



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

Enforcement of licence conditions

41 Procedure before imposing penalty

- (1) Before imposing a penalty on a person under section 39 or 40 the CAA must—
 - (a) give the person a notice about the proposed penalty,
 - (b) publish the notice as soon as practicable,
 - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
 - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) A notice under subsection (1) must—
 - (a) state that the CAA proposes to impose a penalty,
 - (b) state the proposed amount of the penalty,
 - (c) specify the relevant licence condition or requirement, and
 - (d) specify the act or omission that the CAA has determined constitutes a contravention of the condition or requirement.
- (3) In the case of a penalty calculated entirely or partly by reference to a daily amount (see section 43(2)), a notice under subsection (1) must specify—
 - (a) the day on which daily amounts would begin to accumulate, and

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- (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The period specified in a notice under subsection (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (5) Before varying the proposed amount of the penalty, the CAA must—
- (a) give the person on whom the penalty is to be imposed a notice about the proposed variation,
 - (b) publish the notice as soon as practicable,
 - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
 - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (6) In the case of a penalty calculated entirely or partly by reference to a daily amount (see section 43(2)), the reference in subsection (5) to varying the proposed amount of the penalty includes varying—
- (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or circumstances in which, they would cease to accumulate.
- (7) The notice under subsection (5) must—
- (a) specify the proposed variation, and
 - (b) give the CAA's reasons for the proposed variation.
- (8) The period specified in the notice under subsection (5) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (9) The CAA may withdraw a notice under subsection (1) or (5) at any time by giving notice to the person on whom it proposed to impose the penalty.
- (10) As soon as practicable after giving a notice under subsection (9), the CAA must—
- (a) publish the notice, and
 - (b) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.