



Civil Aviation Act 1978

CHAPTER 8

ARRANGEMENT OF SECTIONS

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ELIZABETH II



Civil Aviation Act 1978

1978 CHAPTER 8

An Act to establish a fund from which payments may be made in respect of expenses incurred for the purpose of protecting aircraft, aerodromes or air navigation installations against acts of violence or in connection with the policing of airports; to amend the law relating to the Civil Aviation Authority and the British Airways Board; to amend the law relating to noise, vibration and atmospheric pollution caused by aircraft; and otherwise to amend the law relating to aerodromes, aircraft and civil aviation; and for connected purposes.

[23rd March 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Aviation Security Fund

1.—(1) There shall be established under the control and management of the Secretary of State a fund to be called the Aviation Security Fund (in the following provisions of this Act referred to as the Fund) out of which payments shall be made in accordance with subsection (2) below.

Establishment and purpose of Aviation Security Fund.

(2) Any payment falling to be made by the Secretary of State under either of the following provisions, that is to say—

- (a) section 23 of the Protection of Aircraft Act 1973 1973 c. 47. (reimbursement of expenses incurred by aircraft operators, aerodrome managers and others for the purpose of protecting aircraft, aerodromes and air navigation installations against acts of violence);

1974 c. 41.

(b) section 7 of the Policing of Airports Act 1974 (reimbursement of expenses incurred by aerodrome authorities in or in connection with the policing of aerodromes),

shall, unless the Secretary of State certifies that the payment is of an exceptional nature, be defrayed out of the Fund instead of out of moneys provided by Parliament and any such payment defrayed out of the Fund may be made without the consent of the Treasury.

(3) The Secretary of State shall prepare accounts of the Fund in such form as the Treasury may direct and shall send them to the Comptroller and Auditor General not later than the end of the month of November following the end of the financial year to which the accounts relate; and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before Parliament.

1963 c. 16.

(4) Any money in the Fund which appears to the Secretary of State not to be immediately required for the purposes of the Fund may be deposited by him with the Bank of England or with any company that is a banking or discount company for the purposes of the Protection of Depositors Act 1963; and any interest received by the Secretary of State in respect of money so deposited shall be paid by him into the Fund.

(5) There shall be paid out of the Fund into the Consolidated Fund sums equal to the amount of any expenses incurred by the Secretary of State in the management and control of the Aviation Security Fund.

Contributions
to the Fund.

2.—(1) The Secretary of State may make regulations containing such provisions as he considers appropriate for requiring aerodrome authorities to pay him, in respect of all aerodromes or of aerodromes of a prescribed class, contributions to the Fund calculated in accordance with the following provisions of this section.

(2) Those contributions shall be payable in respect of prescribed periods and the contribution payable for any aerodrome in respect of each such period shall be one of the following amounts or, if it is so prescribed, the aggregate of those amounts, that is to say—

(a) an amount ascertained by multiplying a prescribed sum by the number of passengers, or passengers of a prescribed description, who during that period arrived by air at or departed by air from that aerodrome or the number of such passengers in excess of a prescribed limit;

(b) an amount ascertained by multiplying a prescribed sum by the total prescribed units of weight of each aircraft, or aircraft of a prescribed description, which during that period arrived at or departed from that aerodrome.

(3) Without prejudice to the generality of subsection (1) above, regulations under this section may—

(a) prescribe the time when any contribution is to be paid ;

(b) charge interest at a rate prescribed with the consent of the Treasury on so much of any contribution as is overdue ;

(c) require aerodrome authorities, in relation to the aerodromes under their management, to furnish the Secretary of State with such information, to keep such records and to make such returns to him about the matters mentioned in subsection (2) above as may be prescribed ;

(d) provide that contravention of any prescribed provision of the regulations (other than a failure to pay a contribution or interest on any overdue contribution) shall be an offence, either triable on indictment or summarily or triable only summarily, and punishable in each case with a fine, not exceeding in the case of a summary conviction, £1,000.

(4) The Secretary of State shall pay into the Fund all money received by him by virtue of regulations made under this section.

(5) Where an offence under regulations made under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(6) Where the affairs of a body corporate are managed by its members, subsection (5) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(7) Subsection (3)(d) above shall have effect—

(a) in its application to offences triable either way in England and Wales, as if for “£1,000” there were substituted “the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977” (that is to say, £1,000 or another sum fixed by order under section 61 of that Act to take account of changes in the value of money) ;

(b) in its application to offences triable on indictment or summarily in Scotland, as if for “£1,000” there were substituted “the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975” (that is to say, £1,000 or another sum fixed by an order under section 289D of that Act for that purpose).

(8) In this section “prescribed”, except where the context otherwise requires, means prescribed by regulations made under this section, and—

(a) regulations so made may make different provision for different cases ; and

(b) the regulations first so made may, if not made before 1st April 1978, be retrospective to that date so that the first period prescribed for the purposes of subsection (2) above shall begin on or after that date.

(9) Regulations shall not be made under this section unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

(10) In this section—

“aerodrome” means an aerodrome within the meaning of the Protection of Aircraft Act 1973 ; and

“aerodrome authority” means, in relation to any aerodrome, the person (whether the British Airports Authority, the Civil Aviation Authority, a local authority or any other person) by whom the aerodrome is managed.

1973 c. 47.

Financing
of Fund:
borrowing.

3.—(1) The Secretary of State may borrow temporarily by overdraft or otherwise such sums in sterling as he may require for the purposes of the Fund.

(2) The Secretary of State shall pay into the Fund any sum borrowed under subsection (1) above ; and the Secretary of State shall make any repayment in respect of the principal of any such sum, and any payment in respect of interest thereon, out of the Fund.

(3) The aggregate amount outstanding by way of principal in respect of sums borrowed by the Secretary of State under subsection (1) above shall not at any time exceed £5 million, or such larger sum, not exceeding £10 million, as the Secretary of State may by order made with the consent of the Treasury determine.

(4) The Treasury may guarantee in such manner and on such conditions as they think fit the repayment of, and the payment of any interest on, any sums borrowed by the Secretary of State under subsection (1) above.

(5) Immediately after any guarantee is given under subsection (4) above, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(6) Any sums required by the Treasury for fulfilling any guarantee given under subsection (4) above shall be charged on and paid out of the Consolidated Fund.

(7) Where any sum is issued out of the Consolidated Fund under subsection (6) above, the Treasury shall, as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged) lay before each House of Parliament an account of that sum and of any payments made, during the financial year to which the account relates, by way of repayment of that sum or by way of interest thereon.

(8) Any sum issued for fulfilling a guarantee given under subsection (4) above shall be repaid by the Secretary of State out of the Aviation Security Fund to the Treasury in such manner and over such period and with interest thereon at such rate as the Treasury may determine; and any sums received by the Treasury under this subsection shall be paid into the Consolidated Fund.

(9) An order shall not be made under this section unless a draft of the order has been laid before the House of Commons and approved by a resolution of that House.

4.—(1) The Secretary of State may at any time by order provide for the winding up of the Fund and, on the completion of the winding up, for the return to each aerodrome authority by whom contributions have been made to the Fund of a share of the net assets standing to the credit of the Fund which bears the same proportion to those assets as the authority's contributions to the Fund in the last 12 months during which contributions were made to the Fund bear to the total contributions made by aerodrome authorities to the Fund during those 12 months. Power to wind up Fund.

(2) On such day as is declared by the Secretary of State by order to be that on which the winding up was completed sections 1 and 2 above shall cease to have effect, without prejudice, however, to the duty of the Secretary of State and the Comptroller and Auditor General to comply with section 1(3) above; and accordingly as from that day section 23 of the Protection of Aircraft Act 1973 and section 7 of the Policing of Airports Act 1974 shall have effect as if this Act had not been passed. 1973 c. 47.
1974 c. 41.

(3) An order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Financial provisions

Amendment
of borrowing
powers of
Civil Aviation
Authority
and British
Airways
Board.

5.—(1) In section 8(5) of the 1971 Act (aggregate amount outstanding in respect of the initial debt of, and the principal of borrowings by, the Civil Aviation Authority not to exceed £75 million), for the words “£75 million” there shall be substituted the words “£125 million; but nothing in this subsection shall prevent the Authority from borrowing in excess of that amount for the purpose of paying off the whole or part of the initial debt or any loan.”.

(2) Section 8 of the 1971 Act (borrowing powers of Civil Aviation Authority) shall be further amended as follows:—

(a) in subsection (1) (power to borrow temporarily with the consent of, or in accordance with a general authorisation given by, the Secretary of State), for the words from “with the consent” onwards there shall be substituted the words “borrow temporarily, by overdraft or otherwise, such sums in sterling as it may require for performing its functions—

(a) from the Secretary of State; or

(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State from another person”; and

(b) in subsection (3) (power to borrow other than in sterling), for the words from “in sterling” onwards there shall be substituted the words “in sterling—

(a) by virtue of subsection (1)(b) above, or

(b) by virtue of subsection (2) above from the Commission of the European Communities or the European Investment Bank.”.

1977 c. 13.

(3) The British Airways Board Act 1977 shall be amended as follows:—

(a) in section 9(1) (limit of £700 million on aggregate of loans to and government investment in the Board), after the words “£700 million” there shall be added the words “or such greater sum, not exceeding £850 million, as the Secretary of State may from time to time by order specify”;

(b) in section 21(2) (orders of which a draft must be approved by resolution of each House of Parliament), at the end there shall be added the words “; and no order shall be made under section 9(1) of this Act unless a draft of the order has been approved by a resolution of the House of Commons.”.

6. For section 6(2) of the 1971 Act (duty of Civil Aviation Authority with respect to capital expenditure) there shall be substituted the following subsections:—

“ (2) Subject to subsection (2A) below, it shall be the duty of the Authority—

- (a) in framing and carrying out proposals involving substantial outlay on capital account; and
- (b) in framing and carrying out proposals involving the taking on hire of any equipment the purchase of which at the time of taking on hire would involve such an outlay,

to act on lines settled from time to time with the approval of the Secretary of State; and it shall also be the duty of the Authority to secure that any subsidiary of the Authority acts on those lines in framing and carrying out either description of proposals.

(2A) Subsection (2)(b) above shall not apply to proposals by the Authority or one of its subsidiaries involving the taking on hire of equipment from a subsidiary or another of the subsidiaries of the Authority or from the Authority itself, as the case may be.”

7. Section 9(7) of the 1971 Act (under which the Civil Aviation Authority has no power, whether in pursuance of an agreement, or otherwise, to determine charges for air navigation services) shall have effect, and shall be deemed always to have had effect, as if the words from “or by” to “subsection” were omitted.

Miscellaneous

8.—(1) Each of the enactments specified in subsection (2) below shall have effect as if the power to make byelaws conferred by that enactment in relation to any aerodrome included power to make byelaws for controlling the operation of aircraft within or directly above the aerodrome for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the aerodrome.

(2) The said enactments are—

- (a) section 2 of the 1968 Act (byelaws made by the Secretary of State);
- (b) section 3 of that Act (byelaws made by local authorities);
- (c) section 4 of that Act (byelaws made by proprietors of certain private aerodromes);

(d) section 31 of the 1971 Act (byelaws made by Civil Aviation Authority) ;

1975 c. 78.

(e) section 9 of the Airports Authority Act 1975 (byelaws made by British Airports Authority).

(3) The maximum amount which may be specified by byelaws made by virtue of this section for any fine for contravention of the byelaws shall be £500 instead of £100 (as laid down by section 5 of the said Act of 1968 in the case of byelaws made under section 2, 3 or 4 of that Act and by the said sections 31 and 9 in the case of byelaws made under those sections respectively).

(4) Where any person, other than the Secretary of State, has in relation to any aerodrome made any byelaw by virtue of this section, the Secretary of State may, after consultation with that person, by order—

(a) revoke or vary that byelaw if he considers it appropriate to do so by reason of his having designated the aerodrome an aerodrome to which section 29 of the 1971 Act (regulation of noise and vibration from aircraft) applies ; or

(b) revoke or vary that byelaw to the extent that it appears to him to be inconsistent with the safety of persons or vehicles using the aerodrome, of aircraft or of the general public, or with any international obligation binding on the United Kingdom.

Fixing by reference to noise factors the charges for using aerodromes.

9.—(1) Without prejudice to any power of any aerodrome authority to enter into an agreement on such terms as it thinks fit, an aerodrome authority may, for the purpose of encouraging the use of quieter aircraft and of diminishing inconvenience from aircraft noise, fix its charges by reference, among other things, to any fact or matter relevant to—

(a) the amount of noise caused by the aircraft in respect of which the charges are made ; or

(b) the extent or nature of any inconvenience resulting from such noise.

1949 c. 67.

(2) Without prejudice to section 8(2)(o) of the Civil Aviation Act 1949 (power by Order in Council to regulate charges at licensed aerodromes), the Secretary of State may by order direct specified aerodrome authorities to fix their charges in exercise of the power conferred by subsection (1) above ; and any such order may contain directions as to the manner in which those charges are to be so fixed.

(3) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this section—

“aerodrome” means an aerodrome licensed under an Order in Council made under section 8 of the Civil Aviation 1949 c. 67. Act 1949;

“aerodrome authority” means, in relation to any aerodrome, the person owning or managing it; and

“charges” means, in relation to an aerodrome authority, the charges the authority makes for the use of an aerodrome owned or managed by it.

10. In section 4 of the 1971 Act (Secretary of State’s power to give directions in national interest, etc.), after subsection (2) there shall be inserted the following subsection:—

General directions to Civil Aviation Authority in interests of national security.

“(2A) Without prejudice to section 3(2) of this Act or subsection (3)(a) of this section, the Secretary of State may, after consultation with the Authority, give it such directions of a general character as to the performance of its functions as he thinks it appropriate to give in the interests of national security; and in so far as any directions given in pursuance of this subsection conflict with the requirements of any provision of this Act, except subsection (1) of this section, those requirements shall be disregarded.”.

11. In section 21(5) of the 1971 Act (offence of contravening a term of air transport licence when operator of aircraft or charterer, etc., knew or had reasonable cause to suspect that the term was likely to be contravened)—

Contravention of air transport licence.

(a) in paragraph (a), for the words “knew or had reasonable cause to suspect” there shall be substituted the words “knew or ought to have known”; and

(b) in paragraph (b), for the words “knowing or having reasonable cause to suspect” there shall be substituted the words “when he knew or ought to have known”.

12.—(1) Section 18 of the British Airways Board Act 1977 (pensions) shall cease to have effect and the following provisions of this section shall have effect instead.

Pensions of staff of British Airways Board, its subsidiaries and predecessors.
1977 c. 13.

(2) The Board may pay pensions, allowances or gratuities to or in respect of such of the persons to whom this section applies as may be determined by the Board, or may make arrangements for the making of such payments.

(3) Any such arrangements may provide for the establishment and maintenance of one or more schemes for making such payments and, until the contrary is provided by any such arrangements, the scheme in force under section 18 of the British Airways Board Act 1977 immediately before the appointed day

(the existing scheme) shall be treated as having been established in pursuance of arrangements under this section and may be maintained accordingly.

(4) The persons to whom this section applies are—

- (a) employees or former employees of any member of the group ; and
- (b) persons to whom the existing scheme applied immediately before the appointed day.

(5) Where a participant in a scheme maintained under this section—

- (a) becomes, or has before that day become, a member of the Board or a director of any other member of the group ; or
- (b) has at any time before 1st April 1974 become a member of either of the corporations or a director of an undertaking which was a subsidiary or joint subsidiary of either of the corporations at the time when he became a director of it,

his service as such a member or director (including any service at any time before the appointed day) shall be treated for the purposes of the scheme as if it were service as an employee of the person in whose employment he was, or was treated for those purposes as being, when he became such a member or director.

(6) In this section—

“appointed day” means the day appointed for the coming into force of this section ;

“subsidiary” and “joint subsidiary” have the same meanings as they had in Part III of the 1971 Act ;

and other expressions have the same meanings as in the British Airways Board Act 1977.

1977 c. 13.

General

Orders and regulations.

13.—(1) Any power conferred by any provision of this Act to make an order (other than an Order in Council) or to make regulations shall be exercisable by statutory instrument.

(2) Any power conferred by this Act to make an Order in Council or other order or to make regulations shall include power to make such incidental, supplementary or transitional provisions as appear to the authority exercising the power to be necessary or expedient.

(3) Any power conferred by any provision of this Act to make an order (including an Order in Council) shall include power to revoke or vary the order by a subsequent order made under that provision.

14.—(1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments there specified, and of those amendments—

(a) those specified in Part I of that Schedule are minor amendments and amendments consequential on the provisions of this Act; and

(b) those specified in Part II of that Schedule are amendments for the purpose of facilitating the consolidation of certain enactments relating to civil aviation, and in particular for the purpose of removing anomalies and correcting errors in those enactments.

(2) The enactments specified in Schedule 2 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

(3) The Secretary of State may, after consultation with any local authority which appears to him to be concerned, by order repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of paragraph 2 of Schedule 1 to this Act or to be inconsistent therewith; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

15.—(1) In this Act—

“the 1968 Act” means the Civil Aviation Act 1968; and

“the 1971 Act” means the Civil Aviation Act 1971.

(2) Except so far as the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

16.—(1) This Act may be cited as the Civil Aviation Act 1978.

(2) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different purposes.

(3) Subject to subsection (5) below, this Act extends to Northern Ireland.

(4) Her Majesty may by Order in Council direct that any of the provisions of this Act shall, except in so far as they amend any provision of any other Act, extend, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, to the Channel Islands, the Isle of Man, any colony or any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction.

Interpretation.

1968 c. 61.

1971 c. 75.

Short title,
commence-
ment and
extent.

(5) Where any provision of this Act (the amending provision) amends any provision of any other Act (the amended provision), then—

- (a) if the amended provision does not extend to any part of the United Kingdom the amending provision shall not extend to that part; and
- (b) any power of Her Majesty in Council under any enactment (however framed or worded) to direct that the amended provision shall extend outside the United Kingdom shall apply equally in relation to the amending provision.

(6) In subsections (4) and (5) above references to the amendment of any provision of any Act include a reference to the repeal of any such provision.

SCHEDULES

SCHEDULE 1

Section 14.

MINOR, CONSEQUENTIAL AND CONSOLIDATION AMENDMENTS

PART I

MINOR AND CONSEQUENTIAL AMENDMENTS

Civil Aviation Act 1949 (c. 67)

1. Section 9 of the Civil Aviation Act 1949 (control of aviation in 1949 c. 67. United Kingdom or any portion thereof in time of war or emergency) shall be amended as follows:—

- (a) in subsection (1), after the words “portion thereof” there shall be inserted the words “or over any area of sea specified in the order”; and
- (b) in the proviso to subsection (3) (compensation not payable in respect of general order prohibiting flying in the United Kingdom or any part thereof), at the end there shall be added the words “or over any area of sea.”.

2.—(1) That Act shall be further amended as follows.

(2) In section 26 (power to exercise control over land in the interests of civil aviation), references to any land, structures, works or apparatus vested in the Secretary of State or which he proposes to acquire or install shall include references to any land, structures, works or apparatus vested in a licensee or which a licensee proposes to acquire or install.

(3) Where the Secretary of State has made an order by virtue of sub-paragraph (2) above in relation to any land, or has under consideration the making of any such order, any person authorised in writing by the Secretary of State may at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter upon any of the land in order to make any survey which the Secretary of State or the licensee in question requires to be made for the purpose of any steps to be taken in consequence of the order:

Provided that admission shall not, by virtue of this sub-paragraph, be demanded as of right to any land which is occupied unless eight days' notice of the intended entry has been served on the occupier.

(4) Subsections (2) to (5) of section 29 (power of entry for purposes of survey) shall apply with any necessary modifications in relation to sub-paragraph (3) above as they apply in relation to subsection (1) of that section, but any proceedings for an offence under subsection (2) of that section, as so applied, may be instituted in England and Wales or Northern Ireland by the licensee in question without the consent required by subsection (3) of that section, and any compensation payable under subsection (5) of that section, as so applied, shall be paid by the licensee instead of by the Secretary of State.

(5) Save as aforesaid, section 29 shall not apply in relation to an order made by virtue of sub-paragraph (2) above.

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(6) Where the Secretary of State gives a direction by virtue of sub-paragraph (2) above, being a direction the execution of which will involve the displacement of persons residing in premises on the land to which the direction relates, it shall be the duty of the licensee in question, in so far as there is no other residential accommodation available on reasonable terms to the persons who require it in consequence of the displacement, being residential accommodation suitable to the reasonable requirements of those persons, to secure the provision of such accommodation.

(7) The licensee in question shall secure the provision of the accommodation in advance of the displacement unless the Secretary of State is satisfied that for reasons of exceptional public importance it is essential that the displacement should be effected before such accommodation as aforesaid can be found.

(8) Section 31 (displacements from land) shall not apply in relation to a direction given by virtue of sub-paragraph (2) above.

(9) In the case of a direction given by virtue of sub-paragraph (2) above, it shall be for the licensee in question, instead of for the Secretary of State, to give the notices required by paragraph 1 of Schedule 3 (provisions relating to directions under section 26); and any compensation payable under that Schedule in consequence of a direction so given shall be paid by the licensee, instead of by the Secretary of State.

(10) In this paragraph "licensee" means licensee of an aerodrome licensed under an Order in Council made under section 8 of the said Act of 1949.

Tokyo Convention Act 1967 (c. 52)

1967 c. 62.

3. In section 6(1)(b) of the Tokyo Convention Act 1967 (under which a document printed by Her Majesty's Stationery Office and purporting to be the publication "United Kingdom Air Pilot" or "Notam-United Kingdom" is evidence, or in Scotland sufficient evidence, of the matters appearing from the document), for the words "Her Majesty's Stationery Office" there shall be substituted the words "either Her Majesty's Stationery Office or the Civil Aviation Authority".

Hovercraft Act 1968 (c. 59)

1968 c. 59.

4. The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 (power to apply enactments and instruments in relation to hovercraft, etc.) shall include this Act and any instrument made under it.

Civil Aviation Act 1968 (c. 61)

1949 c. 67.

5. In section 23(4) of the 1968 Act (extended meaning of accident in that section and in section 10 of the Civil Aviation Act 1949, being sections which relate to aircraft accidents), at the end there shall be added the words "and any other occurrence involving an aircraft which, for the purpose of giving effect to any amendment of an

Annex to the Chicago Convention, is by virtue of this subsection designated an accident in regulations under the said section 10.

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In this subsection “an Annex to the Chicago Convention” means any Annex to the Convention mentioned in subsection (1) of section 8 of the said Act of 1949 (being an Annex adopted in accordance with the Convention); and the power conferred by this subsection is without prejudice to the said section 8.”.

Civil Aviation Act 1971 (c. 75)

6.—(1) The 1971 Act shall be amended in accordance with the following provisions of this paragraph.

(2) In section 10(2) (power of Secretary of State to lend to Civil Aviation Authority), for the words “section 8(2)” there shall be substituted the words “section 8(1) or (2)”.

(3) In section 23(5) (revocation, suspension or variation of air transport licence not to take effect until expiration of period for appealing or the determination or abandonment of any appeal), at the beginning there shall be inserted the words “Subject to subsection (6) of this section,”; and after the said subsection (5) there shall be inserted the following subsection:—

“(6) Notwithstanding anything in the preceding subsection, the Authority may—

- (a) direct that so much of the variation of a licence as relates to any tariff provision of the licence;
- (b) with the consent of the holder of the licence, direct that so much of the variation of a licence as relates to any other matter,

shall to a specified extent take effect on a specified day earlier than is permitted by that subsection.

In this subsection ‘tariff provision’ means, in relation to any licence, any term of that licence being a term such as is mentioned in section 22(5)(b) of this Act.”.

(4) For section 29(3) (power of Secretary of State to impose limitations at designated aerodromes for the purpose of mitigating the effect of noise and vibration connected with the taking off and landing of aircraft) there shall be substituted the following subsections:—

“(3) If the Secretary of State considers it appropriate, for the purpose of avoiding, limiting or mitigating the effect of noise and vibration connected with the taking off or landing of aircraft at a designated aerodrome, to prohibit aircraft from taking off or landing, or limit the number of occasions on which they may take off or land, at the aerodrome during certain periods, he may by a notice published in the prescribed manner do all or any of the following:—

- (a) prohibit aircraft of descriptions specified in the notice from taking off or landing at the aerodrome (otherwise than in an emergency of a description so specified) during periods so specified;

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- (b) specify the maximum number of occasions on which aircraft of descriptions so specified may be permitted to take off or land at the aerodrome (otherwise than as aforesaid) during periods so specified ;
- (c) 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 specified under paragraph (b) above 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 the following subsection and paragraphs (d) and (e) of subsection (4) below it shall be the duty of the person for the time being managing the aerodrome to secure that the prohibitions or restrictions relating to the aerodrome which are imposed by the notice are complied with.

(3A) Without prejudice to subsection (4)(e) below, a particular occasion or series of occasions on which aircraft take off or land at an aerodrome shall be disregarded for the purposes of any notice under subsection (3) above in respect of that aerodrome if—

- (a) on that occasion or series of occasions the aircraft take off or land in circumstances specified for the purposes of this subsection in relation to that aerodrome by the Secretary of State in a notice published in the prescribed manner ; and
- (b) the person for the time being managing the aerodrome, or a person authorised by him for the purpose, determines that that occasion or series of occasions should be so disregarded,

but it shall be the duty of the first-mentioned person to notify the Secretary of State in writing, within one week from its occurring, of any occasion (whether a single occasion or one of a series of occasions) to which this subsection applies.”

(5) In section 29(4) (provisions supplementary to subsection (3))—

- (a) for the words “the preceding subsection”, wherever occurring, there shall be substituted the words “subsection (3) above” ;
- (b) in paragraph (a), for “(b)” there shall be substituted “(c)” ;
- (c) in paragraph (c), for the word “limitations” there shall be substituted the words “any prohibition or restriction” ;
- (d) after paragraph (c) there shall be inserted the following paragraph—

“(c) if it appears to a person authorised for the purpose by the person for the time being managing the relevant aerodrome that an aircraft is about to take off in contravention of any prohibition or restriction imposed in pursuance of subsection (3) above, then, without prejudice to paragraph (c) above or the powers mentioned therein, the first-mentioned person,

or a person authorised by him for the purpose, may detain the aircraft for such period as the first-mentioned person considers appropriate for preventing the contravention, and may for the purpose of detaining the aircraft enter upon any land ;” ; and

(e) in paragraph (e)—

(i) for the words “ in writing served in the prescribed manner on ” there shall be substituted the words “ given in the prescribed manner to ” ; and

(ii) for the words “ on which an aircraft takes off or lands ” there shall be substituted the words “ or series of occasions on which aircraft take off or land ”.

(6) In section 29(5) (power of Secretary of State to give directions for purpose of limiting or mitigating effect of noise and vibration connected with taking off and landing of aircraft), after the words “ for the purpose of ” there shall be inserted the word “ avoiding ”.

(7) In section 29(11) (interpretation of section 29), for the words “ or subsection (3) ” there shall be substituted the words “ , (3) or (3A) ”.

(8) In section 29A (which was inserted by the Airports Authority 1975 c. 78 Act 1975 in connection with the consolidation of the Airports 1965 c. 16 Authority Act 1965 and certain related enactments), after subsection (6) there shall be inserted the following subsection:—

“ (6A) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

(9) Section 36 (limitations on disclosure of information furnished to Authority or Secretary of State) shall be amended as follows:—

(a) in subsection (1) (prohibition of disclosure of information except in specified circumstances), after paragraph (b) there shall be inserted the following paragraph:—

“ (bb) that person is an individual who is dead, or is a body corporate that has ceased to exist or, whether an individual or a body corporate, cannot be found after all reasonable inquiries have been made, and the Secretary of State determines that the information may be disclosed ; or ” ;

(b) in subsection (1)(c), for the words from “ after ” onwards there shall be substituted the words “ made a determination in pursuance of paragraph (b) or (bb) above.” ;

(c) after subsection (1), there shall be inserted the following subsection:—

“ (1A) For the purposes of subsection (1) above, all reasonable inquiries to find a body corporate shall be deemed to have been made if—

(a) in the case of a company within the meaning of the Companies Act 1948 or the Companies Act (Northern Ireland) 1960, inquiries have been made at its registered office ; or

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(b) in the case of a company incorporated outside the United Kingdom and having a place of business within the United Kingdom, inquiries have been made at every address registered in respect of that company for the purposes of section 407(1)(c) of the said Act of 1948, or section 356(1)(c) of the said Act of 1960 (address for service of oversea companies).”; and

(d) in subsection (2) (disclosures to which subsection (1) does not apply)—

(i) for the words “the preceding subsection” there shall be substituted the words “subsection (1) above”; and

(ii) after paragraph (d) there shall be inserted the following paragraph:—

“(dd) by the Authority for the purpose of complying with any duty imposed on the Authority by section 27(2) of this Act;”.

(10) In section 63(4), for the words “sections 15 and 29A” there shall be substituted the words “section 15”.

Airports Authority Act 1975 (c. 78)

1975 c. 78.

7.—(1) The Airports Authority Act 1975 shall be amended as follows.

(2) In section 2(3) (power of Authority to do anything to facilitate discharge of its duties under that Act), at the end there shall be added the words “or of any duty imposed on it by virtue of section 29 or 29A of the Civil Aviation Act 1971”.

(3) In Schedule 2 (byelaws)—

(a) paragraph 2(a) (intention to apply for confirmation to be published in London Gazette or Edinburgh Gazette), shall be omitted;

(b) in paragraph 4, for the words “2½p” (being the maximum price per one hundred words of a copy supplied before confirmation), there shall be substituted the words “5p”; and

(c) in paragraph 6, for the words “5p” (being the maximum price for every copy supplied after confirmation) there shall be substituted the words “10p”.

British Airways Board Act 1977 (c. 13)

1977 c. 13.

8. In section 21(3) of the British Airways Board Act 1977, the words from “(excluding” to “that section)” (by virtue of which the power to make different provisions for different circumstances or to make such supplementary or incidental provisions as the Secretary of State considers appropriate is not included in the emergency powers of the Secretary of State under section 20 of that Act) shall be omitted.

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CONSOLIDATION AMENDMENTS

Civil Aviation Act 1949 (c. 67)

9.—(1) The Civil Aviation Act 1949 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 10(1) (investigation of accidents), the word “British” shall be omitted.

(3) It is hereby declared that the duty imposed by subsection (1) of section 18 (health control at Secretary of State’s aerodromes) in relation to Great Britain on the Secretary of State is imposed in relation to Northern Ireland on the Department of Health and Social Services for Northern Ireland acting alone; and that section shall be amended as follows:—

(a) in subsection (1)(b), the words “necessary or” shall be omitted;

(b) in subsection (2), the words “and services provided” shall be omitted.

(4) Section 19 shall be amended as follows:—

(a) in subsection (1) (power of local authorities to provide aerodromes), for the words “provide and maintain in connection therewith” there shall be substituted the words “may, in connection with the establishment and maintenance of those aerodromes, provide and maintain”; and

(b) after subsection (2) (power of local authorities to purchase land compulsorily for purpose of providing aerodromes) there shall be inserted the following subsection:—

“(2A) In relation to the compulsory purchase of land under this section—

(a) if the land is in England and Wales, the Acquisition of Land (Authorisation Procedure) Act 1946; and

(b) if the land is in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947,

shall apply as if (in either case) this Act had been in force immediately before the commencement of that Act.”.

(5) In section 20 (power of local authority to carry on ancillary business at aerodrome) for the word “provided” there shall be substituted the word “maintained” and for the words “carrying on” the word “maintaining”.

(6) In section 59 (extraterritorial effect), for “British aircraft” wherever occurring there shall be substituted “aircraft”.

(7) Sub-paragraph (4)(b) above shall be deemed to have had effect as from the passing of the said Act of 1949.

Civil Aviation Act 1968 (c. 61)

10.—(1) The 1968 Act shall be amended as follows.

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(2) In section 1 (control of road traffic at Secretary of State's aerodromes and local authority aerodromes)—

- (a) in subsection (3), for the words "require the person owning or managing the aerodrome in question" there shall be substituted the words " , in the case of an aerodrome owned or managed by a local authority, require that authority " ; and
- (b) in subsection (4), for the words from " aerodrome " onwards there shall be substituted the words " aerodrome owned or managed by a local authority, the Secretary of State shall consult that authority."

(3) In section 4(1) (byelaws at certain private aerodromes), before the words " the British Airports Authority " there shall be inserted the words " the Civil Aviation Authority,".

(4) Section 6 (provision of facilities by local authorities at aerodromes not established or maintained by them) shall be amended as follows:—

- (a) in subsection (1), after the word " provides " there shall be inserted the words " and maintains ", and at the end there shall be added the words " , and the provisions of that section shall have effect accordingly. " ;
- (b) in subsection (2), for the words " provided by ", in both places where they occur, there shall be substituted the words " maintained by " and the words " provided and " shall be omitted ;
- (c) in subsection (3), for the word " provided " there shall be substituted the word " maintained " ; and
- (d) in subsection (4), for the words " provided as " there shall be substituted the words " maintained as " .

Civil Aviation Act 1971 (c. 75)

11.—(1) The 1971 Act shall be amended as follows.

(2) In section 4(3) (power of Secretary of State to give Civil Aviation Authority specific directions) for the words " subsections (1) and (2) " there shall be substituted the words " subsection (1) " .

(3) In section 9(5) the words from " and any charge " onwards (being unnecessary words relating to the enforcement of charges payable to the Civil Aviation Authority) shall be omitted.

(4) In section 29—

- (a) after subsection (8) (powers of Secretary of State when a person fails to perform certain duties in relation to noise control, etc.) there shall be inserted the following subsection:—

" (8A) Subsection (8)(b) above is without prejudice to the Secretary of State's power apart from that paragraph to recover the expenses mentioned therein. " ;

- (b) in subsection (9), for the words " the preceding subsection " there shall be substituted the words " subsection (8) above " .

(5) In section 32(3) (health control at Civil Aviation Authority's aerodromes in Northern Ireland), the words from "but nothing" onwards shall be omitted.

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SCHEDULE 2

Section 14.

REPEALS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	In section 10(1), the word "British". In section 18, in subsection (1)(b), the words "necessary or" and, in subsection (2), the words "and services provided".
1967 c. 33. 1968 c. 61.	Air Corporations Act 1967 Civil Aviation Act 1968.	The whole Act. In section 6(2), the words "provided and". In section 20, the word "British", wherever occurring.
1971 c. 61.	Mineral Workings (Off-shore Installations) Act 1971.	In section 8(4), the word "British".
1971 c. 75.	Civil Aviation Act 1971.	In section 9, in subsection (5) the words from "and any charge" onwards and, in subsection (7), the words from "or by" to "subsection". In section 29(10), the words "as amended by this Act". In section 32(3), the words from "but nothing" onwards.
1975 c. 78.	Airports Authority Act 1975.	Section 17(4)(c). In Schedule 2, paragraph 2(a). In Schedule 3, paragraph 7; in paragraph 9(1), the words "or section 26" and "or 26"; and paragraph 9(2). In Part II of Schedule 5, paragraph 4(b).
1977 c. 13.	British Airways Board Act 1977.	Section 18. In section 21(3), the words from "(excluding" to "that section)".

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