



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

General duties

1 CAA's general duty

- (1) The CAA must carry out its functions under this Chapter in a manner which it considers will further the interests of users of air transport services regarding the range, availability, continuity, cost and quality of airport operation services.
- (2) The CAA must do so, where appropriate, by carrying out the functions in a manner which it considers will promote competition in the provision of airport operation services.
- (3) In performing its duties under subsections (1) and (2) the CAA must have regard to—
 - (a) the need to secure that each holder of a licence under this Chapter is able to finance its provision of airport operation services in the area for which the licence is granted,
 - (b) the need to secure that all reasonable demands for airport operation services are met,
 - (c) the need to promote economy and efficiency on the part of each holder of a licence under this Chapter in its provision of airport operation services at the airport to which the licence relates,
 - (d) the need to secure that each holder of a licence under this Chapter is able to take reasonable measures to reduce, control or mitigate the adverse environmental effects of the airport to which the licence relates, facilities used

Status: This is the original version (as it was originally enacted).

- or intended to be used in connection with that airport (“associated facilities”) and aircraft using that airport,
 - (e) any guidance issued to the CAA by the Secretary of State for the purposes of this Chapter,
 - (f) any international obligation of the United Kingdom notified to the CAA by the Secretary of State for the purposes of this Chapter, and
 - (g) the principles in subsection (4).
- (4) Those principles are that—
 - (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (5) If, in a particular case, the CAA considers that there is a conflict—
 - (a) between the interests of different classes of user of air transport services, or
 - (b) between the interests of users of air transport services in different matters mentioned in subsection (1),
 its duty under subsection (1) is to carry out the functions in a manner which it considers will further such of those interests as it thinks best.
- (6) For the purposes of subsection (3)(d) the environmental effects of the airport, associated facilities and aircraft include—
 - (a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,
 - (b) visual or other disturbance to the public,
 - (c) effects from works carried out at the airport or the associated facilities or to extend the airport or the associated facilities, and
 - (d) effects from services provided at the airport or the associated facilities.
- (7) Section 4 of the Civil Aviation Act 1982 (CAA’s general objectives) does not apply in relation to the carrying out by the CAA of its functions under this Chapter.

2 Secretary of State’s general duty

- (1) The Secretary of State must carry out the functions listed in subsection (3) in a manner which the Secretary of State considers will further the interests of users of air transport services regarding the range, availability, continuity, cost and quality of airport operation services.
- (2) The Secretary of State must do so, where appropriate, by carrying out the functions in a manner which the Secretary of State considers will promote competition in the provision of airport operation services.
- (3) Those functions are—
 - (a) the Secretary of State’s functions under this Chapter, and
 - (b) the Secretary of State’s functions under Chapter 3, other than the functions under sections 66(3) and 68(6).
- (4) In performing the duties under subsections (1) and (2) the Secretary of State must have regard to—

- (a) the need to secure that each holder of a licence under this Chapter is able to finance its provision of airport operation services in the area for which the licence is granted,
 - (b) the need to secure that all reasonable demands for airport operation services are met,
 - (c) the need to promote economy and efficiency on the part of each holder of a licence under this Chapter in its provision of airport operation services at the airport to which the licence relates,
 - (d) the need to secure that each holder of a licence under this Chapter is able to take reasonable measures to reduce, control or mitigate the adverse environmental effects of the airport to which the licence relates, facilities used or intended to be used in connection with that airport (“associated facilities”) and aircraft using that airport, and
 - (e) the principles in subsection (5).
- (5) Those principles are that—
- (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, and
 - (b) regulatory activities should be targeted only at cases in which action is needed.
- (6) If, in a particular case, the Secretary of State considers that there is a conflict—
- (a) between the interests of different classes of user of air transport services, or
 - (b) between the interests of users of air transport services in different matters mentioned in subsection (1),
- the duty under subsection (1) is to carry out the functions in a manner which the Secretary of State considers will further such of those interests as the Secretary of State thinks best.
- (7) For the purposes of subsection (4)(d) the environmental effects of the airport, associated facilities and aircraft include the effects mentioned in section 1(6).