



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

Modifying licences

23 Restriction on power to modify

- (1) This section applies where—
 - (a) a licence condition is subject to an exception (however expressed) relating to, or operating by reference to, financial arrangements specified or described in the licence,
 - (b) the financial arrangements were entered into by the holder of the licence, or a person connected to the holder of the licence, before section 3 came into force, and
 - (c) the CAA proposes to modify the licence by removing or restricting the exception.
- (2) The CAA may not make such a modification unless it has determined that—
 - (a) there has been a material change of circumstances since the day on which the exception was included in the licence condition, and
 - (b) for users of air transport services, the benefits of the modification are likely to outweigh any adverse effects.
- (3) On or before the day on which it publishes a notice under section 22(2) in respect of a proposal to make such a modification, the CAA must—

Status: This is the original version (as it was originally enacted).

- (a) publish a notice of its determination under subsection (2) of this section, giving its reasons for the determination, and
 - (b) send a copy of the notice to the persons listed in subsection (4).
- (4) Those persons are—
- (a) the holder of the licence, and
 - (b) such bodies representing airport operators or providers of transport services as the CAA considers appropriate.
- (5) For the purposes of subsection (1)(b), financial arrangements entered into after section 3 came into force but pursuant to other financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before that time are to be treated as entered into before that time.
- (6) In subsection (2) “material change of circumstances” includes a material change in the terms of the financial arrangements.