



Civil Aviation Act 2006

2006 CHAPTER 34

Noise, vibration and emissions

4 Power for aerodromes to establish noise control schemes

After section 38 of the Civil Aviation Act 1982 (c. 16) insert—

“38A Noise control schemes

- (1) An aerodrome operator may establish and maintain a scheme (referred to in this section and sections 38B and 38C below as a “noise control scheme”) for the purpose of avoiding, limiting or mitigating the effect of noise connected with the taking off or landing of aircraft at the aerodrome.
- (2) A noise control scheme may—
 - (a) require operators of aircraft which are to take off or land at the aerodrome to secure that specified requirements are complied with in relation to the aircraft after they take off, or before they land, at the aerodrome;
 - (b) prohibit aircraft of specified descriptions from taking off or landing at the aerodrome during specified periods;
 - (c) specify the maximum number of occasions on which aircraft of specified descriptions may take off or land at the aerodrome during specified periods;
 - (d) impose other restrictions for limiting the cumulative amount of noise caused by aircraft of specified descriptions taking off or landing at the aerodrome during specified periods.

In this subsection “specified” means specified in the scheme.

- (3) A noise control scheme which contains—
 - (a) provision under paragraph (c) of subsection (2) above, or

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- (b) provision under paragraph (d) of that subsection which has the effect of limiting the number of occasions on which aircraft may take off or land at the aerodrome during the periods specified under that paragraph, shall make provision for determining the matters mentioned in subsection (4).
- (4) The matters mentioned in this subsection are—
- (a) the persons who shall be entitled to arrange for aircraft of which they are the operators to take off or land at the aerodrome during the periods in question, and
- (b) as respects each of those persons, the number of occasions (whether determined by reference to a maximum number or otherwise) on which aircraft of a particular description of which he is the operator may take off or land at the aerodrome during those periods.
- (5) Before making, amending or revoking any provision in a noise control scheme by virtue of subsection (3) above the aerodrome operator shall consult any body appearing to it to be representative of operators of aircraft using the aerodrome.
- (6) A noise control scheme may make provision as respects any period even if that period is included in, or there is included in that period, any other period as respects which provision relating to the aerodrome is made by the scheme.
- (7) A noise control scheme may—
- (a) provide for circumstances in which the scheme (or any provision of the scheme) is not to apply,
- (b) contain such incidental or supplementary provisions as the aerodrome operator considers appropriate, and
- (c) be amended or revoked by the aerodrome operator.
- (8) A noise control scheme shall not be established in relation to an aerodrome which is designated for the purposes of section 78 of this Act; and on such a designation coming into force in relation to an aerodrome any noise control scheme which has effect in relation to the aerodrome shall cease to have effect.
- (9) The amendment or revocation of a noise control scheme, or its ceasing to have effect by virtue of subsection (8) above, shall not affect the validity of anything previously done under the scheme.
- (10) The powers conferred on an aerodrome operator by this section and sections 38B and 38C below are in addition to, and do not prejudice, any other power of the aerodrome operator to take steps for the purpose of avoiding, limiting or mitigating the effect of noise connected with the taking off or landing of aircraft at the aerodrome.
- (11) In this section and sections 38B and 38C below “aerodrome operator” means a person owning or managing an aerodrome.

38B Noise control schemes: supplementary

- (1) This section applies where a noise control scheme imposes requirements under section 38A(2)(a) above in relation to aircraft taking off or landing at an aerodrome.

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- (2) The requirements so imposed shall have effect in relation to such an aircraft only—
 - (a) while it is within such area as may be specified in relation to the aerodrome by order made by the Secretary of State, or
 - (b) if no area has been so specified, while it is within the area represented by a circle with a radius of 40 kilometres from the centre of the longest runway at the aerodrome.
- (3) An area may be specified for the purposes of subsection (2)(a) above by description, by reference to a map or in any other way.
- (4) No point in the area so specified may be more than 60 kilometres in a straight line from the centre of the longest runway at the aerodrome.
- (5) Before making an order under this section the Secretary of State shall consult—
 - (a) the CAA,
 - (b) the aerodrome operator,
 - (c) any body appearing to the Secretary of State to be representative of operators of aircraft using the aerodrome,
 - (d) the local authorities in whose areas the aerodrome (or any part of it) is situated,
 - (e) other local authorities whose areas are in the neighbourhood of the aerodrome, and
 - (f) any other body appearing to the Secretary of State to be representative of persons concerned with the locality in which the aerodrome is situated.

38C Breaches of noise control schemes

- (1) This section also applies where a noise control scheme imposes requirements under section 38A(2)(a) above in relation to aircraft taking off or landing at an aerodrome.
- (2) The scheme may provide for the aerodrome operator to require the payment of a penalty if any such requirement is not complied with in relation to an aircraft taking off or landing at the aerodrome.
- (3) Any such penalty shall be—
 - (a) of an amount specified in the scheme, and
 - (b) paid to the aerodrome operator by the operator of the aircraft in question.
- (4) The scheme shall afford the operator of the aircraft an opportunity to make representations to the aerodrome operator 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 aerodrome operator to cancel the penalty if it considers it appropriate to do so having considered those representations.
- (6) An aerodrome operator which receives penalties under a noise control scheme shall make payments equal to the amount of those penalties for purposes which

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appear to it to be likely to be of benefit to persons who live in the area in which the aerodrome is situated.”

Commencement Information

II S. 4 in force at 1.3.2007 by S.I. 2007/598, art. 2, **Sch. 1**

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