

**Table of main changes made to the Civil Aviation Bill
between publication of the draft Bill in November 2011
and introduction on the 19 January 2012**

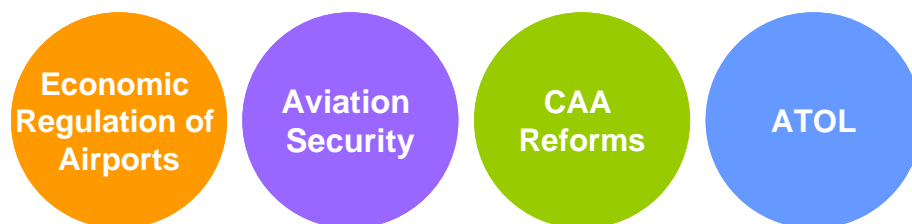


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Introduction

This table sets out the main changes made to the Civil Aviation Bill between publication of the draft Bill in November 2011 and introduction on the 19 January 2012.

You can track the Bill's progress in Parliament and find the latest version of the Bill on the Parliament website at <http://services.parliament.uk/bills/2010-11/civilaviation.html>

For more information about the Civil Aviation Bill please visit <http://www.dft.gov.uk/topics/legislation/civil-aviation-bill>

Area	Clause / Schedule number	Description of Change
Airport Economic Regulation	Clause 7 (Market power determinations)	Secretary of State's express right to request and appeal a market power determination has been removed
Airport Economic Regulation	Clause 19 (4) and (5) (Price control conditions)	New provision added that allows the CAA to take into account any unfairly high charges in setting the first price control when an airport enters regulation
Airport Economic Regulation	Clause 25 (Appeal to CC: modification of licence conditions)	New provision added to address the possibility of bringing up matters previously considered in an earlier appeal or that could have been raised during earlier appeals to modify licence conditions by the applicant or the connected person.
Airport Economic Regulation	Clause 30 / Schedule 2 (Procedure on appeals)	New provisions to allow for 'interveners' in the licence modification appeals regime. Such provision enables any parties, who would have standing to appeal, to become a party to an appeal, to support or oppose the appeal. New grounds of appeal may not be put forward by an intervener.

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Area	Clause / Schedule number	Description of Change
Airport Economic Regulation	Clause 46 (Use of powers under Competition Act 1998)	Clause 46 is new. It imposes an obligation on the CAA to consider whether it would be more appropriate proceeding under the Competition Act 1998 before exercising its power under the Bill in relation to contravention notices, enforcement orders and penalties for contravention of a licence condition or contravention of an order.
Concurrency	Clauses 60 and 61 (Functions under Part 4 of Enterprise Act 2002)	Change to the application / disapplication of CAA's general duties in this Act and the Civil Aviation Act 1982.
Concurrency	Clause 64 Subsection (3) (Review etc of airport operation services)	Subsection (3) now states that the CAA must supply information, advice or assistance (stated in subsection (2)(b)) when asked for by the Secretary of State or the OFT only where it appears practicable to the CAA to do so.
Airport Economic Regulation	Clause 76 and Schedules 8, 9 and 10 (Minor, consequential and transitional Provision)	<p>New clause and schedules which provides part of the framework for how the new regime will be switched on and the regime under the Airports Act 1986 is switched off. The remainder of the necessary provisions will be completed by use of an order. The provisions also include consequential amendments to other legislation.</p> <p>Schedule 8 ensures that in practice there is no change to the mechanism by which an airport achieves or loses statutory undertaker status.</p>
Airport Economic Regulation	Clause 77 (Crown application)	New clause added on the extent that Part 1 of the Bill binds the Crown.

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Aviation Security	Clause 79 (Approved providers of aviation security services)	This new clause includes the wording of subsection (4) of Clause 76 of the draft Bill, and, in an amended form, the wording of paragraph 15 of Schedule 8 to the draft Bill, amending the power set out in section 20A of the Aviation Security Act 1982 (the "ASA 1982") to make regulations about approved providers of aviation security services. It also includes new additional amendments that will enable regulations made under section 20A of the ASA 1982 to make further provision for approvals, such as, for example, conditions applying to a listing.
Aviation Security	Clause 80 (Advice and assistance in connection with aviation security)	This new clause inserts new section 21H (Provision of advice and assistance to Secretary of State) into the Aviation Security Act 1982 (the "ASA 1982") which places a duty on the CAA to provide such advice and assistance to the Secretary of State as the Secretary of State requires in connection with matters relevant to the purposes of Part 2 of the ASA 1982 (the protection of civil aviation against acts of violence). It also inserts new section 21I (Provision of advice and assistance to other persons) which places a duty on the CAA to provide such advice and assistance to the persons listed in subsection (3) of that section as the CAA considers appropriate having regard to the purposes to which Part 2 of the ASA 1982 applies. New section 21I was previously inserted by subsection (5) of clause 76 of the draft Bill.
Air Travel Organisers' Licensing (ATOL) scheme	Clause 94 (Regulation of provision of flight accommodation)	Clause 94 is new. It amends the Secretary of State's existing regulation making power in s71 of the Civil Aviation Act 1982 to allow further reform of the ATOL scheme.
CAA Reform	Clause 99 (Transitional and saving provision) and Schedule 14 (CAA membership: transitional)	New clause 99 gives effect to new schedule 14. They make transitional and saving provision about serving members of the CAA including the continuation of terms and conditions and continued provision for the payment of pensions to current and former members. The existing

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	and saving provision)	nomination of a member made under sections 66 and 67 of the Transport Act 2000 will also continue
CAA Reform	Clause 104 (Disclosure of medical information)	This clause inserts new section 23(4A), (4B) and (7) into the Civil Aviation Act 1982 (c.16). The clause allows the CAA to disclose anonymised medical information relating to flight crew and air traffic controllers licensed by them under the Air Navigation Order. The clause also provides that disclosure must be for medical research purposes and be approved by a research ethics committee.
Airport Economic Regulation	Clause 103 (Regulatory burdens)	Clause 2 of the November draft of Bill is the new clause 103. It extends the duty on the CAA not to impose or maintain unnecessary burdens to CAA's functions on the regulation of air traffic services under Chapter 1 of Part 1 of the Transport Act 2000.
Airport Economic Regulation	Schedule 2, Part 1 (Permission to appeal) and Part 4 (Application for suspension of condition of new licence or modification)	The period in which the CC must take a decision on whether it will grant permission to appeal and decisions on whether to suspend licence conditions has been extended from 9 weeks to 10 weeks.
Airport Economic Regulation	Schedule 2, Paragraph 20 (Remitting decision to CAA)	<p>New paragraph setting out provisions which are applicable when a licence condition or modification is remitted by the CC to the CAA.</p> <p>These relate to the time at which decision may take effect and to adjustments to price control.</p>

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Airport Economic Regulation	Schedule 2, Paragraph 21 (Substituting CAA's decision)	New paragraph setting out provisions which are applicable when the Competition Commission decides to substitute its own decision for that of the CAA following an appeal. These relate to the time at which decision may take effect and to adjustments to price control.
Airport Economic Regulation	Schedule 2, Paragraph 22 (Consideration of new matters)	Alterations to the provisions allowing for the receipt of new evidence in certain circumstances.
Airport Economic Regulation	Schedule 3 (Appeals against orders and penalties)	New paragraphs 1 (4) and (5) in Schedule 3 (Appeals against orders and penalties) to clarify suspension of an enforcement order, but not urgent enforcement order, when making an appeal.
Airport Economic Regulation	Schedule 6 (Restrictions on disclosing information)	Changes have been made to the list of relevant persons in paragraph 4(2) of Schedule 6 and to the relevant statutory provisions listed in paragraphs 4(3) and 4(4) of Schedule 6.