



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER III

AIR NAVIGATION

66 Air navigation: directions

- (1) The Secretary of State may give directions to the CAA imposing duties or conferring powers (or both) on it with regard to air navigation in a managed area.
- (2) No action is to lie in respect of a failure by the CAA to perform a duty imposed on it by a direction under subsection (1); but that does not affect a right of action in respect of an act or omission which takes place in the course of performing the CAA's air navigation functions.
- (3) The Secretary of State may nominate a member of the CAA for the purposes of this section, and a person so nominated must perform on the CAA's behalf such of its air navigation functions as the Secretary of State may specify.
- (4) The following provisions are not to apply to the CAA's air navigation functions—
 - (a) section 7(1) of the Civil Aviation Act 1982 (Secretary of State's power to prescribe functions not to be performed by a person on CAA's behalf);
 - (b) paragraph 15 of Schedule 1 to that Act (CAA's power to authorise a person to perform functions on its behalf).
- (5) A person nominated under subsection (3) may authorise a member or employee of the CAA to perform on his behalf the functions which he is to perform by virtue of that subsection.

67 National security

- (1) The Secretary of State may nominate a member of the CAA for the purposes of this section, and in this section references to the national security nominee are to the person nominated under this section.
- (2) Subsection (3) applies if—
 - (a) there is a difference of opinion between the national security nominee and the CAA,
 - (b) the difference of opinion relates to the CAA's air navigation functions, and
 - (c) the national security nominee thinks that if the CAA's opinion prevailed it could have an effect contrary to the interests of national security.
- (3) In such a case—
 - (a) the CAA must refer the matter to the Secretary of State, and
 - (b) after consulting the CAA the Secretary of State may give it such directions regarding the matter as he thinks fit.
- (4) The national security nominee may authorise a member or employee of the CAA to perform on his behalf the functions which he is to perform by virtue of this section; and while such an authorisation is effective references in subsection (2) to the national security nominee are to the person authorised under this subsection.

68 Directions: further provision

- (1) Directions under section 66(1) may include provision as to the manner in which the CAA is to exercise its air navigation functions.
- (2) The provision may include—
 - (a) provision requiring consultation with specified persons or specified descriptions of persons in relation to specified matters;
 - (b) provision requiring the CAA to seek the approval of the Secretary of State in relation to specified matters;
 - (c) provision requiring the CAA in specified circumstances to refer specified matters to the Secretary of State.
- (3) If a matter is referred to the Secretary of State by virtue of subsection (2)(b) or (c) he may give such directions to the CAA as he thinks fit.

69 Directions: supplementary

- (1) In so far as a direction under section 66(1), 67(3) or 68(3) conflicts with the requirements of section 93 or of an order under section 94, the direction is to be disregarded.
- (2) In so far as a direction under section 66(1), 67(3) or 68(3) 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.
- (3) If a direction is given under section 66(1) the CAA—
 - (a) must publish the direction in such manner as may be specified in regulations made by the Secretary of State;

- (b) must set out the direction in the report made under section 21 of the Civil Aviation Act 1982 (annual report) for the accounting year in which the direction is given.
- (4) If a direction is given under section 67(3) or section 68(3) the CAA—
- (a) must set out the direction in the report made under section 21 of the Civil Aviation Act 1982 for the accounting year in which the direction is given, but
 - (b) must exclude a direction or part of a direction as to which the Secretary of State notifies the CAA that in his opinion it is against the national interest to set it out in the report.

70 General duty

- (1) The CAA must exercise its air navigation functions 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) and (3).
- (2) The CAA must exercise its air navigation functions in the manner it thinks best calculated—
- (a) to secure the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic;
 - (b) to satisfy the requirements of operators and owners of all classes of aircraft;
 - (c) to take account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally;
 - (d) 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;
 - (e) to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services;
 - (f) to take account of the interests of national security;
 - (g) 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).
- (3) If in a particular case there is a conflict in the application of the provisions of subsection (2), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.
- (4) The CAA must exercise its air navigation functions so as to impose on providers of air traffic services the minimum restrictions which are consistent with the exercise of those functions.
- (5) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the performance by the CAA of its air navigation functions.

71 Information for purposes of Chapter III

- (1) The CAA may, for any purpose connected with its air navigation functions, serve on a person who provides air traffic services a notice which—
- (a) requires the person to produce any documents which are specified or described in the notice and are in his custody or under his control, and to produce them at a time and place so specified and to a person so specified, or

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- (b) requires the person to supply information specified or described in the notice, and to supply it at a time and place and in a form and manner so specified and to a person so specified.
- (2) A requirement may be made under subsection (1)(b) only if the person is carrying on a business.
- (3) No person may be required under this section—
 - (a) to produce documents which he could not be compelled to produce in civil proceedings in the court;
 - (b) to supply information which he could not be compelled to supply in such proceedings.
- (4) If a person without reasonable excuse fails to do anything required of him by a notice under subsection (1) he is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) If a person intentionally alters, suppresses or destroys a document which he has been required to produce by a notice under subsection (1) he is guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (6) If a person makes default in complying with a notice under subsection (1) the court may on the CAA's application make such order as the court thinks fit for requiring the default to be made good.
- (7) An order under subsection (6) may provide that all the costs or expenses of and incidental to the application are to be borne—
 - (a) by the person in default, or
 - (b) if officers of a company or other association are responsible for its default, by those officers.
- (8) A reference to producing a document includes a reference to producing a legible and intelligible copy of information recorded otherwise than in legible form.
- (9) A reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.
- (10) A reference to the court is to—
 - (a) the High Court in relation to England and Wales or Northern Ireland;
 - (b) the Court of Session in relation to Scotland.

72 Interpretation

- (1) This section applies for the purposes of this Chapter.
- (2) The CAA's air navigation functions are the functions which the CAA is to perform in pursuance of directions under section 66(1).
- (3) These are managed areas—
 - (a) the United Kingdom;

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- (b) any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to carry out activities with regard to air navigation.