

Subsidiary Legislation made under ss.16 & 30.

Civil Aviation (Civil Airport) Regulations 2016

LN.2016/051

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Civil Aviation

2016/051

Civil Aviation (Civil Airport) Regulations 2016

In exercise of the powers conferred on it by section 16 and 30 of the Civil Aviation Act 2009 and of all other enabling powers, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Civil Aviation (Civil Airport) Regulations 2016 and come into operation on the day of publication.

Interpretation.

2.(1) In these Regulations—

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“airport” means the Civil Airport as defined in section 25 of the Civil Aviation Act 2009;

“apron” means a defined area of an aerodrome which is intended to accommodate aircraft for the purpose of loading or unloading passengers, mail or cargo, refuelling, parking or maintenance;

“BCA officer” means an officer of the Borders and Coastguard Agency established under section 3 of the Borders and Coastguard Agency Act 2011 and includes the officers of any agent or subcontractor appointed by the Borders and Coastguard Agency;

“customs officer” means an officer appointed under section 3 of the Imports and Exports Act, 1986 to assist the Collector (as defined therein) in carrying out the provisions of that act, and includes the Collector;

“intoxication” means physical or mental impairment, whether caused by the consumption of alcohol, drugs or other means, or by a combination of means, and “intoxicated” is to be construed accordingly;

“operator” means the manager or operator of the Civil Airport appointed under section 26 of the Civil Aviation Act 2009 and includes any person acting under its authority;

“restricted area” means any part of the airport where access is only available to specific persons who, having satisfied pre-conditions set by the operator, are permitted to have such access;

“sign” means any object or device (whether fixed or portable) for conveying warnings, information, requirements, restrictions or prohibitions of any description.

(2) In these Regulations a reference to an officer includes a reference to a police officer, customs officer, BCA officer and any person acting under the authority of the operator.

**PART 1
PROHIBITED ACTS**

Aircraft parking.

3. Except in the case of an emergency, an aircraft commander must not place an aircraft other than in the place and position allocated to it from time to time by the operator.

Securing aircraft.

4. An aircraft commander must secure a stationary aircraft against movement.

Emergency stop switch etc.

5. Except in the case of an emergency, a person must not intentionally operate a switch or lever of any escalator, tracking transit system, lift or any other automatic conveyance for passengers which is accompanied by a sign displaying a clear warning that it is only intended to be operated in cases of emergency.

Misuse of telephones.

6. A person must not tamper with or misuse any telecommunications apparatus or any other apparatus intended for transmitting and receiving messages at the airport without lawful authority or reasonable excuse.

Misuse of equipment.

7. A person must not tamper with or misuse any apparatus used for or in connection with the control of access of personnel or vehicles to any part of the airport without lawful authority or reasonable excuse.

No smoking.

8. A person must not smoke, carry a naked light into or light a naked light in any part of a restricted area, except in a designated smoking zone.

Radio interference.

9. A person must not operate or use any radio transmitter or other thing capable of radiating electrical interference in such a way as to adversely affect or be likely to adversely affect the operations of any communications or navigation systems at the airport.

False alarms.

10. A person must not knowingly by any means raise a false emergency alarm.

Unattended baggage.

11. A person must not leave any baggage or other items unattended in a public place or restricted area within the airport.

Prohibited vehicles etc.

12.(1) A person must not allow any vehicle or thing to be in the airport after its presence at the airport has been prohibited by an officer, who shall not prohibit the presence of any vehicle or thing unless he has reasonable grounds to believe that its presence has been responsible for or is about to be responsible for a breach of these Regulations or for the commission of a criminal offence.

(2) If a person has been required by an officer to remove any vehicle or thing in accordance with subregulation (1), that person must not allow that vehicle or thing to re-enter the airport for a period of 24 hours thereafter.

Permitted animals.

13.(1) A person must not allow an animal to enter the internal areas of the airport unless that animal is—

- (a) assisting a person with a disability;
- (b) under the control of an officer; or
- (c) set to travel on an aircraft.

(2) A person who allows an animal to enter the internal areas of the airport in accordance with subregulation (1) must ensure the animal does not foul any part of the airport, provided that in proceedings for an offence against this subregulation it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Persons required to leave.

14.(1) A person must not remain in the airport after having been requested by an officer to leave and such a request must not be made unless the officer has reasonable grounds to believe that that person is about to commit a breach of these Regulations.

(2) A person must not, having left the airport at the request of an officer in accordance with subparagraph (1), re-enter the airport for a period of 24 hours thereafter unless he is a bonafide airline passenger.

Prohibited persons.

15. A person must not enter the airport after having been prohibited in writing from entering by the operator, unless he is a bonafide airline passenger.

Drinking etc. in restricted area.

16. A person must not be intoxicated in a restricted area.

Obstruction.

17. A person must not intentionally obstruct or interfere with the proper use of the airport or with any person exercising his duties in relation to the operation of the airport.

Uncovered refuse containers.

18. A person must not leave any uncovered refuse containers in a restricted area.

Litter etc.

19. A person must not deposit anything that may cause, contribute to, or lead to the defacement of any part of the airport.

Removal and misuse of baggage trolleys.

20. A person must not remove from the airport or misuse any baggage trolley provided by the operator.

Loitering etc.

21. A person must not loiter, frequent or remain in the airport without reasonable excuse.

Emergency exits.

22. A person must not obstruct any of the emergency exits at the airport.

Evacuation.

23. A person must not, without reasonable excuse, fail to evacuate the airport in an emergency when instructed to do so by an officer.

Failure to comply with directions or signs.

24. A person must not fail or refuse to comply with a direction given by an officer or any sign exhibited by or on behalf of the operator.

**PART 2
ACTS FOR WHICH PERMISSION IS REQUIRED**

Application of part.

25. The acts set out in regulations 26 to 38 are prohibited at the airport unless the prior permission of the operator is obtained or the act is performed by a person acting with lawful authority or excuse.

Aircraft engine running.

26. A person must not run an aircraft engine in an area other than that allocated from time to time for that purpose by the operator.

Cleaning etc. of aircraft and vehicles.

27. A person must not clean, service or maintain aircraft, vehicles or equipment in areas where such activities are prohibited by any written notice issued by the operator.

Fires.

28. A person must not, by any act or omission, cause or permit a fire to occur except in a place constructed for that purpose.

Filling or discharging liquid fuel.

29. A person must not fill or discharge liquid fuel from any container, including any part of a vehicle, elsewhere than in a place designated for that purpose by the operator.

Prohibited areas.

30. A person must not fail to comply with any sign prohibiting or restricting access to any part of the airport.

Climbing.

31. A person must not climb any wall, fence, barrier or post.

Apparatus etc.

32. A person must not erect or use any apparatus for transmission, receipt, recording, reproduction or amplification of sound, speech or image for commercial purposes or any other purpose.

Restricted fence area.

33. A person must not place any building, structure, equipment, vehicle, container or other item within 3 metres of any fence forming the boundary of a restricted area.

Entering or leaving the airport.

34. A person must not enter or leave the airport otherwise than through a gate, entrance or exit designated by the operator for that purpose.

Offers for sale or services.

35. A person must not offer any goods or services for sale.

Taxi touting.

36. A person must not offer his or any other vehicle for hire anywhere within the terminal building, car park or any other public space at the airport, except in a designated taxi area.

Display signs.

37. A person must not post, distribute or display any signs, advertisements, circulars or other printed or written matter intended for commercial purposes.

Wearing of passes.

38. A person, other than a bonafide passenger, who is in a restricted area must at all times wear the pass issued to him by or on behalf of the operator so that it is reasonably visible at all times.

PART 3

PROHIBITED ACTS ON PARTS OF THE AIRPORT TO WHICH THE TRAFFIC ACT DOES NOT APPLY

Application of part.

39. The acts set out in regulation 40 to 48 are prohibited on the parts of the airport to which the Traffic Act 2005 does not apply.

Driving offences.

40. A person must not drive a vehicle—

- (a) recklessly or dangerously (as defined in section 45(1) of the Traffic Act 2005);
- (b) without due care and attention, or without reasonable consideration for the other persons using that part of the airport;
- (c) whilst drunk or under the influence of drink, drugs or other intoxicating substances.

Causing danger with a vehicle.

41. A person must not use or cause a vehicle to be used in such a way as to cause or be likely to cause danger or nuisance to any person.

Leaving or parking vehicle for excessive period.

42. Except in the case of an emergency or the prevention and detection of crime, a person must not leave or park a vehicle for a period in excess of the permitted time in an area where the period of waiting is restricted by a sign.

Obstruction causing danger or damage.

43. Except in an emergency, a person in charge of a vehicle must not cause or permit the vehicle to cause any obstruction likely to endanger or damage persons or property.

Failure to set handbrake.

44. A person must not cause or permit any vehicle to be left unattended unless any parking brake or restraining device with which the vehicle is equipped is properly engaged.

Use of vehicle.

45. A person must not use or permit to be used any vehicle which fails to comply with any braking, steering, lighting, tyre or electrical requirements which apply to that type of vehicle if it were to be operated on a road to which the Traffic Act applies.

Fuel and exhaust systems.

46. A person must not use or permit to be used any vehicle unless the condition of the fuel and exhaust is at all times such that no danger or nuisance is caused or is likely to be caused to any person or property.

Passenger safety and insecure load.

47. A person must not use or permit to be used—

- (a) any vehicle for the carriage of passengers unless the vehicle is suitable for the number and combined weight of those passengers so that no danger is caused or likely to be caused to persons on the vehicle or at the airport; or
- (b) any vehicle carrying a load unless such load is at all times secured (if necessary by physical restraint other than its own weight) and in such a position so that no danger, nuisance or damage is caused or is likely to be caused to any person or property.

Permitted areas for vehicles.

48. Except in the case of an emergency or the prevention and detection of crime, a person must not cause or permit vehicles, aircraft servicing equipment or persons to enter those parts of the airport used for the surface movement of aircraft including aprons and any part of the airport provided for the maintenance of aircraft except those parts specifically allocated from time to time by the operator for use by vehicles, aircraft servicing equipment or persons.

PART 4

**ACTS FOR WHICH PERMISSION IS REQUIRED ON PARTS OF THE AIRPORT
TO WHICH THE TRAFFIC ACT DOES NOT APPLY**

Application of part.

49. The acts set out in regulation 50 to 53 are prohibited on the parts of the airport to which the Traffic Act 2005 does not apply unless the prior permission of the operator is obtained or the act is performed by a person acting with lawful authority or excuse.

Driving vehicles.

50. A person must not drive, operate or leave a vehicle elsewhere than in a place provided for the passage or accommodation of such vehicles.

Lights on vehicles.

51. A person must not drive, operate or leave a vehicle which does not comply with any of the lighting requirements that would apply to that type of vehicle if it were to be operated on a road to which the Traffic Act 2005 applies.

Parking.

52. A person must not park a vehicle or leave any cargo, baggage or equipment elsewhere than in a place provided by the operator for that purpose.

Unattended vehicles.

53. A person must not leave a vehicle unattended while its engine is running or while a removable ignition key is in the vehicle.

PART 5

OTHER ACTS REQUIRING LAWFUL AUTHORITY OR REASONABLE EXCUSE

Tampering with aircraft.

54. A person must not tamper with any aircraft or anything used in connection with any aircraft without lawful authority or reasonable excuse.

Tampering with lifts etc.

55. A person must not tamper with or misuse any lift, escalator, conveyor belt or any mechanical, electrical or electronic apparatus without lawful authority or reasonable excuse.

Entering vehicles etc.

56. A person must not enter or mount any vehicle, truck, trolley or aircraft steps, or tamper with any of its equipment, without lawful authority or reasonable excuse.

**PART 6
GENERAL**

Vehicle accident reporting.

57. Where, on a part of the airport to which the Traffic Act 2005 does not apply, an accident involving a vehicle occurs in which—

- (a) damage is caused to a person other than the driver of that vehicle; or
- (b) damage is caused—
 - (i) to a vehicle other than that vehicle;
 - (ii) to an animal other than an animal in or on that vehicle; or
 - (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road in question is situated or land adjacent to that land,

the driver must give his name and address, the name and address of the owner of the vehicle, the registration number and identification marks of the vehicles involved and details of the accident to the operator as soon as reasonably practicable.

Aircraft accident reporting.

58. Where, on a part of the airport to which the Traffic Act 2005 does not apply, an accident involving aircraft occurs –

- (a) if present at the time of the accident, the aircraft commander (or if the aircraft is being towed, the tug-driver) must give—
 - (i) his name and address;
 - (ii) the name and address of the operator of the aircraft at the time of the accident;
 - (iii) the identification marks of the aircraft; and
 - (iv) details of the accident, and
- (b) the driver of any vehicle involved must give—
 - (i) his name and address;
 - (ii) the name and address of the owner of the vehicle;
 - (iii) the registration number and identification marks of the vehicle; and

- (iv) details of the accident,

to the operator through the published airport telephone number as soon as reasonably practicable.

Production of insurance details etc.

59. A person driving a vehicle in a restricted area must, if requested to do so by the operator or a police officer, produce either immediately or within seven days at a place specified by the operator or police officer, details of the third party insurance cover for the operation of the vehicle in the restricted area, his airside driving permit and, if applicable, his competence to drive.

Power to open packages etc.

60. When a package, bag or other receptacle is found, an officer may cause such an item to be opened and the contents examined, or require any person claiming the item to be his to open it and its contents, for the purpose of—

- (a) identifying and tracking the owner of the lost property;
- (b) ascertaining the nature of the contents; or
- (c) satisfying the operator that the contents do not include any items which may put at risk the security of the airport, aircraft or any navigation installation,

and if any items referred to in paragraph (c) above are found, they must be handed to a police officer.

**PART 7
OFFENCES**

Offences.

61. A person who fails to comply with an obligation imposed on him by regulations 3 to 60 commits an offence.

Penalties.

62. A person guilty of an offence under regulation 61 is liable—

- (a) in relation to any failure to comply with an obligation imposed by regulation 38, on summary conviction, to a fine not exceeding level 2 on the standard scale;
- (b) in relation to any failure to comply with an obligation imposed by regulation 6, 9, 10, 26, 27, 29, 35, 40, 46, 48, 51 or 54, on summary conviction, to a fine not exceeding £2500;
- (c) in relation to a failure to comply with an obligation imposed by any other regulation not falling within paragraphs (a) and (b), on summary conviction, to a fine not exceeding level 3 on the standard scale.