

CIVIL AVIATION ACT 2006

EXPLANATORY NOTES

SUMMARY

3. The Act makes provision for various civil aviation matters:

Noise and emissions

4. The Act makes it clear that an aerodrome authority may charge aircraft operators for use of the aerodrome by reference to the emissions from an aircraft (as well as to the noise produced). The Government's intention in doing so is to enable aerodrome operators to set their charges to reflect the impact of aircraft on local air quality in the vicinity of an airport, where there are local air quality problems. The powers of the Secretary of State to limit noise and vibration from the taking-off and landing of aircraft at a designated aerodrome are widened and the operator of a designated aerodrome is given the power to levy financial penalties on an aircraft operator who breaches noise abatement requirements imposed by the Secretary of State. Aerodrome operators of other aerodromes are given new powers to make noise control schemes.
5. The Secretary of State and aerodrome operators remain subject to the Aerodromes (Noise Restrictions) (Rules and Procedures) Regulations 2003, which transposed into UK law Directive [2002/30/EC](#). The regulations set out the procedures airports should follow when considering noise related operating restrictions and reflects the adoption by the EU of ICAO's (International Civil Aviation Organisation) balanced approach that airports should not impose measures which are more restrictive than necessary to achieve noise objectives and should not discriminate on grounds of nationality, air carrier or manufacturer. The regulations apply to city airports (as defined in the regulations) and civil airports that have more than 50,000 movements of civil subsonic jet aeroplanes per calendar year.

Public airport companies

6. The Act confers upon the Secretary of State the power to remove certain restrictions which apply to the activities of local authority owned airport companies.

Policing

7. The Act clarifies the respective roles of the aerodrome manager and the police in protecting an airport. These amendments will ensure that they seek to agree how best to achieve this, and establish an independent means to resolve any disputes on this matter.

Appeals in respect of route licences

8. The United Kingdom has special procedures which govern the allocation of scarce capacity between airlines on routes between the UK and third countries, designed specifically for circumstances where market forces are prevented from operating properly due to restrictions in bilateral air services agreements. In the first instance decisions are taken by the Civil Aviation Authority ("CAA"), but there has been a right of appeal to the Secretary of State. The Act removes this right of appeal and allows

*These notes refer to the Civil Aviation Act 2006 (c.34)
which received Royal Assent on 8 November 2006*

scarce capacity cases, which essentially concern airline competition and consumer issues, to be determined by the CAA, which is the UK body with greatest expertise in these matters.

Health

9. The Act gives the Secretary of State the power to require the CAA to provide advice and assistance in connection with the health of people on board aircraft. Existing provision enables the CAA to pass on to the aviation industry the cost of carrying out this work. The Act also enables further provision to be made by Order in Council in the future to safeguard the health of air passengers and crew.

Air Travel Trust fund

10. The Act makes provision for the protection of consumers in the event of the failure of a UK tour operator by requiring air travel organisers to make contributions to the Air Travel Trust fund. The Secretary of State is given the power to make regulations requiring air travel organisers to make contributions to the fund, through the CAA.