



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.
- (6) The Director must consult the CAA before publishing under section 124 of the 1973 Act any information or advice which may be published under this section.

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- (7) An aerodrome is an aerodrome as defined by section 105(1) of the 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).
- (8) The Director is the Director General of Fair Trading and the 1973 Act is the Fair Trading Act 1973.

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 the Director to do so, it must provide information, advice and help to the Secretary of State or the Director 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 the Director a sum equal to any expense reasonably incurred by it in providing anything to the person concerned under subsection (3).
- (5) The Director is the Director General of Fair Trading.

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.

93 Control in time of hostilities etc

- (1) The Secretary of State may—
 - (a) give directions to any listed person in any time of actual or imminent hostilities or of severe international tension or of great national emergency;
 - (b) 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—
 - (a) the CAA;
 - (b) a person who provides air traffic services;
 - (c) a person who operates a United Kingdom air transport undertaking;
 - (d) a person who operates an airport;

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- (e) a person who owns or operates a relevant asset.
- (3) The power under subsection (1)(a) includes—
- (a) in the case of the CAA, power to direct it to carry out its functions in a specified manner or for specified purposes;
 - (b) in the case of a person who provides air traffic services, power to direct him to do so in a specified manner or for specified purposes;
 - (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 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 or flying schools or of any description of aerodrome or flying school;
 - (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 the CAA) 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 Lord Chancellor (if the proceedings are to be held in Northern Ireland).

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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—
 - (a) any aerodrome, and
 - (b) any aircraft, machinery, plant, material or thing found in or on any aerodrome, 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—
 - (a) provide for the detention of aircraft;
 - (b) 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—
 - (a) persons to be guilty of offences in such circumstances as may be specified in the order;
 - (b) persons to be liable on conviction of those offences to such penalties as may be so specified.
- (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 Lord Chancellor (if the proceedings are to be held in Northern Ireland).

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;

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- (d) relevant asset, and a person who owns or operates it;
 - (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 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,
 - (b) property used in connection with the operation of an aerodrome,
 - (c) aircraft, or
 - (d) property used in connection with the provision of air traffic 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.

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.

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- (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 Income and Corporation Taxes Act 1988 (retirement benefit schemes);
 - (b) Part III of the Pension Schemes Act 1993, so far as relating to occupational pension schemes.

97 Amendments

Schedule 8 contains amendments.

General interpretation

98 Air traffic services

- (1) For the purposes of this Part these are air traffic services—
 - (a) providing instructions, information or advice with a view to preventing aircraft colliding with other aircraft or with other obstructions (whether in the air or on the ground);
 - (b) providing instructions, information or advice with a view to securing safe and efficient flying;
 - (c) managing the flow of air traffic with a view to ensuring the most efficient use of airspace;
 - (d) providing facilities for communicating with aircraft and for the navigation and surveillance of aircraft;
 - (e) notifying organisations of aircraft needing search and rescue facilities, and assisting organisations to provide such facilities.
- (2) The Secretary of State may by order amend the meaning of air traffic services for the purposes of this Part.

99 The CAA

For the purposes of this Part the CAA is the Civil Aviation Authority.

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.
- (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

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- (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.
- (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;
 - (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).

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- (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.