in Council under this section may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient.

85 Short title, commencement and extent

- (1) This Act may be cited as the Airports Act 1986.
- (2) The following provisions of this Act shall come into force on the day on which this Act is passed—
 - section 1;
 - section 3 ;
 - section 75;
 - section 76(1) to (4);
 - section 77(5) and (6);
 - sections 79 to 82 ;
 - this section.
- (3) The following provisions of this Act shall come into force on the appointed day—
 - section 2;

- sections 4 to 11 ;
section 76(5);
section 77(1) to (4);
paragraph 9 of Schedule 4 and section 83(1) so far as relating thereto;
section 83(2) and (4) and Schedule 5 ;
Part I of Schedule 6 and section 83(5) so far as relating thereto.
- (4) The following provisions of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed—
Part II;
Part III;
sections 68 and 70 to 72 ;
section 78;
section 84.
- (5) The following provisions of this Act shall come into force on such date as the Secretary of State may by order appoint
Part IV (including Schedule 1);
Part V (including Schedule 2);
sections 63 to 66 and Schedule 3 ;
section 67;
section 69;
sections 73 and 74 ;
paragraphs 1 to 8 and 10 of Schedule 4 and section 83(1) so far as relating thereto ;
section 83(3);
Part II of Schedule 6 and section 83(5) so far as relating thereto.
- (6) An order under subsection (5) may appoint different days for different provisions or for different purposes.
- (7) With the exception of the provisions mentioned in subsection (8), this Act does not extend to Northern Ireland.
- (8) Those provisions are—
section 2(4);
Part III;
section 68;
sections 72 to 74 ;
sections 78 to 82 ;
section 83(1) and (5) and Schedules 4 and 6 so far as they amend or repeal any enactment extending to Northern Ireland; and
this section.