



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

Dominant airports

7 Market power determinations

- (1) The CAA may make a determination that the market power test is or is not met in relation to an airport area (a “market power determination”) whenever it considers it appropriate to do so.
- (2) The CAA must make a market power determination in respect of an airport area if—
 - (a) it is asked to do so by a person listed in subsection (3),
 - (b) the area is located at an airport that is a large airport at the time the request is made, and
 - (c) the area consists of or includes all or part of the core area of the airport.
- (3) Those persons are—
 - (a) the operator of the airport area, and
 - (b) any other person whose interests are likely to be materially affected by the determination.
- (4) For the purposes of subsection (2)(b), an airport is a large airport during a calendar year if, in the previous calendar year, the number of passenger movements at the airport exceeded 5 million.
- (5) Subsection (2) does not apply if—

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 7. (See end of Document for details)

- (a) the CAA has previously made a market power determination in respect of the airport area (or an area that includes all of the airport area), and
 - (b) it considers that there has not been a material change of circumstances since that determination.
- (6) The CAA may treat a request under subsection (2) in respect of an airport area (“area A”) as if it were—
- (a) a number of requests in respect of a number of airport areas that consist of or include different parts of area A, or
 - (b) a request in respect of an area that includes all of area A.
- (7) When choosing an airport area that is to be the subject of a market power determination, the CAA must have regard to the market or markets that are relevant for the purposes of test A (see section 6(3)).
- (8) The CAA may, in particular—
- (a) make separate market power determinations in respect of different areas which are located at the same airport and have the same relevant operator (within the meaning of section 6(2));
 - (b) make a market power determination in respect of an airport area that consists of two or more areas that are not adjacent if the areas are located at the same airport.
- (9) A market power determination in respect of an airport area ceases to have effect if the CAA publishes a notice of a further market power determination in respect of the airport area or in respect of an area that includes all of the airport area.
- (10) Where the CAA—
- (a) publishes a notice of a market power determination in respect of an airport area (“determination A”), and
 - (b) subsequently publishes a notice of a market power determination in respect of part of the airport area or in respect of an area that includes part of the airport area,
- determination A ceases to have effect in relation to that part (but continues to have effect in relation to the rest of the airport area).
- (11) In this section “passenger movements” has the same meaning as in Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.

Commencement Information

II S. 7 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

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