



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART III

#### REGULATION OF CIVIL AVIATION

*Air transport, etc.*

#### **71 Regulation of provision of accommodation in aircraft.**

[<sup>F1</sup>(1) The Secretary of State may by regulations make provision so as to secure—

- (a) that a person does not in the United Kingdom make available flight accommodation, either as principal or agent, unless the person meets the condition in subsection (1A) or (1B);
- (b) that a person does not in the United Kingdom hold himself or herself out as one who may make flight accommodation available, either as principal or agent or without disclosing the person's capacity, unless the person meets the condition in subsection (1A) or (1B);
- (c) that a person (“A”) acting as an agent for another person (“B”), in the course of a business carried on by A, does not in the United Kingdom procure flight accommodation on behalf of B unless A meets the condition in subsection (1A);
- (d) that a person (“P”) acting in the course of a business carried on by P does not in the United Kingdom facilitate the making available of flight accommodation by another person in circumstances in which one or more prescribed arrangements relating to payment apply, unless P meets the condition in subsection (1A).

[<sup>F2</sup>(1ZA) Subsection (1) applies to an activity in the European Economic Area by a person established in the United Kingdom as it applies to an activity in the United Kingdom.]

(1A) A person meets the condition in this subsection if the person—

- (a) holds and acts in accordance with a licence issued in pursuance of the regulations, or

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 71. (See end of Document for details)*

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- (b) is exempt from the need to hold a licence as a result of provision made by or under the regulations.
- (1B) A person meets the condition in this subsection if the person—
  - (a) is the operator of the aircraft on which flight accommodation is made available, and
  - (b) in making the flight accommodation available is acting as a flight-only provider.
- (1C) The regulations may make provision for the purposes of subsection (1B) about when the operator of an aircraft acts as a flight-only provider.
- (1D) The arrangements relating to payment that may be prescribed under subsection (1) (d) are any arrangements under which P makes or receives payment, or facilitates the making or receipt of payment by another person, in connection with the making available of the flight accommodation.]
- [<sup>F3</sup>(1E) The provision that may be made under or by virtue of subsection (1A)(b) includes provision granting exemption in relation to cases where the person by whom flight accommodation is or may be made available or procured does not make available or procure any other services.]
- (2) Regulations made by the Secretary of State for the purposes of subsection (1) above may contain such provisions as the Secretary of State, after consultation with the CAA, considers appropriate for those purposes and may, without prejudice to the generality of the preceding provisions of this subsection, include provision—
  - (a) as to the circumstances in which licences shall or shall not be issued in pursuance of the regulations;
  - (b) as to the terms of licences, which may include terms as to [<sup>F4</sup>goods, services and other benefits which are or are not to be provided by any person in prescribed circumstances;];
  - (c) for the variation, suspension and revocation of licences;
  - (d) for appeals against refusals, variations, suspensions or revocations of licences to lie to a prescribed body or person (which may be a court, a Minister of the Crown, a body or person constituted or appointed by or under the regulations or such other body or person as the Secretary of State thinks fit) and for applying the provisions of any enactment, with or without modifications, in relation to such appeals;
  - (e) for imposing penalties for contraventions of the regulations not exceeding in the case of each contravention a fine of the statutory maximum on summary conviction and a fine and imprisonment for a term not exceeding two years on conviction on indictment;
  - <sup>F5</sup>(f) .....
- [<sup>F6</sup>(3) The Secretary of State may by regulations make provision—
  - (a) imposing requirements to be complied with by persons holding licences issued in pursuance of regulations under subsection (1), or by prescribed descriptions of such persons, which may include requirements as to goods, services or other benefits which are or are not to be provided by any person in prescribed circumstances;
  - (b) about rights of action in respect of contraventions of requirements imposed by virtue of paragraph (a);
  - (c) imposing criminal penalties for contraventions of such requirements.

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- (4) Regulations made by virtue of subsection (3)(c) may not provide for penalties exceeding, in the case of each contravention—
- (a) on summary conviction, a fine of the statutory maximum;
  - (b) on conviction on indictment, a fine and imprisonment for a term not exceeding 2 years.
- (5) In this section “flight accommodation” means accommodation for the carriage of persons on flights in any part of the world.]

#### Textual Amendments

- F1** S. 71(1)-(1D) substituted for s. 71(1) (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 94(2)**, 110(3)(b) (with [Sch. 10 paras. 12, 17](#))
- F2** [S. 71\(1ZA\)](#) inserted (16.11.2017) by [Air Travel Organisers Licensing Act 2017 \(c. 33\)](#), **ss. 1(2)**, 4(2)
- F3** [S. 71\(1E\)](#) inserted (16.11.2017) by [Air Travel Organisers Licensing Act 2017 \(c. 33\)](#), **ss. 1(3)**, 4(2)
- F4** Words in s. 71(2)(b) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 94(3)(a)**, 110(3)(b) (with [Sch. 10 paras. 12, 17](#))
- F5** S. 71(2)(f) omitted (19.2.2013) by virtue of [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 94(3)(b)**, 110(3)(b) (with [Sch. 10 paras. 12, 17](#))
- F6** S. 71(3)-(5) inserted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 94(4)**, 110(3)(b) (with [Sch. 10 paras. 12, 17](#))

**Changes to legislation:**

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