



# Civil Aviation Act 2012

## 2012 CHAPTER 19

### PART 1

#### AIRPORTS

### CHAPTER 1

#### REGULATION OF OPERATORS OF DOMINANT AIRPORTS

##### *Obtaining information*

#### **50 Power to obtain information**

- (1) The CAA may by notice require a person to provide—
  - (a) information, or
  - (b) a document that is in the person's custody or under the person's control.
- (2) The CAA may give a notice under this section only in respect of information or documents that it reasonably requires for the purpose of carrying out its functions under this Chapter.
- (3) The notice may require the information or document to be provided—
  - (a) at a time and place specified in the notice, and
  - (b) in a form and manner specified in the notice.
- (4) The notice may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the appropriate court.
- (5) "The appropriate court" means—
  - (a) in relation to England and Wales and Northern Ireland, the High Court, and
  - (b) in relation to Scotland, the Court of Session.

## **51 Enforcement of information notice**

- (1) If a person fails to comply with a notice under section 50 without reasonable excuse, the CAA may do either or both of the following—
  - (a) impose a penalty on the person;
  - (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (2) The amount of the penalty must be such amount as the CAA determines to be—
  - (a) appropriate, and
  - (b) proportionate to the failure in respect of which it is imposed.
- (3) A penalty may consist of either or both of the following—
  - (a) a fixed amount;
  - (b) an amount payable in respect of each day in a period specified by the CAA (a “daily amount”).
- (4) A fixed amount must not exceed £2,000,000.
- (5) A daily amount must not exceed £100,000.
- (6) A specified period during which daily amounts accumulate must be such period as the CAA considers appropriate, subject to subsections (7) and (8).
- (7) The period must begin after the day on which the CAA gives the notice under section 54(1) stating that it has imposed the penalty.
- (8) The period must end before the day on which the person provides the information or documents specified in the notice under section 50.
- (9) The Secretary of State may by regulations replace the amount for the time being specified in subsection (4) or (5).

## **52 Penalty for providing false information, destroying documents etc**

- (1) The CAA may impose a penalty on a person if, in relevant circumstances, the person provides information to the CAA that is false or misleading in a material respect and—
  - (a) the person knows that the information is false or misleading, or
  - (b) the person is reckless as to whether the information is false or misleading.
- (2) A person provides information in relevant circumstances if the person does so—
  - (a) in accordance with a licence condition,
  - (b) in response to a notice under section 50, or
  - (c) knowing that the CAA is likely to use the information for the purpose of carrying out its functions under this Chapter.
- (3) The CAA may impose a penalty on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under section 50.
- (4) The amount of a penalty imposed on a person under this section must be such amount as the CAA determines to be—
  - (a) appropriate, and

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- (b) proportionate to the action in respect of which it is imposed.

### **53 Procedure before imposing penalty**

- (1) Before imposing a penalty on a person under section 51 or 52 the CAA must—
  - (a) give the person a notice about the proposed penalty,
  - (b) publish the notice as soon as practicable,
  - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
  - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under subsection (1) must—
  - (a) state that the CAA proposes to impose a penalty,
  - (b) state the proposed amount of the penalty, and
  - (c) give the CAA's reasons for imposing the penalty.
- (3) In the case of a penalty under section 51 calculated entirely or partly by reference to a daily amount, the notice under subsection (1) must specify—
  - (a) the day on which daily amounts would begin to accumulate, and
  - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The period specified in the notice under subsection (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (5) Before varying the proposed amount of the penalty, the CAA must—
  - (a) give the person on whom the penalty is to be imposed a notice about the proposed variation,
  - (b) publish the notice as soon as practicable,
  - (c) send a copy of the notice as soon as practicable to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate, and
  - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (6) In the case of a penalty under section 51 calculated entirely or partly by reference to a daily amount, the reference in subsection (5) to varying the proposed amount of the penalty includes varying—
  - (a) the day on which daily amounts would begin to accumulate, and
  - (b) the day on which, or circumstances in which, they would cease to accumulate.
- (7) The notice under subsection (5) must—
  - (a) specify the proposed variation, and
  - (b) give the CAA's reasons for the proposed variation.
- (8) The period specified in the notice under subsection (5) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.

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- (9) The CAA may withdraw a notice under subsection (1) or (5) at any time by giving notice to the person on whom it proposed to impose the penalty.
- (10) As soon as practicable after giving a notice under subsection (9), the CAA must—
- (a) publish the notice, and
  - (b) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

#### **54 Procedure after imposing penalty**

- (1) As soon as practicable after imposing a penalty on a person under section 51 or 52, the CAA must—
- (a) give a notice to the person on whom the penalty is imposed,
  - (b) publish the notice, and
  - (c) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.
- (2) The notice must—
- (a) state that the CAA has imposed the penalty,
  - (b) state the amount of the penalty,
  - (c) give the CAA's reasons for imposing the penalty, and
  - (d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.
- (3) In the case of a penalty under section 51 calculated entirely or partly by reference to a daily amount, the notice must specify—
- (a) the day on which daily amounts begin to accumulate, and
  - (b) the day on which, or the circumstances in which, they cease to accumulate.
- (4) As soon as practicable after daily amounts cease to accumulate, the CAA must—
- (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate,
  - (b) publish the notice, and
  - (c) send a copy of the notice to such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

#### **55 Appeals against penalties**

Schedule 5 (appeals against penalties: information) has effect.