



# Civil Aviation Act 1971

## 1971 CHAPTER 75

### PART I

#### THE CIVIL AVIATION AUTHORITY

##### *Constitution and functions*

#### **1 Constitution of the Authority**

- (1) There shall be a body corporate, to be called the Civil Aviation Authority (and hereafter in this Act referred to as "the Authority"), which shall be constituted in accordance with the following provisions of this section.
- (2) The Authority shall consist of not less than six nor more than twelve persons appointed by the Secretary of State to be members of the Authority; and the Secretary of State—
  - (a) shall appoint one member to be the chairman of the Authority; and
  - (b) may appoint not more than two other members to be deputy chairmen of the Authority.
- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.
- (4) It is hereby declared that the Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or (subject to the provisions of this Act relating to stamp duty) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.
- (5) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957, as it applies in relation to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the Channel Tunnel Planning Council there shall be inserted the words "The Civil Aviation Authority"; and in the Part substituted for the said Part II by Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland, after the entry relating to the Central Council for Agricultural and Horticultural Co-operation there shall be inserted the words aforesaid.

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## 2 Functions of the Authority

The functions of the Authority shall be—

- (a) the functions conferred on it by the following provisions of this Part of this Act;
- (b) the functions conferred on it by or under Part II of this Act with respect to the licensing of air transport, the licensing of the provision of accommodation in aircraft, the provision of air navigation services, the operation of aerodromes and the provision of assistance and information;
- (c) such functions as are for the time being conferred on it by or under Air Navigation Orders with respect to the registration of aircraft, the safety of air navigation and aircraft (including airworthiness), the control of air traffic, the certification of operators of aircraft and the licensing of air crews and aerodromes ;
- (d) such other functions as are for the time being conferred on it by virtue of this Act or any other enactment.

*Regulation of performance by the Authority of its functions*

## 3 General objectives, and guidance by the Secretary of State

- (1) It shall be the duty of the Authority to perform the functions conferred on it otherwise than by this section in the manner which it considers is best calculated—
- (a) to secure that British airlines provide air transport services which satisfy all substantial categories of public demand (so far as British airlines may reasonably be expected to provide such services) at the lowest charges consistent with a high standard of safety in operating the services and an economic return to efficient operators on the sums invested in providing the services and with securing the sound development of the civil air transport industry of the United Kingdom;
  - (b) to secure that at least one major British airline which is not controlled by the British Airways Board has opportunities to participate in providing, on charter and other terms, the air transport services mentioned in the preceding paragraph ;
  - (c) subject to the preceding paragraphs, to encourage the civil air transport industry of the United Kingdom to increase the contribution which it makes towards a favourable balance of payments for the United Kingdom and towards the prosperity of the economy of the United Kingdom ; and
  - (d) subject to the preceding paragraphs, to further the reasonable interests of users of air transport services;

and in this subsection " British airline " means an undertaking having power to provide air transport services and appearing to the Authority to have its principal place of business in the United Kingdom, the Channel Islands or the Isle of Man and to be controlled by persons who either are United Kingdom nationals or are for the time being approved by the Secretary of State for the purposes of this subsection.

- (2) Subject to the following subsection, the Secretary of State may from time to time, after consultation with the Authority, give guidance to the Authority in writing with respect to the performance of the functions conferred on it otherwise than by this subsection; and it shall be the duty of the Authority to perform those functions in such a manner

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as it considers is in accordance with the guidance for the time being given to it in pursuance of this subsection.

- (3) No guidance shall be given to the Authority in pursuance of the preceding subsection unless a draft of the document containing it has been approved by a resolution of each House of Parliament.

#### **4 Secretary of State's directions in national interest etc.**

- (1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order require that all or any property or rights of or under the control of the Authority shall be placed at the disposal of the Secretary of State; and while an order under this subsection is in force—

- (a) the Secretary of State may give to the Authority such directions as the Secretary of State thinks fit; and
- (b) in so far as any directions given in pursuance of this subsection conflict with any requirements of this Act apart from this subsection those requirements shall be disregarded.

- (2) Section 28 of the Air Corporations Act 1967 (which also relates to the Secretary of State's powers in case of emergency) shall have effect as if any reference in subsections (3) to (5) of that section to an order under that section included a reference to an order under the preceding subsection.

- (3) The Secretary of State may, after consultation with the Authority, give to the Authority directions to do a particular thing which it has power to do or refrain from doing a particular thing if the Secretary of State considers it appropriate to give such directions—

- (a) in the interests of national security; or
- (b) in connection with any matter appearing to the Secretary of State to affect the relations of the United Kingdom with a country or territory outside the United Kingdom; or
- (c) in order to discharge or facilitate the discharge of an obligation binding on the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement; or
- (d) in order to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Secretary of State appropriate in view of the fact that the United Kingdom is a member of an international organisation or a party to an international agreement; or
- (e) in order to enable the United Kingdom to become a member of an international organisation or a party to an international agreement; or
- (f) in order to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation ;

and in so far as any directions given in pursuance of this subsection conflict with the requirements of any provision of this Act except subsections (1) and (2) of this section those requirements shall be disregarded.

#### **5 Special provisions as respects certain functions**

- (1) Such functions of the Authority as may be prescribed for the purposes of this subsection shall not be performed on behalf of the Authority by any other person; and regulations may provide that for the purpose of performing a function prescribed

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in pursuance of this subsection the quorum of the Authority shall be such as may be prescribed.

- (2) Regulations may provide for regulating the conduct of the Authority and other persons, including the procedure to be followed by them, in connection with the performance by the Authority of such of its functions as may be prescribed for the purposes of this subsection; and, without prejudice to the generality of the preceding provisions of this subsection, regulations made in pursuance of this subsection may include provision—
  - (a) requiring or entitling the Authority, notwithstanding any rule of law, to withhold from any person (hereafter in this paragraph referred to as "the prospective recipient") information which is furnished to the Authority by another person in connection with any function so prescribed and which in the opinion of the Authority relates to the commercial or financial affairs of the other person and cannot be disclosed to the prospective recipient without disadvantage to the other person which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted;
  - (b) for the imposition on summary conviction of a fine of an amount not exceeding £100 for any contravention of the regulations.
- (3) The Tribunals and Inquiries Act 1971 shall have effect as if—
  - (a) the Authority were a tribunal specified in Part I of Schedule 1 to that Act (which lists the tribunals of which among other things the workings and constitutions are to be kept under review and reported on by the Council on Tribunals); and
  - (b) section 8 of that Act (under which certain consents are required for the removal of members of tribunals) did not apply to the Authority; and
  - (c) the functions of the Authority were confined to those prescribed for the purposes of the preceding subsection.

#### *Financial provisions*

## **6 General financial duties**

- (1) It shall be the duty of the Authority so to conduct its affairs as to secure that its revenue (including any grant towards revenue made to it in pursuance of section 10(1) of this Act) is not less than sufficient to meet charges properly chargeable to revenue account, taking one year with another.
- (2) It shall be the duty of the Authority, in framing and carrying out proposals involving it in substantial outlay on capital account, to act on lines settled from time to time with the approval of the Secretary of State; and it shall also be the duty of the Authority to secure that any subsidiary of the Authority acts on those lines in framing and carrying out proposals involving the subsidiary in such an outlay.
- (3) The Secretary of State may, with the approval of the Treasury, give to the Authority a direction as to any matter relating to the establishment or management of reserves or the carrying of sums to the credit of any reserves or the application of any reserves for the purposes of the Authority.

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## **7 The initial debt**

- (1) The Authority shall assume, in accordance with the following provisions of this section, debts to the Secretary of State (hereafter in this Act referred to collectively as the "initial debt") in respect of the property and rights transferred to the Authority by virtue of Schedule 2 to this Act.
- (2) The Secretary of State may, with the approval of the Treasury, give to the Authority a notice in writing specifying any property or right which is to be or has been transferred to the Authority by virtue of the said Schedule 2 and stating the amount of the debt which the Authority is to assume in respect of that property or right as from the date which in relation to it is the vesting date for the purposes of that Schedule, and the Authority shall accordingly assume as from that date a debt of the amount specified in the notice; and a notice given in pursuance of this subsection with respect to any property or right shall be so given either before or as soon as possible after the date aforesaid.
- (3) It shall be the duty of the Secretary of State, as soon as possible after the transfer of property, rights and liabilities in pursuance of the said Schedule 2 has been completed, to give to the Authority a notice in writing specifying the aggregate amount of the initial debt.
- (4) The aggregate amount of the initial debt shall not exceed £50 million.
- (5) If it appears to the Secretary of State that in determining the amount of any debt specified in a notice given in pursuance of subsection (2) of this section he has not taken account, or not properly taken account, of any property, right or liability by reference to which that amount should have been or was calculated, he may with the approval of the Treasury, at any time before the expiration of the period of two years beginning with the date on which notice was given in pursuance of subsection (3) of this section, give notice in writing to the Authority reducing or, subject to the preceding subsection, increasing the amount of the initial debt by an amount specified in the notice.
- (6) The rate of interest payable on the initial debt, the arrangements for paying off the principal and the other terms of the debt shall be such as the Secretary of State may from time to time determine with the approval of the Treasury.
- (7) Any sums received by the Secretary of State by way of interest on or repayment of the initial debt shall be paid into the National Loans Fund.
- (8) In relation to any period before notice is given in pursuance of subsection (3) of this section, references in subsections (6) and (7) of this section to the initial debt include references to any part of that debt.

## **8 Borrowing powers**

- (1) Subject to subsection (5) of this section, the Authority may, with the consent of or in accordance with a general authorisation given by the Secretary of State, borrow temporarily by overdraft or otherwise such sums in sterling as the Authority may require for performing its functions.
- (2) Subject to subsection (5) of this section, the Authority may borrow from the Secretary of State otherwise than by way of temporary loan such sums in sterling as the Authority may require for capital purposes or for fulfilling a guarantee entered into by the Authority.

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- (3) Subject to subsection (5) of this section, the Authority may with the consent of the Secretary of State borrow in currency other than sterling, from such persons and on such terms as the Secretary of State may from time to time specify, any sum which the Authority has power to borrow in sterling in pursuance of subsection (1) or (2) of this section.
- (4) The Secretary of State shall not give consent or an authorisation or specify any person or terms in pursuance of the preceding provisions of this section except with the approval of the Treasury.
- (5) The aggregate amount outstanding in respect of the principal of any money borrowed by the Authority under this section and the initial debt shall not exceed £75 million.

## 9 Charges

- (1) The Authority may, after consultation with the Secretary of State, make a scheme for determining the charges which are to be paid to the Authority in respect of the performance of such of its functions as are specified in the scheme ; and a scheme under this section may as respects any of those functions—
  - (a) specify the amount of the charge or a scale of charges by reference to which that amount is to be ascertained or provide that the charges shall be of such amount, not exceeding that specified in the scheme, as may be decided by the Authority having regard to the expense incurred by the Authority in performing the function in question and to such other factors (if any) as may be so specified ;
  - (b) provide for different charges for cases of such different descriptions as may be so specified ;
  - (c) specify the manner in which, the time at which and the person by whom any charge is to be paid.
- (2) A scheme under this section shall come into force on such day as may be specified in the scheme, not being earlier than the expiration of the period of sixty days beginning with the day on which the scheme is published in the prescribed manner; and a scheme made under this section may vary or revoke a previous scheme so made.
- (3) Regulations may make provision for determining the charges which are to be paid to the Authority, or for securing that no charge is payable to the Authority, in respect of such of its functions as may be prescribed; and regulations for determining the said charges may—
  - (a) prescribe the amount of a charge or the maximum or minimum amount of a charge or a scale of charges by reference to which those amounts are to be ascertained ;
  - (b) prescribe the manner in which, the time at which and the person by whom a charge is to be paid.
- (4) In so far as a scheme and regulations under this section make different provision with respect to the same matter the provision made by the scheme shall be disregarded.
- (5) Where as respects any function of the Authority provision for a charge to be paid is made by virtue of this section it shall be the duty of the Authority to charge accordingly, except that the Authority may if it thinks fit to do so in a particular case waive the whole or part of the charge; and any charge payable by virtue of this section may be recovered by the Authority in any court of competent jurisdiction.

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- (6) Nothing in the preceding provisions of this section shall be construed as derogating from the power of the Authority to enter into an agreement for the payment to the Authority of charges of such amounts as may be determined in pursuance of the agreement in respect of the performance by the Authority of any of its functions, other than a function in respect of which provision is made in pursuance of those provisions for the making of a charge or of no charge.
- (7) Charges shall not be determined in pursuance of this section, or by the Authority in exercise of the power mentioned in the preceding subsection, in respect of the provision of air navigation services ; and provision shall not be made by or under an Air Navigation Order for the payment of fees to the Authority.

## **10 Grants and loans by Secretary of State**

- (1) The Secretary of State may—
  - (a) make to the Authority out of money provided by Parliament grants of such amounts as the Secretary of State thinks fit;
  - (b) give the Authority a direction providing that the whole or part of a grant made in pursuance of the preceding paragraph is not to be used by the Authority otherwise than for the purposes of such of the Authority's functions as are specified in the direction.
- (2) The Secretary of State may, with the approval of the Treasury, lend to the Authority any sums which the Authority has power to borrow by virtue of section 8(2) of this Act.
- (3) Any loan which the Secretary of State makes in pursuance of the preceding subsection shall be repaid to him at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as the Secretary of State may with the approval of the Treasury from time to time determine.
- (4) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of subsection (2) of this section ; and any sums received by the Secretary of State in pursuance of the preceding subsection shall be paid into that Fund.

## **11 Payments to Secretary of State**

- (1) Any excess of the revenues of the Authority for any accounting year over the total sums properly chargeable by the Authority to revenue account for that year shall be applied by the Authority in such manner as the Secretary of State may direct with the approval of the Treasury and after consultation with the Authority; and the direction may require the whole or part of the excess to be paid to the Secretary of State.
- (2) The Secretary of State may, with the approval of the Treasury and after consultation with the Authority, direct the Authority to pay to the Secretary of State the whole or part of the sums for the time being standing to the credit of any reserves of the Authority.
- (3) Any sums received by the Secretary of State in pursuance of this section shall be paid into the Consolidated Fund.

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## 12 Guarantees

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which the Authority borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this section, the Authority shall make to the Treasury, at such times and in such manner as the Treasury from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of the preceding subsection shall be paid into the Consolidated Fund.

## 13 Accounts and audit

- (1) It shall be the duty of the Authority—
  - (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each accounting year a statement of accounts, in such form as the Secretary of State may direct with the approval of the Treasury, showing the state of affairs and the profit or loss of the Authority; and
  - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of the preceding subsection and shall lay copies of the statement and of his report on it before each House of Parliament.
- (3) The Secretary of State may by order made with the consent of the Treasury modify or repeal paragraph (c) of subsection (1) of this section and the preceding subsection as for the time being in force.
- (4) It shall be the duty of the Secretary of State as respects each financial year—
  - (a) to prepare, in such form and manner as the Treasury may direct, an account of sums issued to the Secretary of State in pursuance of subsection (4) of section 10 of this Act and of any sums required to be paid into the National Loans Fund in pursuance of that subsection or section 7 of this Act or into the Consolidated Fund in pursuance of section 11 of this Act and of the disposal by the Secretary of State of those sums respectively; and



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(b) to send a copy of the account to the Comptroller and Auditor General not later than the end of the month of November next following that year; and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before each House of Parliament.

*Transfer and use of property etc.*

**14 Acquisition of land etc.**

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to the transfer to the Authority of the: aerodromes mentioned in that Schedule and the other property, rights and liabilities there mentioned.
- (2) The Authority may be authorised by the Secretary of State to acquire land compulsorily for any purpose connected with the performance of its functions, and the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 other than section 3 shall apply in relation to the compulsory purchase of land by the Authority as if the Authority were a local authority and as if this subsection were contained in an Act in force immediately before the commencement of that Act.
- (3) For the purpose of the acquisition by the Authority of land by agreement the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, 27 and 31, shall apply.
- (4) The provisions of Part I of Schedule 3 to this Act shall have effect as respects the acquisition of land by the Authority.
- (5) The provisions of Part II of Schedule 3 to this Act shall have effect as respects the application of the following provisions of the Civil Aviation Act 1949—
  - (a) section 24 (acquisition of rights over land);
  - (b) section 25 (imposition of restrictions on use of aerodromes);
  - (c) section 26 (control over land); and
  - (d) section 28 (stopping up of highways).
- (6) The Authority's power of acquiring land compulsorily under this section or the following section may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under the said section 28 as applied by this section or for any other purpose for which land is required in connection with such an order; and subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 (which relate to telegraphic lines of the Post Office affected by the stopping up, diversion or improvement of a highway in pursuance of an order under section 153 of that Act) shall have effect as if references to an order under section 153 of that Act included references to an order under the said section 28 as applied by this section.
- (7) Section 82 of the Town and Country Planning Act 1962 (consecrated land and burial grounds) shall have effect in relation to any land acquired by the Authority as it has effect in relation to land acquired by statutory undertakers under Part V of that Act.
- (8) Any land vested in the Authority by virtue of this section or the following section shall be deemed for all purposes to have been acquired by the Authority for the purposes of its undertaking.

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(9) In the application of this section to Scotland—

- (a) in subsection (2), for the references to the Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 of that Act there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to section 3 of that Act;
- (b) in subsection (3), for the references to Part I of the Compulsory Purchase Act 1965 and to sections 4 to 8, 27 and 31 of that Act there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act 1845 and to sections 120 to 125, 127, 142 and 143 of that Act;
- (c) in subsection (6), the reference to a highway shall include a reference to any public right of way, and for the references to subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 and to section 153 of that Act there shall be substituted respectively references to subsections (2) and (3) of section 111 of the Town and Country Planning (Scotland) Act 1947 and to section 46 of that Act;
- (d) in subsection (7), for the references to section 82 of the Town and Country Planning Act 1962 and to Part V of that Act there shall be substituted respectively references to section 27 of the Town and Country Planning (Scotland) Act 1945 and to Part III of the Town and Country Planning (Scotland) Act 1947 ;

and in the application of subsection (6) of this section to Northern Ireland for the references to subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 and to section 153 of that Act there shall be substituted respectively references to subsection (2) of section 41 of the Roads Act (Northern Ireland) 1948 and to section 17 of that Act.

## 15 Compulsory purchase of land in Northern Ireland

- (1) Where the Authority proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by it for any purpose connected with the performance of its functions or as to which it can reasonably be foreseen that it will be so required, it may apply to the Secretary of State for an order vesting that land in it, and the Secretary of State shall have power to make such an order.
- (2) For the purposes of the acquisition of land by means of a vesting order under this section, Schedules 5 and 6 to the Roads Act (Northern Ireland) 1948 (as amended by any enactment of the Parliament of Northern Ireland passed before the passing of this Act) are hereby incorporated in this Act subject to the modifications specified in Schedule 4 to this Act.
- (3) The Acquisition of Land (Assessment of Compensation) Act 1919 shall, in its application to any land vested in the Authority by an order made under this section, have effect as amended by the Lands Tribunal and Compensation Act (Northern Ireland) 1964.
- (4) In this section, Schedule 4 to this Act and the said Schedule 5 as incorporated in this Act, " land " has the meaning assigned to it by section 45(1) (a) of the Interpretation Act (Northern Ireland) 1954, and in Schedule 4 to this Act and the said Schedule 5 as so incorporated " estate " has the meaning assigned to it by section 45(2) of that Act.
- (5) Subsections (2) and (3) of the preceding section shall not apply to land in Northern Ireland.

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## **16 Rights granted to the Authority over land to bind grantor's successors**

- (1) Subject to the provisions of this section, where any person having an interest in land (hereafter in this subsection referred to as " the grantor ") grants or agrees to grant to the Authority any right (whether in perpetuity or for any other period and whether capable of subsisting as a legal estate or not) in or in relation to the land (including a right to enter upon the land, a right to carry out and maintain works on the land, a right to instal or maintain structures or apparatus on, under, over or across the land, and a right restrictive of the user of the land), the grant or agreement shall be binding upon any person deriving title or otherwise claiming under the grantor to the same extent as it is binding upon the grantor, notwithstanding that it would not have been binding upon that person apart from the provisions of this subsection.
- (2) A right in or in relation to land in England or Wales granted or agreed to be granted to the Authority shall not be enforceable by virtue of the preceding subsection against a purchaser for money or money's worth of a legal estate in any land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement has been registered in the prescribed manner in the register of local land charges of the local authority in whose area the land, or any part of the land, to which the grant or agreement relates is situated.
- (3) The power conferred by subsection (6) of section 15 of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the preceding subsection; and in that subsection " prescribed " means prescribed by rules made in the exercise of that power.
- (4) In subsection (2) of this section " local authority " means the council of a county district, county borough or London borough and the Common Council of the City of London, and " purchaser " has the same meaning as in the said Act of 1925.
- (5) A grant or agreement made as respects land in Scotland shall not be enforceable by virtue of subsection (1) of this section against a third party who shall have in good faith and for value acquired right (whether completed by infetment or not) to the land prior to the grant or agreement being recorded in the Register of Sasines, or against any person deriving title from such third party; and in the application of the said subsection (1) to Scotland for the reference to a legal estate there shall be substituted a reference to an estate.
- (6) A right in or in relation to land in Northern Ireland granted or agreed to be granted to the Authority shall not be enforceable by virtue of subsection (1) of this section against a purchaser for money or money's worth of any estate or interest in the land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement is registered in the Statutory Charges Register pursuant to Part X of the Land Registration Act (Northern Ireland) 1970; and accordingly—
  - (a) such a grant or agreement shall be included among the matters which are required to be registered in that Register ; and
  - (b) the following paragraph shall be added at the end of Schedule 11 to the said Act of 1970, that is to say—

“(24) A grant or agreement referred to in section 16(6) of the Civil Aviation Act 1971”.

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## **17 Compensation in respect of planning decisions relating to safety of aerodromes etc.**

- (1) Where a local planning authority (hereafter in this subsection referred to as a "planning authority") become liable to pay compensation under section 118, 119, 123, 134(2) or 170(1) of the Town and Country Planning Act 1962 or sections 18 or 20 of or paragraph 1 of Schedule 5 to the Town and Country Planning (Scotland) Act 1947 (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers' operational land) and the liability is attributable to a planning decision which would not have been taken, or in the case of compensation under the said section 118 or the said section 20 to an order under section 27 of the said Act of 1962 or section 19 of the said Act of 1947 which would not have been made, but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or to prevent persons or buildings from being struck by aircraft using such an aerodrome or the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation, the planning authority shall be entitled to recover from the Authority a sum equal to the compensation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of the preceding subsection, the planning authority shall pay to the Authority any amount received by the planning authority in respect of the compensation under section 122 of the said Act of 1962 or section 43 of the Town and Country Planning (Scotland) Act 1954 (which relate to the recovery of compensation on subsequent development).
- (3) Where a purchase notice is served under section 129 of the said Act of 1962 or section 17 of the said Act of 1947 in respect of a planning decision which would not have been taken but for such a need as aforesaid in respect of an aerodrome or apparatus owned by the Authority, any local authority who are deemed under section 130(2) or 133(1) of the said Act of 1962 or subsection (1B) or (2) of the said section 17 to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the Authority not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, require the Authority to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined; and where such a notice in writing is given the Authority shall, subject to any agreement between the local authority and the Authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (4) Any dispute as to whether a planning decision would not have been taken or an order under the said section 27 or the said section 19 would not have been made but for such a need as aforesaid shall be referred to and determined by the Secretary of State.
- (5) In the preceding provisions of this section "planning decision" means a decision made on an application under Part III of the said Act of 1962 or Part II of the said Act of 1947; and references in those provisions to a local planning authority include, in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.
- (6) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland—
  - (a) the Ministry of Development for Northern Ireland becomes liable to pay compensation to any person; and

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(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation, the said Ministry shall be entitled to recover from the Authority a sum equal to that compensation ; and where a sum equal to any compensation is payable or paid to the said Ministry in pursuance of the preceding provisions of this subsection, the Ministry shall pay to the Authority any amount received by the Ministry in respect of the compensation under section 24 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).

In this subsection " planning decision " includes a revocation or modification of planning permission under section 3 of the Planning (Interim Development) Act (Northern Ireland) 1944.

### *Supplemental*

## **18 Application of enactments relating to statutory undertakers etc.**

- (1) The provisions of Schedule 5 to this Act shall have effect as respects the application of the enactments mentioned in that Schedule (which relate to statutory undertakers, statutory undertakings and related matters).
- (2) For the purposes of the law relating to rating the undertaking of the Authority shall be treated as not being a public utility undertaking.

## **19 Supplementary provisions with respect to the functions of the Authority**

- (1) The Authority—
  - (a) shall, without prejudice to its powers apart from this paragraph but subject to the following paragraph, have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of the Authority's functions (including a function conferred on the Authority by virtue of this paragraph); but
  - (b) shall not without the consent in writing of the Secretary of State promote the formation of, acquire or acquire a financial interest in a body corporate or lend money to or enter into a guarantee for the benefit of a body corporate;and it is hereby declared that the Authority has power to do elsewhere than in the United Kingdom such things as it considers appropriate for the purpose of performing any of its functions.
- (2) Notwithstanding anything in section 1(4) of this Act, the Authority shall act on behalf of the Crown—
  - (a) in performing any function which the Authority is authorised by an Air Navigation Order to perform and which in pursuance of, or of an Annex to, or of an amendment for the time being in force of, the Chicago Convention mentioned in section 8 of the Civil Aviation Act 1949 falls to be performed on behalf of the Crown; and
  - (b) in performing such of its other functions as Her Majesty may by Order in Council require it to perform on behalf of the Crown as being functions appearing to Her to relate to the exercise of powers or the discharge of obligations of the United Kingdom under an international agreement;

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and an Order in Council made for the purposes of this subsection may be revoked or varied by a subsequent Order so made.

- (3) It shall be the duty of the Authority to comply with any direction given to it by the Secretary of State in pursuance of any provision of this Act.
- (4) Provision may be made by regulations as to the mode of giving evidence of—
  - (a) any instrument made by the Authority ; and
  - (b) the publication by the Authority of any matter.

## **20 Annual report**

- (1) It shall be the duty of the Authority to make to the Secretary of State, as soon as possible after the end of each accounting year, a report on the performance of its functions during that year.
- (2) The report for any accounting year—
  - (a) shall set out any direction given to the Authority in pursuance of section 4 or section 24(2) or section 28(2) of this Act during that year except a direction or part of a direction in pursuance of section 4 or 28(2) as to which the Secretary of State has notified the Authority that in his opinion it is against the national interest to set it out in the report;
  - (b) shall include particulars of any case in which during that year the Authority has decided not to proceed in accordance with advice given to it in pursuance of section 27(3)(a)(i) of this Act; and
  - (c) shall include such information as the Secretary of State may from time to time specify with respect to the plans and the past and present activities of the Authority and the financial position of the Authority.
- (3) The Secretary of State shall lay before each House of Parliament a copy of every report made to him in pursuance of this section.

## **PART II**

### REGULATION OF CIVIL AVIATION

#### *Regulation of carriage by air for reward*

## **21 Restriction of unlicensed carriage by air for reward**

- (1) No aircraft shall be used for the carriage for reward of passengers or cargo on a flight to which this subsection applies unless—
  - (a) the operator of the aircraft holds a licence granted to him by the Authority in pursuance of the following section (hereafter in this Act referred to as an " air transport licence ") authorising him to operate aircraft on such flights as the flight in question ; and
  - (b) the terms of the licence are complied with so far as they relate to that flight and fall to be complied with before or during the flight.
- (2) The preceding subsection applies to any flight in any part of the world by an aircraft registered in the United Kingdom and to any flight beginning or ending in the United

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Kingdom by an aircraft registered in a relevant overseas territory or an associated state, except that it does not apply to—

- (a) a flight of a description specified in an instrument made by the Authority for the purposes of this paragraph and in force in accordance with the following subsection;
    - (b) a particular flight or series of flights specified in an instrument made by the Authority for the purposes of this paragraph;
    - (c) a flight by an aircraft of which the Authority is the operator.
  - (3) An instrument made in pursuance of paragraph (a) of the preceding subsection shall not come into force until it is published in the prescribed manner, and it shall be the duty of the Authority forthwith after making an instrument in pursuance of paragraph (b) of that subsection to publish the instrument in the prescribed manner ; and an instrument made in pursuance of paragraph (a) or (b) of that subsection may be revoked or varied by a subsequent instrument made in pursuance of that paragraph.
  - (4) Where an aircraft is used for the carriage of passengers or cargo in pursuance of an arrangement made between a member of an incorporated or unincorporated body of persons and that body or another member of it, then, if by reason of relationships arising from membership of the body the carriage is not apart from this subsection carriage for reward, it shall be treated for the purposes of this section as carriage for reward.
  - (5) Where an aircraft is used on a flight in contravention of subsection (1) of this section or, after an aircraft has been used in pursuance of an air transport licence on a flight to which that subsection applies, any term of the licence relating to the flight and falling to be complied with at or after the end of the flight by the operator of the aircraft or by another person who made available such accommodation as is mentioned in paragraph (b) of this subsection is contravened, then—
    - (a) if before the flight began the operator of the aircraft knew or had reasonable cause to suspect that the use of the aircraft on that flight was likely to be in contravention of that subsection or, as the case may be, that the term in question was likely to be contravened, he shall be guilty of an offence under this subsection; and
    - (b) if any other person, either by negotiating a contract or otherwise howsoever, made available accommodation for the carriage of passengers or cargo on the aircraft on the flight knowing or having reasonable cause to suspect before the flight began that the accommodation was likely to be provided on an aircraft when used on a flight in contravention of the said subsection (1) or, as the case may be, that such a term as the term in question was likely to be contravened, that person shall be guilty of an offence under this subsection ;
- but a person shall not (except in pursuance of section 62(3) of this Act or the law relating to persons who aid, abet, counsel or procure the commission of offences) be guilty of an offence by virtue of paragraph (b) of this subsection in consequence of the contravention by another person of a term of a licence.
- (6) For the purpose of determining in pursuance of the preceding subsection whether an offence relating to a flight has been committed by the operator of the aircraft used on the flight it is immaterial that the relevant contravention mentioned in that subsection occurred outside the United Kingdom if when it occurred the operator was a United Kingdom national or was a body incorporated under the law of any part of the United Kingdom or the law of a relevant overseas territory or an associated state or was a person (other than a United Kingdom national or such a body) maintaining a place

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of business in the United Kingdom; and for the purpose of determining in pursuance of that subsection whether an offence relating to a flight has been committed by a person who made available such accommodation as is mentioned in that subsection it is immaterial that the relevant contravention there mentioned occurred outside the United Kingdom and that at any relevant time that person was not a United Kingdom national or such a body as aforesaid if any part of the negotiations resulting in the making available of the accommodation in question took place, whether by means of the post or otherwise, in the United Kingdom.

- (7) Where the Authority has reason to believe that an aircraft is intended to be used in contravention of subsection (1) of this section on a particular flight beginning in the United Kingdom or that any term of an air transport licence relating to such a flight and falling to be complied with at or after the end of the flight may not be complied with, the Authority may—
- (a) give to the person appearing to it to be in command of the aircraft a direction that he shall not permit the aircraft to take off until the Authority has informed him that the direction is cancelled ;
  - (b) whether or not it has given such a direction, detain the aircraft until the Authority is satisfied that the aircraft will not be used on the flight in contravention of the said subsection (1) or, as the case may be, that the term aforesaid will be complied with;

and a person who fails to comply with a direction given to him in pursuance of this subsection shall be guilty of an offence under this subsection.

- (8) A person guilty of an offence under subsection (5) or (7) of this section shall be liable on summary conviction to a fine of an amount not exceeding £400 or on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

## **22 Grant and refusal of air transport licences**

- (1) An application for the grant of an air transport licence must be made in writing to the Authority and contain such particulars with respect to such matters as the Authority may specify in a notice published in the prescribed manner; and where an application is made for the grant of a licence the Authority shall either grant a licence to the applicant in the terms requested in the application or in those terms with such modifications as the Authority thinks fit or refuse to grant a licence.
- (2) The Authority shall refuse to grant a licence in pursuance of an application if the Authority is not satisfied that—
- (a) the applicant is, having regard to—
    - (i) his and his employees' experience in the field of aviation and his and their past activities generally, and
    - (ii) where the applicant is a body corporate, the experience in the field of aviation and the past activities generally of the persons appearing to the Authority to control that body,
 a fit person to operate aircraft under the authority of the licence which, apart from this subsection, the Authority considers should be granted to him in pursuance of the application ; or
  - (b) the resources of the applicant and the financial arrangements made by him are adequate for discharging his actual and potential obligations in respect of the business activities in which he is engaged (if any) and in which he may be expected to engage if he is granted the licence which, apart from this



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subsection, the Authority considers should be granted to him in pursuance of the application.

- (3) If the Authority is not satisfied that an applicant for a licence is—
- (a) a United Kingdom national; or
  - (b) a body which is incorporated under the law of any part of the United Kingdom or the law of a relevant overseas territory or an associated state and is controlled by United Kingdom nationals,
- it shall refuse to grant a licence in pursuance of his application unless the Secretary of State consents to the grant of the licence ; and where the Authority proposes to refuse to grant a licence by reason only of the preceding provisions of this subsection it shall be the duty of the Authority to give the Secretary of State notice of the proposal and to postpone its decision on the application until the Secretary of State's consent is given or refused.
- (4) Nothing in the provisions of subsections (2) and (3) of this section shall be construed as prejudicing the Authority's power in its discretion to refuse a licence otherwise than in pursuance of any of those provisions.
- (5) A licence may contain such terms as the Authority thinks fit; and (without prejudice to the generality of the Authority's power to decide those terms) the terms may—
- (a) be or include terms settled by a person other than the Authority and include provision for any of the terms to have effect with such modifications as the Authority or another person may from time to time determine; and
  - (b) include terms as to the charges which are to be made and the goods, services and other benefits which are and are not to be furnished by any person whatsoever under or in connection with any contract which includes provision for the making available of accommodation on flights to which the licence relates.
- (6) If the holder of a current licence applies for the grant of another licence in continuation of or in substitution for the current licence and does so not later than such time before the expiration of the term of the current licence as the Authority may specify in a notice published in the prescribed manner, then, unless the application is withdrawn and without prejudice to the Authority's power to revoke, suspend or vary the current licence, the current licence shall not cease to be in force by reason only of the expiration of that term—
- (a) until the Authority gives its decision on the application;
  - (b) if in pursuance of the application the Authority decides to refuse a licence or to grant a licence otherwise than in the terms requested in the application, until the expiration of the time during which an appeal to the Secretary of State against the decision may be brought in pursuance of regulations made by virtue of section 24(6) of this Act and, if such an appeal is brought, until the appeal is determined or abandoned;
  - (c) if such an appeal against a decision to refuse a licence or to grant one otherwise than in the terms aforesaid is successful, until the date when the licence granted in consequence of the appeal comes into force.
- (7) A notice published in pursuance of subsection (1) or subsection (6) of this section may be altered or cancelled by subsequent notice published in pursuance of that subsection.

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## **23 Revocation, suspension and variation of air transport licences**

- (1) An application for the revocation, suspension or variation of an air transport licence may be made to the Authority at any time by a person of a prescribed description.
- (2) The Authority may at any time revoke, suspend or vary a licence if the Authority considers it appropriate to do so, whether or not an application with respect to the licence has been made in pursuance of the preceding subsection.
- (3) It shall be the duty of the Authority to revoke or suspend or vary a licence (whichever the Authority thinks appropriate in the circumstances) if the Authority is not or is no longer satisfied—
  - (a) that the holder of the licence is, having regard to—
    - (i) his and his employees' experience in the field of aviation and his and their past activities generally, and
    - (ii) where the holder of the licence is a body corporate, the experience in the field of aviation and the past activities generally of the persons appearing to the Authority to control that body, a fit person to operate aircraft under the authority of the licence; or
  - (b) that the resources of the holder of the licence and the financial arrangements made by him are adequate for discharging his actual and potential obligations in respect of the business activities in which he is engaged ;

and if the Authority has reason to believe that the holder of a licence is neither a United Kingdom national nor such a body as is mentioned in paragraph (b) of subsection (3) of the preceding section it shall be the duty of the Authority to inform the Secretary of State accordingly and, if he so directs, to revoke the licence.
- (4) The provisions of subsections (2) and (3) of this section conferring on the Authority power to suspend a licence shall be construed as conferring on the Authority power to provide, by a notice in writing served in the prescribed manner on the holder of the licence, that subject to the following subsection the licence shall not be effective during a period specified in the notice; and while a licence is ineffective by virtue of such a notice the Authority may, by a further notice in writing served in the prescribed manner on the holder of the licence, provide that the licence shall be effective on and after a date specified in the further notice, but the further notice shall not prejudice the Authority's powers to suspend the licence again or to revoke or vary it.
- (5) If a licence is revoked, suspended or varied by the Authority otherwise than on the application of the holder of the licence and otherwise than in consequence of a direction given in pursuance of subsection (3) of this section, the revocation, suspension or variation shall not take effect before the expiration of the period prescribed in pursuance of subsection (6) of the following section for the bringing of an appeal against the Authority's decision nor, if such an appeal is brought during that period, before the determination or abandonment of the appeal.

## **24 Supplementary provisions relating to air transport licensing**

- (1) Regulations may make provision as to the circumstances in which an air transport licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted.
- (2) If the Secretary of State considers that it may be expedient for him to give guidance or different guidance to the Authority in pursuance of section 3(2) of this Act and

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that until he has decided whether to do so the Authority ought not to perform one or more of the functions conferred on it by section 22 or 23 of this Act, he may give the Authority a direction requiring that in any case or class of case specified in the direction the Authority shall not perform any of those functions which is so specified until the Secretary of State cancels the direction; and if the Authority considers that it may be expedient for the Secretary of State to give such guidance or different guidance and that until he has decided whether to do so the Authority ought not to perform one or more of the functions aforesaid, the Authority may request the Secretary of State to consider whether to give such guidance or different guidance and may postpone the performance of the function in question in any case or class of case until such time as the Secretary of State may determine.

- (3) Where the Authority takes a decision to grant, refuse to grant, vary, suspend or revoke a licence it shall be the duty of the Authority, subject to the following subsection, to furnish a statement of its reasons for the decision to the applicant for the licence or, as the case may be, to the holder or former holder of it and to any other person who in accordance with regulations has entered an objection in the case or requested such a statement, so however that no statement of reasons need be furnished in pursuance of this subsection in a case in which no such objection has been entered and no such request has been made and the decision is taken in pursuance of, and is in the terms requested in, an application for the grant of a licence or an application by the holder of a licence for the variation, suspension or revocation of it.
- (4) If the Authority has reason to believe that the furnishing of a statement of reasons in pursuance of the preceding subsection might be contrary to the interests of national security or might affect adversely the relations of the United Kingdom with any other country or territory, it shall be the duty of the Authority to give notice of the case to the Secretary of State and, if he so directs, to refrain from furnishing the statement in question or to exclude from the statement such matter as is specified in the direction; and the Authority may refrain from furnishing a statement of reasons in pursuance of the preceding subsection to a person who is an applicant for or holder or former holder of a licence or has in accordance with regulations entered an objection in the case or requested such a statement (hereafter in this subsection referred to as a "relevant person") or may exclude matter from a statement furnished in pursuance of that subsection to a relevant person if the Authority considers it necessary to do so for the purpose of withholding from the relevant person information which in the opinion of the Authority relates to the commercial or financial affairs of another person and cannot be disclosed to the relevant person without disadvantage to the other person which, by comparison with the advantage to the public and the relevant person of its disclosure to him, is unwarranted.
- (5) The Authority may publish in such manner as it thinks fit particulars of, and of its reasons for, any decision taken by it with respect to a licence or an application for a licence.
- (6) The Secretary of State shall make regulations—
  - (a) conferring on persons of prescribed descriptions a right to appeal to the Secretary of State from any decision of the Authority with respect to or to an application for a licence;
  - (b) authorising the Secretary of State on such an appeal to direct the Authority to reverse or vary the decision in question and in consequence to do or refrain from doing such other things as may be specified in the direction; and

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- (c) containing such provisions as the Secretary of State thinks fit with respect to such an appeal, which (without prejudice to the generality of the preceding provisions of this paragraph) may include provisions as to—
- (i) the time within which an appeal must be brought,
  - (ii) the persons in addition to the appellant who are to be parties to an appeal, and
  - (iii) the liability of any of the parties in respect of costs or expenses incurred in connection with an appeal;

and the Secretary of State shall, when considering whether to give a direction in pursuance of regulations made by virtue of paragraph (b) of this subsection and when considering the terms of any such direction, have regard in particular to the duties imposed on the Authority by section 3 of this Act.

- (7) A person who, for the purpose of obtaining for himself or another person either a licence or a variation of a licence or the cancellation of the suspension of a licence, knowingly or recklessly furnishes to the Authority or the Secretary of State any information which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.

## **25 Transitional provisions as to air service licences**

- (1) An air service licence in force immediately before the appointed day shall be deemed on and after that day to be an air transport licence and may be revoked, suspended or varied accordingly.
- (2) Any application for an air service licence (except such an application as is mentioned in the following subsection) and any appeal to the Secretary of State from a decision in respect of such a licence shall, if it is pending immediately before the appointed day, abate on that day; and where by virtue of this subsection an application abates or an appeal against a refusal to grant an air service licence abates, it shall be the duty of the Secretary of State to pay out of money provided by Parliament, to the person who was the applicant for the licence in question, a sum equal to the fees paid by that person to the Air Transport Licensing Board in respect of the application.
- (3) An application for an air service licence which is pending immediately before the appointed day and as to which no proceedings by way of an oral hearing before the said Board have taken place before that day shall be deemed to be an application for an air transport licence duly made to the Authority on that day; and the Secretary of State may give directions to the Authority containing such supplemental and such further transitional provisions as he considers appropriate for the purposes of this subsection.
- (4) In this section—
  - “air service licence” means a licence under section 2 of the Civil Aviation (Licensing) Act 1960; and
  - “the appointed day” means such day as the Secretary of State may by order appoint for the purposes of this section.

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*Regulation of provision of accommodation in aircraft*

**26 Regulation of provision of accommodation in aircraft**

- (1) Provision may be made by regulations for securing that a person does not in the United Kingdom—
- (a) make available, as a principal or an agent, accommodation for the carriage of persons or cargo on flights in any part of the world ; or
  - (b) hold himself out as a person who, either as a principal or an agent or without disclosing his capacity, may make such accommodation available,
- unless he is the operator of the relevant aircraft or holds and complies with the terms of a licence issued in pursuance of the regulations or is exempted by or under the regulations from the need to hold such a licence.
- (2) Regulations made for the purposes of the preceding subsection may contain such provisions as the Secretary of State, after consultation with the Authority, considers appropriate for those purposes and may, without prejudice to the generality of the preceding provisions of this subsection, include provision—
- (a) as to the circumstances in which licences shall or shall not be issued in pursuance of the regulations;
  - (b) as to the terms of licences, which may include terms as to the minimum charges which are to be made and the goods, services and other benefits which are or are not to be furnished by any person whatsoever under or in connection with any contract which includes provision for the making available of accommodation on flights to which the licences in question relate ;
  - (c) for the variation, suspension and revocation of licences ;
  - (d) for appeals against refusals, variations, suspensions or revocations of licences to lie to a prescribed body or person (which may be a court, a Minister of the Crown, a body or person constituted or appointed by or under the regulations or such other body or person as the Secretary of State thinks fit) and for applying the provisions of any enactment, with or without modifications, in relation to such appeals ;
  - (e) for imposing penalties for contraventions of the regulations not exceeding in the case of each contravention a fine of £400 on summary conviction and a fine and imprisonment for a term not exceeding two years on conviction on indictment;
  - (f) for repealing, either wholly or in relation to prescribed cases, so much of subsection (5) of section 21 of this Act as begins with the word " and " at the end of paragraph (a) and in subsection (6) of that section the words from " and for the purpose " onwards ;
- and section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply to a repeal made by virtue of paragraph (f) of this subsection as if it were made by an Act passed after this Act.

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*Regulation of safety and navigation of aircraft and of noise from aircraft*

**27 Design, construction and maintenance of aircraft**

- (1) Section 7 of the Civil Aviation Act 1949 (which among other things provides for the delegation by the Secretary of State of his functions with respect to the design, construction and maintenance of aircraft) shall cease to have effect.
- (2) It shall be the duty of the Authority to consult the board established in pursuance of the following provisions of this section on all matters appearing to the Authority to be of significance as respects the standards of design, construction and maintenance by reference to which certificates of airworthiness for aircraft are to be granted or renewed in pursuance of Air Navigation Orders and to consult the said board as to whether an aircraft of a new type satisfies the standards of design and construction required for the issue of such a certificate for the aircraft; and—
  - (a) any question whether a matter is one on which consultations are required by virtue of this subsection shall be decided by the Authority;
  - (b) it shall be the duty of the Authority to consider all advice given to it by the said board in pursuance of this section;
  - (c) if the Authority decides not to proceed in accordance with any advice given to the Authority by the said board it shall be the duty of the Authority to inform the board in writing of its reasons for the decision and, if the advice was given in consequence of consultations required by virtue of this subsection, to publish particulars of the case forthwith in the prescribed manner.
- (3) There shall be a body of persons, to be known as the Airworthiness Requirements Board (and hereafter in this section referred to as "the board"), of which the functions shall be—
  - (a) to give advice to the Authority on—
    - (i) all matters on which the Authority consults the board in pursuance of the preceding subsection, and
    - (ii) any other matters which appear to the board to relate to the standards mentioned in the preceding subsection and on which the board considers it appropriate to give advice to the Authority;
  - (b) to consult such persons as the board considers appropriate for the purpose of giving such advice as aforesaid.
- (4) The board shall consist of not less than twelve nor more than twenty persons appointed by the Authority of whom—
  - (a) four shall be appointed on the nomination of any body or persons appearing to the Authority to be representative—
    - (i) as to one of the four, of manufacturers of aircraft,
    - (ii) as to another of them, of operators of aircraft,
    - (iii) as to another of them, of insurers of aircraft,
    - (iv) as to the other of them, of pilots of aircraft;
  - (b) more than half the persons for the time being so appointed shall be representative members (and in this paragraph "representative member" means a person appointed to be a member of the board on the nomination of any body or persons appearing to the Authority to be representative of manufacturers or operators or insurers or pilots of aircraft); and
  - (c) the remainder may include one or more members of the Authority;

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and the Authority shall designate as the chairman of the board a member of it nominated by the board.

- (5) The provisions of Schedule 6 to this Act shall have effect with respect to the board.

## **28 Air navigation services**

- (1) It shall be the duty of the Authority to provide air navigation services—
- (a) in the United Kingdom ; and
  - (b) for any area outside the United Kingdom for which the United Kingdom has, in pursuance of international arrangements, undertaken to provide air navigation services,
- to the extent to which it appears to the Authority that such services are necessary and are not being provided by the Authority (either alone or jointly with another person) or by some other person.
- (2) It shall be the duty of the Authority to join with the Secretary of State, in such manner as may be specified in directions given to the Authority by the Secretary of State,—
- (a) in providing such air navigation services in respect of such areas (whether in the United Kingdom or elsewhere) as may be specified in the directions; and
  - (b) in defraying the cost of providing the services so specified ; and
  - (c) without prejudice to the generality of the preceding paragraph, in discharging any liability to a third party which is incurred by the Authority and the Secretary of State or either of them in providing the services so specified.
- (3) Without prejudice to any right of action in respect of an act or omission which takes place in the course of providing air navigation services in pursuance of this section, no action shall lie in respect of a failure by the Authority to perform the duty imposed on it by subsection (1) or subsection (2) of this section.

## **29 Regulation of noise and vibration from aircraft**

- (1) The Secretary of State may by a notice published in the prescribed manner provide that it shall be the duty of the person who is the operator of an aircraft which is to take off or land at a designated aerodrome to secure that, after the aircraft takes off or as the case may be before it lands at the aerodrome, such requirements as are specified in the notice are complied with in relation to the aircraft, being requirements appearing to the Secretary of State to be appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at the aerodrome.
- (2) If it appears to the Secretary of State that any requirement specified in relation to a designated aerodrome in a notice published in pursuance of the preceding subsection has not been complied with as respects any aircraft he may, after affording to the person who at the relevant time was the operator of the aircraft an opportunity of making representations to the Secretary of State with respect to the matter and after considering any representations then made by him, give to the person managing the aerodrome a direction requiring him to secure that, until the Secretary of State revokes the direction, facilities for using the aerodrome are withheld to the extent specified in the direction from aircraft of which the person aforesaid is the operator and from his servants ; and it shall be the duty of the person for the time being managing the aerodrome to comply with the direction.

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- (3) If the Secretary of State considers it appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at a designated aerodrome to limit the number of occasions on which aircraft may take off or land at the aerodrome during certain periods, he may by a notice published in the prescribed manner—
- (a) specify the maximum number of occasions on which aircraft of descriptions specified in the notice may (otherwise than in an emergency of a description so specified) be permitted to take off or land respectively at the aerodrome during such periods as are so specified;
  - (b) determine the persons who shall be entitled to arrange for aircraft of which they are the operators to take off or land at the aerodrome during the periods so specified and, as respects each of those persons, the number of occasions on which aircraft of a particular description of which he is the operator may take off or land at the aerodrome during those periods ;
- and subject to paragraphs (d) and (e) of the following subsection it shall be the duty of the person for the time being managing the aerodrome to secure that the limitations relating to the aerodrome which are imposed by the notice are complied with.
- (4) The following supplementary provisions shall have effect for the purposes of the preceding subsection, that is to say—
- (a) it shall be the duty of the Secretary of State, before he makes a determination in respect of an aerodrome in pursuance of paragraph (b) of the preceding subsection, to consult any body appearing to him to be representative of operators of aircraft using the aerodrome;
  - (b) a notice under the preceding subsection may make, in relation to a designated aerodrome, provision as respects any period notwithstanding that the period is included in, or that there is included in the period, any other period as respects which provision relating to the aerodrome is made by the notice or by another notice under that subsection ;
  - (c) if it appears to the Secretary of State that an aircraft is about to take off in contravention of limitations imposed in pursuance of the preceding subsection, then, without prejudice to the powers exercisable by virtue of that subsection by the person managing the relevant aerodrome, any person authorised by the Secretary of State in that behalf may detain the aircraft for such period as that person considers appropriate for preventing the contravention and may for the purpose of detaining the aircraft enter upon any land;
  - (d) nothing in the preceding subsection requires a person managing an aerodrome to prevent an aircraft from landing at the aerodrome ; and
  - (e) the Secretary of State may, by a notice in writing served in the prescribed manner on the person managing an aerodrome to which a notice under the preceding subsection relates, determine that a particular occasion on which an aircraft takes off or lands at the aerodrome shall be disregarded for the purposes of the notice under that subsection.
- (5) The Secretary of State may give to the person managing a designated aerodrome such directions as the Secretary of State considers appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at the aerodrome; and it shall be the duty of the person for the time being managing the aerodrome to comply with the directions.



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- (6) The duties imposed by subsections (1) to (3) and (5) of this section in relation to aerodromes in Scotland shall be enforceable by order of the Court of Session on an application by or on behalf of the Secretary of State under section 91 of the Court of Session Act 1868.
- (7) The Secretary of State may, after consultation with the person managing a designated aerodrome, by order require him at his own expense—
- (a) to provide in an area and within a period specified in the order, and to maintain and operate in accordance with any instructions so specified, such equipment for measuring noise in the vicinity of the aerodrome as is so specified ; and
  - (b) to make to the Secretary of State such reports as are so specified with respect to the noise measured by the equipment and to permit any person authorised by the Secretary of State in that behalf to inspect the equipment on demand at any time ;
- and it shall be the duty of the person for the time being managing the aerodrome to comply with the requirements of the order.
- (8) If a person fails to perform any duty imposed on him by the preceding subsection the Secretary of State may, after affording him an opportunity of making representations to the Secretary of State with respect to the matter and after considering any representations then made by him,—
- (a) take such steps as the Secretary of State considers appropriate for remedying the failure, which may include steps to secure the provision, maintenance and operation of equipment by the Secretary of State or the Authority; and
  - (b) recover in any court of competent jurisdiction from the person aforesaid any expense attributable to the taking of those steps which is incurred by the Secretary of State from time to time;
- and if a person fails to perform any duty imposed on him by virtue of paragraph (b) of the preceding subsection, then, without prejudice to the preceding provisions of this subsection he shall—
- (i) be guilty of an offence and be liable on summary conviction to a fine of an amount not exceeding £50, and
  - (ii) if the failure continues after his conviction of an offence under this subsection arising from the failure, be guilty of a separate offence under this subsection on each day on which the failure continues thereafter and liable to be fined accordingly.
- (9) Any expenses incurred by the Secretary of State in pursuance of the preceding subsection shall be defrayed out of money provided by Parliament, and any sums received by the Secretary of State in pursuance of that subsection shall be paid into the Consolidated Fund.
- (10) The Secretary of State may, after consultation with any local authority appearing to him to be concerned, by order repeal any provision of a local Act which he considers is unnecessary having regard to the provisions of this section and of section 15 of the Airports Authority Act 1965 (which provides for grants towards the cost of sound-proofing buildings) as amended by this Act.
- (11) In this section—
- " designated aerodrome " means any aerodrome in Great Britain which is designated by an order made by the Secretary of State as an aerodrome to which this section applies ; and

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" local authority " means, in relation to England and Wales, the council of a county, county borough, London borough or county district, the Greater London Council or the Common Council of the City of London and, in relation to Scotland, any county or town council;

and any notice published in pursuance of subsection (1) or subsection (3) of this section may contain such incidental or supplementary provisions as the Secretary of State considers appropriate for the purposes of that subsection and may be varied or revoked by a subsequent notice published in pursuance of that subsection.

#### *Operation of aerodromes by the Authority*

### **30 Management etc.**

- (1) The Authority shall not establish any aerodrome and shall not acquire any aerodrome in addition to those owned by it by virtue of section 14(1) of this Act; but the Authority may with the consent in writing of the Secretary of State undertake the management of any aerodrome (whether in the United Kingdom or elsewhere) which it does not own and to which the consent extends.
- (2) The Authority shall not discontinue the use of any aerodrome owned or managed by it except with the consent in writing of the Secretary of State.
- (3) It shall be the duty of the Authority to provide at the aerodromes in the United Kingdom which are owned or managed by it such services and facilities as the Authority considers are necessary or desirable for their operation; and in carrying out that duty the Authority shall have regard to the development of air transport and to efficiency, economy and safety of operation.
- (4) Subject to the preceding section, it shall also be the duty of the Authority to secure that, at all times when an aerodrome in the United Kingdom which is owned or managed by the Authority is available for the landing or departure of aircraft, it is so available to all persons on equal terms.
- (5) Notwithstanding anything in section 5 of this Act, the Authority may with the consent in writing of the Secretary of State appoint another person to manage on its behalf any aerodrome which is owned or is being managed by the Authority; and any reference in this Act to an aerodrome managed by the Authority includes a reference to an aerodrome managed by a person appointed in pursuance of this subsection.

### **31 Byelaws**

- (1) The Authority may, in respect of any aerodrome in the United Kingdom which is owned or managed by it, make byelaws for regulating the use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws—
  - (a) for securing the safety of aircraft, vehicles and persons using the aerodrome and preventing danger to the public arising from the use and operation of the aerodrome ;
  - (b) for preventing obstruction within the aerodrome ;
  - (c) for regulating vehicular traffic anywhere within the aerodrome except on roads to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the aerodrome and for

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- restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws ;
- (d) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;
  - (e) for prohibiting or restricting access to any part of the aerodrome;
  - (f) for preserving order within the aerodrome and preventing damage to property in it;
  - (g) for regulating or restricting advertising within the aerodrome ;
  - (h) for requiring any person, if so requested by a constable or aerodrome official, to leave the aerodrome or a particular part of it or to state his name and address and the purpose of his being on the aerodrome;
  - (i) for restricting the area which is to be taken as constituting the aerodrome for the purposes of the byelaws.
- (2) A person contravening any byelaws made under this section shall be liable on summary conviction to a fine not exceeding such amount as may be specified by the byelaws in relation to the contravention, but no amount so specified shall exceed £100.
- (3) Byelaws made under this section shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 7 to this Act shall apply to any such byelaws.
- (4) If, in the case of any aerodrome owned or managed by the Authority, byelaws made or having effect as if made under section 2 of the Civil Aviation Act 1968 (which relates to byelaws for aerodromes of the Secretary of State) were in force in respect of the aerodrome immediately before the date when it vested in or came under the management of the Authority, the byelaws shall have effect as if made and confirmed under this section but with the substitution of references to the Authority for references to the Secretary of State and with any other necessary modifications.
- (5) In this section—
- " aerodrome official " means a person authorised by the Authority to act for the purposes of byelaws made by virtue of paragraph (h) of subsection (1) of this section ; and
  - " the road traffic enactments " means the enactments (whether passed before or after this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment;
- and an aerodrome official shall not exercise any power conferred on him by byelaws made by virtue of the said paragraph (h) without producing written evidence of his authority if he is required to do so.

## 32 Health control

- (1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Secretary of State, and to such extent as he may direct of the Authority, to make such arrangements as appear to him to be necessary—
- (a) for preventing danger to public health from aircraft arriving at any aerodrome in the United Kingdom which is owned or managed by the Authority; and
  - (b) for preventing the spread of infection by means of any aircraft leaving any such aerodrome, so far as may be expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

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- (2) A local authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as aforesaid, and the Secretary of State shall make to the local authority out of money provided by Parliament such payments as the local authority may reasonably require in respect of expenses incurred by the local authority in the performance of those duties.
- (3) In the application of subsections (1) and (2) of this section to Northern Ireland, for any reference to the Secretary of State there shall be substituted a reference to the Ministry of Health and Social Services for Northern Ireland and the words “out of money provided by Parliament” in subsection (2) shall be omitted ; but nothing in this section shall require or authorise the said Ministry to make payments or incur other expenses in pursuance of this section until provision has been made by the Parliament of Northern Ireland for those payments and expenses to be defrayed out of money provided by that Parliament.
- (4) In subsection (2) of this section "local authority" means—
- (a) in relation to England and Wales, any local authority for the purposes of the Public Health Act 1936, any county council, any port health authority and any joint board of which all the constituent authorities are such authorities or councils as aforesaid ;
  - (b) in relation to Scotland, any local authority for the purposes of the Public Health (Scotland) Act 1945 and any port local authority as defined in section 172 of the Public Health (Scotland) Act 1897; and
  - (c) in relation to Northern Ireland, such authority as the Ministry of Health and Social Services for Northern Ireland may designate as the appropriate authority for the purposes of subsection (2) of this section.
- (5) Section 143 of the Public Health Act 1936 (which authorises the making of health regulations) shall have effect in relation to aerodromes in Great Britain which are owned or managed by the Authority, and in relation to persons and aircraft arriving at or departing from such aerodromes, subject to the following modifications, that is to say—
- (a) in subsection (1) the proviso shall be omitted ;
  - (b) in subsection (3) for the words from " shall specify " to " executed" there shall be substituted the words "may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State" and paragraphs (i) and (ii) shall be omitted ; and
  - (c) in subsection (4) for the words " Authorised officers of any such authority" there shall be substituted the words "Officers designated as aforesaid".
- (6) In the application of the preceding subsection to Scotland, for the reference to section 143 of the Public Health Act 1936 there shall be substituted a reference to section 1 of the Public Health (Scotland) Act 1945 and paragraph (a) shall be omitted.

*Provision of assistance and information*

**33 Provision by the Authority of assistance etc. for Secretary of State and others**

- (1) Subject to subsection (3) of this section it shall be the duty of the Authority to provide such assistance and advice as the Secretary of State may require the Authority to provide for him or any other person in connection with any of the Secretary of State's functions relating to civil aviation.

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- (2) Without prejudice to the preceding subsection, it shall also be the duty of the Authority—
- (a) to consider what aerodromes are in its opinion likely to be required from time to time in the United Kingdom in addition to or in place of or by way of alteration of existing aerodromes; and
  - (b) to make recommendations to the Secretary of State arising out of its consideration of that matter;
- and it shall be the duty of the Secretary of State to publish the recommendations (except any of them of which the publication appears to him unnecessary) in such manner as he considers appropriate for bringing them to the notice of the public.
- (3) Where in pursuance of subsection (1) of this section the Secretary of State requires the Authority to provide assistance or advice for a person other than the Secretary of State but does not undertake to pay to the Authority the cost of doing so, the Authority shall be entitled to refuse to do so until the other person pays to the Authority—
- (a) in so far as provision is made in pursuance of section 9 of this Act for charges in respect of the assistance or advice, those charges ; and
  - (b) in so far as provision is not so made, such reasonable charges in respect of the assistance or advice as the Authority may determine.
- (4) The Authority shall be entitled to recover from the Secretary of State a sum equal to any expense reasonably incurred by it in providing him with assistance or advice in pursuance of subsection (1) of this section and in performing the duty imposed on it by subsection (2) of this section, and any expenditure incurred by the Secretary of State in pursuance of this subsection shall be defrayed out of money provided by Parliament.
- (5) Without prejudice to subsection (1) of this section, the Authority may provide for any person technical assistance and advice, including research services, with respect to any matter in which the Authority has skill or experience.

### **34 Provision by the Authority of information etc. for Secretary of State**

- (1) It shall be the duty of the Authority—
- (a) to furnish to the Secretary of State such information as he may specify and the Authority has or can reasonably be expected to obtain with respect to such matters relating to the Authority or to civil aviation as the Secretary of State may specify;
  - (b) to permit the Secretary of State to have access to all documents which are under the control of the Authority and relate to matters specified in pursuance of the preceding paragraph;
  - (c) if it comes to the notice of the Authority that a body which is the holder of an air transport licence is proposing to merge or has merged with another body, to give notice in writing of the proposal or merger to the Secretary of State;
  - (d) if it appears to the Authority that any matter which is being or has been dealt with by the Authority is likely—
    - (i) to affect the relations of the United Kingdom with any other country or territory or any international organisation, or
    - (ii) to be of special interest to the Secretary of State by reason of the fact that the matter involves or may involve noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation,

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to give notice in writing of the matter to the Secretary of State.

- (2) Nothing in the preceding subsection shall be construed as prejudicing the generality of subsection (1) of the preceding section, and nothing in paragraph (c) or (d) of the preceding subsection shall be construed as prejudicing the generality of paragraph (a) of the preceding subsection.
- (3) The Authority shall be entitled to recover from the Secretary of State a sum equal to any expense reasonably incurred by it in furnishing information in pursuance of subsection (1) of this section, and any expenditure incurred by the Secretary of State in pursuance of this subsection shall be defrayed out of money provided by Parliament.

### **35 Provision by others of information for the Authority and Secretary of State**

- (1) The Authority may, by a notice in writing served in the prescribed manner on a person of any of the following descriptions, that is to say—
  - (a) a holder of a licence issued by the Authority under this Act or a licence or certificate issued by the Authority under an Air Navigation Order;
  - (b) a recipient of an approval given by the Authority under an Air Navigation Order;
  - (c) a person who in the United Kingdom has, at any time during the period of two years ending with the date of service of the notice, held himself out as one who may as a principal or otherwise enter into a contract to make available accommodation for the carriage of persons or cargo on flights in any part of the world in aircraft of which he is not the operator;
  - (d) a person carrying on business in the United Kingdom as a manufacturer of aircraft or engines or other equipment for aircraft or as an insurer of aircraft,
 require him to furnish to the Authority, in such form and at such times as may be specified in the notice, information of such descriptions as may be so specified, being—
  - (i) in the case of such a holder or recipient as aforesaid (other than the holder of an aerodrome licence), descriptions of information which relates to his past, present or future activities as the holder or recipient of the licence, certificate or approval in question or his past activities as the holder or recipient of any similar licence, certificate or approval or is of a kind which the Authority considers that it requires for the purpose of reviewing the licence, certificate or approval in question,
  - (ii) in the case of such a person as is mentioned in paragraph (c) of this subsection, descriptions of information which relates to his past, present or future activities in the United Kingdom connected with the making available of accommodation so mentioned,
  - (iii) in the case of such a person as is mentioned in paragraph (d) of this subsection or the holder of an aerodrome licence, descriptions of information which relates to his past, present or future activities (including, in the case of the holder of an aerodrome licence, information as to the numbers of aircraft and passengers and the quantity of cargo passing and expected to pass through the relevant aerodrome) and is of a kind which the Authority considers that it requires for the purpose of performing any of its functions.

In this subsection " aerodrome licence " means a licence to operate an aerodrome issued by the Authority under an Air Navigation Order.

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- (2) Without prejudice to the generality of the preceding subsection, the information relating to the activities of the holder of an air transport licence which the Authority may require him to furnish in pursuance of that subsection includes particulars of any contract or arrangement—
- (a) to which he is or was at any time a party and, if he is not or was not then an operator of aircraft registered in the United Kingdom or a relevant overseas territory or an associated state, to which such an operator is or was then a party ; and
  - (b) which constitutes or relates to an agreement or understanding between operators of aircraft or such operators and other persons with respect to any of the following matters, that is to say—
    - (i) the provision of flights or of accommodation in aircraft,
    - (ii) the sharing or transfer of revenue from flights on particular routes,
    - (iii) the sale by a party to the contract or arrangement of tickets for flights in aircraft operated by another party to it,
    - (iv) the making available by a party to the contract or arrangement of staff, equipment or other facilities for use by another party to it.
- (3) Provision may be made by regulations for requiring a person of any description specified in subsection (1) of this section to furnish to the Secretary of State, in such form and at such times as may be prescribed, information of such descriptions as may be prescribed, being descriptions of information relating to civil aviation which the Secretary of State considers that he requires for the purpose of performing any of his functions or descriptions of information which he considers that he requires in order to facilitate the performance by the Authority of any of its functions.
- (4) If a person required to furnish information by virtue of any of the preceding provisions of this section fails to comply with the requirement or in purported compliance with the requirement knowingly or recklessly furnishes information which is false in a material particular, then—
- (a) in the case of a failure to comply with the requirement he shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £100 ; and
  - (b) in any other case he shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both ; and
  - (c) if the requirement was made by virtue of subsection (1) or (2) of this section, the Authority may, whether or not any proceedings in respect of the requirement have been brought in pursuance of paragraph (a) or (b) of this subsection, revoke any licence or certificate or approval which was issued or given by the Authority and to which the requirement related ;

and a person who fails to comply with a requirement imposed on him in pursuance of this section shall be guilty of an offence by virtue of paragraph (a) of this subsection notwithstanding that at any relevant time he is outside the United Kingdom and is neither a United Kingdom national nor a body incorporated under the law of a part of the United Kingdom or of a relevant overseas territory or an associated state.

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## 36 Disclosure of information

- (1) Subject to the following subsection, no information which relates to a particular person and has been furnished to the Authority or the Secretary of State in pursuance of any provision of this Part of this Act or an Air Navigation Order shall be disclosed by the Authority or a member or employee of the Authority or an officer of the Secretary of State unless—
- (a) the person aforesaid has consented in writing to disclosure of the information ; or
  - (b) the Secretary of State, after affording that person an opportunity to make representations about the information and considering any representation then made by that person about it, determines that the information may be disclosed ; or
  - (c) the Secretary of State determines that the information is of the same kind as other information as respects which he has, after affording that person an opportunity of making representations about it in pursuance of the preceding paragraph, made a determination in pursuance of that paragraph.
- (2) Nothing in the preceding subsection prohibits the disclosure of any information—
- (a) by the Authority or a member or employee of the Authority to the Secretary of State or an officer of his or, with the consent of the Secretary of State, to an international organisation of which the United Kingdom is a member;
  - (b) by an officer of the Secretary of State to the Authority or a member or employee of the Authority or to such an organisation or, in accordance with directions given by the Secretary of State,—
    - (i) to an officer of any government department, or
    - (ii) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of any country or territory outside the United Kingdom, or
    - (iii) in connection with the discharge of any obligation of the United Kingdom under international arrangements;
  - (c) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 5(2) of this Act;
  - (d) in pursuance of section 24(3) or (5) of this Act;
  - (e) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings arising out of this Act or an Air Navigation Order or for the purposes of any investigation undertaken in pursuance of regulations made by virtue of section 10 of the Civil Aviation Act 1949 (which provides for the investigation of accidents connected with air navigation).
- (3) If the Authority or a member or employee of the Authority or an officer of the Secretary of State discloses any information in contravention of subsection (1) of this section, it or he shall be liable on summary conviction to a fine of an amount not exceeding £400 or on conviction on indictment to a fine or, except in the case of the Authority, imprisonment for a term not exceeding two years or both.



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## PART III

### THE BRITISH AIRWAYS BOARD

#### *Constitution*

#### **37 Constitution of the Board**

- (1) There shall be a body corporate, to be called the British Airways Board (and hereafter in this Act referred to as " the Board "), which shall be constituted in accordance with the following provisions of this Part of this Act and shall have the functions conferred on it by or under those provisions.
- (2) The Board shall consist of not less than eight nor more than fifteen persons appointed by the Secretary of State to be members of the Board; and the Secretary of State—
  - (a) shall appoint one member to be the chairman of the Board; and
  - (b) may appoint one or more other members to be a deputy chairman or deputy chairmen of the Board.
- (3) The provisions of Schedule 8 to this Act shall have effect with respect to the Board.
- (4) It is hereby declared that the Board is not to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the provisions of this Act relating to stamp duty) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.
- (5) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957, as it applies in relation to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the British Airports Authority there shall be inserted the words "The British Airways Board"; and in the Part substituted for the said Part II by Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland, after the entry relating to the Attendance Allowance Board for Northern Ireland there shall be inserted the words aforesaid.

#### *General functions of the Board*

#### **38 General powers**

- (1) Subject to the following provisions of this Part of this Act, the Board shall have power—
  - (a) to provide air transport services and carry out all other forms of aerial work, whether on charter terms or otherwise, in any part of the world ;
  - (b) without prejudice to the generality of the preceding paragraph, to do all or any of the following—
    - (i) to promote the formation of undertakings constituted for the purpose of providing air transport services or engaging in any other activities of a kind which the Board has power to carry on ;
    - (ii) to acquire any such undertaking or a financial interest in any such undertaking ;
    - (iii) to lend money to or enter into guarantees for the benefit of any such undertaking ;

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- (c) to control all the activities of the British Overseas Airways Corporation and the British European Airways Corporation (hereafter in this Act referred to jointly as " the corporations" and severally as "BOAC" and " BEA" respectively) and for that purpose to give to the corporations or either of them such directions as the Board thinks fit;
  - (d) to appoint such persons as the Board thinks fit as the chairmen, deputy chairmen and other members of the corporations and to terminate any appointment made by virtue of this paragraph notwithstanding anything in the terms on which the appointment was made;
  - (e) to provide for any person technical advice or assistance, including research services, as respects any matter in which the Board has skill or experience ;
  - (f) to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of the Board's functions (including a function exercisable by the Board by virtue of this paragraph).
- (2) The preceding subsection shall have effect subject to the following limitations, that is to say—
- (a) the Board shall not exercise its powers under paragraph (a) or (b) of that subsection except with and in accordance with a general or special authorisation given by the Secretary of State ;
  - (b) the Board shall not have power to manufacture air frames, aero-engines or airscrews except in so far as the Secretary of State provides by order that it shall have such a power ;
  - (c) the appointment of a person as the chairman of either of the corporations shall not—
    - (i) be made unless he is a member of the Board and the Secretary of State approves the appointment, and
    - (ii) be terminated unless the Secretary of State approves its termination ;
  - (d) nothing in paragraph (d) of the preceding subsection is to be construed as—
    - (i) authorising the termination of an appointment made before that paragraph came into force, or
    - (ii) depriving a person whose appointment is terminated in pursuance of that paragraph of his entitlement (if any) to damages or compensation in consequence of the termination.

### **39      Reviews of organisation**

- (1) It shall be the duty of the Board, forthwith after the appointed day and subsequently from time to time when the Board considers it appropriate or the Secretary of State so requires,—
- (a) to undertake a review of the group's affairs for the purpose of determining whether the carrying on of the activities of the group is organised, so far as regards the direction thereof, in the most efficient manner;
  - (b) to make a report to the Secretary of State upon the Board's conclusions arising from the review (and in relation to the first review to make the report before such a date as the Secretary of State determines after consultation with the Board).
- (2) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of each report made in pursuance of the preceding subsection.

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- (3) The Secretary of State may, after considering any report made in pursuance of subsection (1) of this section and laying a copy of it before each House of Parliament and after consulting the Board about it, give to the Board such directions as the Secretary of State considers appropriate for securing that the carrying on of the activities mentioned in that subsection is organised as there mentioned; and the Board shall not make or permit any substantial change in the organisation of the said activities except in pursuance of a direction under this subsection or with the consent of the Secretary of State.

#### **40 Secretary of State's directions in the national interest etc.**

- (1) Subject to subsection (3) of this section, the Secretary of State may, after consultation with the Board, give to the Board—
- (a) directions of a general character as to the performance of the Board's functions in relation to any matter appearing to the Secretary of State to affect the national interest;
  - (b) directions requiring the Board to dispose, or to secure that either of the corporations dispose, of any shares or stock or other financial interest held by the Board or corporation in any undertaking specified in the directions;
  - (c) directions requiring the Board to secure that any relevant body specified in the directions—
    - (i) discontinues, or restricts to an extent specified in the directions, any of the activities of the body which are so specified, or
    - (ii) disposes of such part of the undertaking of the body as is so specified, or
    - (iii) disposes of any property of the body which is so specified.
- (2) In paragraph (c) of the preceding subsection "relevant body" means—
- (a) any undertaking of which all the issued share capital is held, directly or through a nominee, by the Board or one of the corporations; and
  - (b) any other undertaking which, if such of its issued share capital as is held directly or through nominees by each of the corporations and each such undertaking as is mentioned in the preceding paragraph were held by the Board, would be an undertaking falling within the preceding paragraph.
- (3) The Secretary of State shall not give directions in pursuance of paragraph (b) or (c) of subsection (1) of this section unless he is satisfied that he will not thereby impede or prevent the proper discharge of the Board's duties.
- (4) The powers to give directions conferred by paragraphs (b) and (c) of subsection (1) of this section shall be exercisable by statutory instrument and a draft of any statutory instrument made by virtue of this subsection shall be laid before Parliament.

*Provision of funds etc. for and by the Board*

#### **41 Borrowing by the Board**

- (1) The Board may, with the consent of or in accordance with a general authorisation given by the Secretary of State, borrow temporarily by overdraft or otherwise such sums in sterling or other currencies as the Board may require for performing its functions.

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- (2) The Board may borrow from the Secretary of State, or may with his consent borrow by the issue of stock, such sums as the Board may require for capital purposes or for fulfilling a guarantee entered into by the Board.
- (3) The Board may borrow, from such persons and on such terms as the Secretary of State may from time to time specify, any sums in currency other than sterling which are required by the Board for performing its functions.
- (4) The Board may borrow from either of the corporations such sums as the Board may require for performing its functions.
- (5) The Secretary of State shall not give consent or an authorisation or specify any person or terms in pursuance of the preceding provisions of this section except with the approval of the Treasury.

#### **42 Government loans to the Board**

- (1) The Secretary of State may lend to the Board any sums which the Board has power to borrow in pursuance of subsection (2) of the preceding section, and the Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable the Secretary of State to make loans in pursuance of this subsection.
- (2) Any loans made in pursuance of the preceding subsection shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may from time to time direct; and all sums received by the Secretary of State in pursuance of this subsection shall be paid into the National Loans Fund.
- (3) The Secretary of State shall prepare in respect of each financial year an account of the sums issued to him in pursuance of subsection (1) of this section and the sums received by him in pursuance of the preceding subsection and of the disposal by him of those sums and shall send the account to the Comptroller and Auditor General before the end of the month of November next following the end of that year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (4) The Secretary of State shall not make a loan or give a direction in pursuance of the preceding provisions of this section except with the approval of the Treasury; and the form of the account prepared in pursuance of the preceding subsection and the manner of preparing it shall be such as the Treasury may direct.

#### **43 Other government investment for the Board**

- (1) The Secretary of State may pay to the Board out of money provided by Parliament such sums as the Secretary of State thinks fit.
- (2) In consideration of receiving sums in pursuance of the preceding subsection the Board shall make to the Secretary of State, as respects each accounting year (except such a year as respects which the Board satisfies the Secretary of State that it is inappropriate to make a payment in pursuance of this subsection), payments of such amounts as may be proposed by the Board and agreed by the Secretary of State or such other amounts as the Secretary of State may determine after consultation with the Board ; and any sums received by the Secretary of State in pursuance of this subsection shall be paid into the Consolidated Fund.

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- (3) The account prepared in respect of any financial year in pursuance of the preceding section shall include particulars of the sums which in that year are paid to the Board or are paid into the Consolidated Fund in pursuance of this section.
- (4) The Secretary of State shall not make a payment, signify agreement or make a determination in pursuance of the preceding provisions of this section except with the approval of the Treasury.

#### **44 Provision of funds for the corporations by the Board**

The Board may make payments to either of the corporations on such terms as the Board thinks fit; but nothing in this section shall be construed as prejudicing the Board's power to give directions altering those terms at any time.

#### **45 Transitional provisions relating to investments etc.**

- (1) There shall be deemed to be made to the Board on the appointed day—
  - (a) a loan under section 42(1) of this Act equal to the capital amounts outstanding immediately before that day in respect of the advances made to BOAC under section 8 of the Act of 1967 ;
  - (b) a payment under section 43(1) of this Act equal to the capital amounts so outstanding in respect of the sums paid to BOAC under section 14 of the Act of 1967 (including the sums treated as so paid by virtue of section 14 (3) (b) or deemed to have been so paid by virtue of section 15 of that Act);
  - (c) a loan under section 42(1) of this Act equal to the capital amounts so outstanding in respect of the advances made to BEA under section 8 of the Act of 1967 and the debt assumed by BEA under section 1(2) of the Air Corporations Act 1969 ;

and those loans and that payment shall be deemed to be so made on the same terms as to repayment and the payment of interest (but with the substitution of references to the Board for references to either of the corporations and with any other necessary modifications) as the terms as to those matters which immediately before the appointed day related to the corresponding outstanding amounts aforesaid.

- (2) Any entitlement of the Secretary of State and any liability of either of the corporations in respect of the said outstanding amounts shall be extinguished on the appointed day ; but nothing in the preceding provisions of this subsection affects any payment by way of interest or in pursuance of section 14(2) of the Act of 1967 which falls to be made by either of the corporations for any period preceding that day in respect of the capital amounts mentioned in the preceding subsection, and an amount may be fixed in pursuance of the said section 14(2) on or after that day in respect of so much of any accounting year as precedes that day.
- (3) There shall be deemed to be made on the appointed day—
  - (a) a payment to BOAC under the preceding section equal to the aggregate of the loan and the payment deemed to be made to the Board by virtue of paragraphs (a) and (b) of subsection (1) of this section ; and
  - (b) a payment to BEA under the preceding section equal to the loan deemed to be made to the Board by virtue of paragraph (c) of the said subsection (1);

and those payments shall be deemed to be so made on the same terms (but with the substitution of references to the Board for references to the Secretary of State

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and with any other necessary modifications) as the terms which immediately before the appointed day related to the corresponding outstanding amounts mentioned in subsection (1) of this section, without prejudice to the Board's power to give directions altering those terms at any time.

#### **46 Limit on borrowing and other investment**

- (1) Subject to subsections (2) and (3) of this section, the aggregate of—
- (a) the amount outstanding in respect of the principal of moneys borrowed by the Board (including the loans mentioned in subsection (1)(a) and (c) of the preceding section);
  - (b) the payments made to the Board under section 43(1) of this Act (including the payment mentioned in subsection (1)(b) of the preceding section); and
  - (c) the amount outstanding in respect of the principal of moneys borrowed by either of the corporations,
- shall not at any time exceed £560 million or such greater sum not exceeding £700 million as the Secretary of State may from time to time by order specify.
- (2) The following sums shall be disregarded for the purposes of the preceding subsection, that is to say—
- (a) any sums borrowed by the Board from either of the corporations or by either of the corporations from the other of them or from the Board ;
  - (b) such part of the payment mentioned in subsection (1)(b) of the preceding section or of the sums deemed to have been lent by virtue of section 51(2) (a) of this Act as represents the sums in respect of which directions were given under section 14(3)(b) of the Act of 1967 (which provided for certain sums in BOAC's reserve fund to be treated as paid by the Secretary of State under that section);
  - (c) any sum which is the subject of directions under section 52(1)(b) of this Act.
- (3) Nothing in subsection (1) of this section shall prevent the Board or either of the corporations from borrowing in excess of the limit imposed by that subsection for the purpose of paying off a loan or redeeming stock which the Board is or the corporation in question are required or entitled to redeem.
- (4) Sections 41 to 43 of this Act shall have effect subject to the preceding provisions of this section.

#### **47 Stock**

- (1) The Board may create and issue any stock required for the purpose of exercising its powers under section 41(2) of this Act and may with the consent of the Secretary of State create and issue stock which is to be allotted as consideration for the acquisition of undertakings or of shares or stock in undertakings.
- (2) Stock issued by the Board and the interest on the stock shall be charged on the undertaking and all property and revenues of the Board.
- (3) The stock of the Board shall be issued, transferred, dealt with and redeemed on such terms as the Secretary of State may determine in accordance with regulations.
- (4) The Secretary of State shall not give consent or make regulations in pursuance of the preceding provisions of this section except with the approval of the Treasury.

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## **48 Guarantees**

- (1) The Board may guarantee, in such manner and subject to such conditions as it thinks fit, the fulfilment of any guarantee entered into by either of the corporations in pursuance of section 3(4)(c) of the Act of 1967.
- (2) Section 10 of the Act of 1967 (which relates to Treasury guarantees) shall have effect as if any reference to a corporation and section 7(3) of that Act included respectively a reference to the Board and section 41(3) of this Act.
- (3) Where the payment of the principal of and interest on any stock issued by the Board is guaranteed by the Treasury, transfers of the stock shall be exempt from all stamp duty (including stamp duty payable in Northern Ireland).

### *Further financial provisions*

## **49 Control of capital expenditure and of hiring of equipment**

It shall be the duty of the Board to secure that any member of the group—

- (a) in framing and carrying out proposals involving substantial outlay on capital account; and
- (b) in framing and carrying out proposals involving the taking on hire, from a person who is not such a member, of any equipment of which the purchase by the member at the time of the taking on hire would involve such an outlay,

acts on lines settled from time to time by the Board with the approval of the Secretary of State.

## **50 Control of return on net assets etc.**

- (1) It shall be the duty of the Secretary of State to determine the rate of return on net assets (as for the time being defined for the purposes of this section by the Secretary of State) which, having regard to the provisions of section 43(2) of this Act, the Secretary of State considers it is reasonable for the group to achieve as respects a period specified in the determination.
- (2) A determination under this section may—
  - (a) specify a period beginning before the date on which the determination is made; and
  - (b) be varied by a subsequent determination under this section;but nothing in paragraph (b) of this subsection shall be construed as implying that a determination under any other provision of this Act may not be varied.
- (3) The Secretary of State shall not make a determination under this section except with the approval of the Treasury and after consultation with the Board ; and it shall be the duty of the Secretary of State to give the Board notice of each determination made under this section.
- (4) It shall be the duty of the Board during any period specified in a determination under this section to exercise its powers with a view to securing that the group achieves a rate of return on net assets in respect of that period which is not less than the rate specified in the determination as for the time being in force.
- (5) The Secretary of State may by order—

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- (a) substitute for the duty imposed on the Board by virtue of the preceding subsection a financial duty expressed otherwise than by reference to a rate of return on net assets;
- (b) provide that subsections (1) to (4) of this section shall have effect with such modifications as the Secretary of State considers appropriate in consequence of the substitution; and
- (c) without prejudice to section 63(4)(b) of this Act, make such other incidental or transitional provision as the Secretary of State considers appropriate in consequence of the substitution.

## **51 Expiration of ss.43 and 50 and consequential provision as respects investments and revenue**

- (1) Sections 43 and 50 of this Act, and in so far as any other provision of this Act except this section relates to either of those sections that other provision, shall continue in force until the end of March 1977 and shall then expire unless before they expire the Secretary of State provides by order that they shall continue in force until and expire on a later date specified in the order or shall continue in force permanently.
- (2) On the expiration of the enactments aforesaid—
  - (a) any sums paid or deemed to have been paid to the Board in pursuance of the said section 43 shall be deemed to have been lent to the Board in pursuance of section 42 of this Act on the date of the expiration ;
  - (b) it shall become the duty of the Board so to conduct its affairs as to secure that the revenue of the group is not less than sufficient for meeting charges properly chargeable to revenue account, taking one year with another ; and
  - (c) section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall apply as if the enactments aforesaid had been repealed on the date of expiration by an Act passed after this Act.

## **52 Reserves**

- (1) The Secretary of State may give to the Board—
  - (a) directions with respect to the establishment and maintenance of reserves by the Board or either of the corporations and with respect to the sums to be from time to time transferred to those reserves, the management of those reserves and the application of those reserves (including, in the case of reserves maintained by either of the corporations by virtue of this paragraph or otherwise, directions for the application of a sum standing to the credit of the reserves as if it were a payment made by the Board to the corporation on such terms as may be determined by or in accordance with the directions) ;
  - (b) directions providing that a sum standing to the credit of reserves maintained by the Board (whether by virtue of the preceding paragraph or otherwise) shall be deemed to be a loan made to the Board in pursuance of section 42(1) of this Act or a payment made to the Board in pursuance of section 43(1) of this Act.
- (2) Directions given in pursuance of the preceding subsection may be made to have effect from a date earlier than that on which they are given; but no directions shall be given in pursuance of that subsection except after consultation with the Board and with the approval of the Treasury.



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## **53 Accounts and audit**

- (1) It shall be the duty of the Board—
- (a) to keep proper accounts and proper records in relation to the accounts ; and
  - (b) to prepare in respect of each accounting year, in such form as the Secretary of State with the approval of the Treasury may direct, a statement of those accounts and a statement of the accounts of the group showing the state of affairs and the profit or loss of the Board and of the group respectively ;
- and each statement prepared in respect of any accounting year in pursuance of this subsection shall include such particulars as the Secretary of State may direct with respect to any body which was a subsidiary or joint subsidiary at any time during that year and shall, in the case of a statement of the accounts of the group in respect of an accounting year, include a copy of the statements of account in respect of that year which were sent to the Board by the corporations in pursuance of section 25 of the Act of 1967.
- (2) The accounts kept and the statements prepared in pursuance of the preceding subsection shall be audited by auditors appointed annually by the Secretary of State; and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—
- the Institute of Chartered Accountants in England and Wales;
  - the Institute of Chartered Accountants of Scotland ;
  - the Association of Certified Accountants ;
  - the Institute of Chartered Accountants in Ireland ;
  - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State;
- but a Scottish firm may be so appointed if each of the partners therein is qualified to be so appointed.
- (3) As soon as the accounts and statement of accounts of the Board and the statement of accounts of the group for any accounting year have been audited, the Board shall send to the Secretary of State a copy of those statements together with a copy of any report made by the auditors on those statements or on the accounts of the Board or the accounts or statements of accounts of the corporations; and it shall be the duty of the Secretary of State to lay before each House of Parliament a copy of every statement and report of which a copy is received by him in pursuance of this subsection.

### *Miscellaneous*

## **54 Annual report**

- (1) It shall be the duty of the Board to make to the Secretary of State, as soon as possible after the end of each accounting year, a report dealing with the operations of the group during that year and incorporating reports made to the Board by each of the corporations with respect to their operations during that year.
- (2) The report made by the Board for any accounting year in pursuance of the preceding subsection shall set out any direction given to the Board in pursuance of section 39 or section 40(1)(a) of this Act except any direction or part of a direction as to which the Secretary of State has notified the Board that in his opinion it would be against the national interest to set it out.

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- (3) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of each report received by him in pursuance of this section.

## **55 Provision by Board of information for Secretary of State**

Without prejudice to its duties apart from this section, it shall be the duty of the Board to provide the Secretary of State with such information as he may from time to time require with respect to the property, financial position, activities or proposed activities of the group or any member of the group; but no such requirement shall impose upon the Board the duty of providing the Secretary of State with information which the Board does not possess and cannot reasonably be expected to obtain.

## **56 Participation of employees of Board etc. in pension schemes**

- (1) The Secretary of State may by regulations make provision, either by confirming provisions contained in a trust deed or in any other manner, for the participation in a relevant scheme, on such terms as he thinks fit (which may include terms as to the payment of contributions by participants and their employers and former employers or any of them), of persons of prescribed classes who either—
- (a) are employees of the Board or a joint subsidiary or an undertaking which is a subsidiary by reference to share capital held by or a power to appoint directors vested in the Board; or
  - (b) are appointed to be members of the Board or directors of a joint subsidiary or such an undertaking as aforesaid and before being so appointed were participants in the scheme.

In this subsection "a relevant scheme" means a pension scheme maintained by virtue of section 24 of the Act of 1967.

- (2) Before making any regulations in pursuance of the preceding subsection the Secretary of State shall consult the Board and each of the corporations and any such organisation representing employees to whom the regulations will relate as the Secretary of State considers appropriate.

## **57 Dissolution of the corporations**

- (1) If the report last made in pursuance of section 39 of this Act includes a statement that in the opinion of the Board either of the corporations should be dissolved, the Secretary of State may make an order—
- (a) transferring to the Board all property, rights and liabilities which immediately before the order comes into force are property, rights and liabilities of the corporation; and
  - (b) dissolving the corporation on a day specified in the order; and
  - (c) making such modifications of the provisions of any enactment relating to either of the corporations (including this Act) as he considers are appropriate in consequence of the dissolution.
- (2) Where an asset, or the right to receive an asset, is transferred from a corporation to the Board by an order under this section, then for the purposes of Part I of the Industrial Development Act 1966—
- (a) so much of any expenditure incurred by the corporation in providing that asset as is approved capital expenditure (within the meaning of that Part of that

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Act) in respect of which no payment of investment grant has been made to the corporation shall be treated as having been incurred by the Board and not by the corporation ;

- (b) the asset, if provided for the purposes of the business of the corporation, shall be treated as having been provided for the purposes of the business of the Board; and
- (c) where the asset itself is transferred to the Board, it shall be treated as a new asset if it would have fallen to be so treated if it had remained vested in the corporation.

### *Supplemental*

## **58 Duty of Board and corporations to comply with directions**

It shall be the duty of the Board to comply with any directions given to it by the Secretary of State in pursuance of this Part of this Act (including Schedule 8 to this Act), and it shall be the duty of each of the corporations to comply with any directions given to the corporation by the Board in pursuance of this Part of this Act.

## **59 Group income and relief for tax purposes, and relief from transfer stamp duty**

- (1) For the purposes of section 256 of the Income and Corporation Taxes Act 1970 (which relates to group income), each of the corporations shall be treated as a 51 per cent. subsidiary (within the meaning of that Act) of the Board and " dividends " in that section shall include any payments in the nature of dividends which are made by either of the corporations to the Board; and for the purposes of sections 258 to 264 of that Act (which relate to group relief), each of the corporations shall be treated as a 75 per cent. subsidiary (within the meaning of that Act) of the Board.

- (2) Stamp duty (including stamp duty payable in Northern Ireland) shall not be payable on—

- (a) any instrument as to which the Board certifies to the Commissioners of Inland Revenue or, as the case may be, the Ministry of Finance for Northern Ireland that it was executed solely for the purpose of transferring, in pursuance of a direction given by virtue of section 38(1)(c) of this Act, property from the Board to either of the corporations or from either of the corporations to the Board or from one to the other of the corporations;

- (b) any order made by virtue of section 57(1) of this Act;

but no such instrument as is mentioned in paragraph (a) of this subsection shall be deemed to be duly stamped unless it is stamped with the duty to which it is liable apart from this subsection or it is stamped in accordance with section 12 of the Stamp Act 1891 with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

## **60 Interpretation of Part III**

- (1) In this Part of this Act (including Schedule 8 to this Act) the following expressions have the following meanings except where the context otherwise requires—

- " the Act of 1967 " means the Air Corporations Act 1967 ;

- " the corporations ", " BOAC " and " BEA " have the meanings assigned to them respectively by section 38(1)(c) of this Act;

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" the group " means the Board, the corporations and all subsidiaries and joint subsidiaries, and " member of the group " shall be construed accordingly;

" joint subsidiary " means any undertaking of which two or more of the following bodies, that is to say the Board, the corporations and all subsidiaries, are members and which would, if the interests and powers relating to the undertaking of such of those bodies as are members of it were vested in one of those bodies, be a subsidiary by reference to that one of them ;

" subsidiary " means any undertaking of which more than one half of the issued share capital is held, directly or through a nominee, by the Board or one of the corporations and any undertaking in relation to which the Board has power or one of the corporations have power directly or indirectly to appoint the majority of the directors.

- (2) In this Part of this Act (including Schedule 8 to this Act), " the appointed day " means such day as the Secretary of State may by order appoint; and different days may be appointed in pursuance of this subsection for different provisions of this Part of this Act (including that Schedule) and for such different purposes of the same provision as may be specified in the order.

## PART IV

### MISCELLANEOUS AND GENERAL

#### 61 Official secrets

- (1) For the purposes of section 2 of the Official Secrets Act 1911 (which among other things relates to the wrongful communication of information) a member and an employee of the Authority shall be deemed to hold an office under Her Majesty and a contract with the Authority shall be deemed to be a contract with Her Majesty.
- (2) For the purposes of paragraph (c) of section 3 of the said Act of 1911 (under which the Secretary of State may by order declare any place belonging to Her Majesty to be a prohibited place for the purposes of that Act) a place belonging to or used for the purposes of the Authority shall be deemed to be a place belonging to Her Majesty.
- (3) Subject to the following subsection no person shall, except with the consent of and in accordance with any conditions imposed by the Authority, be entitled to exercise any right of entry (whether arising by virtue of a statutory provision or otherwise) upon a place which by virtue of the preceding subsection is a prohibited place for the purposes of the said Act of 1911.
- (4) The preceding subsection shall not apply to—
- (a) a constable acting in the course of his duty as such ; or
  - (b) an officer of customs and excise or inland revenue acting in the execution of his duty as such ; or
  - (c) an officer of any government department specially authorised in that behalf by or on behalf of a Minister of the Crown;

and if the Authority refuses consent for or imposes conditions on the exercise by any person of a right of entry upon such a place as is mentioned in the preceding subsection and that person applies to the Secretary of State for an authorisation to exercise the right, the Secretary of State may if he thinks fit authorise that person to exercise it subject to such conditions, if any, as the Secretary of State may determine.

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## 62 Offences

- (1) In section 8(4) of the Civil Aviation Act 1949 (which enables an Air Navigation Order to provide for penalties which may include a fine of £200 or imprisonment for six months) for the words from " of penalties " to " six months " there shall be substituted the words "on summary conviction to a fine not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both".
- (2) The Authority shall be a public body for the purposes of the Prevention of Corruption Acts 1889 to 1916, and accordingly the expressions " public body " and " such public body " in those Acts shall include the Authority.
- (3) When an offence under section 21(5), 24(7) or 35(4) of this Act or regulations made by virtue of section 5(2)(b) or 26 of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (4) Where the affairs of a body corporate are managed by its members the preceding subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (5) Any offence under any provision made by or under this Act shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

## 63 Orders and regulations

- (1) Any power to make an order or regulations which is conferred on the Secretary of State by this Act (excluding section 15) shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this subsection (except an instrument containing such orders as are mentioned in the following subsection, orders appointing a day and regulations under section 56 of this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) No order shall be made under section 50(5), 51(1) or 57(1) of this Act unless a draft of the order has been approved by a resolution of each House of Parliament, and no order shall be made under section 46(1) of this Act unless a draft of the order has been approved by a resolution of the House of Commons.
- (3) An order made by the Secretary of State in pursuance of any provision of this Act (except section 15) may be revoked or varied by a subsequent order made in pursuance of that provision; but an order appointing a day with respect to any matter shall not be revoked or varied by virtue of this subsection as respects that matter by an order made on or after that day.
- (4) Any power to make an order or regulations which is conferred on the Secretary of State by this Act (excluding section 15) includes power—
  - (a) to make different provision for different circumstances ; and
  - (b) to include in the order or regulations such incidental or supplementary provisions as the Secretary of State considers appropriate for the purposes of the order or regulations.

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## 64 Interpretation

(1) In this Act the following expressions have the following meanings except where the context otherwise requires—

" accounting year ", in relation to the Authority or the Board or the group within the meaning of Part III of this Act, means the period of twelve months ending with the 31st March in any year except that the first accounting year of the Authority or the Board or the said group shall, if the Secretary of State so directs, be such period shorter or longer than twelve months (but not longer than two years) and ending with a 31st day of March as is specified in the direction;

" aerodrome ", except in section 14(1) of this Act and Schedule 2 to this Act, means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically ;

" Air Navigation Order " means an Order in Council under section 8 of the Civil Aviation Act 1949 (which among other things enables provision to be made by Order in Council with respect to the safety and navigation of aircraft);

" air navigation services " includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

" air transport licence " has the meaning assigned to it by section 21(1)(a) of this Act;

" air transport service " means a service for the carriage by air of passengers or cargo ;

" the Authority " has the meaning assigned to it by section 1(1) of this Act;

" the Board " has the meaning assigned to it by section 37(1) of this Act;

" cargo " includes mail;

" flight " means a journey by air beginning when the aircraft in question takes off and ending when it next lands;

" functions " includes powers and duties ;

" the initial debt " has the meaning assigned to it by section 7(1) of this Act;

" land " includes any estate or other interest in land and any easement or servitude ;

" licence ", in sections 22 to 24 of this Act, means air transport licence;

" modifications " includes additions, omissions and amendments, and " modify " shall be construed accordingly ;

" operator ", in relation to an aircraft, means the person for the time being having the management of the aircraft;

" prescribed " means prescribed by regulations ;

" regulations " means regulations made by the Secretary of State ;

" relevant overseas territory " means any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction ;

" reward ", in relation to a flight, includes any form of consideration received or to be received wholly or partly in connection with the flight

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irrespective of the person by whom or to whom the consideration has been or is to be given ;

" subsidiary", except in Part III of this Act, shall be construed in accordance with section 154 of the Companies Act 1948 ; and

" United Kingdom national " means an individual who is—

- (a) a citizen of the United Kingdom and Colonies ; or
- (b) a British subject by virtue of section 2 of the British Nationality Act 1948 (which provides for the continuance as British subjects of certain citizens of the Republic of Ireland); or
- (c) a British subject without citizenship by virtue of section 13 or section 16 of the said Act of 1948 ; or
- (d) a British subject by virtue of the British Nationality Act 1965 ; or
- (e) a British protected person within the meaning of the said Act of 1948.

- (2) For the purposes of this Act a hovercraft within the meaning of the Hovercraft Act 1968 is not an aircraft.
- (3) Any reference in this Act to any enactment is a reference to it as amended by or under any other enactment.

## **65 Application of Act to Northern Ireland**

- (1) In the application of this Act to Northern Ireland—
  - (a) any reference to an enactment of the Parliament of Northern Ireland (except a reference to Schedule 5 or 6 to the Roads Act (Northern Ireland) 1948) or to an enactment which that Parliament has power to amend—
    - (i) shall be construed as including a reference to any enactment of the Parliament of Northern Ireland passed after this Act and re-enacting the said enactment with or without modifications;
    - (ii) shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by any enactment, whether passed before or after this Act, and as including a reference thereto as extended or applied by or under any other enactment, including this Act;
  - (b) "Act" and "enactment" (except in subsection (3) of the preceding section) include respectively an Act and an enactment of the Parliament of Northern Ireland.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

## **66 Application of Act to certain overseas territories**

- (1) Her Majesty may by Order in Council direct that—
  - (a) any of the provisions of this Act shall extend, with such modifications (if any) as may be specified in the Order, to any relevant overseas territory; or
  - (b) any provision of this Act shall apply in relation to an aircraft registered in any relevant overseas territory as it applies in relation to an aircraft registered

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in the United Kingdom but with such modifications (if any) as may be so specified.

- (2) An Order in Council made by virtue of the preceding subsection may be revoked or varied by a subsequent Order in Council so made.

## **67 Expenses**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by any government department in consequence of any provision of this Act;
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

## **68 Transitional provisions and saving**

- (1) The transitional provisions contained in Schedule 9 to this Act shall have effect.
- (2) Nothing in this Act shall be construed as derogating from the powers to make Orders in Council or other instruments conferring a function on the Authority which are exercisable by virtue of section 8 of the Civil Aviation Act 1949 (which among other things relates to the safety and navigation of aircraft) or section 16 of the Civil Aviation Act 1968 (which relates to the mortgaging of aircraft) or by virtue of any other enactment whatsoever.

## **69 Minor and consequential amendments of enactments, and repeals**

- (1) The enactments specified in Schedule 10 to this Act shall have effect subject to the amendments there specified (which are minor amendments and amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in the first and second columns of Schedule 11 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## **70 Citation and commencement**

- (1) This Act may be cited as the Civil Aviation Act 1971, and this Act and the Civil Aviation Acts 1949 to 1968 may be cited together as the Civil Aviation Acts 1949 to 1971.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed in pursuance of this subsection for different provisions of this Act and for such different purposes of the same provision as may be specified in the order.