



# Civil Aviation Act 2012

## 2012 CHAPTER 19

### PART 1

#### AIRPORTS

### CHAPTER 3

#### GENERAL PROVISION

#### *Other general provision*

#### **77 Crown application**

- (1) Chapter 2 of this Part binds the Crown to the extent that it applies or modifies provisions of the Competition Act 1998, subject to section 73 of that Act.
- (2) The following provisions of this Part bind the Crown—
  - (a) Chapter 1, other than sections 50 to 52, and
  - (b) Chapter 3,subject to subsections (3) and (5) to (9).
- (3) Chapters 1 and 3 of this Part do not affect Her Majesty in her private capacity.
- (4) Subsection (3) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Part.
- (5) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in the course of carrying out exempt Crown functions.
- (6) If the operator of an airport area (“area C”) exercises overall responsibility for its management in the course of carrying out exempt Crown functions—

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 77. (See end of Document for details)*

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- (a) section 7(2) (requirement to make market power determination) does not apply in respect of area C,
  - (b) section 14(4) (deemed application for licence where airport area becomes dominant) does not apply in relation to the operator, and
  - (c) the absence of a licence in respect of area C does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in area C or another area that forms part of the same airport.
- (7) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in an exempt Crown airport area.
- (8) The absence of a licence in respect of an exempt Crown airport area does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in another area that forms part of the same airport.
- (9) A licence must not include conditions relating to services provided in an exempt Crown airport area.
- (10) For the purposes of this section, an airport area is an exempt Crown airport area if—
- (a) it consists of all or part of a small airport,
  - (b) the operator of the airport area is the Crown or a person acting on behalf of the Crown, and
  - (c) the airport area is exempted for the purposes of this section by the Secretary of State by regulations.
- (11) For the purposes of this section, an airport is a small airport during a calendar year if in the previous calendar year—
- (a) the number of passenger movements at the airport did not exceed 5 million, or
  - (b) the airport was not open to commercial traffic.
- (12) In this section—
- “exempt Crown functions” means the following functions to the extent that they are carried out by or on behalf of the Crown—
- (a) customs functions within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009,
  - (b) functions relating to immigration, asylum or nationality,
  - (c) police functions, and
  - (d) other functions exempted for the purposes of this section by the Secretary of State by regulations;
- “open to commercial traffic” and “passenger movements” have the same meaning as in Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.

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**Commencement Information**

**II** S. 77 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, Section 77.