



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART I

#### ADMINISTRATION

##### *The Secretary of State*

#### **1 Functions of Secretary of State.**

- (1) The Secretary of State shall continue to be charged with the general duty of organising, carrying out and encouraging measures for—
- the development of civil aviation;
  - the designing, development and production of civil aircraft;
  - the promotion of safety and efficiency in the use thereof; and
  - research into questions relating to air navigation.

[<sup>F1</sup>(1A) The Secretary of State shall also be charged with the general duty of organising, carrying out and encouraging measures for safeguarding the health of persons on board aircraft.]

- (2) Subsection (1) above shall not authorise the production of civil aircraft by the Secretary of State.
- (3) The acquisition and disposal of aircraft, aero-engines and aviation equipment in discharge of the Secretary of State's duty under subsection (1) above shall be subject to the approval of the Treasury.

#### **Textual Amendments**

- F1** S. 1(1A) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), **ss. 8(2)**, 14; S.I. 2007/598, **art. 2**, Sch. 1

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## *Constitution and functions of CAA*

### **2 Constitution of CAA.**

- (1) There shall continue to be a body corporate called the Civil Aviation Authority (in this Act referred to as “the CAA”), which shall be constituted in accordance with the following provisions of this section.
- [<sup>F2</sup>(2) The CAA is to consist of at least seven but not more than sixteen members.
- (2A) It is to consist of—
- (a) a person appointed to chair the CAA (“the chair”) and other non-executive members, and
  - (b) a chief executive and other executive members.
- (2B) The chair and other non-executive members are to be appointed by the Secretary of State.
- (2C) The Secretary of State may appoint a deputy chair from among the non-executive members.
- (2D) The chief executive is to be appointed by the non-executive members with the approval of the Secretary of State.
- (2E) Other executive members are to be appointed by the chief executive with the approval of—
- (a) the chair, and
  - (b) at least one other non-executive member.
- (2F) The Secretary of State and the chief executive must exercise their powers under this section to secure that, so far as practicable, the number of non-executive members exceeds the number of executive members.]
- (3) Schedule 1 to this Act shall have effect with respect to the CAA.
- (4) It is hereby declared that the CAA is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of, or held on behalf of, the Crown.

#### **Textual Amendments**

**F2** S. 2(2)-(2F) substituted for s. 2(2) (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 95(1)**, 110(3)(c) (with [Sch. 10 paras. 12, 17](#))

### **3 Functions of CAA.**

The functions of the CAA shall be—

- (a) the functions conferred on it by the following provisions of this Part of this Act;
- (b) the functions conferred on it by or under this Act with respect to the licensing of air transport, the licensing of the provision of accommodation in aircraft, the provision of air navigation services <sup>F3</sup>... and the provision of assistance and information;

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- (c) such functions as are for the time being conferred on it by or under Air Navigation Orders with respect to the registration of aircraft, the safety of air navigation and aircraft (including airworthiness [<sup>F4</sup>the health of persons on board aircraft,]), the control of air traffic, the certification of operators of aircraft and the licensing of air crews and aerodromes;
- (d) such other functions as are for the time being conferred on it by virtue of this Act or any other enactment;

and nothing in this Act relating to the CAA shall be construed as derogating from any power exercisable by virtue of any enactment whatsoever (including an enactment contained in this Act) to make an Order in Council or other instrument conferring a function on the CAA.

#### Textual Amendments

- F3** Words in s. 3(b) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), [Sch. 2 para. 1\(2\)](#)
- F4** Words in s. 3(c) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), [ss. 8\(3\)](#), 14; [S.I. 2007/598](#), [art. 2](#), [Sch. 1](#)

### *Regulation of performance by CAA of its functions*

#### **4 General objectives.**

- (1) It shall be the duty of the CAA to perform the functions conferred on it otherwise than by this section in the manner which it considers is best calculated—
  - (a) to secure that British airlines provide air transport services which satisfy all substantial categories of public demand (so far as British airlines may reasonably be expected to provide such services) at the lowest charges consistent with a high standard of safety in operating the services and an economic return to efficient operators on the sums invested in providing the services and with securing the sound development of the civil air transport industry of the United Kingdom; and
  - (b) to further the reasonable interests of users of air transport services.
- (2) In subsection (1) above “British airline” means an undertaking having power to provide air transport services and appearing to the CAA to have its principal place of business in the United Kingdom, the Channel Islands or the Isle of Man and to be controlled by persons who either are United Kingdom nationals or are for the time being approved by the Secretary of State for the purposes of this subsection.
- [<sup>F5</sup>(3) The duty mentioned in subsection (1) above does not apply in relation to anything done by the CAA in the performance of functions mentioned in subsection (3) of section 86 of the Transport Act 2000 which, by virtue of that section, are concurrent functions of the CAA and [<sup>F6</sup>the Office of Fair Trading] .
- (4) However, when performing such a function the CAA may have regard to any matter in respect of which a duty is imposed by subsection (1) above if it is a matter to which [<sup>F7</sup>the Office of Fair Trading] could have regard when performing that function.]

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### Textual Amendments

- F5** S. 4(3)(4) inserted (1.2.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. IV para. 13** (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with transitional provisions and savings in Sch. 2 Pt. II)
- F6** Words in s. 4(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278(1), 279, **Sch. 25 para. 11(2)**; S.I. 2003/766, art. 2, Sch. (with transitional and transitory provisions in art. 3)
- F7** Words in s. 4(4) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278(1), 279, **Sch. 25 para. 11(2)**; S.I. 2003/766, art. 2, Sch. (with transitional and transitory provisions in art. 3)

### Modifications etc. (not altering text)

- C1** S. 4 excluded by Airports Act 1986 (c. 31, SIF 9), s. 34(2)
- C2** S. 4 applied (E.W.S.) by Airports Act 1986 (c. 31, SIF 9), s. 69(6)
- C3** S. 4 excluded (1.2.2001) by 2000 c. 38, ss. 70(5), 87(8) (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with transitional provisions and savings in Sch. 2 Pt. II)
- C4** S. 4 excluded (31.8.2004) by The Single European Sky (National Supervisory Authority) Regulations 2004 (S.I. 2004/1958), regs. 2, {3}, Sch.
- C5** S. 4 excluded (31.1.2008) by The Civil Aviation (Allocation of Scarce Capacity) Regulations 2007 (S.I. 2007/3556), reg. 9(2)
- C6** S. 4 excluded (31.1.2008) by Civil Aviation (Allocation of Scarce Capacity) Regulations 2007 (S.I. 2007/3556), regs. 1, 9(2)
- C7** S. 4 excluded (6.4.2013) by Civil Aviation Act 2012 (c. 19), ss. 1(7), 61(10), 63(3), 110(1) (with s. 77(1)-(3), Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(1)-(3)
- C8** S. 4 excluded (12.12.2013) by The Single European Sky (National Supervisory Authority) Regulations 2013 (S.I. 2013/2620), regs. 1(1), 3(2)

## 5 Duty of CAA to consider environmental factors when licensing certain aerodromes.

- (1) Subject to section 4 above, it shall be the duty of the CAA, in exercising any aerodrome licensing function in relation to any aerodrome to which this section applies, to have regard to the need to minimise so far as reasonably practicable—
- (a) any adverse effects on the environment, and
  - (b) any disturbance to the public,
- from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation.
- (2) The reference in subsection (1) above to an aerodrome licensing function of the CAA is a reference to any function conferred on it by or under an Air Navigation Order with respect to the licensing of aerodromes.
- (3) This section applies to any aerodrome in the United Kingdom specified in an order made by the Secretary of State for the purposes of this section; but the Secretary of State may not specify in any such order an aerodrome which is designated for the purposes of section 78 below.

## 6 Secretary of State's directions in national interest, etc.

- (1) Without prejudice to subsection (2)(a) below, the Secretary of State may, after consultation with the CAA, 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;<sup>F8</sup> . . .

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- (2) The Secretary of State may, after consultation with the CAA, give it directions to do a particular thing which it has power to do or refrain from doing a particular thing, if the Secretary of State considers it appropriate to give such directions—
- (a) in the interests of national security; or
  - (b) in connection with any matter appearing to him to affect the relations of the United Kingdom with a country or territory outside the United Kingdom; or
  - (c) in order to discharge or facilitate the discharge of an obligation binding on the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement; or
  - (d) in order to attain or facilitate the attainment of any other object the attainment of which is in his opinion appropriate in view of the fact that the United Kingdom is a member of an international organisation or a party to an international agreement; or
  - (e) in order to enable the United Kingdom to become a member of an international organisation or a party to an international agreement; or
  - (f) in order to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation;

F8 . . .

[<sup>F9</sup>(3) In so far as any directions given under this section conflict with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the directions shall be disregarded.

(4) In so far as any directions given under this section conflict with the requirements of any enactment or instrument relating to the CAA (other than section 93 of the Transport Act 2000 or an order under section 94 of that Act) the requirements shall be disregarded.]

#### Textual Amendments

- F8** Words in s. 6(1)(2) omitted (1.2.2001) and repealed (1.4.2001) by 2000 c. 38, ss. 97, 274, Sch. 8 Pt. V para. 17(2), Sch. 31 Pt. I(3) (with s. 106); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II); S.I. 2001/869, art. 2
- F9** S. 6(3)(4) inserted (1.2.2001) by 2000 c. 38, s. 97, Sch. 8 Pt. V para. 17(3) (with s. 106); S.I. 2001/57, art. 3(1), Sch. 2 Pt. I (subject to savings and transitional provisions in Sch. 2 Pt. II)

## 7 Special provisions as respects certain functions.

- (1) Such functions of the CAA as may be prescribed for the purposes of this subsection shall not be performed on behalf of the CAA by any other person; and regulations made by the Secretary of State may provide that for the purpose of performing a function prescribed in pursuance of this subsection the quorum of the CAA shall be such as may be prescribed.
- (2) Regulations made by the Secretary of State may provide for regulating the conduct of the CAA and other persons, including the procedure to be followed by them, in connection with the performance by the CAA of such of its functions as may be prescribed for the purposes of this subsection; and, without prejudice to the generality of the preceding provisions of this subsection, regulations made in pursuance of this subsection may include provision—

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- (a) requiring or entitling the CAA, notwithstanding any rule of law, to withhold from any person (hereafter in this paragraph referred to as “the prospective recipient”) information which is furnished to the CAA by another person in connection with any function so prescribed and which in the opinion of the CAA relates to the commercial or financial affairs of the other person and cannot be disclosed to the prospective recipient without disadvantage to the other person which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted;
- (b) for the imposition on summary conviction of a fine of an amount not exceeding [<sup>F10</sup>level 3 on the standard scale] for any contravention of the regulations.

<sup>F11</sup>(3) .....

#### Textual Amendments

- F10** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 40, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 8**
- F11** [S. 7\(3\)](#) repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), **ss. 18(2), 19(2)**, **Sch. 4 Pt. I.**

#### Modifications etc. (not altering text)

- C9** [S. 7\(1\)](#) excluded (1.2.2001) by [2000 c. 38, s. 66\(4\)\(a\)](#) (with [s. 106](#)); [S.I. 2001/57, art. 3\(1\)](#), **Sch. 2 Pt. I**(subject to savings and transitional provisions in [Sch. 2 Pt. II](#))
- C10** [S. 7\(2\)](#) extended (1.9.1995) by [S.I. 1994/426 \(N.I. 1\)](#), **art. 27(3)**; [S.R. 1995/294, art. 2](#), **Sch.** (with [arts. 2\(3\), 16](#))
- C11** [S. 7\(2\)\(b\)](#) amended (E.W.) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 40, 46(2)** and (N.I.) [S.I. 1984/703, arts. 5, 8](#)

### *Financial provisions in relation to CAA*

## 8 General financial duties.

- (1) It shall be the duty of the CAA so to conduct its affairs as to secure that its revenue (including any grant towards revenue made to it in pursuance of section 12(1) below is not less than sufficient to meet charges properly chargeable to revenue account, taking one year with another.
- (2) Subject to subsection (3) below, it shall be the duty of the CAA—
  - (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 CAA to secure that any subsidiary of the CAA acts on those lines in framing and carrying out either description of proposals.
- (3) Subsection (2)(b) above shall not apply to proposals by the CAA, or one of its subsidiaries, involving the taking on hire of equipment from a subsidiary or another of the subsidiaries of the CAA or from the CAA itself, as the case may be.

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- (4) The Secretary of State may, with the approval of the Treasury, give the CAA a direction as to any matter relating to the establishment or management of reserves or the carrying of sums to the credit of any reserves or the application of any reserves for the purposes of the CAA.

## 9 The initial debt.

- (1) In this Act “the initial debt” means the debt which was assumed by the CAA on 16th November 1973 under section 7 of the <sup>M1</sup>Civil Aviation Act 1971 as a debt to the Secretary of State and which was subsequently reduced under subsection (5) of that section to £27,073,104.
- (2) The rate of interest payable on the initial debt, the arrangements for paying off the principal and the other terms of the debt shall be such as the Secretary of State may from time to time determine with the approval of the Treasury.
- (3) Any sums received by the Secretary of State by way of interest on or repayment of the initial debt shall be paid into the National Loans Fund.

### Marginal Citations

M1 1971 c. 75.

## 10 Borrowing powers.

- (1) Subject to the following provisions of this section, the CAA shall have power to borrow such sums as it may require for performing its functions.
- (2) The CAA’s power to borrow sums in sterling otherwise than by way of temporary loan shall be limited to borrowing from the Secretary of State, or with the consent of the Secretary of State from the Commission of the European Communities or the European Investment Bank, any sums which the CAA may require for capital purposes or for fulfilling a guarantee entered into by the CAA.
- (3) Except as provided by subsection (2) above, the CAA may borrow any sums it has power to borrow under subsection (1) above from the Secretary of State or, with the consent of, or in accordance with a general authorisation given by, the Secretary of State, from any other person (and whether in sterling or in a currency other than sterling).
- (4) The Secretary of State shall not give any consent or authorisation for the purposes of subsection (2) or (3) above except with the approval of the Treasury.
- (5) A statement in writing by the Secretary of State to the effect that the approval of the Treasury has been given for any such consent or authorisation shall be conclusive evidence of that fact in any legal proceedings.
- (6) The aggregate amount outstanding in respect of the principal of any money borrowed by the CAA under this section and the initial debt shall not exceed [<sup>F12</sup>£500 million or such greater sum not exceeding £750 million as may from time to time be specified by an order made by the Secretary of State; but no such order shall be made unless a draft of it has been laid before and approved by a resolution of the House of Commons.]



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[<sup>F13</sup>(7) In subsection (3) above the reference to a currency other than sterling includes a reference to units of account defined by reference to more than one currency.]

#### Textual Amendments

**F12** Words substituted by [Civil Aviation Authority \(Borrowing Powers\) Act 1990 \(c. 2, SIF 9\), s. 1\(2\)](#)

**F13** S. 10(7) inserted by [Civil Aviation Authority \(Borrowing Powers\) Act 1990 \(c. 2, SIF 9\), s. 1\(1\)\(3\)](#)

## 11 Charges.

- (1) The CAA may, <sup>F14</sup>... make a scheme for determining the charges which are to be paid to the CAA in respect of the performance of such of its functions as are specified in the scheme; and a scheme under this section may as respects any of those functions—
- (a) specify the amount of the charge or a scale of charges by reference to which that amount is to be ascertained or provide that the charges shall be of such amount, not exceeding that specified in the scheme, as may be decided by the CAA, having regard to the expense incurred by the CAA in performing the function in question and to such other factors (if any) as may be so specified;
  - (b) provide for different charges for cases of such different descriptions as may be so specified;
  - (c) specify the manner in which, the time at which and the person by whom any charge is to be paid.

[<sup>F15</sup>(1A) Before making a scheme under this section, the CAA must—

- (a) consult the persons who, in its opinion, are likely to be affected by the scheme or such of those persons as it thinks fit, and
- (b) after consulting those persons, consult the Secretary of State.]

(2) A scheme under this section shall come into force on such day as may be specified in the scheme, not being earlier than the expiration of the period of [<sup>F16</sup>14 days ] beginning with the day on which the scheme is published in the prescribed manner; and a scheme made under this section may vary or revoke a previous scheme so made.

(3) Regulations made by the Secretary of State may make provision for determining the charges which are to be paid to the CAA, or for securing that no charge is payable to the CAA, in respect of such of its functions as may be prescribed; and regulations for determining the said charges may—

- (a) prescribe the amount of a charge or the maximum or minimum amount of a charge or a scale of charges by reference to which those amounts are to be ascertained;
- (b) prescribe the manner in which, the time at which and the person by whom a charge is to be paid.

[<sup>F17</sup>(3A) Before making regulations under this section, the Secretary of State must consult the persons who, in the Secretary of State's opinion, are likely to be affected by the regulations or such of those persons as the Secretary of State thinks fit.

(3B) Subsection (3A) does not apply if the Secretary of State is satisfied that such consultation is unnecessary having regard to consultation carried out by the CAA in accordance with subsection (1A).]



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- (4) In so far as a scheme and regulations under this section make different provision with respect to the same matter the provision made by the scheme shall be disregarded.
- (5) Where as respects any function of the CAA provision for a charge to be paid is made by virtue of this section it shall be the duty of the CAA to charge accordingly, except that it may, if it thinks fit to do so in a particular case, waive the whole or part of the charge.
- (6) Nothing in the preceding provisions of this section shall be construed as derogating from the power of the CAA to enter into an agreement for the payment to it of charges of such amounts as may be determined in pursuance of the agreement in respect of the performance by it of any of its functions, other than a function in respect of which provision is made in pursuance of those provisions for the making of a charge or of no charge.
- (7) Charges shall not be determined in pursuance of this section in respect of the provision of air navigation services; and provision shall not be made by or under an Air Navigation Order for the payment of fees to the CAA.

#### **Textual Amendments**

- F14** Words in s. 11(1) omitted (6.4.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 100(2)**, 110(1) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589](#), art. 2(4)(a)
- F15** [S. 11\(1A\)](#) inserted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 100(3)**, 110(1) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589](#), art. 2(4)(a)
- F16** Words in s. 11(2) substituted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 100(4)**, 110(1) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589](#), art. 2(4)(a)
- F17** [S. 11\(3A\)\(3B\)](#) inserted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 100(5)**, 110(1) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589](#), art. 2(4)(a)

#### **Modifications etc. (not altering text)**

- C12** [S. 11](#) extended (1.9.1995) by [S.I. 1994/426 \(N.I. 1\)](#), **art. 30(6)**; [S.R. 1995/294](#), art. 2, **Sch.** (with arts. 2(3), 16)

## **12 Grants and loans by Secretary of State.**

- (1) The Secretary of State may—
  - (a) make the CAA grants of such amounts as he thinks fit;
  - (b) give the CAA a direction providing that the whole or part of a grant made in pursuance of paragraph (a) above is not to be used by the CAA otherwise than for the purposes of such of the CAA's functions as are specified in the direction.
- (2) The Secretary of State may, with the approval of the Treasury, lend the CAA any sums which the CAA has power to borrow from him by virtue of section 10 above.
- (3) Any loan which the Secretary of State makes in pursuance of subsection (2) above shall be repaid to him at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as the Secretary of State may with the approval of the Treasury from time to time determine.
- (4) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of subsection (2)

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above; and any sums received by the Secretary of State in pursuance of subsection (3) above shall be paid into that Fund.

### 13 Payments to Secretary of State.

- (1) Any excess of the revenues of the CAA for any accounting year over the total sums properly chargeable by the CAA to revenue account for that year shall be applied by the CAA in such manner as the Secretary of State may direct with the approval of the Treasury and after consultation with the CAA; and the direction may require the whole or part of the excess to be paid to the Secretary of State.
- (2) The Secretary of State may, with the approval of the Treasury and after consultation with the CAA, direct the CAA to pay to the Secretary of State the whole or part of the sums for the time being standing to the credit of any of its reserves.

### 14 Guarantees.

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of, [<sup>F18</sup>the payment of interest on and the discharge of any other financial obligation in connection with], any sums which the CAA borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given 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 a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this section, the CAA shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.

#### Textual Amendments

**F18** Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

### 15 Accounts and audit.

- (1) It shall be the duty of the CAA—
  - (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each accounting year a statement of accounts, in such form as the Secretary of State may direct with the approval of the Treasury, showing the state of affairs and the profit or loss of the CAA; and
  - <sup>F19</sup>(c) as soon as the accounts kept and statement prepared have been audited in accordance with the following subsection, to send to the Secretary of State a

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copy of the statement together with a copy of any report made by the auditors on that statement or on the accounts of the CAA.]

- [<sup>F20</sup>(2) (a) The accounts kept and the statement prepared in pursuance of subsection (1) above shall be audited by auditors appointed annually by the Secretary of State after consultation with the CAA ; and a person[ <sup>F21</sup> shall not be so appointed unless he is eligible for appointment as a [<sup>F22</sup> statutory auditor under Part 42 of the Companies Act 2006 ] ] —
- the Institute of Chartered Accountants in England and Wales;
  - the Institute of Chartered Accountants of Scotland;
  - the Association of Certified Accountants;
  - the Institute of Chartered Accountants in Ireland;
  - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of [<sup>F23</sup> section 389(1)( a ) of the Companies Act 1985 ] by the Secretary of State,
- but a Scottish firm may be so appointed if each of the partners therein is qualified to be so appointed.
- (b) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of every statement and report of which a copy is received by him in pursuance of paragraph ( c ) of subsection (1) above. ]
- (3) The Secretary of State may by order made with the consent of the treasury modify or repeal subsections (1)(c) and (2) above as for the time being in force.
- (4) It shall be the duty of the Secretary of State as respects each financial year—
- (a) to prepare, in such form and manner as the Treasury may direct, an account of sums issued to the Secretary of State in pursuance of subsection (4) of section 12 above and of any sums required to be paid into the National Loans Fund in pursuance of that subsection or section 9 above or received by the Secretary of State in pursuance of section 13 above and of the disposal by the Secretary of State of those sums respectively; and
  - (b) to send a copy of the account to the Comptroller and Auditor General not later than the end of the month of November next following that year;
- and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before each House of Parliament.

#### Textual Amendments

- F19** S. 15(1)(c) substituted by virtue of [S.I. 1984/65, art. 2](#)
- F20** S. 15(2) substituted by virtue of [S.I. 1984/65, art. 3](#)
- F21** Words in s. 15(2)(a) substituted (01.10.1991) by [S.I. 1991/1997, reg. 2, Sch.](#) para. 45 (with reg. 4).
- F22** Words in s. 15(2)(a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 1\(z\)](#) (with arts. 6, 11, 12)
- F23** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\), s. 30, Sch. 2](#)

*Status: Point in time view as at 12/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part I. (See end of Document for details)*

*Assistance, information, etc. to be given by CAA*

**16 Provision by CAA of assistance, etc. for Secretary of State and others.**

- (1) Subject to subsection (3) below, it shall be the duty of the CAA to provide such assistance and advice as the Secretary of State may require it to provide for him or any other person in connection with any of the Secretary of State's functions relating to civil aviation.
- [<sup>F24</sup>(1A) A requirement imposed under subsection (1) to provide advice and assistance in connection with any function may be expressed so as to operate as a continuing requirement on the CAA to provide advice and assistance in connection with that function. ]
- (2) Without prejudice to subsection (1) above, it shall also be the duty of the CAA—
- (a) to consider what aerodromes are in its opinion likely to be required from time to time in the United Kingdom in addition to, or in place of, or by way of alteration of, existing aerodromes; and
  - (b) to make recommendations to the Secretary of State arising out of its consideration of that matter;
- and it shall be the duty of the Secretary of State to publish the recommendations (except any of them of which the publication appears to him unnecessary) in such manner as he considers appropriate for bringing them to the notice of the public.
- (3) Where in pursuance of subsection (1) above the Secretary of State requires the CAA to provide assistance or advice for a person other than the Secretary of State but does not undertake to pay the CAA the cost of doing so, the CAA shall be entitled to refuse to do so until the other person pays it—
- (a) in so far as provision is made in pursuance of section 11 above for charges in respect of the assistance or advice, those charges; and
  - (b) in so far as provision is not so made, such reasonable charges in respect of the assistance or advice as it may determine.
- (4) The CAA shall be entitled to recover from the Secretary of State a sum equal to any expense reasonably incurred by it in providing him with assistance or advice in pursuance of subsection (1) above and in performing the duty imposed on it by subsection (2) above.
- [<sup>F25</sup>(4A) Subsections (3) and (4) above do not apply in relation to advice or assistance given in connection with][<sup>F26</sup>—
- (a)] the Secretary of State's function under section 1(1A) above [<sup>F27</sup>, or
  - (b) the making of regulations under section 11(3).]
- (5) Without prejudice to subsection (1) above, the CAA may provide for any person technical assistance and advice, including research services, with respect to any matter in which it has skill or experience.

**Textual Amendments**

**F24** S. 16(1A) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#) , [ss. 8\(4\)\(a\)](#) , 14 ; [S.I. 2007/598](#) , [art. 2](#) , [Sch. 1](#)

**F25** S. 16(4A) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#) , [ss. 8\(4\)\(b\)](#) , 14 ; [S.I. 2007/598](#) , [art. 2](#) , [Sch. 1](#)

*Status: Point in time view as at 12/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part 1. (See end of Document for details)*

- F26** Words in s. 16(4A) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19) , **ss. 100(6)(a)** , 110(1) (with Sch. 10 paras. 12 , 17 ) ; S.I. 2013/589 , art. 2(4)(a)
- F27** Words in s. 16(4A)(b) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19) , **ss. 100(6)(b)** , 110(1) (with Sch. 10 paras. 12 , 17 ) ; S.I. 2013/589 , art. 2(4)(a)

## 17 Provision by CAA of information, etc. for Secretary of State.

- (1) It shall be the duty of the CAA—
- (a) to furnish the Secretary of State with such information as he may specify and the CAA has or can reasonably be expected to obtain with respect to such matters relating to it or to civil aviation as the Secretary of State may specify;
  - (b) to permit the Secretary of State to have access to all documents which are under its control and relate to matters specified in pursuance of paragraph (a) above;
  - (c) if it comes to its notice that a body which is the holder of an air transport licence [<sup>F28</sup>or operating licence granted in accordance with [<sup>F29</sup>the Operation of Air Services in the Community Regulation]] is proposing to merge or has merged with another body, to give the Secretary of State notice in writing of the proposal or merger;
  - (d) if it appears to the CAA that any matter which it is dealing with, or has dealt with, is likely—
    - (i) to affect the relations of the United Kingdom with any other country or territory or any international organisation, or
    - (ii) to be of special interest to the Secretary of State by reason of the fact that the matter involves or may involve noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation,to give notice in writing of the matter to the Secretary of State.
- (2) Nothing in subsection (1) above shall be construed as prejudicing the generality of section 16(1) above, and nothing in subsection (1)(c) or (d) above shall be construed as prejudicing the generality of subsection (1)(a) above.
- (3) The CAA shall be entitled to recover from the Secretary of State a sum equal to any expense reasonably incurred by it in furnishing information in pursuance of subsection (1) above.
- [<sup>F30</sup>(4) Subsection (3) above does not apply in relation to information furnished to the Secretary of State in connection with the making of regulations under section 11(3).]

### Textual Amendments

- F28** Words in s. 17(1)(c) inserted (1.1.1993) by S.I. 1992/2992, reg. 23, **Sch. 2 para. 4**.
- F29** Words in s. 17(1)(c) substituted (26.1.2009) by *The Operation of Air Services in the Community Regulations 2009* (S.I. 2009/41), regs. 1, **33**
- F30** S. 17(4) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), **ss. 100(7)**, 110(1) (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(4)(a)

*Status: Point in time view as at 12/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part I. (See end of Document for details)*

*Supplemental provisions in relation to CAA*

**18 Official secrets.**

- (1) ..... <sup>F31</sup>
- (2) For the purposes of section 3(c) of the said Act of 1911 (under which the Secretary of State may by order declare any place belonging to Her Majesty to be a prohibited place for the purposes of that Act) a place belonging to or used for the purposes of the CAA shall be deemed to be a place belonging to Her Majesty.
- (3) Subject to subsection (4) below, no person shall, except with the consent of and in accordance with any conditions imposed by the CAA, be entitled to exercise any right of entry (whether arising by virtue of a statutory provision or otherwise) upon a place which by virtue of subsection (2) above is a prohibited place for the purposes of the said Act of 1911.
- (4) Subsection (3) above shall not apply to—
  - (a) a constable acting in the course of his duty as such; or
  - (b) an officer of customs and excise or inland revenue acting in the execution of his duty as such; or
  - (c) an officer of any government department specially authorised for the purpose by or on behalf of a Minister of the Crown;
  - [<sup>F32</sup>(d) a member of the staff of the Scottish Administration specially authorised for the purpose by or on behalf of the Scottish Ministers;]

and if the CAA refuses consent or imposes conditions on the exercise by any person of a right of entry upon such a place as is mentioned in subsection (3) above and that person applies to [<sup>F33</sup>the Secretary of State or the Scottish Ministers as the case may be for an authorisation to exercise the right, the Secretary of State or the Scottish Ministers may if he or they think fit authorise that person to exercise it subject to such conditions, if any, as the Secretary of State or the Scottish Ministers may determine].

**Textual Amendments**

**F31** S. 18(1) repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(4), [Sch. 2](#)

**F32** S. 18(4)(d) inserted (1.7.1999) by [S.I. 1999/1820](#), art. 4, [Sch. 2 Pt. I para. 69\(2\)\(a\)](#)

**F33** Words in s. 18(4)(d) substituted (1.7.1999) by [S.I. 1999/1820](#), art. 4, [Sch. 2 Pt. I para. 69\(2\)\(b\)](#)

**19 Application of certain enactments to CAA.**

- <sup>F34</sup>(1) .....
- (2) Schedule 2 to this Act shall have effect as respects the application of the enactments mentioned in that Schedule (which relate to statutory undertakers, statutory undertakings and related matters).
- (3) For the purposes of the law relating to rating, the undertaking of the CAA shall be treated as not being a public utility undertaking.

*Status: Point in time view as at 12/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part 1. (See end of Document for details)*

#### Textual Amendments

**F34** S. 19(1) repealed (1.7.2011) by Bribery Act 2010 (c. 23), s. 19(1), Sch. 2 (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

## 20 Supplementary provisions with respect to the functions of CAA.

(1) The CAA—

- (a) shall, without prejudice to its powers apart from this paragraph but subject to paragraph (b) below, have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions (including a function conferred on it by virtue of this paragraph); but
- (b) shall not without the consent in writing of the Secretary of State promote the formation of, acquire or acquire a financial interest in a body corporate or lend money to or enter into a guarantee for the benefit of a body corporate;

and it is hereby declared that the CAA has power to do elsewhere than in the United Kingdom such things as it considers appropriate for the purpose of performing any of its functions.

[<sup>F35</sup>(1A) The power conferred on the CAA by subsection (1)(a) includes power to institute and carry on criminal proceedings in England and Wales or Northern Ireland.]

(2) Notwithstanding anything in section 2(4) above, the CAA shall act on behalf of the Crown—

- (a) in performing any function which the CAA is authorised by an Air Navigation Order to perform and which in pursuance of, or of an Annex to, or of an amendment for the time being in force of, the Chicago Convention falls to be performed on behalf of the Crown; and
- (b) in performing such of its other functions as Her Majesty may by Order in Council require it to perform on behalf of the Crown as being functions appearing to Her Majesty in Council to relate to the exercise of powers or the discharge of obligations of the United Kingdom under an international agreement.

(3) It shall be the duty of the CAA to comply with any direction given to it by the Secretary of State in pursuance of any provision of this Act.

(4) Provision may be made by regulations made by the Secretary of State as to the mode of giving evidence of—

- (a) any instrument made by the CAA; and
- (b) the publication by the CAA of any matter.

#### Textual Amendments

**F35** S. 20(1A) inserted (19.2.2013) by Civil Aviation Act 2012 (c. 19), ss. 101, 110(3)(d) (with Sch. 10 paras. 12, 17)



*Status: Point in time view as at 12/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part I. (See end of Document for details)*

## 21 Annual report.

- (1) It shall be the duty of the CAA to make to the Secretary of State, as soon as possible after the end of each accounting year, a report on the performance of its functions during that year.
- (2) The report for any accounting year—
  - (a) shall set out any direction given to the CAA in pursuance of section 6<sup>F36</sup> . . . of this Act during that year except a direction or part of a direction as to which the Secretary of State has notified the CAA that in his opinion it is against the national interest to set it out in the report;
  - (b) shall incorporate any statements published by the CAA under section 69 below during that year;
  - (c) <sup>F37</sup> . . . . .
  - (d) shall include such information as the Secretary of State may from time to time specify with respect to the plans and the past and present activities of the CAA and its financial position.
- (3) The Secretary of State shall lay before each House of Parliament a copy of every report made to him in pursuance of this section.

### Textual Amendments

- F36** Words in s. 21(2)(a) repealed (1.4.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. I(5)**; S.I. 2001/869, **art. 2**
- F37** S. 21(2)(c) repealed (16.2.2004) by **The Aviation Safety Regulations 2004 (S.I. 2004/77)**, **reg. 2(2)** (with savings in **reg. 2(6)**)

## 22 Matters arising in connection with original transfer to CAA of property, staff, etc.

Schedule 3 to this Act shall have effect with respect to the matters there dealt with, being matters arising out of the transfer by virtue of paragraph 1 of Schedule 2 to the <sup>M2</sup>Civil Aviation Act 1971 to the CAA of the aerodromes mentioned in the said Schedule 2 and of the other property, rights and liabilities there mentioned and out of the transfer of staff to the CAA.

### Marginal Citations

- M2** 1971 c. 75.

### *Disclosure of information*

## 23 Disclosure of information.

- (1) Subject to [<sup>F38</sup>subsections (4) and (4A)] below, no information which relates to a particular person and has been furnished to the CAA in pursuance of any provision of this Act to which this section applies or of an Air Navigation Order shall be disclosed by the CAA, or a member or employee of the CAA unless—
  - (a) the person aforesaid has consented in writing to disclosure of the information;
  - or

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part 1. (See end of Document for details)*

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- (b) the CAA, after affording that person an opportunity to make representations about the information and considering any representation then made by that person about it, determines that the information may be disclosed; or
  - (c) 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 CAA determines that the information may be disclosed; or
  - (d) the CAA determines that the information is of the same kind as other information as respects which it has made a determination in pursuance of paragraph (b) or (c) above.
- (2) Subsection (1) above shall apply in relation to the disclosure by an officer of the Secretary of State of information furnished to the Secretary of State in pursuance of any provision of this Act to which this section applies or of an Air Navigation Order as it applies in relation to disclosure by the CAA or a member or employee of the CAA of information so furnished to the CAA, but with the substitution for references to the CAA in paragraphs (b) to (d) of references to the Secretary of State.
- (3) For the purposes of subsection (1) above, all reasonable inquiries to find a body corporate shall be deemed to have been made if—
- <sup>F39</sup>(a) in the case of a company registered under the Companies Act 2006, inquiries have been made at its registered office;
  - (b) in the case of a company incorporated outside the United Kingdom that has registered particulars under section 1046 of the Companies Act 2006, inquiries have been made at every address (including every address of an establishment) so registered in respect of the company.]
- (4) Nothing in subsection (1) above prohibits the disclosure of any information—
- (a) by the CAA or a member or employee of the CAA to the Secretary of State or an officer of his or, with the consent of the Secretary of State, to an international organisation of which the United Kingdom is a member;
  - (b) by an officer of the Secretary of State to the CAA or a member or employee of the CAA or to such an organisation or, in accordance with directions given by the Secretary of State—
    - (i) to an officer of any government department; or
    - (ii) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of any country or territory outside the United Kingdom; or
    - (iii) in connection with the discharge of any obligation of the United Kingdom under international arrangements;
  - (c) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 7(2) above;
  - (d) in pursuance of section 67(2) or (4) below;
  - (e) <sup>F40</sup> .....
  - (f) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings arising out of any enactment relating to civil aviation or for the purposes of any investigation undertaken in pursuance of regulations made by virtue of section 75 below.

<sup>F41</sup>(4A) Nothing in subsection (1) above prohibits the disclosure of medical information provided to the CAA in accordance with an Air Navigation Order if—

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part I. (See end of Document for details)*

- (a) the disclosure is for the purposes of medical research approved by a research ethics committee,
  - (b) the CAA considers that the research is likely to improve understanding of risks to the health of the types of individual who are required by an Air Navigation Order to provide medical information to the CAA ,
  - (c) the CAA considers that it would be difficult or expensive to take the steps necessary to enable all of the information to be disclosed in reliance on subsection (1), and
  - (d) the information disclosed is anonymised.
- (4B) For the purposes of subsection (4A)(d), information is anonymised if no individual can be identified—
- (a) from that information, or
  - (b) from that information and any other information which the CAA has reasonable grounds for believing is likely to be in the possession of the person to whom it is disclosed or is likely to come into that person's possession. ]
- (5) If the CAA or a member or employee of the CAA or an officer of the Secretary of State discloses any information in contravention of subsection (1) above, it or he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to a fine or, except in the case of the CAA, to imprisonment for a term not exceeding two years or to both.
- (6) This section applies to the following provisions of this Act, that is to say, sections 16, 17, [<sup>F42</sup>and 28], <sup>F43</sup>... sections 64 to 72 (except section 69), sections 78 to 80 and [<sup>F44</sup>section 84] .
- [<sup>F45</sup>(7) In this section “ research ethics committee ” means a committee which is—
- (a) established to advise on the ethics of research investigations in human beings, and
  - (b) recognised for that purpose by the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Department of Health, Social Services and Public Safety in Northern Ireland or by a body comprising two or more of those persons.]

#### Textual Amendments

- F38** Words in s. 23(1) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 105(2)**, 110(3)(e) (with [Sch. 10 paras. 12, 17](#))
- F39** S. 23(3)(a)(b) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 51(2)** (with art. 10)
- F40** S. 23(4)(e) repealed (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(3)(a)**
- F41** S. 23(4A)(4B) inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 105(3)**, 110(3)(e) (with [Sch. 10 paras. 12, 17](#))
- F42** Words substituted by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(1), **Sch. 4 para. 8(1)**
- F43** Words in s. 23(6) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), **reg. 1(1)**, **Sch. 2 para. 1(3)**
- F44** Words in s. 23(6) substituted (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(3)(b)** (with savings in [reg. 2\(7\)](#))

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*Status: Point in time view as at 12/12/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part 1. (See end of Document for details)*

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**F45** S. 23(7) inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 105(4)**, 110(3)(e) (with Sch. 10 paras. 12, 17)

**Modifications etc. (not altering text)**

**C13** S. 23(1) modified (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(7)**

*Eurocontrol*

**24 Eurocontrol.**

Schedule 4 to this Act shall have effect in relation to the European Organisation for the Safety of Air Navigation established by the International Convention relating to co-operation for the safety of air navigation (entitled Eurocontrol) concluded at Brussels on 13th December 1960 (copies of which Convention were laid before Parliament by Command of Her Majesty on 13th June 1961); and in this Act—

“Eurocontrol” means that organisation, including, except where the context otherwise requires, the Permanent Commission for the Safety of Air Navigation and the Air Traffic Services Agency comprised in that Organisation; and

“the Eurocontrol Convention” means that Convention [<sup>F46</sup>as from time to time amended with the agreement of the contracting parties thereto].

**Textual Amendments**

**F46** Words substituted by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\)](#), **s. 3(1)**

**Status:**

Point in time view as at 12/12/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Aviation Act 1982, Part I.