



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

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AIR TRAFFIC SERVICES

Administration orders etc.

28 Power to make order

- (1) The court may make an air traffic administration order in relation to a licence company if—
 - (a) an application by petition is made by the Secretary of State or by the CAA with his consent, and
 - (b) the court is satisfied that one or more of the following four conditions is satisfied.
- (2) The first condition is that the company is or is likely to be unable to pay its debts.
- (3) The second condition is that—
 - (a) the Secretary of State certifies that but for section 27 it would be appropriate for him to petition for the company's winding up under section 124A of the 1986 Act (petition following inspectors' report etc), and
 - (b) but for section 27 it would be just and equitable (as mentioned in section 124A) for the company to be wound up.
- (4) The third condition is that—
 - (a) there has been or is or is likely to be a contravention by the company of a section 8 duty,

Status: This is the original version (as it was originally enacted).

- (b) no notice has been served under section 22(10) or (11) in relation to the contravention or apprehended contravention, and
 - (c) the contravention or apprehended contravention is serious enough to make it inappropriate for the company to continue to hold the licence concerned.
- (5) The fourth condition is that—
- (a) a final or provisional order has been made or confirmed in relation to a section 8 duty or a licence condition,
 - (b) the order is not the subject of proceedings under section 23, and
 - (c) there has been or is or is likely to be such a contravention of the order by the company as to make it inappropriate for it to continue to hold the licence concerned.
- (6) For the purposes of subsection (2) a company is unable to pay its debts if it is deemed to be unable to do so under section 123 of the 1986 Act.
- (7) A reference in subsection (4) or (5) to a section 8 duty or to a licence condition or to a final or provisional order is to be construed in accordance with section 20.
- (8) A reference to the court is to the court which (but for section 27) would have jurisdiction to wind up the company.