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**Changes to legislation:** Transport Act 2000, Cross Heading: Procedure before imposing a penalty is up to date with all changes known to be in force on or before 27 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

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE C1

#### INFORMATION

##### Textual Amendments

- F1** Sch. C1 inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), ss. 10(7)(b), 21(3)-(7), [Sch. 6](#); S.I. 2021/748, reg. 2(b)

### PART 2

#### ENFORCEMENT: INFORMATION

##### *Procedure before imposing a penalty*

- 5 (1) Before imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—
- (a) give the person a notice about the proposed penalty;
  - (b) publish the notice as soon as practicable;
  - (c) send a copy of the notice to the persons listed in sub-paragraph (4);
  - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under sub-paragraph (1) must—
- (a) state that the CAA proposes to impose a penalty;
  - (b) state the proposed amount of the penalty;
  - (c) give the CAA's reasons for imposing the penalty.
- (3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice under sub-paragraph (1) must specify—
- (a) the day on which daily amounts would begin to accumulate;
  - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The persons are—
- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
  - (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
  - (c) the Secretary of State.
- (5) The period specified in the notice under sub-paragraph (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.

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- (6) Before varying the proposed amount of a penalty, the CAA must—
- (a) give the person on whom the penalty is to be imposed a notice about the proposed variation;
  - (b) publish the notice as soon as practicable;
  - (c) send a copy of the notice to the persons listed in sub-paragraph (4);
  - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (7) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the reference in sub-paragraph (6) to varying the proposed amount of the penalty includes a reference to—
- (a) varying the day on which daily amounts would begin to accumulate, and
  - (b) varying the day on which, or circumstances in which, they would cease to accumulate.
- (8) The notice under sub-paragraph (6) must—
- (a) specify the proposed variation;
  - (b) give the CAA's reasons for the proposed variation.
- (9) The period specified in the notice under sub-paragraph (6) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (10) The CAA may withdraw a notice under sub-paragraph (1) or (6) at any time by giving notice to the person on whom it is proposed to impose the penalty.
- (11) As soon as practicable after giving a notice under sub-paragraph (10), the CAA must—
- (a) publish the notice;
  - (b) send a copy of the notice to the persons listed in sub-paragraph (4).]

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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](#)