



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART II

#### AERODROMES AND OTHER LAND

##### *Miscellaneous provisions as to aerodromes*

#### 36 Health control at Secretary of State's aerodromes <sup>F1</sup>.... **E+W**

- (1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Secretary of State to make such arrangements as appear to him to be necessary—
- for preventing danger to public health from aircraft arriving at any aerodrome which is vested in or under the control of the Secretary of State <sup>F2</sup>...; and
  - for preventing the spread of infection by means of any aircraft leaving any aerodrome mentioned in paragraph (a) above, so far as may be expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country;
- <sup>F3</sup> ...
- (2) A relevant authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as are mentioned in subsection (1) above, and the Secretary of State shall make to the relevant authority such payments as the relevant authority may reasonably require in respect of expenses incurred by the relevant authority in the performance of those duties.
- (3) In the application of subsections (1) and (2) above to Northern Ireland, for references to the Secretary of State (except the reference in paragraph (a) of subsection (1) above) there shall be substituted references to the Department of Health and Social Services for Northern Ireland.
- (4) In subsection (2) above “relevant authority” means—
- in relation to England and Wales any local authority for the purposes of the <sup>M1</sup>Public Health Act 1936, any county council and any port health authority

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and any joint board of which all the constituent authorities are authorities or councils as aforesaid;

- (b) in relation to Scotland, any islands or district council and any port local authority as defined in section 172 of the <sup>M2</sup>Public Health (Scotland) Act 1897; and
- (c) in relation to Northern Ireland, such authority as the Department of Health and Social Services for Northern Ireland may designate for the purposes of that subsection.

[<sup>F4</sup>(5) Section 143 of the <sup>M3</sup> Public Health Act 1936 (which authorises the making of health regulations) shall have effect in relation to relevant aerodromes and in relation to persons and aircraft [<sup>F5</sup> arriving at or ] departing from such aerodromes subject to the following modifications, that is to say—

- (a) in subsection (1), the proviso shall be omitted;
- (b) in subsection (3), for the words from “shall specify” to “executed” there shall be substituted the words “may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State”, and paragraphs (i) and (ii) of the proviso shall be omitted;
- (c) in subsection (4), for the words “Authorised officers of any such authority” there shall be substituted the words “Officers designated as aforesaid”.]

[<sup>F4</sup>(6) In subsection (5) above “ relevant aerodromes ” means aerodromes for the time being vested in or under the control of the Secretary of State and aerodromes in Great Britain which are owned or managed by the CAA. ]

<sup>F6</sup>[<sup>F4</sup>( 7 ) Without prejudice to the generality of the power conferred by the said section 143, regulations made thereunder may provide for requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection.]

(8) In the application of subsections (5) to (7) above to Scotland any reference to section 143 of the <sup>M4</sup>Public Health Act 1936 shall have effect as if it were a reference to section 1 of the <sup>M5</sup>Public Health (Scotland) Act 1945, and in subsection (5), paragraph (a) and in paragraph (b) the words from “and paragraphs” onwards shall be omitted.

[<sup>F4</sup>(9) Her Majesty may by Order in Council direct that any regulations made under the said section 143, as that section has effect by virtue of subsections (5) and (7) above in relation to aerodromes vested in or under the control of the Secretary of State, shall extend with such modifications, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man; and for the purposes of this subsection, subsections (4) and (5) of that section shall be deemed to form part of those regulations.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 36 heading omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(4)**
- F2** Words in s. 36(1)(a) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(5)(a)**

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- F3** Words in s. 36(1) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), [Sch. 2 para. 1\(5\)\(b\)](#)
- F4** S. 36(5)–(7)(9) repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)
- F5** Words repealed (for N.I.) by [S.I. 1986/2229 \(N.I. 24\)](#), art. 19, [Sch.](#)
- F6** S. 36(7) repealed (for N.I.) by [S.I. 1986/2229 \(N.I. 24\)](#), art. 19, [Sch.](#)

#### Marginal Citations

- M1** 1936 c. 49.
- M2** 1897 c. 38.
- M3** 1936 c. 49.
- M4** 1936 c. 49.
- M5** 1945 c. 15 (9 & 10 Geo. 6).

## 36 Health control at Secretary of State's aerodromes <sup>F1</sup>.... **S**

- (1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Secretary of State to make such arrangements as appear to him to be necessary—
- for preventing danger to public health from aircraft arriving at any aerodrome which is vested in or under the control of the Secretary of State <sup>F2</sup>...; and
  - for preventing the spread of infection by means of any aircraft leaving any aerodrome mentioned in paragraph (a) above, so far as may be expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country;
- <sup>F3</sup> ...
- (2) A relevant authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as are mentioned in subsection (1) above, and the Secretary of State shall make to the relevant authority such payments as the relevant authority may reasonably require in respect of expenses incurred by the relevant authority in the performance of those duties.
- (3) In the application of subsections (1) and (2) above to Northern Ireland, for references to the Secretary of State (except the reference in paragraph (a) of subsection (1) above) there shall be substituted references to the Department of Health and Social Services for Northern Ireland.
- (4) In subsection (2) above “relevant authority” means—
- in relation to England and Wales any local authority for the purposes of the <sup>M6</sup>Public Health Act 1936, any county council and any port health authority and any joint board of which all the constituent authorities are authorities or councils as aforesaid;
  - in relation to Scotland, any [<sup>F7</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]<sup>F8</sup>...; and
  - in relation to Northern Ireland, such authority as the Department of Health and Social Services for Northern Ireland may designate for the purposes of that subsection.

[<sup>F9</sup>(5) Section 143 of the <sup>M7</sup> Public Health Act 1936 (which authorises the making of health regulations) shall have effect in relation to relevant aerodromes and in relation to

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persons and aircraft <sup>F10</sup> arriving at or ] departing from such aerodromes subject to the following modifications, that is to say—

- (a) in subsection (1), the proviso shall be omitted;
- (b) in subsection (3), for the words from “shall specify” to “executed” there shall be substituted the words “may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State”, and paragraphs (i) and (ii) of the proviso shall be omitted;
- (c) in subsection (4), for the words “Authorised officers of any such authority” there shall be substituted the words “Officers designated as aforesaid”.]

<sup>F9</sup>(6) In subsection (5) above “ relevant aerodromes ” means aerodromes for the time being vested in or under the control of the Secretary of State and aerodromes in Great Britain which are owned or managed by the CAA. ]

<sup>F11</sup><sup>F9</sup>( 7 ) Without prejudice to the generality of the power conferred by the said section 143, regulations made thereunder may provide for requiring persons alighting from aircraft to answer questions pertaining to their state of health or their contact with infection.]

(8) In the application of subsections (5) to (7) above to Scotland any reference to section 143 of the <sup>M8</sup>Public Health Act 1936 shall have effect as if it were a reference to section 1 of the <sup>M9</sup>Public Health (Scotland) Act 1945, and in subsection (5), paragraph (a) and in paragraph (b) the words from “and paragraphs” onwards shall be omitted.

<sup>F9</sup>(9) Her Majesty may by Order in Council direct that any regulations made under the said section 143, as that section has effect by virtue of subsections (5) and (7) above in relation to aerodromes vested in or under the control of the Secretary of State, shall extend with such modifications, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man; and for the purposes of this subsection, subsections (4) and (5) of that section shall be deemed to form part of those regulations.]

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F1** Words in s. 36 heading omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(4)**
- F2** Words in s. 36(1)(a) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(5)(a)**
- F3** Words in s. 36(1) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(5)(b)**
- F7** Words in s. 36(4)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 126(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F8** Words in s. 36(4)(b) repealed (S.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\)](#), art. 2, **Sch. 3 Pt. 1**
- F9** S. 36(5)–(7)(9) repealed (E.W.) by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**
- F10** Words repealed (for N.I.) by [S.I. 1986/2229 \(N.I. 24\)](#), art. 19, **Sch.**
- F11** S. 36(7) repealed (for N.I.) by [S.I. 1986/2229 \(N.I. 24\)](#), art. 19, **Sch.**

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#### **Marginal Citations**

- M6** 1936 c. 49.
- M7** 1936 c. 49.
- M8** 1936 c. 49.
- M9** 1945 c. 15 (9 & 10 Geo. 6).

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