



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 3

GENERAL PROVISION

Other general provision

73 Regulations

- (1) Regulations under this Part—
 - (a) may make different provision for different cases,
 - (b) may make provision generally or only for particular cases, and
 - (c) may make consequential, incidental, supplementary, transitional, transitory or saving provision.
- (2) Regulations under this Part are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under the following provisions is subject to annulment in pursuance of a resolution of either House of Parliament—
 - (a) section 28(9);
 - (b) section 77;
 - (c) paragraph 33 of Schedule 2;
 - (d) paragraph 6 of Schedule 6.
- (4) A statutory instrument containing other regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Status: This is the original version (as it was originally enacted).

74 Publication and production of documents

- (1) Where a person is required to publish something by this Part, the person must publish it in such form and manner as the person considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (2) A person to whom a document is produced under this Part may take copies of the document.

75 Sending documents

- (1) A document required or authorised by this Part to be sent to a person may be sent—
 - (a) by delivering it to the person or by leaving it at the person’s proper address or by sending it by post to the person at that address,
 - (b) if the person is a body corporate, by sending it in accordance with paragraph (a) to the secretary of the body or to any other person authorised to receive the document on behalf of the body, or
 - (c) if the person is a partnership, by sending it in accordance with paragraph (a) to a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person to whom a document is to be sent is the person’s last known address, except that—
 - (a) if the person is a body corporate, it is the address of the registered or principal office of the body, and
 - (b) if the person is a partnership or a partner or a person having the control or management of the partnership business, it is the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to whom a document is to be sent by another person under this Part has specified to that other person an address within the United Kingdom other than the proper address (as determined under subsection (2)) as the one to which documents of the same description as the document should be sent.
- (5) In relation to that document, that address must be treated as the person’s proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) This section does not apply to a document if rules of court make provision about how or where it should be sent.
- (7) In this section references to sending include references to similar expressions (such as giving).

76 Minor, consequential and transitional provision

- (1) Part 4 of the Airports Act 1986 (economic regulation of airports) is repealed.

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- (2) Part 4 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (economic regulation of airports) is revoked.
- (3) Schedule 8 (status of airport operators as statutory undertakers etc) has effect.
- (4) Schedule 9 (regulation of operators of dominant airports: consequential provision) has effect.
- (5) Schedule 10 (regulation of operators of dominant airports: transitional provision) has effect.

77 **Crown application**

- (1) Chapter 2 of this Part binds the Crown to the extent that it applies or modifies provisions of the Competition Act 1998, subject to section 73 of that Act.
- (2) The following provisions of this Part bind the Crown—
 - (a) Chapter 1, other than sections 50 to 52, and
 - (b) Chapter 3,subject to subsections (3) and (5) to (9).
- (3) Chapters 1 and 3 of this Part do not affect Her Majesty in her private capacity.
- (4) Subsection (3) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Part.
- (5) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in the course of carrying out exempt Crown functions.
- (6) If the operator of an airport area (“area C”) exercises overall responsibility for its management in the course of carrying out exempt Crown functions—
 - (a) section 7(2) (requirement to make market power determination) does not apply in respect of area C,
 - (b) section 14(4) (deemed application for licence where airport area becomes dominant) does not apply in relation to the operator, and
 - (c) the absence of a licence in respect of area C does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in area C or another area that forms part of the same airport.
- (7) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided in an exempt Crown airport area.
- (8) The absence of a licence in respect of an exempt Crown airport area does not prevent a person from requiring payment of, or recovering, charges in respect of services provided in another area that forms part of the same airport.
- (9) A licence must not include conditions relating to services provided in an exempt Crown airport area.
- (10) For the purposes of this section, an airport area is an exempt Crown airport area if—
 - (a) it consists of all or part of a small airport,
 - (b) the operator of the airport area is the Crown or a person acting on behalf of the Crown, and

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- (c) the airport area is exempted for the purposes of this section by the Secretary of State by regulations.
- (11) For the purposes of this section, an airport is a small airport during a calendar year if in the previous calendar year—
- (a) the number of passenger movements at the airport did not exceed 5 million, or
 - (b) the airport was not open to commercial traffic.
- (12) In this section—
- “exempt Crown functions” means the following functions to the extent that they are carried out by or on behalf of the Crown—
- (a) customs functions within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009,
 - (b) functions relating to immigration, asylum or nationality,
 - (c) police functions, and
 - (d) other functions exempted for the purposes of this section by the Secretary of State by regulations;
- “open to commercial traffic” and “passenger movements” have the same meaning as in Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.