

CIVIL AVIATION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Note on abbreviations

Section 1: Aerodrome charges

13. **Section 1** replaces section 38 of the CA Act 1982 with a new section on aerodrome charges. Section 38 applies to licensed aerodromes. These are aerodromes licensed by the Civil Aviation Authority under an Air Navigation Order for the landing and take-off of aircraft which can be used for the public transport of passengers, or for giving instruction in flying to a person, or for conducting a flying test.
14. The new section 38(1) empowers an authority owning or managing a licensed aerodrome to fix its charges by reference to:
 - the noise caused by an aircraft or the inconvenience resulting from that noise;
 - the amount or nature of emissions produced by an aircraft or the atmospheric pollution resulting from those emissions;
 - the effect of an aircraft on noise or atmospheric pollution in the vicinity of the aerodrome; or
 - any failure of an aircraft operator to comply with noise or emission limits.
15. The new section 38(2) sets out the purposes for which such charges can be made, namely:
 - to encourage the use of quieter aircraft and reduce inconvenience from aircraft noise;
 - to encourage the use of aircraft which produce lower emissions;
 - to control noise and atmospheric pollution in the vicinity of aerodromes; and
 - to promote compliance with noise and emission limits.
16. The new section 38(4) empowers the Secretary of State to direct specified aerodrome authorities to fix their charges using the powers in subsections (1) and (2) of the new section 38. In determining whether to make use of this power, and if so how, the Secretary of State will be required by new section 38(5) to have regard (amongst other things) to the interests of people who live in the area of the aerodrome.