

EXPLANATORY NOTES

CIVIL AVIATION ACT 2012

INTRODUCTION

BACKGROUND AND SUMMARY

Reforms to the framework for the economic regulation of airports

Aviation security

Reform to the legislative framework of the CAA

CAA membership

Civil sanctions

CAA's charging schemes

Criminal proceedings

Information, guidance and advice

Disclosure of medical information

Regulation of the provision of flight accommodation

Structure of the Act

TERRITORIAL EXTENT AND APPLICATION

COMMENTARY

PART 1 – AIRPORTS

Chapter 1 – Regulation of Operators of Dominant Airports

General duties

Section 1: CAA's general duty

Section 2: Secretary of State's general duty

Prohibition

Section 3: Prohibition

Section 4: Prohibition: exemption

Dominant airports

Section 5: Dominant areas and dominant airports

Section 6: Market power test

Section 7: Market power determinations and Section 8: Publication of market power determinations

Section 9: Operators of areas, Section 10: Operator determinations and Section 11: Publication of operator determinations

Section 12: Advance determinations

Section 13: Appeals against determinations

Schedule 1: Appeals against determinations

Licences

Section 14: Application for licence

Section 15: Granting licence

Section 16: Refusing to grant licence

Section 17: Content and effect of licence

Licence conditions

Section 18: Licence conditions

Section 19: Price control conditions

Section 20: Conditions relating to CAA charges

Section 21: Content and effect of licence conditions

Modifying licences

Section 22: Modifying licence conditions and licence area

Section 23: Restriction on power to modify

Appeals against licence conditions etc

Section 24: Appeal to Competition Commission: conditions of new licences

Section 25: Appeal to Competition Commission: modification of licence conditions

Section 26: When appeals may be allowed, Section 27: Determination of appeal, Section 28: Determination of appeal: time limits and Section 29: Determination of appeal: publication etc

Section 30: Procedure on appeals

Schedule 2: Appeals under sections 24 and 25

PART 1: PERMISSION TO APPEAL

PART 2: INTERVENTION IN APPEAL

PART 3: AUTOMATIC SUSPENSION OF CONDITION OF NEW LICENCE OR MODIFICATION

PART 4: APPLICATION FOR SUSPENSION OF CONDITION OF NEW LICENCE OR MODIFICATION

PART 5: APPEALS

PART 6: GENERAL

Enforcement of licence conditions

Section 31: Contravention notice

Section 32: Restrictions on giving contravention notices

Section 33: Enforcement order

Section 34: Enforcement order: modification and revocation

Section 35: Urgent enforcement order

Section 36: Urgent enforcement order: confirmation

Section 37: Urgent enforcement order: modification and revocation

Section 38: Civil proceedings

Section 39: Penalty for contravention of licence condition

Section 40: Penalty for contravention of order

Section 41: Procedure before imposing penalty

Section 42: Procedure after imposing penalty

Section 43: Amount of penalty

Section 44: Amount of penalty: fixed amount

Section 45: Amount of penalty: daily amounts

Section 46: Use of powers under Competition Act 1998

Section 47: Appeals against orders and penalties and Schedule 3:
Appeals against orders and penalties

Revocation of licence

Section 48: Revocation of licence

These notes refer to the Civil Aviation Act 2012 (c.19)

Section 49: Appeals against revocation of licence and Schedule 4:
Appeals against revocation of licence

Obtaining information

Section 50: Power to obtain information

Section 51: Enforcement of information notice

Section 52: Penalty for providing false information, destroying documents etc

Section 53: Procedure before imposing penalty

Section 54: Procedure after imposing penalty

Section 55: Appeals against penalties and Schedule 5: Appeals against penalties: information

Penalties

Section 56: Imposing penalties

Section 57: Recovering penalties

Section 58: Statement of policy on penalties

Disclosing information

Section 59: Disclosing information and Schedule 6: Restrictions on disclosing information

Chapter 2 – Competition

Section 60: Functions under Part 4 of Enterprise Act 2002 and Section 61: Enterprise Act 2002: supplementary

Section 62: Functions under Competition Act 1998 and Section 63: Competition Act 1998: supplementary

Section 64: Review etc of airport operation services

Section 65: Power to modify CAA's competition powers

Chapter 3 – General Provision

Interpretation

Section 66: Airports and Section 67: Airports: supplementary

Section 68: Airport operation services

Section 69: Air transport services

Section 70: Joint operators of areas

Section 71: Connected persons

Other general provision

Section 76: Minor, consequential and transitional provision

Schedule 8: Status of airport operators as statutory undertakers etc

Schedule 10: Regulation of operators of dominant airports: transitional provision

Section 77: Crown application

PART 2 – OTHER AVIATION MATTERS

Aviation security

Section 78: Aviation security directions etc

Schedule 11: Aviation security directions etc: minor and consequential amendments

Section 79: Approved providers of aviation security services

Section 80: Advice and assistance in connection with aviation security

Section 81: Power to modify functions of CAA etc relating to aviation security

Section 82: Transfer schemes

Schedule 12: Aviation security: further provision about transfer schemes

Provision of information about aviation

Section 83: Information for benefit of users of air transport services

Section 84: Environmental information

Section 85: Power to obtain information

Section 86: Enforcement of information notice

Section 87: Penalty for providing false information, destroying documents etc

Section 88: Procedure before imposing penalty

Section 89: Procedure after imposing penalty

Section 90: Appeals and Schedule 13: Appeals against penalties

Section 91: Recovering penalties

Section 92: Statement of policy

Regulation of provision of flight accommodation

Section 94: Regulation of provision of flight accommodation

CAA Membership

Section 95: CAA membership

Section 96: Non-executive members of CAA

Section 97: Executive members of CAA

Section 98: CAA's air navigation functions

Section 99: Transitional and saving provision and Schedule 14: CAA membership: transitional and saving provision

Further provision about CAA

Section 100: CAA charges

Section 101: Criminal proceedings

Section 102: CAA efficiency

Section 103: Civil sanctions

Section 104: Regulatory burdens

Section 105: Disclosure of medical information

Miscellaneous

Section 106: Dangerous flying

Section 107: Offences under Civil Aviation Act 1982

PART 3 – FINAL PROVISIONS

Section 108: Power to make consequential and transitional provision

Section 110: Commencement

Section 112: Channel Islands, Isle of Man and British overseas territories

COMMENCEMENT

HANSARD REFERENCES