



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER IV

CHARGES FOR AIR SERVICES

Charges

73 Charges for services.

- (1) The CAA may specify—
 - (a) the amounts of, or methods of calculating, the charges which are to be paid by virtue of this section in respect of chargeable air services (or of such descriptions of those services as the CAA specifies),
 - (b) the operators and owners of aircraft (or descriptions of such operators and owners) who are to pay the charges,
 - (c) the persons (or descriptions of persons) to whom they are to be paid, and
 - (d) the currencies in which they are to be paid.
- (2) On or after making specifications under subsection (1) the CAA may stipulate—
 - (a) that charges are to be dispensed with in cases of specified descriptions;
 - (b) that interest at a specified rate is to be paid on charges in respect of any period in which they are due but unpaid;
 - (c) that interest is to be paid with the charges or separately;
 - (d) that charges of a specified description are payable elsewhere than in the United Kingdom;
 - (e) that charges of a specified description are to be disposed of in a specified way when received.

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- (3) Charges of the specified amounts, or calculated in accordance with the specified methods, must be paid in accordance with specifications made under subsection (1).
- (4) But if stipulations are made under subsection (2)(a) the charges concerned are not to be paid.
- (5) If stipulations are made under subsection (2)(b) or (c) interest must be paid accordingly.
- (6) If stipulations are made under subsection (2)(d) the charges concerned are payable accordingly.
- (7) If stipulations are made under subsection (2)(e) the charges concerned must be disposed of accordingly.
- (8) Subsections (3) to (7) have effect subject to section 74.
- (9) For the purposes of subsection (1)(c) persons include—
 - (a) Eurocontrol and other international organisations, and
 - (b) governments of countries or territories outside the United Kingdom.

Commencement Information

- I1** S. 73 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](#))

74 Publication, commencement, amendment and revocation.

- (1) If the CAA makes specifications or stipulations under section 73—
 - (a) it must publish a notice containing them;
 - (b) they become effective as provided in the published notice.
- (2) The CAA may amend or revoke any specifications or stipulations published under this section, and—
 - (a) it must publish a notice containing any amendment or revocation;
 - (b) the amendment or revocation becomes effective as provided in the published notice.
- (3) An amendment or revocation does not affect any liability incurred before the amendment or revocation becomes effective.
- (4) Publication under this section must be made—
 - (a) in the London Gazette, the Edinburgh Gazette and the Belfast Gazette, or
 - (b) in such other manner as the Secretary of State may provide by order.

Commencement Information

- I2** S. 74 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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75 Specifications: supplementary.

- (1) This section applies for the purposes of specifications under section 73(1).
- (2) The CAA may specify—
 - (a) different amounts or methods in respect of different descriptions of services;
 - (b) different amounts or methods in respect of different classes or descriptions of aircraft;
 - (c) different amounts or methods in respect of different circumstances in which aircraft are used.
- (3) In specifying amounts or methods the CAA must have regard to—
 - (a) tariffs which are approved under any international agreement to which the United Kingdom is a party;
 - (b) tariffs which in the CAA's opinion are likely to be approved under any such agreement before or within one month after the date when the specifications are to take effect;
 - (c) tariffs which in the CAA's opinion are likely to be approved, before or within one month after the date when the specifications are to take effect, under any international agreement to which the United Kingdom is likely to be a party before or within one month after that date.
- (4) Methods may be expressed by reference to such factors (including exchange rates between currencies) as the CAA thinks fit.
- (5) A description of services may be expressed by reference to such factors (including the area in respect of which they are provided) as the CAA thinks fit.
- (6) A description of operators and owners may be so general as to refer to all operators and owners.
- (7) Owners and operators may be specified (or of a description specified) if the services concerned are available for the aircraft concerned, and it is immaterial whether or not the services are actually used or could be used with the equipment installed in the aircraft.

Commencement Information

- I3** S. 75 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**)

76 Liability, recovery etc.

- (1) Liability to pay a charge by virtue of section 73 arises whether or not—
 - (a) the aircraft concerned is registered in the United Kingdom;
 - (b) it is in the United Kingdom when the services concerned are provided;
 - (c) the services concerned are provided from a place in the United Kingdom.
- (2) A charge payable by virtue of section 73 is recoverable in the United Kingdom wherever it is payable (without prejudice to its recovery elsewhere).
- (3) A court in any part of the United Kingdom has jurisdiction to hear and determine—
 - (a) a claim for a charge or interest payable by virtue of section 73;

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- (b) a claim, by a person appearing to the court to have an interest in the matter, that a charge which by virtue of that section must be disposed of in a particular way has not been disposed of in that way.
- (4) Subsection (3) applies even if the person against whom the claim is made is not resident within the court's jurisdiction.

Commencement Information

- I4** S. 76 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**)

77 Chargeable air services.

- (1) For the purposes of this Chapter chargeable air services are services which—
- (a) fall within subsection (2), and
 - (b) are not excepted air services (as defined in subsection (3)).
- (2) These services fall within this subsection—
- (a) air traffic services provided in respect of the United Kingdom;
 - (b) air traffic services which the United Kingdom has undertaken under international arrangements to provide in respect of an area outside the United Kingdom;
 - (c) air traffic services which are provided in respect of an area outside the United Kingdom and the charges for which the United Kingdom has undertaken to collect under international arrangements;
 - (d) services which are provided by the CAA in performing its air navigation functions (within the meaning of Chapter III) and for which Eurocontrol is to collect charges under the Eurocontrol agreement;
 - (e) air traffic services which do not fall within paragraph (d) and for which Eurocontrol is to collect charges under the Eurocontrol agreement.
- (3) These are excepted air services—
- (a) air traffic services provided by the owner or manager of an aerodrome or by his employee [^{F1}other than services which fall within subsection (3A)];
 - (b) air traffic services provided on behalf of the owner or manager of an aerodrome (other than a designated aerodrome) in circumstances where the person providing the services is not an employee of the owner or manager and they are provided under a contract or other arrangement made by the owner or manager and the person providing them.
- [^{F2}(3A) Air traffic services fall within this subsection if—
- (a) they are services for which Eurocontrol is to collect charges under the Eurocontrol agreement, and
 - (b) they are provided by the owner or manager of an aerodrome or by his employee under a contract or other arrangement made by the owner or manager with the CAA and the CAA in making that contract or other arrangement is acting in pursuance of its air navigation functions (within the meaning of Chapter III).]

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- (4) A designated aerodrome is an aerodrome designated by the Secretary of State by order for the purposes of subsection (3)(b).
- (5) The Secretary of State may by order amend the meaning of chargeable air services for the purposes of this Chapter.

Textual Amendments

- F1** Words in s. 77(3)(a) added (1.4.2001) by [S.I. 2001/492, art. 2\(2\)](#)
F2 S. 77(3A) inserted (1.4.2001) by [S.I. 2001/492, art. 2\(3\)](#)
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Commencement Information

- I5** S. 77 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](#))

78 Amounts for recovery etc.

- (1) This section applies if—
 - (a) an amount of a charge is specified under section 73(1) in respect of a service falling within section 77(2)(d) or (e), and
 - (b) under the Eurocontrol agreement Eurocontrol is to collect a charge in respect of the specification and publication of the amount of the charge and its recovery.
- (2) In specifying the amount of the charge the CAA may include an amount in respect of the specification and publication of the amount of the charge and its recovery.
- (3) References to an amount include references to a method of calculating an amount.

Commencement Information

- I6** S. 78 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](#))

79 Further duties of the CAA.

- (1) The CAA—
 - (a) must exercise its powers under section 73 if it thinks it should do so in order for international agreements to which the United Kingdom is a party to be fulfilled, and
 - (b) in exercising those powers must act in the manner it thinks best calculated to take account of those agreements.
- (2) The CAA must exercise its powers under section 73 in relation to services falling within section 77(2)(b) if it thinks it should do so in order to enable the provider of the services to be paid for their provision.

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Commencement Information

- I7** S. 79 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**)

80 Secretary of State's duties.

- (1) If information is given to the Secretary of State by the CAA concerning the charges the CAA would like to be paid in respect of chargeable air services which fall within section 77(2)(d), he must (so far as practicable) ensure that the information is given to Eurocontrol.
- (2) If information is given to the Secretary of State by a licence holder concerning the charges it would like to be paid in respect of chargeable air services which it provides and which fall within section 77(2)(e), he must (so far as practicable) ensure that the information is given to Eurocontrol.
- (3) But subsection (2) does not apply if the CAA tells the Secretary of State that giving the information to Eurocontrol could result in the licence holder being paid charges whose calculation was in contravention of the provisions of the licence.
- (4) If money is received by the government of the United Kingdom from Eurocontrol in respect of a chargeable air service falling within section 77(2)(d) or (e), the Secretary of State must (so far as practicable) ensure that the money is paid to the person who provided the service.
- (5) If money falls to be paid by Eurocontrol in respect of a chargeable air service falling within section 77(2)(d) or (e), the Secretary of State must (so far as practicable) ensure that the money falls to be paid by Eurocontrol to the person who provided the service.
- (6) The reference to money being received by the government of the United Kingdom is to money being received by a person on behalf of that government.

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Commencement Information

- I8** S. 80 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:

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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](#)