



Civil Aviation Act 2006

2006 CHAPTER 34

Noise, vibration and emissions

3 Power for aerodromes to establish penalty schemes

After section 78 of the Civil Aviation Act 1982 (c. 16) insert—

“78A Penalty schemes

- (1) The person for the time being managing an aerodrome (referred to in this section and section 78B below as the “relevant manager”) may establish and maintain a penalty scheme.
- (2) In this section and section 78B below “penalty scheme” means a scheme which requires a penalty to be paid if any requirement imposed under section 78(1) above in relation to an aircraft taking off or landing at the aerodrome is not complied with.
- (3) Any such penalty shall be—
 - (a) of an amount specified in the scheme, and
 - (b) paid to the relevant manager by the operator of the aircraft in question.
- (4) The penalty scheme shall afford the operator of the aircraft an opportunity to make representations to the relevant manager with respect to the matter either before or after the penalty is imposed.
- (5) If the scheme affords an opportunity to make representations after the penalty is imposed, it shall provide for the relevant manager to cancel the penalty if he considers it appropriate to do so having considered those representations.
- (6) A penalty scheme may—
 - (a) contain such incidental or supplementary provisions as the relevant manager considers appropriate, and
 - (b) be amended or revoked by the relevant manager.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2006, Section 3. (See end of Document for details)

- (7) The amendment or revocation of a penalty scheme shall not affect the validity of anything previously done under the scheme.
- (8) A relevant manager who receives penalties under a penalty scheme shall make payments equal to the amount of those penalties for purposes which appear to him to be likely to be of benefit to persons who live in the area in which the aerodrome is situated.

78B Direction to establish, amend or revoke penalty scheme

- (1) The Secretary of State may direct a specified relevant manager—
 - (a) to establish a penalty scheme, or
 - (b) to amend or revoke a penalty scheme.
- (2) The Secretary of State shall publish any direction given under subsection (1) above in such manner as appears to him to be appropriate.
- (3) A direction under subsection (1) above which requires a relevant manager to establish or amend a penalty scheme may include directions as to the provisions which are to be included in the scheme.
- (4) Before giving a direction under subsection (1) above the Secretary of State shall consult—
 - (a) the relevant manager, and
 - (b) any body appearing to him to be representative of operators of aircraft using the aerodrome in question.
- (5) If a relevant manager fails to comply with a direction given to him under subsection (1) above he shall—
 - (a) be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
 - (b) if the failure continues after his conviction of an offence under this subsection arising from the failure, be guilty of a separate offence under this subsection on each day on which the failure continues thereafter and be liable on summary conviction to a fine not exceeding 10% of level 5 on the standard scale.”

Commencement Information

II S. 3 in force at 1.3.2007 by S.I. 2007/598, art. 2, Sch. 1

Changes to legislation:

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