



Civil Aviation Act 2012

2012 CHAPTER 19

PART 2

OTHER AVIATION MATTERS

Further provision about CAA

100 CAA charges

- (1) Section 11 of the Civil Aviation Act 1982 (schemes and regulations determining CAA's charges) is amended as follows.
- (2) In subsection (1) omit “, after consultation with the Secretary of State.”
- (3) After that subsection insert—
 - “(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.”
- (4) In subsection (2) for “sixty days” substitute “14 days”.
- (5) After subsection (3) insert—
 - “(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).”
- (6) In section 16 of that Act (provision by CAA of assistance etc for Secretary of State and others), in subsection (4A)—

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- (a) after “with” insert “—
 (a)”,
 and
- (b) at the end insert “, or
 (b) the making of regulations under section 11(3).”

(7) In section 17 of that Act (provision by CAA of information etc for Secretary of State), at the end insert—

“(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).”

101 Criminal proceedings

In section 20 of the Civil Aviation Act 1982 (supplementary provisions with respect to the functions of CAA), after subsection (1) insert—

“(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.”

102 CAA efficiency

(1) Section 21 of the Civil Aviation Act 1982 (annual report) is amended as follows.

(2) In subsection (2), after paragraph (d) insert—

- “(e) shall contain a statement by the CAA about efficiency in the performance of its functions (an “efficiency statement”);
- (f) shall contain the auditors’ assessment mentioned in subsection (2B).”

(3) After subsection (2) insert—

“(2A) The Secretary of State may from time to time give directions about matters that must be covered in an efficiency statement, including matters relating to the plans or the past or present activities of the CAA.

(2B) The auditors appointed under section 15(2) in respect of an accounting year must produce an assessment of the efficiency statement for that year.”

103 Civil sanctions

(1) Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (civil sanctions) is amended as follows.

(2) In Schedule 5 (designated regulators) at the appropriate place insert—

“Civil Aviation Authority”.

(3) In Schedule 7 (powers under specified enactments to include power to make provision for civil sanctions) at the appropriate place insert—

“Civil Aviation Act 1982, sections 7, 61, 71, 71A, 86”.

104 Regulatory burdens

- (1) Section 73 of the Regulatory Enforcement and Sanctions Act 2008 (functions to which duty not to impose or maintain unnecessary burdens applies) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—
 - “(aa) the regulatory functions specified in subsection (2A),”.
- (3) After subsection (2) insert—
 - “(2A) The regulatory functions referred to in subsection (1)(aa) are the regulatory functions exercised by the Civil Aviation Authority under—
 - (a) Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services);
 - (b) Chapter 1 of Part 1 of the Civil Aviation Act 2012 (regulation of operators of dominant airports).”
- (4) In subsection (3) for “subsection (2)” substitute “subsection (2) or (2A)”.

105 Disclosure of medical information

- (1) Section 23 of the Civil Aviation Act 1982 (disclosure of information) is amended as follows.
- (2) In subsection (1) for “subsection (4)” substitute “subsections (4) and (4A)”.
- (3) After subsection (4) insert—
 - “(4A) Nothing in subsection (1) above prohibits the disclosure of medical information provided to the CAA in accordance with an Air Navigation Order if—
 - (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.”
- (4) After subsection (6) insert—
 - “(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

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- (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.”