



# Civil Aviation Act 2012

## 2012 CHAPTER 19

### PART 2

#### OTHER AVIATION MATTERS

##### *Provision of information about aviation*

#### **86 Enforcement of information notice**

- (1) If a person fails to comply with a notice under section 85 without reasonable excuse, the CAA may do either or both of the following—
  - (a) impose a penalty on the person;
  - (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (2) The amount of the penalty must be such amount as the CAA determines to be—
  - (a) appropriate, and
  - (b) proportionate to the failure in respect of which it is imposed.
- (3) A penalty may consist of either or both of the following—
  - (a) a fixed amount;
  - (b) an amount payable in respect of each day in a period specified by the CAA (a “daily amount”).
- (4) A fixed amount must not exceed £50,000.
- (5) A daily amount must not exceed £5,000.
- (6) A specified period during which daily amounts accumulate must be such period as the CAA considers appropriate, subject to subsections (7) and (8).
- (7) The period must begin after the day on which the CAA gives the notice under section 89 stating that it has imposed the penalty.

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*Status: This is the original version (as it was originally enacted).*

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- (8) The period must end before the day on which the person provides the information or documents specified in the notice under section 85.
- (9) The Secretary of State may by regulations replace the amount for the time being specified in subsection (4) or (5).
- (10) The regulations must be made by statutory instrument.
- (11) A statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.