



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 2

COMPETITION

60 Functions under Part 4 of Enterprise Act 2002

- (1) The functions of the [^{F1}Competition and Markets Authority (“the CMA”)] specified in subsection (2) are to be concurrent functions of the CAA and the [^{F2}CMA].
 - (2) Those functions are the [^{F3}CMA’s] functions under Part 4 of the Enterprise Act 2002 (market investigations)[^{F4}, other than functions under sections 166, 171 and 174E,] so far as [^{F5}those functions—
 - (a) are exercisable by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and
 - (b)] relate to the provision of airport operation services^{F6}....
 - (3) References to the [^{F7}CMA] in the following are to be read as including a reference to the CAA—
 - (a) Part 4 of the Enterprise Act 2002, other than sections 166 [^{F8}, 171 and 174E], and
 - (b) provisions of that Act applied by that Part.
- [^{F9}(3A) References to section 5 of the Enterprise 2002 in Part 4 of that Act must be read as including a reference to section 64(1) of this Act.]
- (4) But ^{F10}...—
 - (a) [^{F11}subsections (3) and (3A) apply only so far as they are] consequential on subsections (1) and (2), and

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(b) [^{F12}subsection (3) applies] only if the context does not otherwise require.

[^{F13}(4A) Section 130A of the Enterprise Act 2002 is to have effect in its application to the CAA by virtue of subsections (1) and (2)—

(a) as if for subsection (1) of that section there were substituted—

“(1) Where the Civil Aviation Authority—

(a) is proposing to carry out its functions under section 64(1) of the Civil Aviation Act 2012 in relation to a matter for the purposes mentioned in subsection (2), and

(b) considers that the matter is one in respect of which it would be appropriate for the Authority to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,

the Authority must publish a notice under this section (referred to in this Part as a “market study notice”).”, and

(b) as if in subsection (2)(a) of that section, for “the acquisition or supply of goods or services of one or more than one description in the United Kingdom” there were substituted “the provision of airport operation services (within the meaning given by section 68 of the Civil Aviation Act 2012)”.]

Textual Amendments

- F1** Words in s. 60(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(2\)\(a\)](#) (with art. 3)
- F2** Word in s. 60(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(2\)\(b\)](#) (with art. 3)
- F3** Word in s. 60(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(3\)\(a\)](#) (with art. 3)
- F4** Words in s. 60(2) inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(3\)\(b\)](#) (with art. 3)
- F5** Words in s. 60(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(3\)\(c\)](#) (with art. 3)
- F6** Words in s. 60(2) omitted (1.4.2014) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(3\)\(d\)](#) (with art. 3)
- F7** Word in s. 60(3) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(4\)\(a\)](#) (with art. 3)
- F8** Words in s. 60(3) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(4\)\(b\)](#) (with art. 3)
- F9** S. 60(3A) inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 197\(5\)](#) (with art. 3)

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- F10** Words in s. 60(4) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 197(6)(a)** (with art. 3)
- F11** Words in s. 60(4)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 197(6)(b)** (with art. 3)
- F12** Words in s. 60(4)(b) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 197(6)(c)** (with art. 3)
- F13** S. 60(4A) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 197(7)** (with art. 3)

Commencement Information

- I1** S. 60 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

61 Enterprise Act 2002: supplementary

- (1) Before the [^{F14}Competition and Markets Authority (“the CMA”)] or the CAA first carries out functions specified in section 60(2) (“relevant 2002 Act functions”) in relation to a matter it must consult the other.
- (2) If the [^{F15}CMA] or the CAA has carried out relevant 2002 Act functions in relation to a matter, the other must not carry out those functions in relation to that matter.
- (3) Subsections (4) to (6) apply if, in carrying out relevant 2002 Act functions, the CAA makes a [^{F16}market investigation reference (under section 131 of the 2002 Act)].
- (4) The CAA must give [^{F17}to the CMA group (constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013) which is to conduct the investigation on the reference] any information in the CAA's possession or control—
 - (a) which is requested by the [^{F18}group] for the purpose of the reference, or
 - (b) which the CAA considers it appropriate to give to the [^{F18}group] for that purpose.
- (5) The CAA must give the [^{F19}CMA group] any other assistance requested by the [^{F20}group] for the purpose of the reference which it is within the CAA's power to give.
- (6) In carrying out its investigation on the reference the [^{F21}CMA group] must take account of any information given to it under subsection (4).
- (7) If a question arises as to whether a relevant 2002 Act function must or may be carried out by the CAA in relation to a particular case, the question must be referred to and determined by the Secretary of State.
- (8) No objection may be taken to anything done by or in relation to the CAA under Part 4 of the Enterprise Act 2002, other than section 166 or 171, on the ground that it should have been done by or in relation to the [^{F22}CMA].
- (9) The CAA may, when carrying out relevant 2002 Act functions, have regard to any matter in respect of which a duty is imposed by section 1(1) to (3) of this Act if it is a matter to which the [^{F22}CMA] may have regard when carrying out relevant 2002 Act functions.

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- (10) 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 relevant 2002 Act functions.
- (11) In section 136(7) of the Enterprise Act 2002 (investigations and reports on market investigation references: relevant sectoral enactments), at the end of paragraph (g) insert “ or section 60 of the Civil Aviation Act 2012; ”.

Textual Amendments

- F14** Words in s. 61(1) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(2)** (with art. 3)
- F15** Word in s. 61(2) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(3)** (with art. 3)
- F16** Words in s. 61(3) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(4)** (with art. 3)
- F17** Words in s. 61(4) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(5)(a)** (with art. 3)
- F18** Word in s. 61(4)(a)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(5)(b)** (with art. 3)
- F19** Words in s. 61(5) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(6)(a)** (with art. 3)
- F20** Word in s. 61(5) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(6)(b)** (with art. 3)
- F21** Words in s. 61(6) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(7)** (with art. 3)
- F22** Word in s. 61(8)(9) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(8)** (with art. 3)

Commencement Information

- I2** S. 61 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

62 Functions under Competition Act 1998

- (1) The functions of the [^{F23}Competition and Markets Authority (“the CMA”)] specified in subsection (2) are to be concurrent functions of the CAA and the [^{F24}CMA].
- (2) Those functions are the [^{F25}CMA’s] functions under Part 1 of the Competition Act 1998 (competition) so far as they relate to anything which—
- is mentioned in subsection (3)(a) to [^{F26}(c)], and
 - relates to the provision of airport operation services,
- other than functions under sections 31D(1) to (6), 38(1) to (6)[^{F27}, 40B(1) to (4)] and 51.

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- (3) Those things are—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,
 - (b) conduct of the kind mentioned in section 18(1) of that Act, [^{F28}or
 - [^{F29}(c) transferred EU anti-trust commitments or transferred EU anti-trust directions (as defined in section 40ZA of that Act).]
- (4) References to the [^{F30}CMA] in Part 1 of the Competition Act 1998, other than in sections 31D(1) to (6), 38(1) to (6)[^{F27}, 40B(1) to (4)] and 51, are to be read as including a reference to the CAA.
- (5) But subsection (4) applies—
- (a) only so far as it is consequential on subsections (1) and (2), and
 - (b) only if the context does not otherwise require.

Textual Amendments

- F23** Words in s. 62(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 199\(2\)\(a\)](#) (with art. 3)
- F24** Word in s. 62(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 199\(2\)\(b\)](#) (with art. 3)
- F25** Word in s. 62(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 199\(3\)](#) (with art. 3)
- F26** Word in s. 62(2)(a) substituted (31.12.2020) by [S.I. 2019/93, Sch. 1 para 14\(2A\)](#) (as inserted by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), [26\(a\)](#))
- F27** Words in s. 62(2)(4) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 15 para. 51](#); [S.I. 2014/416](#), art. 2(1)(f) (with Sch.)
- F28** Word in s. 62(3)(b) inserted (31.12.2020) by [S.I. 2019/93, Sch. 1 para. 14\(3\)\(a\)](#) (as substituted by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), [26\(b\)](#))
- F29** S. 62(3)(c) substituted (31.12.2020) for s. 62(3)(c)(d) by [S.I. 2019/93, Sch. 1 para. 14\(3\)\(b\)](#) (as substituted by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1343\)](#), regs. 1(1), [26\(b\)](#))
- F30** Word in s. 62(4) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 199\(4\)](#) (with art. 3)

Commencement Information

- I3** S. 62 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

63 Competition Act 1998: supplementary

- (1) No objection may be taken to anything done by or in relation to the CAA under a provision of Part 1 of the Competition Act 1998, other than sections 31D(1) to (6), 38(1) to (6)[^{F31}, 40B(1) to (4)] and 51, on the ground that it should have been done by or in relation to the [^{F32}Competition and Markets Authority].
- (2) The CAA may, when carrying out relevant 1998 Act functions, have regard to any matter in respect of which a duty is imposed by section 1(1) to (3) of this Act if it is

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a matter to which the [^{F32}Competition and Markets Authority] may have regard when carrying out relevant 1998 Act functions.

- (3) 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 relevant 1998 Act functions.
- (4) In this section “relevant 1998 Act functions” means functions specified in section 62(2).

Textual Amendments

- F31** Words in s. 63(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 15 para. 52](#); [S.I. 2014/416, art. 2\(1\)\(f\)](#) (with Sch.)
- F32** Words in s. 63 substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\), Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\), art. 1\(1\), Sch. 1 para. 200](#) (with art. 3)

Commencement Information

- I4** S. 63 in force at 6.4.2013 by [S.I. 2013/589, art. 2\(1\)-\(3\)](#)

64 Review etc of airport operation services

- (1) The CAA must, so far as it appears to it practicable to do so—
 - (a) keep under review the provision of airport operation services in the United Kingdom and elsewhere, and
 - (b) collect information about the provision of such services in the United Kingdom and elsewhere,
 with a view to facilitating the carrying out of its functions under this Chapter.
- (2) The CAA must provide information, advice and assistance to the Secretary of State and the [^{F33}Competition and Markets Authority (“the CMA”)] regarding any matter in respect of which the CAA has a function under this Chapter if—
 - (a) it thinks it expedient to do so, or
 - (b) it is asked by the Secretary of State or the [^{F34}CMA] to do so.
- (3) Subsection (2)(b) applies only so far as it appears to the CAA practicable for the CAA to provide the information, advice or assistance requested.
- (4) The CAA may—
 - (a) prepare reports relating to competition in markets for airport operation services, and
 - (b) arrange for such reports to be published.
- (5) The CAA may exclude from publication under subsection (4)(b) any information which it is satisfied is—
 - (a) commercial information, the disclosure of which would, or might in the CAA's opinion, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual, the disclosure of which would, or might in the CAA's opinion, significantly harm the individual's interests.

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- (6) For the purposes of carrying out its functions under this section the CAA may carry out, commission or provide financial or other support for research.

Textual Amendments

- F33** Words in s. 64(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 201\(a\)](#) (with art. 3)
- F34** Word in s. 64(2)(b) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 201\(b\)](#) (with art. 3)

Commencement Information

- I5** S. 64 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

65 Power to modify CAA's competition powers

- (1) The Secretary of State may by regulations modify sections 60(2) and 62(2) by providing that the functions of the [^{F35}Competition and Markets Authority] mentioned in those provisions—
- (a) do not include functions relating to the provision of particular airport operation services, or
 - (b) include functions relating to the provision of particular services at an airport that are not airport operation services.
- (2) The regulations may make consequential, incidental or supplementary provision amending this Chapter.

Textual Amendments

- F35** Words in s. 65(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 202](#) (with art. 3)

Commencement Information

- I6** S. 65 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 2012, CHAPTER 2.