



Civil Aviation Act 1971

1971 CHAPTER 75

PART II

REGULATION OF CIVIL AVIATION

Regulation of safety and navigation of aircraft and of noise from aircraft

27 Design, construction and maintenance of aircraft

- (1) Section 7 of the Civil Aviation Act 1949 (which among other things provides for the delegation by the Secretary of State of his functions with respect to the design, construction and maintenance of aircraft) shall cease to have effect.
- (2) It shall be the duty of the Authority to consult the board established in pursuance of the following provisions of this section on all matters appearing to the Authority to be of significance as respects the standards of design, construction and maintenance by reference to which certificates of airworthiness for aircraft are to be granted or renewed in pursuance of Air Navigation Orders and to consult the said board as to whether an aircraft of a new type satisfies the standards of design and construction required for the issue of such a certificate for the aircraft; and—
 - (a) any question whether a matter is one on which consultations are required by virtue of this subsection shall be decided by the Authority;
 - (b) it shall be the duty of the Authority to consider all advice given to it by the said board in pursuance of this section;
 - (c) if the Authority decides not to proceed in accordance with any advice given to the Authority by the said board it shall be the duty of the Authority to inform the board in writing of its reasons for the decision and, if the advice was given in consequence of consultations required by virtue of this subsection, to publish particulars of the case forthwith in the prescribed manner.
- (3) There shall be a body of persons, to be known as the Airworthiness Requirements Board (and hereafter in this section referred to as "the board"), of which the functions shall be—
 - (a) to give advice to the Authority on—

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- (i) all matters on which the Authority consults the board in pursuance of the preceding subsection, and
 - (ii) any other matters which appear to the board to relate to the standards mentioned in the preceding subsection and on which the board considers it appropriate to give advice to the Authority;
 - (b) to consult such persons as the board considers appropriate for the purpose of giving such advice as aforesaid.
- (4) The board shall consist of not less than twelve nor more than twenty persons appointed by the Authority of whom—
- (a) four shall be appointed on the nomination of any body or persons appearing to the Authority to be representative—
 - (i) as to one of the four, of manufacturers of aircraft,
 - (ii) as to another of them, of operators of aircraft,
 - (iii) as to another of them, of insurers of aircraft,
 - (iv) as to the other of them, of pilots of aircraft;
 - (b) more than half the persons for the time being so appointed shall be representative members (and in this paragraph "representative member" means a person appointed to be a member of the board on the nomination of any body or persons appearing to the Authority to be representative of manufacturers or operators or insurers or pilots of aircraft); and
 - (c) the remainder may include one or more members of the Authority;
- and the Authority shall designate as the chairman of the board a member of it nominated by the board.
- (5) The provisions of Schedule 6 to this Act shall have effect with respect to the board.

28 Air navigation services

- (1) It shall be the duty of the Authority to provide air navigation services—
- (a) in the United Kingdom ; and
 - (b) for any area outside the United Kingdom for which the United Kingdom has, in pursuance of international arrangements, undertaken to provide air navigation services,
- to the extent to which it appears to the Authority that such services are necessary and are not being provided by the Authority (either alone or jointly with another person) or by some other person.
- (2) It shall be the duty of the Authority to join with the Secretary of State, in such manner as may be specified in directions given to the Authority by the Secretary of State,—
- (a) in providing such air navigation services in respect of such areas (whether in the United Kingdom or elsewhere) as may be specified in the directions; and
 - (b) in defraying the cost of providing the services so specified ; and
 - (c) without prejudice to the generality of the preceding paragraph, in discharging any liability to a third party which is incurred by the Authority and the Secretary of State or either of them in providing the services so specified.
- (3) Without prejudice to any right of action in respect of an act or omission which takes place in the course of providing air navigation services in pursuance of this section, no action shall lie in respect of a failure by the Authority to perform the duty imposed on it by subsection (1) or subsection (2) of this section.

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29 Regulation of noise and vibration from aircraft

- (1) The Secretary of State may by a notice published in the prescribed manner provide that it shall be the duty of the person who is the operator of an aircraft which is to take off or land at a designated aerodrome to secure that, after the aircraft takes off or as the case may be before it lands at the aerodrome, such requirements as are specified in the notice are complied with in relation to the aircraft, being requirements appearing to the Secretary of State to be appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at the aerodrome.
- (2) If it appears to the Secretary of State that any requirement specified in relation to a designated aerodrome in a notice published in pursuance of the preceding subsection has not been complied with as respects any aircraft he may, after affording to the person who at the relevant time was the operator of the aircraft an opportunity of making representations to the Secretary of State with respect to the matter and after considering any representations then made by him, give to the person managing the aerodrome a direction requiring him to secure that, until the Secretary of State revokes the direction, facilities for using the aerodrome are withheld to the extent specified in the direction from aircraft of which the person aforesaid is the operator and from his servants ; and it shall be the duty of the person for the time being managing the aerodrome to comply with the direction.
- (3) If the Secretary of State considers it appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at a designated aerodrome to limit the number of occasions on which aircraft may take off or land at the aerodrome during certain periods, he may by a notice published in the prescribed manner—
 - (a) specify the maximum number of occasions on which aircraft of descriptions specified in the notice may (otherwise than in an emergency of a description so specified) be permitted to take off or land respectively at the aerodrome during such periods as are so specified;
 - (b) determine the persons who shall be entitled to arrange for aircraft of which they are the operators to take off or land at the aerodrome during the periods so specified and, as respects each of those persons, the number of occasions on which aircraft of a particular description of which he is the operator may take off or land at the aerodrome during those periods ;and subject to paragraphs (d) and (e) of the following subsection it shall be the duty of the person for the time being managing the aerodrome to secure that the limitations relating to the aerodrome which are imposed by the notice are complied with.
- (4) The following supplementary provisions shall have effect for the purposes of the preceding subsection, that is to say—
 - (a) it shall be the duty of the Secretary of State, before he makes a determination in respect of an aerodrome in pursuance of paragraph (b) of the preceding subsection, to consult any body appearing to him to be representative of operators of aircraft using the aerodrome;
 - (b) a notice under the preceding subsection may make, in relation to a designated aerodrome, provision as respects any period notwithstanding that the period is included in, or that there is included in the period, any other period as respects which provision relating to the aerodrome is made by the notice or by another notice under that subsection ;

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- (c) if it appears to the Secretary of State that an aircraft is about to take off in contravention of limitations imposed in pursuance of the preceding subsection, then, without prejudice to the powers exercisable by virtue of that subsection by the person managing the relevant aerodrome, any person authorised by the Secretary of State in that behalf may detain the aircraft for such period as that person considers appropriate for preventing the contravention and may for the purpose of detaining the aircraft enter upon any land;
 - (d) nothing in the preceding subsection requires a person managing an aerodrome to prevent an aircraft from landing at the aerodrome ; and
 - (e) the Secretary of State may, by a notice in writing served in the prescribed manner on the person managing an aerodrome to which a notice under the preceding subsection relates, determine that a particular occasion on which an aircraft takes off or lands at the aerodrome shall be disregarded for the purposes of the notice under that subsection.
- (5) The Secretary of State may give to the person managing a designated aerodrome such directions as the Secretary of State considers appropriate for the purpose of limiting, or of mitigating the effect of, noise and vibration connected with the taking off or landing of aircraft at the aerodrome; and it shall be the duty of the person for the time being managing the aerodrome to comply with the directions.
- (6) The duties imposed by subsections (1) to (3) and (5) of this section in relation to aerodromes in Scotland shall be enforceable by order of the Court of Session on an application by or on behalf of the Secretary of State under section 91 of the Court of Session Act 1868.
- (7) The Secretary of State may, after consultation with the person managing a designated aerodrome, by order require him at his own expense—
- (a) to provide in an area and within a period specified in the order, and to maintain and operate in accordance with any instructions so specified, such equipment for measuring noise in the vicinity of the aerodrome as is so specified ; and
 - (b) to make to the Secretary of State such reports as are so specified with respect to the noise measured by the equipment and to permit any person authorised by the Secretary of State in that behalf to inspect the equipment on demand at any time ;
- and it shall be the duty of the person for the time being managing the aerodrome to comply with the requirements of the order.
- (8) If a person fails to perform any duty imposed on him by the preceding subsection the Secretary of State may, after affording him an opportunity of making representations to the Secretary of State with respect to the matter and after considering any representations then made by him,—
- (a) take such steps as the Secretary of State considers appropriate for remedying the failure, which may include steps to secure the provision, maintenance and operation of equipment by the Secretary of State or the Authority; and
 - (b) recover in any court of competent jurisdiction from the person aforesaid any expense attributable to the taking of those steps which is incurred by the Secretary of State from time to time;

and if a person fails to perform any duty imposed on him by virtue of paragraph (b) of the preceding subsection, then, without prejudice to the preceding provisions of this subsection he shall—

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- (i) be guilty of an offence and be liable on summary conviction to a fine of an amount not exceeding £50, and
 - (ii) if the failure continues after his conviction of an offence under this subsection arising from the failure, be guilty of a separate offence under this subsection on each day on which the failure continues thereafter and liable to be fined accordingly.
- (9) Any expenses incurred by the Secretary of State in pursuance of the preceding subsection shall be defrayed out of money provided by Parliament, and any sums received by the Secretary of State in pursuance of that subsection shall be paid into the Consolidated Fund.
- (10) The Secretary of State may, after consultation with any local authority appearing to him to be concerned, by order repeal any provision of a local Act which he considers is unnecessary having regard to the provisions of this section and of section 15 of the Airports Authority Act 1965 (which provides for grants towards the cost of sound-proofing buildings) as amended by this Act.
- (11) In this section—
- " designated aerodrome " means any aerodrome in Great Britain which is designated by an order made by the Secretary of State as an aerodrome to which this section applies ; and
 - " local authority " means, in relation to England and Wales, the council of a county, county borough, London borough or county district, the Greater London Council or the Common Council of the City of London and, in relation to Scotland, any county or town council;
- and any notice published in pursuance of subsection (1) or subsection (3) of this section may contain such incidental or supplementary provisions as the Secretary of State considers appropriate for the purposes of that subsection and may be varied or revoked by a subsequent notice published in pursuance of that subsection.