



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 2

COMPETITION

61 Enterprise Act 2002: supplementary

- (1) Before the [^{F1}Competition and Markets Authority (“the CMA”)] or the CAA first carries out functions specified in section 60(2) (“relevant 2002 Act functions”) in relation to a matter it must consult the other.
- (2) If the [^{F2}CMA] or the CAA has carried out relevant 2002 Act functions in relation to a matter, the other must not carry out those functions in relation to that matter.
- (3) Subsections (4) to (6) apply if, in carrying out relevant 2002 Act functions, the CAA makes a [^{F3}market investigation reference (under section 131 of the 2002 Act)].
- (4) The CAA must give [^{F4}to the CMA group (constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013) which is to conduct the investigation on the reference] any information in the CAA's possession or control—
 - (a) which is requested by the [^{F5}group] for the purpose of the reference, or
 - (b) which the CAA considers it appropriate to give to the [^{F5}group] for that purpose.
- (5) The CAA must give the [^{F6}CMA group] any other assistance requested by the [^{F7}group] for the purpose of the reference which it is within the CAA's power to give.
- (6) In carrying out its investigation on the reference the [^{F8}CMA group] must take account of any information given to it under subsection (4).

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 61. (See end of Document for details)

- (7) If a question arises as to whether a relevant 2002 Act function must or may be carried out by the CAA in relation to a particular case, the question must be referred to and determined by the Secretary of State.
- (8) No objection may be taken to anything done by or in relation to the CAA under Part 4 of the Enterprise Act 2002, other than section 166 or 171, on the ground that it should have been done by or in relation to the [F9CMA].
- (9) The CAA may, when carrying out relevant 2002 Act functions, have regard to any matter in respect of which a duty is imposed by section 1(1) to (3) of this Act if it is a matter to which the [F9CMA] may have regard when carrying out relevant 2002 Act functions.
- (10) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the carrying out by the CAA of relevant 2002 Act functions.
- (11) In section 136(7) of the Enterprise Act 2002 (investigations and reports on market investigation references: relevant sectoral enactments), at the end of paragraph (g) insert “ or section 60 of the Civil Aviation Act 2012; ”.

Textual Amendments

- F1** Words in s. 61(1) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(2)** (with art. 3)
- F2** Word in s. 61(2) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(3)** (with art. 3)
- F3** Words in s. 61(3) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(4)** (with art. 3)
- F4** Words in s. 61(4) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(5)(a)** (with art. 3)
- F5** Word in s. 61(4)(a)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(5)(b)** (with art. 3)
- F6** Words in s. 61(5) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(6)(a)** (with art. 3)
- F7** Word in s. 61(5) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(6)(b)** (with art. 3)
- F8** Words in s. 61(6) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(7)** (with art. 3)
- F9** Word in s. 61(8)(9) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 198(8)** (with art. 3)

Commencement Information

- I1** S. 61 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 61.