



# Transport Act 2000

## 2000 CHAPTER 38

### PART I

#### AIR TRAFFIC

### CHAPTER VI

#### MISCELLANEOUS AND GENERAL

##### *Other general provisions*

#### **100 Service of documents**

- (1) A document required or authorised by virtue of this Part to be served on a person may be served—
  - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
  - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) on the secretary of the body;
  - (c) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.
  
- (2) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person on whom a document is to be served is his last known address, except that—
  - (a) in the case of service on a body corporate or its secretary, it is the address of the registered or principal office of the body;
  - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it is the address of the principal office of the partnership.

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- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to be served under this Part with a document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.
- (5) In relation to that document that address must be treated as his proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) This section does not apply to a document if rules of court make provision about its service.
- (7) In this section references to serving include references to similar expressions (such as giving or sending).

#### **101 Making of false statements etc**

- (1) A person commits an offence if in giving information or making an application in relevant circumstances—
  - (a) he makes a statement which he knows to be false in a material particular, or
  - (b) he recklessly makes a statement which is false in a material particular.
- (2) A person gives information or makes an application in relevant circumstances if he gives or makes it in pursuance of—
  - (a) a provision contained in or made under this Part, or
  - (b) a direction given, notice served or other thing done in pursuance of such a provision.
- (3) A person who commits an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (4) No proceedings may be started in England and Wales for an offence under this section except by or with the consent of the Secretary of State or the Director of Public Prosecutions.
- (5) No proceedings may be started in Northern Ireland for an offence under this section except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.

#### **102 Disclosure of information**

Schedule 9 contains provision about the disclosure of information.

#### **103 Orders and regulations**

- (1) A power to make an Order in Council or an order or regulations under this Part may be exercised differently in relation to different cases or descriptions of case.

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- (2) An Order in Council or an order or regulations under this Part may include such supplementary, incidental, consequential or transitional provisions as the person exercising the power thinks are necessary or expedient.
- (3) A power to make an order or regulations under this Part is exercisable by statutory instrument.
- (4) In subsections (1) and (3) references to a power to make an order are to a power of the Secretary of State; and in subsection (2) the reference to an order is to an order made by the Secretary of State.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if the instrument contains an order or regulations made by the Secretary of State under any provision of this Part other than section 51 or 94.
- (6) No order is to be made under section 51 unless a draft has been laid before and approved by resolution of each House of Parliament.
- (7) The power to make an order under section 4 is exercisable only after consultation with the CAA, unless the exemption needs to be granted before the coming into force of section 3.
- (8) The power to make an order under section 98 is exercisable only after consultation with the CAA.
- (9) The power to make regulations under section 6 is exercisable only after consultation with the CAA.
- (10) The power to make an order under section 57 is exercisable only with the Treasury's consent.
- (11) The power to make an order under section 77(5) is exercisable only after consultation with the CAA and holders of licences under Chapter I.
- (12) The power to make an order under section 96 is exercisable only after consultation with the trustees of the Civil Aviation Pension Scheme.
- (13) If apart from this subsection a draft of an order under section 51 would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

#### **104 Directions**

- (1) A person to whom a direction is given under this Part must give effect to the direction.
- (2) A direction under a provision of this Part may be varied or revoked by a direction under the same provision.
- (3) A direction under this Part must be in writing.

#### **105 Crown application**

- (1) The provisions mentioned in subsection (2) bind the Crown.
- (2) The provisions are—
  - (a) section 3;

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- (b) sections 26 to 30 and 33;
  - (c) sections 41, 42, 44, 45 and 60;
  - (d) Chapter V, to the extent that it applies or modifies the operation of provisions of the Competition Act 1998;
  - (e) sections 93 to 95;
  - (f) section 104, so far as relating to other provisions of this Part which bind the Crown;
  - (g) Schedule 1, to the extent that it applies, amends or modifies the operation of provisions of the Insolvency Act 1986 which bind the Crown so far as affecting or relating to the matters specified in paragraphs (a) to (e) of section 434 of that Act;
  - (h) Schedule 2;
  - (i) Schedule 3, to the extent that it applies, amends or modifies the operation of provisions of the Insolvency (Northern Ireland) Order 1989 which bind the Crown so far as affecting or relating to the matters specified in paragraphs (a) to (e) of Article 378 of that Order;
  - (j) Schedule 6.
- (3) Her Majesty may by Order in Council apply, with or without modification, any of the provisions mentioned in subsection (4) to any aircraft belonging to or exclusively employed in the service of Her Majesty.
- (4) The provisions are—
- (a) Chapter IV (except section 82);
  - (b) any order or regulations under any provision mentioned in paragraph (a).
- (5) This section (except so far as it relates to Chapter V) has effect subject to section 106; and, so far as it relates to Chapter V, it has effect subject to section 73 of the Competition Act 1998.

## **106 The Crown: other provisions**

- (1) No contravention by the Crown of a provision contained in or made under this Part shall make the Crown criminally liable; but the High Court or in Scotland the Court of Session may, on the application of a person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (2) Notwithstanding subsection (1), the provisions contained in or made under section 3(1), 93(7) or 94(5) apply to persons in the public service of the Crown as they apply to other persons.
- (3) However, section 3(1) does not apply if the services there mentioned are provided by or on behalf of the armed forces of the Crown; and the person to whom and aircraft for which the services are provided are immaterial.
- (4) Nothing in section 105 or this section affects Her Majesty in her private capacity; and this subsection must be construed as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.

## **107 Extension outside United Kingdom**

- (1) Her Majesty may by Order in Council direct that any of the provisions listed in subsection (2) is to extend to any relevant overseas territory specified in the Order, with the modifications (if any) so specified.
- (2) The provisions are—
  - (a) Chapter I;
  - (b) Chapter II;
  - (c) Chapter III;
  - (d) Chapter IV;
  - (e) sections 90 to 104 and Schedules 8 and 9;
  - (f) section 273 so far as it relates to offences under this Part.
- (3) These are relevant overseas territories—
  - (a) any of the Channel Islands;
  - (b) the Isle of Man;
  - (c) any colony.
- (4) In this section “modifications” includes additions, omissions and other alterations.