



Civil Aviation Act 2012

2012 CHAPTER 19

PART 2

OTHER AVIATION MATTERS

Provision of information about aviation

83 Information for benefit of users of air transport services

- (1) The CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate for the purpose of assisting users of air transport services to compare—
 - (a) air transport services provided to or from a civil airport;
 - (b) services and facilities provided at a civil airport in the United Kingdom;
 - (c) services and facilities provided elsewhere in the United Kingdom and used, or likely to be used, in connection with the use of air transport services provided to or from a civil airport.
- (2) The CAA may publish guidance and advice with a view to improving the standard of such services and facilities for users of air transport services.
- (3) The CAA must take such steps as it considers practicable to keep under review information, guidance and other advice that is published under this section by the CAA or by other persons.
- (4) Subsection (1) does not require the CAA to disclose, or arrange for the disclosure of, information if the CAA could refuse to disclose the information in response to a request made under the Freedom of Information Act 2000.
- (5) For the purposes of carrying out its functions under this section, the CAA may carry out, commission or provide financial or other support for research.
- (6) Information and advice published under subsection (1) by persons other than the CAA must be published in such form and manner as the CAA considers appropriate.

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(7) In this section—

“air transport service” means a service for the carriage by air of passengers or cargo to or from an airport in the United Kingdom;

“airport” has the same meaning as in Part 1 of this Act (see sections 66 and 67);

“civil airport” means an airport other than a military airport;

“user”, in relation to an air transport service, means a person who—

- (a) is a passenger carried by the service, or
- (b) has a right in property carried by the service.

(8) In this section references to users of air transport services include potential users of such services.

84 Environmental information

(1) The CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate relating to—

- (a) the environmental effects of civil aviation in the United Kingdom,
- (b) how human health and safety is, or may be, affected by such effects, and
- (c) measures taken, or proposed to be taken, with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.

(2) The CAA may publish guidance and advice with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.

(3) The CAA must take such steps as it considers practicable to keep under review information, guidance and other advice that is published under this section by the CAA or by other persons.

(4) Subsection (1) does not require the CAA to disclose, or arrange for the disclosure of, information if it could refuse to disclose the information in response to a request made under the Freedom of Information Act 2000.

(5) For the purposes of carrying out its functions under this section, the CAA may carry out, commission or provide financial or other support for research.

(6) Information and advice published under subsection (1) by persons other than the CAA must be published in such form and manner as the CAA considers appropriate.

(7) In this section—

“civil aviation” means civil airports, associated facilities and aircraft using such airports;

“airport” has the same meaning as in Part 1 of this Act (see sections 66 and 67);

“associated facilities”, in relation to an airport, means facilities used, or intended to be used, in connection with the airport;

“civil airport” means an airport other than a military airport.

(8) In this section references to the environmental effects of civil aviation include—

- (a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,

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- (b) visual or other disturbance to the public,
- (c) effects from works carried out at civil airports or associated facilities or in the construction of such airports or facilities, and
- (d) effects from services provided at civil airports or associated facilities.

85 Power to obtain information

- (1) The CAA may by notice require a person to provide—
 - (a) information, or
 - (b) a document that is in the person's custody or under the person's control.
- (2) The CAA may give a notice under this section only in respect of information or documents that it reasonably requires for the purpose of carrying out its functions under section 83 or 84.
- (3) The notice may require the information or document to be provided—
 - (a) at a time and place specified in the notice, and
 - (b) in a form and manner specified in the notice.
- (4) The notice may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the appropriate court.
- (5) “The appropriate court” means—
 - (a) in relation to England and Wales and Northern Ireland, the High Court, and
 - (b) in relation to Scotland, the Court of Session.
- (6) Schedule 6 (restrictions on disclosure of information) applies to information and documents provided to the CAA by virtue of this section as it applies to information obtained under or by virtue of Chapter 1 of Part 1.

86 Enforcement of information notice

- (1) If a person fails to comply with a notice under section 85 without reasonable excuse, the CAA may do either or both of the following—
 - (a) impose a penalty on the person;
 - (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (2) The amount of the penalty must be such amount as the CAA determines to be—
 - (a) appropriate, and
 - (b) proportionate to the failure in respect of which it is imposed.
- (3) A penalty may consist of either or both of the following—
 - (a) a fixed amount;
 - (b) an amount payable in respect of each day in a period specified by the CAA (a “daily amount”).
- (4) A fixed amount must not exceed £50,000.
- (5) A daily amount must not exceed £5,000.

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- (6) A specified period during which daily amounts accumulate must be such period as the CAA considers appropriate, subject to subsections (7) and (8).
- (7) The period must begin after the day on which the CAA gives the notice under section 89 stating that it has imposed the penalty.
- (8) The period must end before the day on which the person provides the information or documents specified in the notice under section 85.
- (9) The Secretary of State may by regulations replace the amount for the time being specified in subsection (4) or (5).
- (10) The regulations must be made by statutory instrument.
- (11) A statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

87 Penalty for providing false information, destroying documents etc

- (1) The CAA may impose a penalty on a person if, in relevant circumstances, the person provides information to the CAA that is false or misleading in a material respect and—
 - (a) the person knows that the information is false or misleading, or
 - (b) the person is reckless as to whether the information is false or misleading.
- (2) A person provides information in relevant circumstances if the person does so—
 - (a) in response to a notice under section 85, or
 - (b) knowing that the CAA is likely to use the information for the purpose of carrying out its functions under section 83 or 84.
- (3) The CAA may impose a penalty on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under section 85.
- (4) The amount of a penalty imposed on a person under this section must be such amount as the CAA determines to be—
 - (a) appropriate, and
 - (b) proportionate to the action in respect of which it is imposed.

88 Procedure before imposing penalty

- (1) Before imposing a penalty on a person under section 86 or 87 the CAA must—
 - (a) give the person a notice about the proposed penalty,
 - (b) publish the notice as soon as practicable, and
 - (c) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under subsection (1) must—
 - (a) state that the CAA proposes to impose a penalty,
 - (b) state the proposed amount of the penalty, and
 - (c) give the CAA's reasons for imposing the penalty.

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- (3) In the case of a penalty under section 86 calculated entirely or partly by reference to a daily amount, the notice under subsection (1) must specify—
 - (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The period specified in the notice under subsection (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (5) Before varying the proposed amount of the penalty, the CAA must—
 - (a) give the person on whom the penalty is to be imposed a notice about the proposed variation,
 - (b) publish the notice as soon as practicable, and
 - (c) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (6) In the case of a penalty under section 86 calculated entirely or partly by reference to a daily amount, the reference in subsection (5) to varying the proposed amount of the penalty includes varying—
 - (a) the day on which daily amounts would begin to accumulate, and
 - (b) the day on which, or circumstances in which, they would cease to accumulate.
- (7) The notice under subsection (5) must—
 - (a) specify the proposed variation, and
 - (b) give the CAA's reasons for the proposed variation.
- (8) The period specified in the notice under subsection (5) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (9) The CAA may withdraw a notice under subsection (1) or (5) at any time by giving notice to the person on whom it proposed to impose the penalty.
- (10) The CAA must publish a notice under subsection (9) as soon as practicable after it is given.

89 Procedure after imposing penalty

- (1) As soon as practicable after imposing a penalty on a person under section 86 or 87, the CAA must—
 - (a) give a notice to the person on whom the penalty is imposed, and
 - (b) publish the notice.
- (2) The notice must—
 - (a) state that the CAA has imposed the penalty,
 - (b) state the amount of the penalty,
 - (c) give the CAA's reasons for imposing the penalty, and
 - (d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.

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- (3) In the case of a penalty under section 86 calculated entirely or partly by reference to a daily amount, the notice must specify—
 - (a) the day on which daily amounts begin to accumulate, and
 - (b) the day on which, or the circumstances in which, they cease to accumulate.
- (4) As soon as practicable after daily amounts cease to accumulate, the CAA must—
 - (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate, and
 - (b) publish the notice.

90 Appeals

Schedule 13 (appeals against penalties) has effect.

91 Recovering penalties

- (1) Subsections (2) and (3) apply if all or part of a penalty imposed on a person under section 86 or 87 is not paid within the period specified in the notice given in respect of the penalty under section 89.
- (2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.
- (3) The CAA may recover from the person as a debt due to the CAA—
 - (a) the unpaid balance, and
 - (b) any interest on the penalty that has not been paid.
- (4) Any sums received by the CAA by way of a penalty under section 86 or 87 or interest under this section must be paid into the Consolidated Fund.

92 Statement of policy

- (1) The CAA must prepare and publish a statement of its policy with respect to—
 - (a) carrying out its functions under sections 83 and 84,
 - (b) imposing penalties under sections 86 and 87, and
 - (c) determining the amount of such penalties.
- (2) The CAA may revise a statement of policy and, if it does so, it must publish the revised statement.
- (3) When preparing or revising a statement of policy with respect to carrying out the functions under sections 83 and 84, the CAA must have regard to the principle that the benefits of carrying out the functions should outweigh any adverse effects.
- (4) When imposing a penalty under section 86 or 87, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published under this section before the act or omission in respect of which the penalty is to be imposed.
- (5) When preparing or revising a statement of policy, the CAA must consult such persons as it considers appropriate.

Changes to legislation: *There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Provision of information about aviation. (See end of Document for details)*

93 Minor definitions

In sections 83 to 92 and Schedule 13—

- (a) “the CAA” means the Civil Aviation Authority, and
- (b) references to a notice are to a notice in writing.

Changes to legislation:

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