

CAA CONSUMER PANEL 1 OCTOBER 2012

CIVIL AVIATION BILL INFORMATION POWERS

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CIVIL AVIATION BILL CLAUSES

Clause 83 Information for benefit of users of air transport services

• (1)

The CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate for the purpose of assisting users of air transport services to compare—

- (a) air transport services provided to or from a civil airport;
- (b) services and facilities provided at a civil airport in the United Kingdom;
- (c) services and facilities provided elsewhere in the United Kingdom and used, or likely to be used, in connection with the use of air transport services provided to or from a civil airport.
- (2)
 The CAA may publish guidance and advice with a view to improving the standard of such services and facilities for users of air transport services.
- (3)
 The CAA must take such steps as it considers practicable to keep under review information, guidance and other advice that is published under this section by the CAA or by other persons.
- (4)
 Subsection (1) does not require the CAA to disclose, or arrange for the disclosure of, information if the CAA could refuse to disclose the information in response to a request made under the Freedom of Information Act 2000.
- (5)
 For the purposes of carrying out its functions under this section, the CAA may carry out, commission or provide financial or other support for research.
- (6)
 Information and advice published under subsection (1) by persons other than the CAA must be published in such form and manner as the CAA considers appropriate.
- (7)
 In this section—
 - "air transport service" means a service for the carriage by air of passengers or cargo to or from an airport in the United Kingdom;
 - "airport" has the same meaning as in Part 1 of this Act (see sections 66 and 67);
 - "civil airport" means an airport other than a military airport;
 - o "user", in relation to an air transport service, means a person who—
 - (a)
 is a passenger carried by the service, or
 - (b)
 has a right in property carried by the service.
- (8)
 In this section references to users of air transport services include potential users of such services.

Clause 84 Environmental information

• (1)

The CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate relating to—

- o (a)
 - the environmental effects of civil aviation in the United Kingdom,
- 。 (b)
 - how human health and safety is, or may be, affected by such effects, and
- (c) measures taken, or proposed to be taken, with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.
- (2)

The CAA may publish guidance and advice with a view to reducing, controlling or mitigating the adverse environmental effects of civil aviation in the United Kingdom.

- (3)
 - The CAA must take such steps as it considers practicable to keep under review information, guidance and other advice that is published under this section by the CAA or by other persons.
- (4)
 Subsection (1) does not require the CAA to disclose, or arrange for the disclosure of, information if it could refuse to disclose the information in response to a request made under the Freedom of Information Act 2000.
- (5)

For the purposes of carrying out its functions under this section, the CAA may carry out, commission or provide financial or other support for research.

- (6)
 - Information and advice published under subsection (1) by persons other than the CAA must be published in such form and manner as the CAA considers appropriate.
- (7)

In this section—

- "civil aviation" means civil airports, associated facilities and aircraft using such airports;
- "airport" has the same meaning as in Part 1 of this Act (see sections 66 and 67);
- "associated facilities", in relation to an airport, means facilities used, or intended to be used, in connection with the airport;
- civil airport" means an airport other than a military airport.
- (8)

In this section references to the environmental effects of civil aviation include—

- (a) substances, energy, noise, vibration or waste, including emissions, discharges and other releases into the environment,
- (D)
 visual or other disturbance to the public,
- effects from works carried out at civil airports or associated facilities or in the construction of such airports or facilities, and
- (d) effects from services provided at civil airports or associated facilities.

Clause 85 Power to obtain information

Clause 86 Enforcement of information notice

Clause 87 Penalty for providing false information, destroying documents etc

Etc.

Clause 92 Statement of policy

• (1)

The CAA must prepare and publish a statement of its policy with respect to—

o (a)

carrying out its functions under sections 83 and 84,

o (b)

imposing penalties under sections 86 and 87, and

o (c)

determining the amount of such penalties.

• (2)

The CAA may revise a statement of policy and, if it does so, it must publish the revised statement.

• (3)

When preparing or revising a statement of policy with respect to carrying out the functions under sections 83 and 84, the CAA must have regard to the principle that the benefits of carrying out the functions should outweigh any adverse effects.

• (4)

When imposing a penalty under section 86 or 87, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published under this section before the act or omission in respect of which the penalty is to be imposed.

(5)

When preparing or revising a statement of policy, the CAA must consult such persons as it considers appropriate.

SELECTION OF STAKEHOLDER COMMENTS ON THE INFORMATION POWERS

BA

"The new information and publication powers in Sections 83 and 84 of the Bill, which would permit the CAA to collect and publish a wide range of information on air transport services, are drawn widely and there is a risk of unwarranted use and/or overuse and interference in competitive markets..... We therefore believe CAA should be obliged to have regard to the principle that regulatory action is justified only where there is clear evidence of market failure. We think this would be reasonable addition."

Flybe

"Europe's largest regional airline and the UK's number one domestic airline today welcomed the Department for Transport's draft Civil Aviation Bill and, in particular, the requirement that airlines publish information about the environmental impact of their operations.... Flybe welcomes the government's move to insist that all airlines publish their environmental data. It will not only give passengers a very clear choice but will incentivise airlines to invest in newer, lower emitting fleet."

British Air Transport Association

"It is important to remember that there are no free lunches when it comes to regulation; regulation comes with a price attached that must eventually be passed on to someone. That is why it is a good idea that the CAA should have powers to collect information, but it should be careful about using those powers and use them only when there is clear evidence of market failure and when value can be added by collecting and publishing the data. An analysis is necessary in every case."

BAA

"The publication of arrivals baggage information has been strongly opposed by airlines yet this appears to be a logical and basic piece of information most passengers would want to be aware of."

Airport Operators Association

"The market for information on environmental matters is very crowded. There are many bodies providing all kinds of information, and the CAA could have a role to play there. It has a good reputation for statistics and analysis, and if it were to bring some clarity to that debate, which has been dogged by misinformation and people selectively using statistics, that would be a good thing. We think its remit should extend only as far as the areas where it is able to add value. The key point is added value. It should not duplicate other areas on the environment that are already being dealt with."

Aviation Environment Federation

"These days, I think the consumer is looking for the ability to distinguish airlines and airport performance. A lot of information in the public domain is fairly generic industry averages, and I think the consumer is looking for something a little bit different that will enable them to make choices. That does not exist at the moment, but I think the information that would allow them to make such choices does exist. A portal, if you like, is needed to present that information to the consumer, and I think the CAA could play an important role in doing just that."