



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER VI

MISCELLANEOUS AND GENERAL

Miscellaneous

90 Publication of information and advice.

- (1) The CAA may publish information and advice which it thinks it is expedient to give to—
 - (a) operators and owners of aircraft;
 - (b) owners and managers of aerodromes;
 - (c) persons travelling in aircraft and persons with rights in property carried in them.
- (2) The CAA may instead arrange for the publication of such information and advice.
- (3) Publication under this section is to be in the form and manner the CAA thinks appropriate.
- (4) So far as practicable the CAA must secure the exclusion of any matter relating to the affairs of a person if the CAA thinks its publication would or might seriously and prejudicially affect the person's interests.
- (5) But subsection (4) does not apply if the CAA thinks publication of the matter would be in the public interest.

Changes to legislation: Transport Act 2000, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 22 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

- (6) [^{F1}The [^{F2}Competition and Markets Authority] must consult the CAA before publishing under section 6 of the Enterprise Act 2002] any information or advice which may be published under this section.
- (7) An aerodrome is an aerodrome as defined by section 105(1) of the ^{M1}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).

^{F3}(8)

Textual Amendments

F1 Words in s. 90(6) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(9\)\(a\); S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

F2 Words in s. 90(6) substituted (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. 156](#) (with [art. 3](#))

F3 S. 90(8) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(9\)\(b\), Sch. 26; S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

Commencement Information

II S. 90 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.](#)

91 Review and information.

- (1) So far as it appears to the CAA practicable to do so with a view to facilitating the exercise of its functions under this Part, it must—
 - (a) keep under review the provision (in the United Kingdom and elsewhere) of air traffic services;
 - (b) collect information about the provision (in the United Kingdom and elsewhere) of those services.
- (2) The Secretary of State may give directions indicating considerations to which the CAA is to have particular regard in deciding the order of priority in which matters are to be reviewed in performing its duty under subsection (1)(a).
- (3) If the CAA thinks it expedient or it is asked by the Secretary of State or [^{F4}the Competition and Markets Authority] to do so, it must provide information, advice and help to the Secretary of State or [^{F4}the Competition and Markets Authority] regarding any matter in respect of which the CAA has a function under this Part.
- (4) The CAA may recover from the Secretary of State or [^{F4}the Competition and Markets Authority] a sum equal to any expense reasonably incurred by it in providing anything to the person concerned under subsection (3).

^{F5}(5)

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Textual Amendments

- F4** Words in s. 91(3)(4) substituted (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. 157](#) (with art. 3)
- F5** S. 91(5) repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(10\)\(b\)](#), [Sch. 26](#); [S.I. 2003/766](#), art. 2, [Sch.](#) (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), [Sch.](#))

Commencement Information

- I2** S. 91 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](#))

92 Secretary of State's directions to CAA.

The Secretary of State may give directions indicating considerations to which the CAA is to have particular regard in deciding whether and how to exercise its functions under this Part.

Commencement Information

- I3** S. 92 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](#))

93 Control in time of hostilities etc.

- (1) The Secretary of State may—
- give directions to any listed person in any time of actual or imminent hostilities or of severe international tension or of great national emergency;
 - give directions to any listed person requiring him to participate in the planning of steps which might be taken in any time of actual or imminent hostilities or of severe international tension or of great national emergency.
- (2) The listed persons are—
- the CAA [^{F6}or a person (other than the CAA) appointed by regulations under section 16 of the Space Industry Act 2018];
 - a person who provides air traffic services [^{F7}or range control services];
 - a person who operates a United Kingdom air transport undertaking [^{F8}or carries out spaceflight activities];
 - a person who operates an airport [^{F9}or a spaceport];
 - a person who owns or operates a relevant asset.
- (3) The power under subsection (1)(a) includes—
- in the case of [^{F10}a person within subsection (2)(a)], power to direct it to carry out its functions in a specified manner or for specified purposes;
 - in the case of a person who provides air traffic services [^{F11}or range control services], power to direct him to do so in a specified manner or for specified purposes;

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- (c) in the case of a person who owns a relevant asset, power to direct him to permit the use of the asset or to exercise his rights over it in a specified manner or for specified purposes;
 - (d) in the case of a person who operates a relevant asset, power to direct him to exercise his powers of management over the asset in a specified manner or for a specified purpose.
- (4) The power under subsection (1)(a) includes power to give directions designed—
- (a) to regulate or prohibit (absolutely or subject to conditions) the navigation of all or any descriptions of aircraft [^{F12}or spacecraft] over the United Kingdom or over part of it or over any area of sea;
 - (b) to regulate or prohibit (absolutely or subject to conditions) the use, building, maintenance or establishment of aerodromes [^{F13}, flying schools or spaceports] or of any description of aerodrome [^{F14}, flying school or spaceport];
 - (c) to secure that relevant assets are taken into the Secretary of State’s possession for use by or for the purposes of the armed forces of the Crown.
- (5) In so far as a direction under this section conflicts with the requirements of an order under section 94, the direction is to be disregarded.
- (6) In so far as a direction under this section conflicts—
- (a) with the requirements of an enactment or instrument other than an order under section 94, or
 - (b) with any duty which arises otherwise than under an enactment or instrument, the requirements are or the duty is to be disregarded.
- (7) A person directed under this section commits an offence if without reasonable excuse he contravenes or fails to comply with the direction.
- (8) A person who commits an offence under subsection (7) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (9) A person (other than [^{F15}a person within subsection (2)(a)]) who suffers direct injury or loss arising from compliance with a direction under subsection (1)(a) is entitled to receive compensation from the Secretary of State.
- (10) The compensation must be of an amount agreed by the person and the Secretary of State or (in default of agreement) of an amount decided by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
 - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
 - (c) an arbitrator appointed by the [^{F16}Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland] (if the proceedings are to be held in Northern Ireland).

Textual Amendments

F6 Words in s. 93(2)(a) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(2\)\(a\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

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- F7** Words in s. 93(2)(b) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(2\)\(b\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F8** Words in s. 93(2)(c) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(2\)\(c\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F9** Words in s. 93(2)(d) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(2\)\(d\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F10** Words in s. 93(3)(a) substituted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(3\)\(a\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F11** Words in s. 93(3)(b) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(3\)\(b\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F12** Words in s. 93(4)(a) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(4\)\(a\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F13** Words in s. 93(4)(b) substituted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(4\)\(b\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F14** Words in s. 93(4)(b) substituted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(4\)\(c\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F15** Words in s. 93(9) substituted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 20\(5\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F16** Words in s. 93(10)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 295](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(x)

Commencement Information

- I4** S. 93 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](#))

94 Orders for possession of aerodromes etc.

- (1) This section applies in any time of actual or imminent hostilities or of severe international tension or of great national emergency.
- (2) The Secretary of State may by order provide for—
- any aerodrome [^{F17}or spaceport], and
 - any aircraft [^{F18}or spacecraft], machinery, plant, material or thing found in or on any aerodrome [^{F19}or spaceport],
- to be taken into his possession and used by or for the purposes of the armed forces of the Crown.
- (3) An order under this section may, for the purpose of securing compliance with the provisions of the order—
- provide for the detention of aircraft [^{F20}or spacecraft];
 - make such other provision as appears to the Secretary of State to be necessary or expedient for securing such detention.
- (4) A person must comply with an order under this section notwithstanding any other duty, however arising.
- (5) An order under this section may, for the purpose of securing compliance with the provisions of the order, provide for—
- persons to be guilty of offences in such circumstances as may be specified in the order;
 - persons to be liable on conviction of those offences to such penalties as may be so specified.

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- (6) The power under subsection (5) does not include power—
- (a) to provide for offences to be triable only on indictment;
 - (b) to authorise the imposition, on summary conviction of an offence, of any term of imprisonment or of a fine exceeding the statutory maximum;
 - (c) to authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.
- (7) Any person who suffers direct injury or loss arising from compliance with an order under this section is entitled to receive compensation from the Secretary of State.
- (8) The compensation must be of an amount agreed by the person and the Secretary of State or (in default of agreement) of an amount decided by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
 - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
 - (c) an arbitrator appointed by the [^{F21}Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland] (if the proceedings are to be held in Northern Ireland).

Textual Amendments

- F17** Words in s. 94(2)(a) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 21\(2\)](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with reg. 3)
- F18** Words in s. 94(2)(b) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 21\(3\)](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with reg. 3)
- F19** Words in s. 94(2)(b) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 21\(2\)](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with reg. 3)
- F20** Words in s. 94(3)(a) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 21\(3\)](#); S.I. 2021/817, reg. 2, [Sch. para. 117](#) (with reg. 3)
- F21** Words in s. 94(8)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 296](#); S.I. 2006/1014, art. 2(a), [Sch. 1 para. 11\(x\)](#)

Commencement Information

- I5** S. 94 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](#))

95 Sections 93 and 94: interpretation.

- (1) This section defines these expressions (here listed alphabetically) for the purposes of sections 93 and 94 and this section—
- (a) aerodrome;
 - (b) airport, and its operator;
 - (c) great national emergency;
 - [^{F22}(ca) range control services;]
 - (d) relevant asset, and a person who owns or operates it;
 - [^{F23}(da) spacecraft;
 - (db) spaceflight activities;
 - (dc) spaceport;]

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- (e) United Kingdom air transport undertaking.
- (2) A great national emergency is a natural disaster or other emergency which the Secretary of State thinks is or may be likely to give rise to such disruption of the means of transport that the population, or a substantial part of the population, of the United Kingdom is or may be likely to be deprived of essential goods or services.
- (3) An aerodrome is an aerodrome as defined in section 105(1) of the ^{M2}Civil Aviation Act 1982.
- (4) An airport is the aggregate of the land, buildings and works comprised in an aerodrome; and a person operates an airport if he manages it.
- (5) A United Kingdom air transport undertaking is an undertaking which appears to the Secretary of State to have its principal place of business in the United Kingdom and which includes the provision of services for the carriage by air of passengers or cargo for hire or reward.
- (6) A relevant asset is any—
- (a) aerodrome [^{F24}or spaceport],
 - (b) property used in connection with the operation of an aerodrome [^{F25}or spaceport],
 - (c) aircraft [^{F26}or spacecraft], or
 - (d) property used in connection with the provision of air traffic services [^{F27}or range control services].
- (7) An owner of a relevant asset is a person—
- (a) who owns it or has a right over or interest in it, and
 - (b) whose consent is needed for its use by any other person.
- (8) An operator of a relevant asset is a person who manages it.
- [^{F28}(9) The following expressions have the same meaning as in the Space Industry Act 2018—
- range control services (see section 6 of that Act);
 - spacecraft (see section 2(6) of that Act);
 - spaceflight activities (see section 1(4) to (6) of that Act);
 - spaceport (see section 3(2) and (3) of that Act).]

Textual Amendments

- F22** S. 95(1)(ca) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 22(2); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F23** S. 95(1)(da)-(dc) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 22(3); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F24** Words in s. 95(6)(a) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 22(4)(a); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F25** Words in s. 95(6)(b) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 22(4)(a); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F26** Words in s. 95(6)(c) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 22(4)(b); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F27** Words in s. 95(6)(d) inserted (29.7.2021) by Space Industry Act 2018 (c. 5), s. 70(1), Sch. 12 para. 22(4)(c); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

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F28 S. 95(9) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), **Sch. 12 para. 22(5)**; [S.I. 2021/817](#), reg. 2, [Sch. para. 117](#) (with reg. 3)

Commencement Information

I6 S. 95 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](#).

96 Civil Aviation Authority Pension Scheme.

- (1) The Secretary of State may by order make provision for the allocation of assets, rights, liabilities or obligations between different sections of the Civil Aviation Authority Pension Scheme.
- (2) An order under this section may include provision for or in connection with—
 - (a) securing that the Scheme continues to be approved for the purposes of the relevant enactments;
 - (b) the amendment of the Scheme;
 - (c) the manner in which questions arising under the order are to be determined.
- (3) The reference in subsection (2) to the amendment of the Scheme includes a reference to the amendment of—
 - (a) the trust deed of the Scheme;
 - (b) the rules of the Scheme;
 - (c) any other instrument relating to the constitution, management or operation of the Scheme.
- (4) An order under this section may be made so as to have effect from a date falling before the making of the order.
- (5) In making an order under this section the Secretary of State must secure that each person falling within subsection (6) is overall in materially at least as good a position, as respects pension arrangements, as a result of the order.
- (6) A person falls within this subsection if—
 - (a) he is or has at any time been a contributing member of the Scheme, or
 - (b) he is or may become entitled to benefits in respect of a person falling within paragraph (a).
- (7) A contributing member of the Scheme is a member who makes, and whose employer makes in respect of him, contributions under the Scheme.
- (8) The relevant enactments are—
 - (a) Chapter I of Part XIV of the ^{M3}Income and Corporation Taxes Act 1988 (retirement benefit schemes);
 - (b) Part III of the ^{M4}Pension Schemes Act 1993, so far as relating to occupational pension schemes.

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Commencement Information

- I7** S. 96 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** 1988 c. 1.
M4 1993 c. 48.

97 Amendments.

Schedule 8 contains amendments.

Commencement Information

- I8** S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 275(1)(2); s. 97 in force for specified purposes by [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#)); s. 97 in force in so far as not already in force 1.4.2001 by [S.I. 2001/869, art. 2](#)

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](#)