



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER I

AIR TRAFFIC SERVICES

Interpretation

40 Interpretation.

- (1) This section defines these expressions (here listed alphabetically) for the purposes of this Chapter—
- (a) aerodrome;
 - [^{F1}(aa) air transport service;
 - (ab) the CMA;
 - (ac) contravention;
 - (ad) contravention notice;
 - (ae) enforcement order;]
 - ^{F2}(b)
 - (c) exemption;
 - (d) licence;
 - [^{F3}(da) licence condition;]
 - (e) licence holder;
 - (f) managed area;
 - (g) manager of an aerodrome;
 - (h) modification.
 - [^{F4}(i) notice;

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- (j) publication;
 - (k) representation;
 - (l) term of licence;
 - (m) urgent enforcement order.]
- (2) An aerodrome is an aerodrome as defined in 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).
- (3) These are managed areas—
- (a) the United Kingdom;
 - (b) any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to provide air traffic services.
- (4) An exemption is an exemption under this Chapter.
- (5) A licence is a licence under this Chapter, and references to a licence holder must be construed accordingly.
- [^{F5}(6) A licence condition is a provision of a licence which is expressed as a condition.
- (6A) A term of a licence is a provision of a licence which is not a licence condition.]
- (7) “Modification” includes addition, alteration and omission, and cognate expressions are to be construed accordingly.
- [^{F6}(8) “Air transport service” and “user”, in relation to such services, have the meaning given in section 69(1) of the Civil Aviation Act 2012 (air transport services).
- (9) “The CMA” is the Competition and Markets Authority.
- (10) References in this Chapter to a notice are to a notice in writing.
- (11) Where a person is required to publish something by this Chapter, the person must publish it in whatever form and manner the person considers appropriate for bringing it to the attention of persons likely to be affected by it.
- (12) A representation includes an objection.
- (13) A contravention includes a failure to comply, and related expressions are to be read accordingly.
- (14) A contravention notice is a notice under paragraph 1 of Schedule B1.
- (15) An enforcement order is an order under paragraph 3 of Schedule B1.
- (16) An urgent enforcement order is an order under paragraph 5 of Schedule B1.]

Textual Amendments

- F1** S. 40(1)(aa)-(ae) inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), [Sch. 7 para. 7\(2\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F2** S. 40(1)(b) omitted (29.6.2021) by virtue of [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), s. 21(3)-(7), [Sch. 7 para. 7\(3\)](#); S.I. 2021/748, [reg. 2\(j\)](#)

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- F3** S. 40(1)(da) inserted (29.6.2021) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(4)**; S.I. 2021/748, **reg. 2(j)**
- F4** S. 40(1)(i)-(m) inserted (29.6.2021) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(5)**; S.I. 2021/748, **reg. 2(j)**
- F5** S. 40(6)(6A) substituted for s. 40(6) (29.6.2021) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(6)**; S.I. 2021/748, **reg. 2(j)**
- F6** S. 40(8)-(16) inserted (29.6.2021) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(3)-(7), **Sch. 7 para. 7(7)**; S.I. 2021/748, **reg. 2(j)**

Commencement Information

- I1** S. 40 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.

[^{F7}40A Connected persons

- (1) For the purposes of this Chapter one person is connected to another if they are group undertakings in relation to each other.
- (2) “Group undertaking” has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).
- (3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Chapter, including provision amending or otherwise modifying subsections (1) and (2).]

Textual Amendments

- F7** S. 40A inserted (29.6.2021) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(3)-(7), **Sch. 7 para. 8**; S.I. 2021/748, **reg. 2(j)**

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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](#)