



Airports Act 1986

1986 CHAPTER 31

PART III

REGULATION OF USE OF AIRPORTS, ETC.

29 Interpretation of Part III, etc.

(1) In this Part—

" air transport licensing functions" means the functions conferred on the CAA in relation to the grant of such licences as are referred to in section 64(1) (a) of the 1982 Act and in relation to the revocation, suspension or variation of such licences (whether on the application of any person or otherwise);

" movement ", in relation to an airport, means a take-off or landing by an aircraft at the airport.

(2) For the purposes of this Part any class or description may be framed by reference to any matters or circumstances whatever.

30 Directions to airport operators in the interests of national security etc.

(1) The Secretary of State may give to any airport operator or to airport operators generally such directions of a general character as appear to the Secretary of State to be necessary or expedient in the interests of national security or of relations with a country or territory outside the United Kingdom.

(2) The Secretary of State may give to any airport operator a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction, if the Secretary of State considers it necessary or expedient to give such a direction in the interests of national security.

(3) The Secretary of State may give to the appropriate person in relation to any airport a direction requiring that person (according to the circumstances of the case)—

(a) to do, or not to do, in connection with any operational activities relating to the airport a particular thing specified in the direction, or

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- (b) to secure that a particular thing specified in the direction is done or not done in connection with any such activities,
- if the Secretary of State considers it necessary or expedient to give such a direction in order to discharge or facilitate the discharge of any international obligation of the United Kingdom.
- (4) In subsection (3)—
- " the appropriate person ", in relation to an airport, means—
- (a) the airport operator, or
- (b) an associated company of the airport operator; and
- " operational activities ", in relation to an airport, means any activities—
- (a) which are carried on wholly or mainly for the benefit of users of the airport, or
- (b) the revenues from which are wholly or mainly attributable to payments by such users ; but the Secretary of State may by order make such modifications of the definition of " operational activities " as he thinks necessary or expedient having regard to any international obligation of the United Kingdom.
- (5) In so far as any direction applying to an airport operator by virtue of subsection (1), (2) or (3) conflicts with the requirements of any other enactment or instrument having effect in relation to him as an airport operator, those requirements shall be disregarded; and it is hereby declared that nothing in Part IV of this Act is to be construed as prejudicing the generality of subsection (3).
- (6) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security or of relations with a country or territory outside the United Kingdom, or against the commercial interests of any person.
- (7) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, any direction given or other thing done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that direction or thing is against the interests of national security or of relations with a country or territory outside the United Kingdom, or against the commercial interests of some other person.
- (8) Any person who in contravention of subsection (7) discloses any direction given, or other thing done, by virtue of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (9) Before giving any direction or directions under this section to a particular person the Secretary of State shall consult that person; and before giving any directions under subsection (1) to airport operators generally the Secretary of State shall consult such of the following, namely—
- (a) airport operators who appear to him to be likely to be affected by the directions, and
- (b) organisations representing airport operators,
- as he considers appropriate.

31 Traffic distribution rules

- (1) Where
 - (a) it appears to the Secretary of State that two or more airports are airports serving the same area in the United Kingdom, and
 - (b) he considers it appropriate to do so,
he may in accordance with this section make rules (to be known as traffic distribution rules) providing for air traffic, or any class or description of air traffic, to be distributed between those airports in such manner as he thinks fit.
- (2) It shall be the duty of the CAA so to perform its air transport licensing functions as to secure that any traffic distribution rules in force under this section are complied with.
- (3) Traffic distribution rules may do any of the following things (and no more), namely—
 - (a) specify classes or descriptions of air traffic that are permitted under the rules to use any of the airports concerned;
 - (b) impose prohibitions or restrictions in relation to the use of any of those airports by air traffic of any class or description specified in the rules ;
 - (c) provide for the rules to come into operation (in whole or in part) at such time or in such circumstances as may be specified in the rules.
- (4) Before making any traffic distribution rules the Secretary of State shall consult the CAA who shall in turn, before giving advice to the Secretary of State, consult such of the following namely—
 - (a) airport operators who appear to it to be likely to be affected by the rules,
 - (b) operators of aircraft who appear to it to be likely to be so affected, and
 - (c) organisations representing airport operators or operators of aircraft,as it considers appropriate.
- (5) Where
 - (a) the subject-matter of any particular rules made by the Secretary of State under this section is a matter in relation to which the CAA has given advice to the Secretary of State (whether before or after the passing of this Act), and
 - (b) those rules are so made not later than five years after the giving of that advice,
the requirements of subsection (4) shall be taken to have been satisfied with respect to those rules.
- (6) In subsection (1) the reference to airports serving the same area in the United Kingdom is a reference to airports in the case of which a substantial number of the passengers departing from, or arriving at, the airports by air (other than those interrupting their flights there or transferring from one flight to another) have as their original points of departure, or (as the case may be) as their ultimate destinations, places situated within the same area in the United Kingdom.

32 Power to limit aircraft movements at certain airports

- (1) The Secretary of State may, if he considers it appropriate to do so in the case of a particular airport to which this section applies, make an order in accordance with this section which does either or both of the following things, namely—
 - (a) imposes an overall limit on the number of occasions on which, during any period specified in the order, aircraft may take off or land at the airport,

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- (b) imposes such other limit or limits applying to the taking off or landing of aircraft at the airport during any such period in circumstances or cases specified in the order as the Secretary of State thinks fit.
- (2) This section applies to an airport if it appears to the Secretary of State that the existing runway capacity of the airport is not fully utilised for a substantial proportion of the time during which its runway or runways is or are available for the take-off or landing of aircraft.
- (3) It shall be the duty of the airport operator to secure that any limit imposed under this section is complied with; and in performing its air transport licensing functions the CAA shall have regard to the existence of any such limit.
- (4) An order under this section may—
 - (a) provide for aircraft taking off or landing at the airport in circumstances or cases specified in the order to be disregarded for the purposes of any specified limit falling within subsection (1)(a) or (b) or for the purposes of every such limit imposed by the order;
 - (b) provide for the number of occasions on which aircraft of any description specified in the order take off or land at the airport in any period so specified to be determined, for any such purposes as are mentioned in paragraph (a), in any manner so specified (whether or not involving the counting of two or more such occasions as a single occasion).
- (5) The Secretary of State shall not make an order under this section imposing any limit in relation to a particular period by virtue of which the level of the movements to be permitted at the airport during that period is lower than—
 - (a) the highest level of any corresponding movements at the airport occurring during any equivalent period within the three years preceding the making of the order, or
 - (b) where any limit is for the time being in force under this section in relation to any corresponding movements at the airport during an equivalent period, the level of such movements permitted during that period by virtue of that limit.
- (6) Before making an order under this section the Secretary of State shall consult the CAA, the airport operator affected by the order and such of the following, namely—
 - (a) operators of aircraft who appear to the Secretary of State to be likely to be affected by the order,
 - (b) organisations representing operators of aircraft, and
 - (c) any local authority or authorities who appear to the Secretary of State to be affected by operations at the airport,
 as the Secretary of State considers appropriate.
- (7) In subsection (6) " local authority "—
 - (a) in relation to England, Wales and Scotland, has the meaning given by section 12(1);
 - (b) in relation to Northern Ireland, means a district council established under the Local Government Act (Northern Ireland) 1972.

33 Schemes for allocating capacity at airports

- (1) Where

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- (a) an order is for the time being in force in relation to an airport under section 32, or
 - (b) it appears to the Secretary of State that the demand for the use of an airport exceeds, or is likely in the near future to exceed, the operational capacity of the airport, and as a result he considers it appropriate that a scheme under this section should apply in relation to the airport,

the Secretary of State may give the CAA a direction requiring it to prepare and submit for his approval a scheme under this section in relation to the airport.
- (2) Any direction of the Secretary of State under subsection (1) shall specify the matters which are to be dealt with in the scheme ; and the Secretary of State shall consult the CAA before giving it any such direction.
- (3) A scheme under this section in relation to an airport may do either or both of the following things, namely—
 - (a) provide for an aircraft to be precluded from performing a movement at the airport unless (in addition to satisfying any requirements or conditions having effect otherwise than under the scheme) the operator of the aircraft has acquired a right under the scheme to cause it to perform that movement;
 - (b) provide for special charges to be payable to the airport operator by operators of aircraft in respect of the performance by the aircraft of movements at the airport.
- (4) A scheme under this section may—
 - (a) where it provides for the acquisition of rights in pursuance of subsection (3) (a), provide—
 - (i) for the allocation of such rights on such basis or by such method as may be specified in the scheme,
 - (ii) for such rights to be framed by reference to particular times or periods of time,
 - (iii) for such rights to be transferable,
 - (iv) for such rights to be subject to such conditions as may be specified in the scheme;
 - (b) where it provides for the payment of special charges in pursuance of subsection (3) (b), provide for different charges to apply in the case of operators of different classes or descriptions, or in different circumstances ;
 - (c) in either case, provide for provisions of the scheme not to apply to operators, or to movements, of any specified class or description.
- (5) A scheme under this section shall not come into force until it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consulting the CAA, he thinks fit.
- (6) Before submitting a scheme under this section for the approval of the Secretary of State, the CAA shall consult the airport operator and such of the following, namely—
 - (a) operators of aircraft who appear to it to be likely to be affected by the scheme, and
 - (b) organisations representing airport operators or operators of aircraft,as it considers appropriate.

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- (7) Where a scheme under this section is in force in relation to an airport it shall be the duty of the airport operator to give effect to the scheme.
- (8) A scheme under this section in relation to an airport—
- (a) may be varied or revoked by any subsequent such scheme; and
 - (b) may, with the approval of the Secretary of State, be revoked by the CAA otherwise than in connection with its replacement by any such scheme;
- and where any such scheme was prepared in pursuance of a direction given by virtue of subsection (1)(a), the scheme shall in any event cease to have effect if the airport ceases to be subject to such an order as is mentioned in that provision (but without prejudice to the power of the Secretary of State to give a further direction in relation to the airport by virtue of subsection (1)(b)).
- (9) The revocation or termination of a scheme as mentioned in subsection (8) shall be without prejudice to the recovery of sums already owing to the airport operator.

34 Matters to be taken into account by CAA

- (1) This section applies to the following functions of the CAA, namely—
- (a) the function of giving advice to the Secretary of State on being consulted by him under any of sections 31 to 33, and
 - (b) the function of preparing a scheme under section 33 where directed to do so under that section.
- (2) Section 4 of the 1982 Act (general objectives of the CAA) shall not apply to any function to which this section applies; and instead, in performing any such function, the CAA shall take into account—
- (a) such of the international obligations of the United Kingdom as the Secretary of State may notify to it for the purposes of this section ; and
 - (b) any advice received from the Secretary of State with respect to the relations of the United Kingdom with a country or territory outside the United Kingdom;
- and, subject to that, shall have regard to the matters referred to in subsection (3).
- (3) Those matters are—
- (a) the need to secure the sound development of civil aviation throughout the United Kingdom ;
 - (b) the reasonable interests of users of air transport services ; and
 - (c) such policy considerations as the Secretary of State may notify to the CAA for the purposes of this section.

35 Regulation of availability of airports by reference to airport licences

An Order in Council under section 60 of the 1982 Act (Air Navigation Orders) may provide for regulating the availability of an airport for the take-off or landing of aircraft, or of aircraft of any specified class or description, by reference to the nature of the licence for the time being in force in respect of the airport by virtue of subsection (3)(c) of that section.