



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER I

AIR TRAFFIC SERVICES

General duties

1 Secretary of State's general duty.

- (1) The Secretary of State must exercise his functions under this Chapter so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) to (5).
- (2) The Secretary of State must exercise his functions under this Chapter in the manner he thinks best calculated—
 - (a) to further the interests of operators and owners of aircraft, owners and managers of aerodromes, persons travelling in aircraft and persons with rights in property carried in them;
 - (b) to promote efficiency and economy on the part of licence holders;
 - (c) to secure that licence holders will not find it unduly difficult to finance activities authorised by their licences.
- (3) The only interests to be considered under subsection (2)(a) are interests regarding the range, availability, continuity, cost and quality of air traffic services.
- (4) The reference in subsection (2)(a) to furthering interests includes a reference to furthering them (where the Secretary of State thinks it appropriate) by promoting competition in the provision of air traffic services.

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- (5) If in a particular case there is a conflict in the application of the provisions of subsections (2) to (4), in relation to that case the Secretary of State must apply them in the manner he thinks is reasonable having regard to them as a whole.
- (6) The Secretary of State must exercise his functions under this Chapter so as to impose on licence holders the minimum restrictions which are consistent with the exercise of those functions.
- (7) This section does not apply to the exercise of the Secretary of State’s functions under section 38.

Commencement Information

- II** S. 1 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. 1** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

2 CAA’s general duty.

- (1) The CAA must exercise its functions under this Chapter so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) to (5).
- (2) The CAA must exercise its functions under this Chapter in the manner it thinks best calculated—
 - (a) to further the interests of operators and owners of aircraft, owners and managers of aerodromes, persons travelling in aircraft and persons with rights in property carried in them;
 - (b) to promote efficiency and economy on the part of licence holders;
 - (c) to secure that licence holders will not find it unduly difficult to finance activities authorised by their licences;
 - (d) to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification);
 - (e) to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section.
- (3) The only interests to be considered under subsection (2)(a) are interests regarding the range, availability, continuity, cost and quality of air traffic services.
- (4) The reference in subsection (2)(a) to furthering interests includes a reference to furthering them (where the CAA thinks it appropriate) by promoting competition in the provision of air traffic services.
- (5) If in a particular case there is a conflict in the application of the provisions of subsections (2) to (4), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.
- (6) The CAA must exercise its functions under this Chapter so as to impose on licence holders the minimum restrictions which are consistent with the exercise of those functions.
- (7) Section 4 of the ^{MI}Civil Aviation Act 1982 (CAA’s general objectives) does not apply in relation to the performance by the CAA of its functions under this Chapter.

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Commencement Information

- I2** S. 2 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Marginal Citations

- M1** 1982 c. 16.

Restrictions

3 Restrictions on providing services.

- (1) A person commits an offence if he provides air traffic services in respect of a managed area.
- (2) But subsection (1) is subject to subsections (3) to (5).
- (3) Subsection (1) does not apply if the person—
 - (a) is authorised by an exemption to provide the services, or
 - (b) acts as an employee or agent of a person who is authorised by an exemption to provide the services.
- (4) Subsection (1) does not apply if the person—
 - (a) holds a licence authorising him to provide the services, or
 - (b) acts as an employee or agent of a person who is authorised by a licence to provide the services.
- (5) Subsection (1) does not apply if the services are provided by the CAA in pursuance of directions under section 66(1).
- (6) For the purposes of this section—
 - (a) air traffic services are to be treated as provided at the place from which they are provided;
 - (b) air traffic services may be provided in respect of a managed area whether or not the aircraft concerned is in that area when they are provided.
- (7) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (8) No proceedings may be started in England and Wales or Northern Ireland for an offence under this section except by or on behalf of—
 - (a) the Secretary of State, or
 - (b) the CAA acting with his consent.

4 Exemptions.

- (1) The Secretary of State may by order grant an exemption authorising the provision of air traffic services in respect of a managed area.
- (2) An exemption—

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- (a) may be granted to a particular person or to persons of a specified description or to all persons;
 - (b) may be granted in respect of air traffic services of one or more specified descriptions;
 - (c) may be granted in respect of air traffic services provided in specified circumstances;
 - (d) may be granted in respect of one or more specified areas (any of which may consist of all or part of a managed area);
 - (e) may be granted subject to such conditions as may be specified.
- (3) An exemption granted to persons of a specified description must be published in such manner as the Secretary of State thinks appropriate for bringing it to the attention of persons of that description.
- (4) An exemption continues in force for the period specified in or determined by or under it, unless it previously ceases to have effect in accordance with its provisions.

Commencement Information

- I3** S. 4 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

5 Licences: general.

- (1) A licence may be granted to a company authorising it to provide air traffic services in respect of a managed area.
- (2) A licence—
- (a) may be granted in respect of air traffic services of one or more specified descriptions;
 - (b) may be granted in respect of one or more specified areas (any of which may consist of all or part of a managed area).
- (3) A licence is not valid unless it is in writing.
- (4) A licence is not valid unless it is granted to [^{F1}a company ^{F2}... that is limited by shares.]
- (5) A licence continues in force for the period specified in it or determined by or under it, unless it previously ceases to have effect in accordance with its provisions.
- (6) A licence may not be transferred.

Textual Amendments

- F1** Words in s. 5(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 184\(2\)](#) (with art. 10)
- F2** Words in s. 5(4) omitted (6.4.2011) by virtue of [The Transport Act 2000 \(Amendment of section 5\(4\)\) Regulations 2011 \(S.I. 2011/205\)](#), regs. 1, 2

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Commencement Information

- I4** S. 5 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

6 Licences: grant.

- (1) A licence may be granted by—
 - (a) the Secretary of State after consulting the CAA,
 - (b) the CAA with the consent of the Secretary of State, or
 - (c) the CAA in accordance with a general authority given by the Secretary of State.
- (2) A general authority may be given on condition that the CAA complies with specified requirements (whether as to consulting the Secretary of State or obtaining his consent before granting a licence, as to the provisions to be included in a licence, or otherwise).
- (3) An application for a licence—
 - (a) must be made in the prescribed manner;
 - (b) must contain or be accompanied by prescribed information;
 - (c) must be accompanied by the application fee (if any);
 - (d) must, if the licence authority requires, be published by the applicant in the prescribed manner and within a period notified to it by the licence authority.
- (4) On an application the licence authority may grant or refuse the licence.
- (5) Before granting or refusing a licence the licence authority must—
 - (a) publish a notice in such manner as the authority thinks appropriate for bringing it to the attention of persons likely to be affected by the grant or refusal,
 - (b) serve a copy of the notice on the applicant, and
 - (c) consider any representations made in accordance with the notice (and not withdrawn).
- (6) The notice must—
 - (a) state either that the licence authority proposes to grant the licence or that it proposes to refuse it and (in either case) the reasons for so proposing, and
 - (b) state the period (not less than 28 days starting with the date of publication of the notice) within which representations may be made regarding the proposed grant or refusal.
- (7) As soon as practicable after granting a licence the grantor must send a copy—
 - (a) to the CAA, if the grantor is the Secretary of State;
 - (b) to the Secretary of State, if the grantor is the CAA.
- (8) The following requirements do not apply in relation to licences which need to be granted before the coming into force of section 3—
 - (a) the requirement to consult imposed by subsection (1)(a);
 - (b) the requirements imposed by subsection (3);
 - (c) the requirements imposed by subsections (5) and (6).
- (9) The licence authority is the Secretary of State or the CAA (depending on the person to whom it falls to grant the licence).

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- (10) The application fee is—
 - (a) the prescribed fee, if the licence authority is the Secretary of State;
 - (b) the charge determined under a scheme or regulations made under section 11 of the ^{M2}Civil Aviation Act 1982, if the licence authority is the CAA.
- (11) “Prescribed” means prescribed by regulations made by the Secretary of State.

Commencement Information

I5 S. 6 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

M2 1982 c. 16.

7 Licences: provisions.

- (1) A licence may include such provisions as the licence authority thinks are necessary or expedient; and a provision need not relate to services authorised by the licence.
- (2) In particular, provision of the following kinds may be included—
 - (a) provision requiring the licence holder to enter into an agreement for a purpose specified in the licence and provision for determining the terms of the agreement;
 - (b) provision requiring the licence holder to comply with any requirements imposed at any time (by directions or otherwise) by a person with respect to any matter specified, or of a description specified, in the licence;
 - (c) provision requiring the licence holder, except in so far as a person consents to its doing or not doing them, not to do or to do such things as may be specified, or of a description specified, in the licence;
 - (d) provision requiring the licence holder to refer to a person for approval or determination such matters as may be specified, or of a description specified, in the licence.
- (3) A reference in subsection (2) to a person is to—
 - (a) a person specified, or of a description specified, in the licence for the purpose concerned, or
 - (b) if the licence so provides, a person nominated for the purpose concerned by a person falling within paragraph (a);
 and any of those persons may be the licence authority or some other person.
- (4) A licence may include provisions requiring a payment on its grant or payments during its currency (or both)—
 - (a) of an amount or amounts specified in the licence or determined by or under it;
 - (b) to a person or persons specified in the licence or determined by or under it.
- ^{F3}(5)
- (6) Such provisions as the licence authority thinks fit may be expressed as conditions.

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- [^{F4}(6A) A licence condition may include provision for its modification only if it specifies or describes—
- (a) the circumstances in which it may be modified,
 - (b) the types of modification that may be made, and
 - (c) the period or periods in which it may be modified.
- (6B) If a licence condition includes such a provision, it may be modified in accordance with that provision or in accordance with the provision made by this Chapter about modifying licence conditions.
- (6C) A term of a licence may be modified only in accordance with the provision made by this Chapter about modifying terms of a licence.]
- (7) The licence authority is the Secretary of State or the CAA (depending on the person to whom it falls to grant the licence).

Textual Amendments

- F3** S. 7(5) omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 1\(2\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F4** S. 7(6A)-(6C) inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 1\(3\)](#); S.I. 2021/748, [reg. 2\(j\)](#)

Commencement Information

- I6** S. 7 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

8 Duties of licence holders.

- (1) While a licence is in force its holder—
- (a) must secure that a safe system for the provision of authorised air traffic services in respect of a licensed area is provided, developed and maintained;
 - (b) must take all reasonable steps to secure that the system is also efficient and co-ordinated;
 - (c) must take all reasonable steps to secure that the demand for authorised air traffic services in respect of a licensed area is met;
 - (d) must have regard, in providing, developing and maintaining the system, to the demands which are likely to be placed on it in the future.
- (2) A licensed area is an area in respect of which the licence authorises its holder to provide air traffic services.
- (3) Authorised services are services of the description specified in the licence as the description of services which the holder of the licence is authorised to provide.
- (4) For the purposes of subsection (1)(a) a system for the provision of services is safe if (and only if) in providing the services the person who provides them complies with such requirements as are imposed by Air Navigation Orders with regard to their provision.
- (5) An Air Navigation Order is an Order in Council under section 60 of the ^{M3}Civil Aviation Act 1982.

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Commencement Information

I7 S. 8 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

M3 1982 c. 16.

9 Power to exclude services from effect of section 8.

- (1) If a notice given by the CAA to a licence holder so provides, such air traffic services as are specified in the notice are to be treated as not being authorised services for the purposes of section 8 in its application to that holder.
- (2) A notice under subsection (1) may specify the air traffic services by reference to part of a licensed area.
- (3) A notice under this section may be modified or revoked by a further notice given by the CAA to the holder concerned.

Commencement Information

I8 S. 9 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

10 Breach of duties or conditions.

- (1) No action is to lie in respect of a failure by a licence holder to perform—
 - (a) a duty imposed by section 8;
 - (b) a [^{F5}licence condition].
- (2) But subsection (1) does not affect—
 - (a) a right of action in respect of an act or omission which takes place in the course of the provision of air traffic services;
 - [^{F6}(b) the power to give a contravention notice;
 - (c) the power to give an enforcement order or an urgent enforcement order, a duty to comply with the order and a power to bring proceedings in respect of the duty;
 - (d) the power to impose a penalty under paragraph 9 or 10 of Schedule B1.]

Textual Amendments

- F5** Words in s. 10(1)(b) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), **Sch. 7 para. 2(2)**; S.I. 2021/748, **reg. 2(j)**
- F6** S. 10(2)(b)-(d) substituted for s. 10(2)(b) (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), **Sch. 7 para. 2(3)**; S.I. 2021/748, **reg. 2(j)**

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Commencement Information

- I9** S. 10 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Modification of licences

[^{F7}11 **Modification of a licence**

- (1) The CAA may modify a licence by modifying the licence conditions.
- (2) Subsection (1) is subject to section 11B.
- (3) The Secretary of State may modify a licence—
 - (a) by modifying any term specifying the period for which the licence continues in force or any term by or under which that period is determined;
 - (b) by modifying a prescribed term.
- (4) In this section “prescribed” means prescribed by regulations made by the Secretary of State.

Textual Amendments

- F7** Ss. 11-11B substituted for s. 11 (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), **ss. 9(1)**, 21(3)-(7); S.I. 2021/748, reg. 2(a)

11A Modification of licence: procedure

- (1) Before modifying a licence in reliance on section 11, the modifying authority must—
 - (a) publish a notice in relation to the proposed modification;
 - (b) send a copy of the notice to the persons listed in subsection (2);
 - (c) consider any representations about the proposed modification that are made in the period specified in the notice (and not withdrawn).
- (2) The persons are—
 - (a) the licence holder;
 - (b) any owners or operators of aircraft, or any bodies representing them, that the modifying authority considers appropriate;
 - (c) any owners or managers of aerodromes, or any bodies representing them, that the modifying authority considers appropriate;
 - (d) any bodies representing users of air transport services that the modifying authority considers appropriate;
 - (e) where the modifying authority is the CAA, the Secretary of State;
 - (f) where the modifying authority is the Secretary of State, the CAA.
- (3) The notice under subsection (1) must—
 - (a) state that the modifying authority proposes to modify the licence;
 - (b) specify the proposed modification;
 - (c) give the modifying authority's reasons for the proposed modification;
 - (d) state the effect of the proposed modification;

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- (e) specify a reasonable period for making representations.
- (4) If, after publishing the notice under subsection (1), the modifying authority decides not to make the modification in reliance on section 11, the modifying authority must—
 - (a) publish a notice, giving its reasons;
 - (b) send a copy of the notice to the persons listed in subsection (2).
- (5) If, after complying with subsections (1) to (3) in relation to a modification, the modifying authority decides to modify a licence in reliance on section 11, the modifying authority must—
 - (a) publish a notice in relation to the modification;
 - (b) send a copy of the notice to the persons listed in subsection (2).
- (6) The modifying authority is not to be treated as having complied with subsections (1) to (3) in relation to a modification of a licence if the modification differs significantly from the modification proposed in the notice under subsection (1).
- (7) The notice under subsection (5) must—
 - (a) specify the modification;
 - (b) specify the date from which the modification is to have effect (subject to paragraphs 6 to 8 of Schedule A1);
 - (c) give the modifying authority's reasons for the modification;
 - (d) state the effect of the modification;
 - (e) state how it has taken account of any representations made in the period specified in the notice under subsection (1);
 - (f) state the reasons for any differences between the modification and that set out in the notice under subsection (1).
- (8) The date specified under subsection (7)(b)—
 - (a) in the case of a modification of a licence condition, must fall after the end of the period of 6 weeks beginning with the day on which the notice under subsection (5) was published (subject to paragraphs 6 to 8 of Schedule A1);
 - (b) otherwise, must fall after the end of the period of 28 days beginning with that day.
- (9) In this section “modifying authority”—
 - (a) in relation to a modification of a licence condition, means the CAA;
 - (b) in relation to any other modification, means the Secretary of State.

Textual Amendments

F7 Ss. 11-11B substituted for s. 11 (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 9\(1\)](#), [21\(3\)-\(7\)](#); S.I. 2021/748, [reg. 2\(a\)](#)

11B Restrictions on power to modify licence conditions

- (1) The CAA must not make a proposed modification if, within the period specified under section 11A(3)(e), the Secretary of State directs it not to do so.
- (2) The CAA must—
 - (a) publish a direction given to it under subsection (1);

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- (b) send a copy of the direction to the persons listed in subsection (3).
- (3) The persons are—
 - (a) the licence holder;
 - (b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (d) any bodies representing users of air transport services that the CAA considers appropriate.]

Textual Amendments

F7 Ss. 11-11B substituted for s. 11 (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 9\(1\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(a)

^{F8}12 References to Competition and Markets Authority.

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 9\(2\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(a)

^{F8}12A References under section 12: time limits

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 9\(2\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(a)

^{F8}12B References under section 12: application of Enterprise Act 2002

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 9\(2\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(a)

^{F8}13 Reports on references.

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), **ss. 9(2)**, 21(3)-(7); S.I. 2021/748, reg. 2(a)

F8 14 Modification following report.

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), **ss. 9(2)**, 21(3)-(7); S.I. 2021/748, reg. 2(a)

F8 15 CMA's power to give direction.

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), **ss. 9(2)**, 21(3)-(7); S.I. 2021/748, reg. 2(a)

F8 16 Position where CMA gives direction.

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), **ss. 9(2)**, 21(3)-(7); S.I. 2021/748, reg. 2(a)

F8 17 CMA's duty as to modifications under section 16.

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Textual Amendments

F8 Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), **ss. 9(2)**, 21(3)-(7); S.I. 2021/748, reg. 2(a)

F8 18 Sections 15 and 16: general.

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Textual Amendments

- F8** Ss. 12-18 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 9\(2\), 21\(3\)-\(7\)](#); S.I. 2021/748, reg. 2(a)

19 Modification by order under other enactments.

^{F9}(1) Where the ^{F10}CMA] or (as the case may be) the Secretary of State (in this section “the relevant authority”) makes a relevant order, the order may also provide for the modification of the ^{F11}licence conditions] to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above “relevant order” means—

(a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the 2002 Act where—

(i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the provision of air traffic services; or

(ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the provision of air traffic services; or

(b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market ^{F12}or markets] in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to the provision of air traffic services.]

(5) As soon as practicable after making modifications under this section the ^{F13}relevant authority] must send a copy of them to the licence holder and a copy to the CAA.

^{F14}(6) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the 2002 Act have the same meanings in that subsection as in that Part.]

(7) The ^{F15}2002 Act is the Enterprise Act 2002].

Textual Amendments

- F9** S. 19(1)(2) substituted for s. 19(1)-(4) (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 9 para. 15\(2\)](#); S.I. 2003/1397, art. 2(1), Sch.
- F10** Word in s. 19(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 95](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F11** Words in s. 19(1) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 3](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F12** Words in s. 19(2)(b) inserted (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. 152](#) (with art. 3)
- F13** Words in s. 19(5) substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 9 para. 15\(3\)](#); S.I. 2003/1397, art. 2(1), Sch.
- F14** S. 19(6) substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 9 para. 15\(4\)](#); S.I. 2003/1397, art. 2(1), Sch.
- F15** Words in s. 19(7) substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 9 para. 15\(5\)](#); S.I. 2003/1397, art. 2(1), Sch.

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Modifications etc. (not altering text)

- C1** S. 19(2)(a) modified (20.6.2003) by [The Enterprise Act 2002 \(Protection of Legitimate Interests\) Order 2003 \(S.I. 2003/1592\)](#), art. 1(1), **Sch. 4 para. 17**

Commencement Information

- I10** S. 19 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

[^{F16}Appeal against modification of licence conditions

Textual Amendments

- F16** Ss. 19A-19F and cross-heading inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), **Sch. 3**; [S.I. 2021/748](#), reg. 2(f)

19A Appeal to Competition and Markets Authority

- (1) An appeal lies to the CMA against a decision by the CAA to modify a licence condition under section 11(1).
- (2) An appeal may be brought under this section only by—
 - (a) the licence holder,
 - (b) an owner or operator of an aircraft whose interests are materially affected by the decision, or
 - (c) an owner or manager of a prescribed aerodrome whose interests are materially affected by the decision.
- (3) “Prescribed aerodrome” means an aerodrome of a description prescribed by regulations made by the Secretary of State.
- (4) An appeal may be brought under this section only with the permission of the CMA.
- (5) An application for permission to appeal under this section may be made only by a person who, if permission is granted, will be entitled to bring the appeal.
- (6) The CMA may refuse permission to appeal under this section only on one of the following grounds—
 - (a) that the appeal is brought for reasons that are trivial or vexatious;
 - (b) that the appeal does not have a reasonable prospect of success;
 - (c) that subsection (7) is satisfied.
- (7) This subsection is satisfied if the appeal is brought—
 - (a) against a decision that relates entirely to a matter remitted to the CAA following an earlier appeal under this section, and
 - (b) on grounds that were considered, or could have been raised by the current applicant or a relevant connected person, as part of the earlier appeal.
- (8) In subsection (7) “relevant connected person”, in relation to an applicant, means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the CMA.

Changes to legislation: Transport Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

19B When appeals may be allowed

The CMA may allow an appeal under section 19A only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion.

19C Determination of appeal

- (1) Where it does not allow an appeal under section 19A, the CMA must confirm the decision appealed against.
- (2) Where it allows an appeal under section 19A, the CMA must do one or more of the following—
 - (a) quash the decision appealed against;
 - (b) remit the matter that is the subject of the decision appealed against to the CAA for reconsideration and decision in accordance with this Chapter and any directions given by the CMA;
 - (c) substitute its own decision for that of the CAA.
- (3) Where it allows only part of an appeal under section 19A—
 - (a) subsection (2) applies in relation to the part of the decision appealed against in respect of which the appeal is allowed, and
 - (b) subsection (1) applies in respect of the rest of that decision.
- (4) Where the CMA substitutes its own decision for that of the CAA, the CMA may give directions to—
 - (a) the CAA, and
 - (b) the licence holder.
- (5) The CMA must not give a direction under this section that requires a person to do anything that the person would not have the power to do apart from the direction.
- (6) A direction given by the CMA under this section to a person other than the CAA is enforceable—
 - (a) in England and Wales and Northern Ireland, as if it were an order of the High Court;
 - (b) in Scotland, as if it were an order of the Court of Session.

19D Determination of appeal: time limits

- (1) The CMA must determine an appeal under section 19A within the period of 24 weeks beginning with the day on which the CAA published, in accordance with section 11A, the notice of the decision that is the subject of the appeal.

This is subject to subsections (2) to (5).

- (2) The CMA may extend the appeal period by not more than 12 weeks if satisfied that there are good reasons for doing so.
- (3) The CMA may extend the appeal period only once in reliance on subsection (2).

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- (4) The CMA may extend the appeal period by any period that it considers appropriate if—
- (a) there is an appeal to the Competition Appeal Tribunal under this Chapter which the CMA considers may be relevant to the appeal under section 19A, and
 - (b) the appeal to the Tribunal has not been determined or withdrawn.
- (5) The CMA may extend the appeal period more than once in reliance on subsection (4).
- (6) If the CMA extends the appeal period it must—
- (a) publish a notice stating the new time limit for determining the appeal;
 - (b) send a copy of the notice to the persons listed in subsection (7).
- (7) Those persons are—
- (a) the holder of the licence that is the subject of the appeal;
 - (b) if the appeal was brought by someone other than the licence holder, the appellant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 27(3) of Schedule A1);
 - (d) any owners or operators of aircraft that the CMA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes (within the meaning given in section 19A(3)) that the CMA considers appropriate;
 - (f) the CAA.
- (8) The Secretary of State may by regulations modify the periods of time specified in this section.
- (9) In this section “appeal period”, in relation to an appeal under section 19A, means the period allowed for determining the appeal.

19E Determination of appeal: publication etc

- (1) A determination made by the CMA on an appeal under section 19A—
- (a) must be contained in an order made by the CMA, and
 - (b) takes effect at the time specified in the order or determined in accordance with the order.
- (2) The order must set out the reasons for the determination.
- (3) The CMA must—
- (a) publish the order as soon as practicable after the determination is made;
 - (b) send a copy of the order to the persons listed in subsection (4).
- (4) Those persons are—
- (a) the holder of the licence that is the subject of the appeal;
 - (b) if the appeal is brought by a person other than the licence holder, the appellant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 27(3) of Schedule A1);
 - (d) any owners or operators of aircraft that the CMA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes (within the meaning given in section 19A(3)) that the CMA considers appropriate;

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- (f) the CAA.
- (5) The CMA may exclude from publication under subsection (3) any information that it is satisfied is—
 - (a) commercial information the disclosure of which would or might, in the opinion of the CMA, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the CMA, significantly harm the individual's interests.
- (6) The CAA must take any steps that it considers necessary for it to comply with the order.
- (7) The steps must be taken—
 - (a) if a time is specified in the order or is to be determined in accordance with the order, within that time;
 - (b) otherwise, within a reasonable time.

19F Procedure on appeals

- (1) Schedule A1 makes further provision in respect of appeals under section 19A.
- (2) In carrying out the functions listed in subsection (3), the CMA must have regard to the matters in respect of which duties are imposed on the CAA by section 2.
- (3) Those functions are—
 - (a) deciding an application for permission to appeal under section 19A;
 - (b) deciding an application under Schedule A1 for permission to intervene in an appeal;
 - (c) determining an appeal under section 19A, including taking decisions and giving directions described in section 19C.
- (4) Except where Schedule A1 provides otherwise, the functions of the CMA with respect to an appeal under section 19A are to be carried out on behalf of the CMA by a group constituted for the purpose, by the chair of the CMA, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.]

Enforcement

[^{F17}20 Enforcement

Schedule B1 makes provision for—

- (a) the enforcement of the duties imposed by section 8 and licence conditions, and
- (b) connected appeals.]

Textual Amendments

F17 S. 20 substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), ss. [10\(2\)](#), [21\(3\)-\(7\)](#); S.I. 2021/748, reg. [2\(b\)](#)

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F18 21 Exceptions.

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Textual Amendments

F18 Ss. 21-24 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), [s. 10\(3\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(b)

F18 22 Procedural requirements.

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Textual Amendments

F18 Ss. 21-24 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), [s. 10\(3\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(b)

F18 23 Validity of orders.

.....

Textual Amendments

F18 Ss. 21-24 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), [s. 10\(3\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(b)

F18 24 Effect of orders.

.....

Textual Amendments

F18 Ss. 21-24 omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), [s. 10\(3\)](#), 21(3)-(7); S.I. 2021/748, reg. 2(b)

[F19 25 Power to obtain information

Schedule C1 makes provision—

- (a) to enable the CAA to obtain information for the purposes of carrying out its functions under section 34 and Schedule B1,
- (b) for enforcement in connection with the exercise of those powers, and
- (c) for connected appeals.]

Textual Amendments

F19 S. 25 substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), [ss. 10\(4\)](#), 21(3)-(7); S.I. 2021/748, [reg. 2\(b\)](#)

Changes to legislation: Transport Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F20}Penalties

Textual Amendments

F20 Ss. 25A-25C and cross-heading inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), **ss. 10(5), 21(3)-(7)**; S.I. 2021/748, reg. 2(b)

25A Imposing penalties

- (1) The CAA may not impose a penalty on a person under paragraph 9 or 10 of Schedule B1 or paragraph 2, 3 or 4 of Schedule C1 for an act or omission if it has imposed a penalty on the person under one of those provisions in respect of the same act or omission.
- (2) Subsection (1) does not prevent the CAA imposing more than one penalty on a person in respect of acts or omissions that take place at different times or over different periods.

25B Recovering penalties

- (1) This section applies if all or part of a penalty imposed on a person under this Chapter is not paid within the period specified in the notice given in respect of the penalty under paragraph 12 of Schedule B1 or paragraph 6 of Schedule C1.
- (2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.
- (3) The CAA may recover from any person as a debt due to the CAA—
 - (a) the unpaid balance, and
 - (b) any interest on the penalty that has not been paid.
- (4) Any sums received by the CAA by way of a penalty or interest under this Chapter must be paid into the Consolidated Fund.

25C Statement of policy on penalties

- (1) The CAA must prepare and publish a statement of its policy with respect to—
 - (a) imposing penalties under this Chapter, and
 - (b) determining their amount.
- (2) The CAA may revise the statement of policy and, if it does so, it must publish the revised statement.
- (3) When imposing a penalty under this Chapter, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published before the act or omission in respect of which the penalty is to be imposed.
- (4) When preparing or revising a statement, the CAA must consult any persons that it considers appropriate.]

Changes to legislation: Transport Act 2000, Chapter I is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Administration orders etc.

26 Protection of licence companies etc.

- (1) No licence company may be wound up voluntarily.
- (2) No application may be made to a court for an administration order under Part II of the 1986 Act in relation to a licence company, and—
 - (a) anything purporting to be such an application is of no effect;
 - (b) no administration order may be made under that Part in relation to a licence company.
- (3) No step may be taken by a person to enforce any security over the property of a licence company unless the person has given to the Secretary of State and the CAA at least 14 days’ notice of his intention to take the step.
- (4) No application for the winding up of a licence company may be made by a person other than the Secretary of State unless the person has given to the Secretary of State and the CAA at least 14 days’ notice of his intention to make the application.
- (5) In subsection (3) “security” and “property” have the same meanings as in Parts I to VII of the 1986 Act.
- (6) In this section and sections 27 to 30—
 - (a) references to a licence company are to a company which holds a licence;
 - (b) references to the 1986 Act are to the ^{M4}Insolvency Act 1986.

Commencement Information

I11 S. 26 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

M4 1986 c. 45.

27 Duty to make order.

- (1) This section applies if an application is made to any court for the winding up of a licence company.
- (2) The Secretary of State and the CAA are entitled to be heard by the court.
- (3) The court must not make a winding up order or appoint a provisional liquidator.
- (4) But if the court is satisfied that it would be appropriate to make a winding up order if the company were not a licence company, it must instead make an air traffic administration order.
- (5) The Secretary of State and the CAA may propose a person to manage the company’s affairs, business and property while an air traffic administration order is in force; and if they do the court must appoint that person.
- (6) A reference to the court is to the court which (but for this section) would have jurisdiction to wind up the company.

Changes to legislation: Transport Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

112 S. 27 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

28 Power to make order.

- (1) The court may make an air traffic administration order in relation to a licence company if—
 - (a) an application by petition is made by the Secretary of State or by the CAA with his consent, and
 - (b) the court is satisfied that one or more of the following four conditions is satisfied.
- (2) The first condition is that the company is or is likely to be unable to pay its debts.
- (3) The second condition is that—
 - (a) the Secretary of State certifies that but for section 27 it would be appropriate for him to petition for the company's winding up under section 124A of the 1986 Act (petition following inspectors' report etc), and
 - (b) but for section 27 it would be just and equitable (as mentioned in section 124A) for the company to be wound up.
- (4) The third condition is that—
 - (a) there has been or is or is likely to be a contravention by the company of a section 8 duty,
 - ^[F21](b) no notice of withdrawal or revocation has been given under paragraph 1(8), 4(2) or 7(2) of Schedule B1 in relation to the contravention or apprehended contravention, and]
 - (c) the contravention or apprehended contravention is serious enough to make it inappropriate for the company to continue to hold the licence concerned.
- (5) The fourth condition is that—
 - (a) [^[F22]an enforcement order or an urgent enforcement order] has been made or confirmed in relation to a section 8 duty or a licence condition,
 - (b) the order is not the subject of [^[F23]an appeal under section 19A], and
 - (c) there has been or is or is likely to be such a contravention of the order by the company as to make it inappropriate for it to continue to hold the licence concerned.
- (6) For the purposes of subsection (2) a company is unable to pay its debts if it is deemed to be unable to do so under section 123 of the 1986 Act.
- ^[F24](7) In subsections (4) and (5)—
 - “section 8 duty” means a duty imposed on a licence holder by section 8;
 - “licence condition” means a condition of a licence holder's licence.]
- (8) A reference to the court is to the court which (but for section 27) would have jurisdiction to wind up the company.

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Textual Amendments

- F21** S. 28(4)(b) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 4\(2\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F22** Words in s. 28(5)(a) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 4\(3\)\(a\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F23** Words in s. 28(5)(b) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 4\(3\)\(b\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F24** S. 28(7) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 4\(4\)](#); S.I. 2021/748, [reg. 2\(j\)](#)

Commencement Information

- I13** S. 28 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

29 Air traffic administration orders.

- (1) An air traffic administration order made under section 27 or 28 is an order directing that in the period while the order is in force the company's affairs, business and property are to be managed by a person appointed by the court—
 - (a) for the achievement of the following two purposes, and
 - (b) in a manner which protects the interests of the company's members and creditors.
- (2) The first purpose is—
 - (a) the transfer to another company, as a going concern, of so much of the licence company's undertaking as it is necessary to transfer to ensure that its licensed activities may be properly carried out, or
 - (b) the transfer to different companies of different parts of the licence company's undertaking, as going concerns, where the parts together constitute so much of its undertaking as is described in paragraph (a).
- (3) The second purpose is the carrying on, pending the transfer, of the licence company's licensed activities.
- (4) A reference to a licence company's licensed activities is to the activities which the licence concerned authorises the company to carry out.
- (5) In subsection (1) "business" and "property" have the same meanings as in the 1986 Act.
- (6) The reference in subsection (1) to the court is to the court making the order.

Commencement Information

- I14** S. 29 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

30 Petitions and orders: supplementary.

- (1) A petition under section 28 above cannot be withdrawn except with the court's leave.

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- (2) Section 9(4) and (5) of the 1986 Act (court’s powers) apply on the hearing of a petition under section 28 above as they apply on the hearing of a petition for an administration order.
- (3) Section 10(1), (2), (4) and (5) of the 1986 Act (effect of petition) apply in the case of a petition under section 28 above as if—
 - (a) the reference in subsection (1) to an administration order were to an air traffic administration order;
 - (b) the reference in subsection (1)(c) to proceedings included a reference to proceedings under or for the purposes of [F25Schedule B1 to this Act];
 - (c) in subsection (1)(c) after “its property” there were inserted “, and no right of re-entry or forfeiture may be enforced against the company in respect of any land, ”;
 - (d) subsection (2)(b) and (c) were omitted.
- (4) Schedules 1 and 2 contain provisions relating to air traffic administration orders.
- (5) The power given by section 411 of the 1986 Act to make rules applies for the purpose of giving effect to the air traffic administration order provisions as it applies for the purpose of giving effect to Parts I to VII of that Act, but taking references to those Parts as references to those provisions.
- (6) The air traffic administration order provisions are sections 27 to 29, this section and Schedules 1 and 2.
- (7) The reference in subsection (1) to the court is to the court to which the application by petition is made.

Textual Amendments

F25 Words in s. 30(3)(b) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 5](#); S.I. 2021/748, [reg. 2\(j\)](#)

Commencement Information

I15 S. 30 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57](#), [art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

31 Government financial help.

- (1) If an air traffic administration order is in force in relation to a company the Secretary of State may—
 - (a) make grants or loans to the company of such sums as he thinks appropriate to facilitate the achievement of the order’s purposes;
 - (b) agree to indemnify the air traffic administrator in respect of liabilities incurred and loss or damage sustained by him in connection with carrying out his functions under the order.
- (2) The Secretary of State may guarantee, in such manner and on such terms as he thinks fit, the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any sum borrowed from any person by a company in relation to which an air traffic administration order is in force when the guarantee is given.

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- (3) The terms on which a grant is made under this section may require all or part of it to be repaid to the Secretary of State if there is a contravention of the other terms on which it is made.
- (4) A loan made under this section must be repaid to the Secretary of State at such times and by such methods, and interest must be paid to him at such rates and times, as may be specified in directions given by him from time to time.
- (5) Subsections (3) and (4) do not prejudice any provision applied in relation to the company by Schedule 1.
- (6) A grant, loan, agreement to indemnify, guarantee or direction under this section requires the Treasury's consent.
- (7) The air traffic administrator is the person appointed by the court to achieve the purposes of the air traffic administration order.

Commencement Information

I16 S. 31 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

32 Guarantees under section 31.

- (1) This section applies to a guarantee given under section 31.
- (2) Immediately after a guarantee is given the Secretary of State must lay a statement of it before each House of Parliament.
- (3) If a sum is paid out for fulfilling a guarantee, as soon as possible after the end of each relevant financial year the Secretary of State must lay a statement relating to the sum before each House of Parliament.
- (4) If any sums are paid out for fulfilling a guarantee the borrowing company must make to the Secretary of State at such times and in such manner as may be specified in directions given by him from time to time—
 - (a) payments of such amounts as he may specify in such directions in or towards repayment of the sums paid out, and
 - (b) payments of interest at such rate as he may specify in such directions on what is outstanding in respect of sums paid out.
- (5) Subsection (4) does not prejudice any provision applied in relation to the borrowing company by Schedule 1.
- (6) A direction under this section requires the Treasury's consent.
- (7) Relevant financial years are financial years starting with that in which the sum is paid out and ending with that in which all liability in respect of the principal of the sum and interest on it is finally discharged.
- (8) The borrowing company is the company which borrowed the sums in respect of which the guarantee was given.

Changes to legislation: Transport Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I17 S. 32 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

33 Northern Ireland.

Schedule 3 contains provisions relating to Northern Ireland.

Commencement Information

I18 S. 33 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Miscellaneous

34 Investigations.

[^{F26}(1) A person may make a representation to the CAA about an alleged or apprehended contravention of a section 8 duty or a licence condition.

(2) Where a representation is made to the CAA, the CAA may—

- (a) consider the representation;
- (b) investigate the alleged or apprehended contravention.]

(3) A section 8 duty is a duty imposed on a licence holder by section 8.

Textual Amendments

F26 S. 34(1)(2) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), [ss. 10\(6\), 21\(3\)-\(7\)](#); [S.I. 2021/748, reg. 2\(b\)](#)

Commencement Information

I19 S. 34 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

35 Register.

(1) The CAA must compile and maintain a register for the purposes of this Chapter.

(2) The register must be kept at such premises and in such form as the CAA decides.

(3) The CAA must cause these matters to be entered in the register—

- (a) the provisions of every exemption;
- (b) the provisions of every licence;
- (c) every modification of the [^{F27}licence conditions];
- (d) every revocation or surrender of a licence;
- (e) the provisions of every requirement or determination made or direction, consent or approval given under a licence;

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- (f) the terms of every notice given under section 9;
 - [^{F28}(g) the terms of every contravention notice;
 - (h) the terms of every withdrawal of a contravention notice;
 - (i) the terms of every enforcement order;
 - (j) the terms of every urgent enforcement order that has been confirmed;
 - (k) the terms of every modification or revocation of an enforcement order or urgent enforcement order.]
- (4) The duty in subsection (3) does not extend to anything of which the CAA is unaware.
- (5) So far as practicable the CAA must secure the exclusion from the register of any matter relating to the affairs of a person if the CAA thinks its inclusion would or might seriously and prejudicially affect the person's interests.
- (6) If the Secretary of State thinks that entry of anything in the register would be against the public interest or any person's commercial interests, he may give a direction to the CAA requiring the CAA not to enter it.
- (7) The CAA must secure that the contents of the register are available for inspection by the public during such hours as may be specified in an order made by the Secretary of State.
- (8) If requested by any person to do so the CAA must supply him with a copy (certified to be true) of the register or of an extract from it.
- (9) But subsection (8) does not apply if a charge required by a scheme or regulations made under section 11 of the ^{M5}Civil Aviation Act 1982 is not paid.

Textual Amendments

- F27** Words in s. 35(3)(c) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 6\(2\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F28** S. 35(3)(g)-(k) substituted for s. 35(3)(g) (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 6\(3\)](#); S.I. 2021/748, [reg. 2\(j\)](#)

Commencement Information

- I20** S. 35 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57](#), art. 3(1), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Marginal Citations

- M5** [1982 c. 16](#).

36 Land.

Schedule 4 gives licence holders powers in relation to land.

37 Licence holders as statutory undertakers.

Schedule 5 contains provisions treating licence holders as statutory undertakers.

Changes to legislation: Transport Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

38 Directions in interests of national security etc.

- (1) The Secretary of State may give to a licence holder or to licence holders generally such directions of a general character as he thinks are necessary or expedient—
 - (a) in the interests of national security, or
 - (b) in the interests of encouraging or maintaining the United Kingdom’s relations with another country or territory.
- (2) The Secretary of State may give to a licence holder a direction requiring it to do or not to do a particular thing, if the Secretary of State thinks it necessary or expedient to give the direction in the interests of national security.
- (3) The Secretary of State may give to a licence holder a direction requiring it—
 - (a) to do or not to do a particular thing in connection with anything authorised by the licence, or
 - (b) to secure that a particular thing is done or not done in connection with anything authorised by the licence,if the Secretary of State thinks it necessary or expedient to give the direction in order to discharge or facilitate the discharge of an international obligation of the United Kingdom.
- (4) In exercising his powers under subsections (1) to (3) the Secretary of State must have regard to the need to maintain a high standard of safety in the provision of air traffic services.
- (5) In so far as a direction under this section conflicts with the requirements of section 93 or of an order under section 94, the direction is to be disregarded.
- (6) In so far as a direction under this section conflicts with the requirements of an enactment or instrument other than section 93 or an order under section 94, the requirements are to be disregarded.
- (7) Before giving a direction under this section to a particular licence holder (as opposed to licence holders generally) the Secretary of State must consult it.
- (8) The Secretary of State must send a copy of a direction under this section to the CAA.
- (9) The Secretary of State must lay before each House of Parliament a copy of a direction under this section unless he thinks its disclosure is against the interests of national security or the interests of the United Kingdom’s relations with another country or territory or the commercial interests of any person.
- (10) A person must not disclose, and is not required by any enactment or otherwise to disclose, a direction given or other thing done by virtue of this section if the Secretary of State notifies him that he thinks disclosure is against the interests of national security or the interests of the United Kingdom’s relations with another country or territory or the commercial interests of any person (other than the person notified).
- (11) A person commits an offence if—
 - (a) without reasonable excuse he contravenes or fails to comply with a direction under this section, or
 - (b) he makes a disclosure in contravention of subsection (10).
- (12) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;

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- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Commencement Information

I21 S. 38 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

39 Directions relating to the environment.

- (1) The Secretary of State may give such directions as he thinks are necessary or expedient—
- (a) to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation;
 - (b) to limit or mitigate the effects of such noise, vibration, pollution or disturbance.
- (2) Directions under this section may be given to—
- (a) a licence holder or licence holders generally;
 - (b) a person who is authorised by an exemption to provide air traffic services (an authorised person) or authorised persons generally.
- (3) A direction under this section may be of a general character or may require a licence holder or an authorised person to do or not to do a particular thing.
- (4) A direction under this section may include provision requiring persons to have regard to guidance which relates to the environment and which the Secretary of State may issue from time to time.
- (5) In so far as a direction under this section conflicts with the requirements of section 38 or 93 or of an order under section 94, the direction is to be disregarded.
- (6) In so far as a direction under this section conflicts with the requirements of an enactment or instrument other than section 38 or 93 or an order under section 94, the requirements are to be disregarded.
- (7) Before giving a direction under this section to a particular licence holder or authorised person (as opposed to licence holders or authorised persons generally) requiring him to do or not to do a particular thing, the Secretary of State must consult—
- (a) that licence holder or authorised person;
 - (b) the CAA.

Commencement Information

I22 S. 39 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

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Interpretation

40 Interpretation.

- (1) This section defines these expressions (here listed alphabetically) for the purposes of this Chapter—
 - (a) aerodrome;
 - [^{F29}(aa) air transport service;
 - (ab) the CMA;
 - (ac) contravention;
 - (ad) contravention notice;
 - (ae) enforcement order;]
 - [^{F30}(b)
 - (c) exemption;
 - (d) licence;
 - [^{F31}(da) licence condition;]
 - (e) licence holder;
 - (f) managed area;
 - (g) manager of an aerodrome;
 - (h) modification.
 - [^{F32}(i) notice;
 - (j) publication;
 - (k) representation;
 - (l) term of licence;
 - (m) urgent enforcement order.]
- (2) An aerodrome is an aerodrome as defined in section 105(1) of the ^{M6}Civil Aviation Act 1982; and a manager of an aerodrome is a person who is in charge of it or holds a licence granted in respect of it by virtue of section 60 of that Act (Chicago Convention, regulation of air navigation etc).
- (3) These are managed areas—
 - (a) the United Kingdom;
 - (b) any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to provide air traffic services.
- (4) An exemption is an exemption under this Chapter.
- (5) A licence is a licence under this Chapter, and references to a licence holder must be construed accordingly.
- [^{F33}(6) A licence condition is a provision of a licence which is expressed as a condition.
- (6A) A term of a licence is a provision of a licence which is not a licence condition.]
- (7) “Modification” includes addition, alteration and omission, and cognate expressions are to be construed accordingly.
- [^{F34}(8) “Air transport service” and “user”, in relation to such services, have the meaning given in section 69(1) of the Civil Aviation Act 2012 (air transport services).

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- (9) “The CMA” is the Competition and Markets Authority.
- (10) References in this Chapter to a notice are to a notice in writing.
- (11) Where a person is required to publish something by this Chapter, the person must publish it in whatever form and manner the person considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (12) A representation includes an objection.
- (13) A contravention includes a failure to comply, and related expressions are to be read accordingly.
- (14) A contravention notice is a notice under paragraph 1 of Schedule B1.
- (15) An enforcement order is an order under paragraph 3 of Schedule B1.
- (16) An urgent enforcement order is an order under paragraph 5 of Schedule B1.]

Textual Amendments

- F29** S. 40(1)(aa)-(ae) inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(2)**; S.I. 2021/748, **reg. 2(j)**
- F30** S. 40(1)(b) omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(3)**; S.I. 2021/748, **reg. 2(j)**
- F31** S. 40(1)(da) inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(4)**; S.I. 2021/748, **reg. 2(j)**
- F32** S. 40(1)(i)-(m) inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(5)**; S.I. 2021/748, **reg. 2(j)**
- F33** S. 40(6)(6A) substituted for s. 40(6) (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(6)**; S.I. 2021/748, **reg. 2(j)**
- F34** S. 40(8)-(16) inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(7)**; S.I. 2021/748, **reg. 2(j)**

Commencement Information

- I23** S. 40 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57](#), art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Marginal Citations

- M6** 1982 c. 16.

[^{F35}40A Connected persons

- (1) For the purposes of this Chapter one person is connected to another if they are group undertakings in relation to each other.
- (2) “Group undertaking” has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).
- (3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Chapter, including provision amending or otherwise modifying subsections (1) and (2).]

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Textual Amendments

F35 S. 40A inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 8](#); S.I. 2021/748, reg. 2(j)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)