



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER I

AIR TRAFFIC SERVICES

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—

Changes to legislation: Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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

- (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—
- (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

- II** 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;

Changes to legislation: Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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

- (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

Commencement Information

- I2** 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—

Changes to legislation: Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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

- (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).
- (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 ^{M1}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

I3 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

M1 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.

Changes to legislation: Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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

- (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.
- [^{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

- I4** 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;

Changes to legislation: Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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

- (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 ^{M2}Civil Aviation Act 1982.

Commencement Information

I5 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

M2 [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

I6 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—

Changes to legislation: Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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

- (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\(j\)](#)

Commencement Information

- I7** 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](#))

Changes to legislation:

Transport Act 2000, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 17 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.

[View outstanding changes](#)

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](#)