



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

Enforcement of licence conditions

44 Amount of penalty: fixed amount

- (1) A penalty imposed on a person (“P”) under section 39 or 40 for a contravention may not consist of or include a fixed amount exceeding 10% of P’s qualifying turnover for the qualifying period.
- (2) P’s qualifying turnover is—
 - (a) P’s turnover from activities carried on at the airport at which, or in connection with which, the contravention occurred or is occurring (“the qualifying airport”), and
 - (b) the turnover of persons connected to P from such activities.
- (3) The qualifying period is the last regulatory year ending on or before the day on which the notice proposing the penalty is given under section 41(1) (“the notice day”), except in the cases described in subsection (4).
- (4) Those cases are—
 - (a) where P was not the operator of an area at the qualifying airport throughout the last regulatory year that ends on or before the notice day;
 - (b) where there is no regulatory year or the last regulatory year ended more than 12 months before the notice day;

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 44. (See end of Document for details)

- (c) where P has not provided the CAA with accounts prepared in accordance with the licence for the last regulatory year that ends on or before the notice day.
- (5) In those cases—
- (a) if P was the operator of an area at the qualifying airport on the notice day, the qualifying period is the year ending with the notice day (or, if shorter, the period ending with the notice day during which P was the operator of such an area), and
 - (b) if P was not the operator of such an area on the notice day, the qualifying period is the year ending with the last day before the notice day on which P was the operator of such an area (or, if shorter, the period ending with that day during which P was the operator of such an area).
- (6) P's qualifying turnover for a qualifying period is to be taken to be the qualifying turnover for that period as reported in accounts which P is required to prepare by a licence condition, unless regulations under subsection (7) provide otherwise.
- (7) The Secretary of State may by regulations—
- (a) amend or otherwise modify the definition of qualifying turnover, and
 - (b) make provision about how a person's qualifying turnover for a qualifying period is to be calculated.
- (8) The regulations may, in particular—
- (a) make provision about cases in which turnover is or is not to be treated as qualifying turnover for a qualifying period,
 - (b) provide that a person's qualifying turnover for a qualifying period is to be taken to be the qualifying turnover reported in accounts specified or described in the regulations, and
 - (c) provide that a person's qualifying turnover is to be calculated entirely or partly using accounting rules specified or described in the regulations.
- (9) In this section “regulatory year” means a year for which P was required to prepare accounts by a licence condition in respect of an area at the qualifying airport.

Commencement Information

II S. 44 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Changes to legislation:

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