

CIVIL AVIATION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Note on abbreviations

Section 2: Regulation by Secretary of State of noise and vibration from aircraft

17. This section amends section 78 of the CA Act 1982. Section 78 enables the Secretary of State to take steps to limit or mitigate the effect of noise and vibration connected with the taking off or landing of aircraft at designated aerodromes (currently Heathrow, Gatwick and Stansted).
18. *Subsection (2)* inserts a new subsection (6A) after section 78(6) of the CA Act 1982, to augment the powers of the Secretary of State to give to the manager of a designated aerodrome such directions as the Secretary of State considers appropriate for the purpose of avoiding, limiting or mitigating the effect of noise and vibration connected with aircraft landing or taking off. The manager is placed under a duty to comply with any such directions. New section 78(6A) will allow directions under subsection (6) to be given for the purposes of avoiding, limiting or mitigating the effect of noise and vibration either generally or in any particular area, for example arising from use of a particular runway. So directions could be used to move noise from one area to another, even if this does not limit or mitigate the total amount of noise suffered generally, so long as it avoids, limits or mitigates the amount of noise in a particular area.
19. For example, Heathrow has two main independently operable runways, as may other airports designated under section 78 in future. The power to direct the aerodrome manager to use a particular runway would provide local residents with predictable periods of relief from aircraft noise. Requiring aircraft to take off or land in a given direction at a given time could also reduce the numbers of people subjected to the most severe aircraft noise.
20. *Section 78(8)* empowers the Secretary of State to require the manager of a designated airport to install, operate and maintain noise measuring equipment and to provide noise measurement reports as specified by him. The manager is placed under a duty to comply with any such requirements.
21. Where an airport manager fails to perform any of the requirements set down in an order under subsection (8), section 78(9)(a) empowers the Secretary of State to take such steps as he considers appropriate to remedy that failure, including the provision, operation and maintenance of equipment. The Secretary of State may recover any expenses he has incurred in so doing: section 78(9)(b). Where the airport manager has failed to provide reports to the Secretary of State, he is guilty of an offence: section 78(9)(i) and (ii).
22. *Subsection (3)* amends section 78(9) to provide that the maximum fine laid down in subsection (9)(i) is increased to level 5 on the standard scale (currently £5,000) and the daily fine in subsection (9)(ii) is not to exceed 10% of level 5.