



Civil Aviation Act 1980

1980 CHAPTER 60

PART II

MISCELLANEOUS AMENDMENTS OF THE LAW RELATING TO CIVIL AVIATION

Amendments of the Civil Aviation Act 1971

12 General objectives of Civil Aviation Authority

- (1) In section 3(1) of the Act of 1971 (which provides the Civil Aviation Authority with certain general objectives in performing its functions), for the words from the beginning of paragraph (b) to " paragraphs " in paragraph (d) there shall be substituted the words " and (b) ".
- (2) Subsections (2) and (3) of that section (which give the Secretary of State power to give guidance to the Authority with respect to the performance of its functions) shall cease to have effect.
- (3) After that section there shall be inserted the following section—

“3A Duty of Authority to consider environmental factors in licensing certain aerodromes.

- (1) Subject to section 3 of this Act, it shall be the duty of the Authority, in exercising any aerodrome licensing function in relation to any aerodrome to which this section applies, to have regard to the need to minimize so far as reasonably practicable—
 - (a) any adverse effects on the environment; and
 - (b) any disturbance to the public;from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation.

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- (2) The reference in subsection (1) of this section to any aerodrome licensing function of the Authority is a reference to any function conferred on it by or under an Air Navigation Order with respect to the licensing of aerodromes.
 - (3) This section applies to any aerodrome in the United Kingdom specified in an order made by the Secretary of State for the purposes of this section, but the Secretary of State may not specify in any such order an aerodrome which is a designated aerodrome within the meaning of section 29 of this Act.”
- (4) The following section shall be inserted after section 23 of the Act of 1971—

“23A Duties of Authority in performing licensing functions.

- (1) It shall be the duty of the Authority to perform its air transport licensing functions in the manner which it considers is best calculated to ensure that British airlines compete as effectively as possible with other airlines in providing air transport services on international routes; and in performing those functions the Authority shall also have regard—
 - (a) to any advice received from the Secretary of State with respect to the likely outcome of negotiations with the government of any other country or territory for the purpose of securing any right required for the operation by a British airline of any air transport services outside the United Kingdom; and
 - (b) to the need to secure the most effective use of airports within the United Kingdom.
- (2) In considering whether to grant any air transport licence it shall be the duty of the Authority to have regard to the effect on existing air transport services provided by British airlines of authorising any new services the applicant proposes to provide under the licence, and in any case where those existing services are similar (in terms of route) to the proposed new services or where two or more applicants have applied for licences under which each proposes to provide similar services, the Authority shall have regard in particular to any benefits which may arise from enabling two or more airlines to provide the services in question.
- (3) Subject to section 3 of this Act and to subsections (1) and (2) of this section, it shall be the duty of the Authority in performing its air transport licensing functions to have regard to the need to minimise so far as reasonably practicable—
 - (a) any adverse effects on the environment; and
 - (b) any disturbance to the public ;
 from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation.
- (4) In addition to the duties with respect to particular matters imposed on the Authority by the preceding provisions of this section, it shall be the duty of the Authority to perform its air transport licensing functions in the manner which it considers is best calculated to impose on the civil air transport industry of the United Kingdom and on the services it provides for users of air transport services the minimum restrictions consistent with the performance by the Authority of its duties under sections 3, 22 and 23 of this Act and the preceding provisions of this section.

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- (5) In this section—
- (a) references to the air transport licensing functions of the Authority are references to its functions under sections 21 to 23 of this Act and any functions conferred on it by regulations made under subsection (1) of section 24 of this Act; and
 - (b) 'British airline' has the same meaning as in section 3(1) of this Act.”.
- (5) In section 24 of the Act of 1971—
- (a) subsection (2) (which contains provisions relating to guidance given by the Secretary of State under section 3) shall cease to have effect; and
 - (b) at the end of subsection (6) (duties of the Authority to which the Secretary of State is to have regard in determining appeals) after the words " section 3 " there shall be inserted the words " and section 23A " .
- (6) This section, and the repeal of section 24(2) of the Act of 1971 provided for in Schedule 3 to this Act, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; but the day appointed under this section must be later than the date of publication of the first statement of the policies of the Civil Aviation Authority under section 13 of this Act.

13 Periodical publication of policies by Civil Aviation Authority

- (1) It shall be the duty of the Civil Aviation Authority to publish from time to time a statement of the policies it intends to adopt in performing its functions under sections 21 to 24 of the Act of 1971.
- (2) The first statement under this section shall be published not later than the end of the period of six months beginning with the date on which this section comes into operation.
- (3) If the Secretary of State considers it appropriate to do so, he may by notice in writing require the Authority to publish a statement of the policy it intends to adopt with respect to any particular matter in performing those functions (or any of them); and it shall be the duty of the Authority to publish any statement required by a notice under this subsection within six months of the date of the notice.
- (4) The Secretary of State may require the Authority to publish a statement of the policy it intends to adopt in relation to any of its functions under section 23A of the Act of 1971 notwithstanding that section 12 of this Act is not yet in force.
- (5) Before publishing any statement under this section the Authority shall consult such persons as appear to it to be representative respectively—
 - (a) of the civil air transport industry of the United Kingdom ; and
 - (b) of users of air transport services.
- (6) The report made by the Authority under section 20 of the Act of 1971 (annual reports to the Secretary of State) in respect of any accounting year of the Authority shall incorporate any statements published by the Authority under this section during that year.
- (7) The manner of publication of any statement under this section shall be as the Authority may determine.

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14 **Borrowing powers of Civil Aviation Authority**

For section 8 of the Act of 1971 (borrowing powers) there shall be substituted the following section—

“8 Browsing Power.

- (1) Subject to the following provisions of this section, the Authority shall have power to borrow such sums as it may require for performing its functions.
- (2) The Authority's power to borrow sums in sterling otherwise than by way of temporary loan shall be limited to borrowing from the Secretary of State, or with the consent of the Secretary of State from the Commission of the European Communities or the European Investment Bank, any sums which the Authority may require for capital purposes or for fulfilling a guarantee entered into by the Authority.
- (3) Except as provided by subsection (2) above, the Authority may borrow any sums it has power to borrow under subsection (1) above from the Secretary of State or, with the consent of, or in accordance with a general authorisation given by, the Secretary of State, from any other person (and whether in sterling or in currency other than sterling).
- (4) The Secretary of State shall not give any consent or authorisation for the purposes of subsection (2) or (3) above except with the approval of the Treasury.
- (5) A statement in writing by the Secretary of State to the effect that the approval of the Treasury has been given for any such consent or authorisation shall be conclusive evidence of that fact in any legal proceedings.
- (6) 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 £200 million.”.

15 **Modification of Authority's duties with respect to British airlines in relation to certain air transport services**

The following section shall be inserted in the Act of 1971 after section 24—

“24A Modification of Authority's duties with respect to British airlines in relation to certain air transport services.

In the application of sections 3(1) and 23A (1) and (2) of this Act in relation to the performance by the Authority of its functions under the preceding provisions of this Part of this Act with respect to authorising the operation of aircraft on flights—

- (a) between the United Kingdom and any relevant overseas territory other than the Channel Islands or the Isle of Man ; or
- (b) between the United Kingdom and any associated state;

the Authority shall treat any undertaking appearing to the Authority to have its principal place of business in that territory or state as a British airline if it would fall to be so treated but for the situation of its principal place of business.”.

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16 Exercise of Secretary of State's functions under sections 29 and 29A of the Act of 1971

(1) The following section shall be inserted in the Act of 1971 after section 29A—

“29B Designation of aerodromes for purposes of sections 29 and 29A.

In sections 29 and 29A of this Act 'designated aerodrome' means any aerodrome in Great Britain which is designated for the purposes of the section in which the expression is used by an order made by the Secretary of State ; and the Secretary of State may designate an aerodrome for the purposes of either or both of those sections.”.

(2) In consequence of the provision made by subsection (1) above—

- (a) in section 29(11) the definition of "designated aerodrome " ; and
- (b) in section 29A(1) the words "within the meaning of section 29 of this Act", "further" and "than can be given by virtue of that section " ;

shall cease to have effect.

17 Amendment of section 36 of the Act of 1971

For subsection (1) of section 36 of the Act of 1971 (disclosure of information) there shall be substituted the following subsections—

“(1) Subject to subsection (2) below, no information which relates to a particular person and has been furnished to the Authority 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 unless—

- (a) the person aforesaid has consented in writing to disclosure of the information ; or
- (b) the Authority, 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) that person is an individual who is dead, or is a body corporate that has ceased to exist or, whether an individual or a body corporate, cannot be found after all reasonable inquiries have been made, and the Authority determines that the information may be disclosed; or
- (d) the Authority determines that the information is of the same kind as other information as respects which it has made a determination in pursuance of paragraph (b) or (c) above.

(1A) Subsection (1) above shall apply in relation to the disclosure by an officer of the Secretary of State of information furnished to the Secretary of State in pursuance of any provision of this Part of this Act or an Air Navigation Order as it applies in relation to disclosure by the Authority or a member or employee of the Authority of information so furnished to the Authority, but with the substitution for references to the Authority in paragraphs (b) to (d) of references to the Secretary of State”;

and subsection (1A) of that section (inserted by paragraph 6(9)(c) of Schedule 1 to the Civil Aviation Act 1978) shall be renumbered as (1B).

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18 Abolition of certain Government controls over Civil Aviation Authority

- (1) The consent of the Secretary of State shall no longer be required with respect to the numbers and remuneration of officers and servants appointed by the Civil Aviation Authority under paragraph 12 of Schedule 1 to the Act of 1971 or with respect to the terms of any contract of employment with the Authority ; and accordingly, in that paragraph—
- (a) the words from " with" to " remuneration" in sub-paragraph (1); and
 - (b) sub-paragraphs (2) to (4);
- shall cease to have effect.
- (2) For sub-paragraph (1) of paragraph 13 of that Schedule (which provides for the payment of pensions by the Authority in the case of such of its employees as the Secretary of State may determine), there shall be substituted the following subparagraph—
- “(1) The Authority shall, in the case of such of its employees as it may determine, pay such pensions, allowances or gratuities to or in respect of them as it may determine, make such payments towards the provision of such pensions, allowances or gratuities as it may determine or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as it may determine.”.