
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2006, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 1

POLICING OF AIRPORTS

Amendments of Part 3 of 1982 Act

4 After section 29 insert—

“29A References to Secretary of State

- (1) Any of the relevant persons may refer to the Secretary of State a matter to which subsection (2) or (3) below applies.
- (2) This subsection applies to a dispute between the manager of an aerodrome which is (or has been) a designated airport and the police authority, or the chief officer of police, for the relevant police area—
 - (a) about the terms, construction or operation of a police services agreement which is (or has been) in force in relation to the aerodrome, or
 - (b) about the payments to be made, or the accommodation and facilities to be provided, under section 26(2C) of this Act.
- (3) This subsection applies to a failure by the relevant persons to enter into a police services agreement in a case where section 25B(2) of this Act requires such an agreement to be in force.

29B Appointment of independent experts

- (1) This section applies where a matter has been referred to the Secretary of State under section 29A of this Act.
- (2) The Secretary of State shall notify to each of the relevant persons the name of an independent expert who he proposes should deal with the matter.
- (3) The Secretary of State shall appoint that independent expert to deal with the matter if, within the initial appointment period, all the relevant persons agree to the appointment.
- (4) In default of agreement under subsection (3) above—
 - (a) the manager of the aerodrome, and
 - (b) the police authority for the relevant police area and the chief officer of police for that area, acting jointly,shall each appoint an independent expert within the period of fourteen days beginning with the date following that on which the initial appointment period ends.

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- (5) The two independent experts so appointed shall appoint a third independent expert to act as chairman.
- (6) The three independent experts so appointed shall deal with the matter.
- (7) An appointment under subsection (5) above shall be made within the period of fourteen days beginning with the date on which the second of the two independent experts is appointed (or, if both independent experts are appointed on the same date, within the period of fourteen days beginning with that date).
- (8) In this section “the initial appointment period” means the period of fourteen days beginning with the date on which the Secretary of State notifies the relevant parties under subsection (2) above.
- (9) In this section and section 29C of this Act “independent expert”, in relation to a matter referred to the Secretary of State under section 29A of this Act, means a person—
 - (a) who is independent of the relevant persons and the Secretary of State,
 - (b) who has no previous connection with the matter in question, and
 - (c) who has relevant legal experience or knowledge or experience which is relevant to the matter in question.

29C Removal and replacement etc. of independent experts

- (1) On the application of any of the relevant persons, the Secretary of State may—
 - (a) remove an independent expert on any of the grounds specified in subsection (2) below;
 - (b) appoint an independent expert to replace one who has been removed under paragraph (a) above or who has died or resigned;
 - (c) make any appointment which should have (but has not) been made under section 29B(4) or (5) of this Act.
- (2) The grounds specified in this subsection are—
 - (a) that circumstances exist that give rise to justifiable doubts as to the expert's impartiality;
 - (b) that he does not possess the qualifications required by paragraphs (a) to (c) of section 29B(9) of this Act;
 - (c) that he is physically or mentally incapable of dealing with the matter in question or there are justifiable doubts as to his capacity to do so;
 - (d) that he has refused or failed—
 - (i) properly to deal with the matter, or
 - (ii) to use all reasonable despatch in dealing with the matter,
 and that substantial injustice has been or will be caused to the applicant.
- (3) The independent experts may not continue to deal with the matter while an application to the Secretary of State under subsection (1)(a) above is pending.

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- (4) The Secretary of State may not remove an independent expert under subsection (1)(a) above without first giving him the opportunity to make representations.

29D Determination of matters referred under section 29A

- (1) This section applies where section 29B of this Act requires—
- (a) an independent expert, or
 - (b) three independent experts,
- to deal with a matter referred to the Secretary of State under section 29A of this Act (and in this section the independent expert or experts are referred to as “the tribunal”).
- (2) The tribunal shall determine the procedure to be followed in dealing with the matter.
- (3) In particular, the tribunal—
- (a) where it consists of three independent experts, may take decisions by a majority vote,
 - (b) shall give each of the relevant persons and the Secretary of State an opportunity to make representations about the matter in question,
 - (c) may appoint legal advisers to report to it and the relevant persons,
 - (d) may appoint assessors to assist it on technical matters,
 - (e) may allow any legal adviser or assessor appointed under paragraph (c) or (d) above to attend any meetings of the tribunal held for the purposes of dealing with the matter, and
 - (f) shall give each of the relevant persons and the Secretary of State a reasonable opportunity to comment on any information, opinion or advice offered by any such person.
- (4) In relation to a matter to which section 29A(2) of this Act applies, the tribunal may—
- (a) make a declaration as to how a provision of a police services agreement is to be construed or operate;
 - (b) make a declaration varying the terms of a police services agreement;
 - (c) determine that the manager of the aerodrome is obliged to pay to the police authority for the relevant police area a specified sum, or a sum to be assessed in a specified manner;
 - (d) determine that the manager of the aerodrome is obliged to provide specified accommodation and facilities for use in connection with the policing provided for the aerodrome;
 - (e) make an order about costs.
- (5) In dealing with a matter to which section 29A(3) of this Act applies, the tribunal shall have regard (in particular) to—
- (a) the matters specified in paragraphs (a) to (d) of section 25A(2) of this Act, and
 - (b) the extent (if any) to which the costs incurred by the police authority in connection with the policing provided for the aerodrome are (or are likely to be) defrayed by payments made in respect of that policing by any person other than the manager of the aerodrome.

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- (6) In relation to such a matter, the tribunal—
- (a) shall make a declaration as to the terms which are to have effect as between the relevant parties as the terms of a police services agreement;
 - (b) may make an order about costs.
- (7) Where a declaration is made under subsection (6)(a) above, references in this Part to a police services agreement shall have effect, so far as necessary, as references to the terms which have effect as the terms of a police services agreement.
- (8) A relevant person may appeal to the High Court against any decision of the tribunal under this section.
- (9) Any declaration, determination or order made under this section may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).
- (10) In the application of this section to Scotland, references in subsections (8) and (9) to the High Court shall be read as references to the Court of Session.
- (11) In this section “costs” means—
- (a) the fees and expenses of the tribunal,
 - (b) the fees and expenses of any legal advisers or assessors appointed by the tribunal, and
 - (c) the legal or other costs of the relevant persons.”

Commencement Information

- II** Sch. 1 para. 4 wholly in force at Royal Assent but to be treated in part as having come into force on 21.11.2005, see s. 14(2), Sch. 1 para. 6(4)

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