



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER V

COMPETITION

86 Functions exercisable by CAA and ^[F1]CMA]

- (1) The functions to which subsections (2) and (3) apply shall be concurrent functions of the CAA and ^[F2]the CMA].
- ^[F3](2) This subsection applies to the ^[F4]CMA's] functions under Part 4 of the 2002 Act (other than sections 166 ^[F5], 171 and 174E]) so far as ^[F6]those functions—
- ^[F6](a) are exercisable by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and]
 - ^[F6](b) relate to the supply of air traffic services.]
- ^[F7](3) This subsection applies to the ^[F8]CMA's] functions under the provisions of Part 1 of the 1998 Act (other than sections 31D(1) to (6), 38(1) to (6) ^[F9], 40B(1) to (4)] and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,
 - (b) conduct of the kind mentioned in section 18(1) of that Act, ^[F10]or]
 - ^[F11](c) transferred EU anti-trust commitments or transferred EU anti-trust directions,] which relate to the supply of air traffic services.]
- (4) References to ^[F12]the CMA] in—
- (a) ^[F13]Part 4 of the 2002 Act (except for sections 166 ^[F14], 171 and 174E] but including provisions of that Act applied by that Part)], and

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(b) Part I of the 1998 Act (^{F15}except in sections 31D(1) to (6), 38(1) to (6) ^{F16}, 40B(1) to (4)], 51, 52(6) and (8) and 54), must be read as including references to the CAA.

^{F17}(4A) References to section 5 of the 2002 Act in Part 4 of that Act must be read as including a reference to section 91(1) of this Act.]

(5) But ^{F18}...—

- (a) ^{F19}[subsections (4) and (4A) apply only so far as they are] consequential on subsections (1) to (3) above, and
- (b) ^{F20}[subsection (4) applies] only if the context does not otherwise require.

^{F21}(5A) Section 130A of the 2002 Act is to have effect in its application in relation to the CAA by virtue of subsections (1) and (2)—

(a) as if for subsection (1) of that section there were substituted—

“(1) Where the Civil Aviation Authority—

- (a) is proposing to carry out its functions under section 91(1) of the Transport Act 2000 in relation to a matter for the purposes mentioned in subsection (2), and
- (b) considers that the matter is one in respect of which it would be appropriate for the Authority to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,

the Authority must publish a notice under this section (referred to in this Part as a “market study notice”).”, and

- (b) as if in subsection (2)(a) of that section, for “the acquisition or supply of goods or services of one or more than one description in the United Kingdom” there were substituted “the supply of air traffic services (within the meaning given by section 98 of the Transport Act 2000)”.]

(6) If a question arises as to whether subsections (1) to (3) above apply to a particular case the question must be referred to and determined by the Secretary of State.

(7) No objection may be taken to anything done by or in relation to the CAA—

- (a) ^{F22}[Part 4 of the 2002 Act], or
- (b) under Part I of the 1998 Act (^{F23}except under section 31D(1) to (6), 38(1) to (6)]^{F24}, 40B(1) to (4)] or 51),

on the ground that it should have been done by or in relation to ^{F25}[the CMA].

Textual Amendments

- F1** Word in s. 86 heading substituted (1.4.2014) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 154(10)** (with art. 3)
- F2** Words in s. 86(1) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 154(2)** (with art. 3)
- F3** S. 86(2) substituted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 9 para. 24(2)**; S.I. 2003/1397, art. 2(1), Sch.

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- F4** Word in s. 86(2) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(3)(a)** (with art. 3)
- F5** Words in s. 86(2) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(3)(b)** (with art. 3)
- F6** Words in s. 86(2) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(3)(c)** (with art. 3)
- F7** S. 86(3) substituted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 2 para. 10(2)(a)**
- F8** Word in s. 86(3) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(4)** (with art. 3)
- F9** Words in s. 86(3) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 14**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F10** Word in s. 86(3)(b) inserted (31.12.2020) by S.I. 2019/93, **Sch. 1 para. 9(2)(a)** (as substituted by The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343), regs. 1(1), **21**)
- F11** S. 86(3)(c) substituted (31.12.2020) for s. 86(3)(c)(d) by S.I. 2019/93, **Sch. 1 para. 9(2)(b)** (as substituted by The Competition (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1343), regs. 1(1), **21**)
- F12** Words in s. 86(4) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(5)(a)** (with art. 3)
- F13** Words in s. 86(4)(a) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 9 para. 24(3)**; S.I. 2003/1397, art. 2(1), Sch.
- F14** Words in s. 86(4) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(5)(b)** (with art. 3)
- F15** Words in s. 86(4)(b) substituted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 2 para. 10(2)(b)**
- F16** Words in s. 86(4)(b) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 14**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F17** S. 86(4A) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(6)** (with art. 3)
- F18** Words in s. 86(5) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(7)(a)** (with art. 3)
- F19** Words in s. 86(5)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(7)(b)** (with art. 3)
- F20** Words in s. 86(5)(b) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(7)(c)** (with art. 3)
- F21** S. 86(5A) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(8)** (with art. 3)
- F22** Words in s. 86(7)(a) substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 9 para. 24(4)**; S.I. 2003/1397, art. 2(1), Sch.
- F23** Words in s. 86(7)(b) substituted (1.5.2004) by The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004 (S.I. 2004/1261), reg. 1(a), **Sch. 2 para. 10(2)(c)**

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- F24** Words in s. 86(7)(b) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 15 para. 14**; S.I. 2014/416, art. 2(1)(f) (with Sch.)
- F25** Words in s. 86(7) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 154(9)** (with art. 3)

Commencement Information

- I1** S. 86 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**)

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Changes and effects yet to be applied to :

- s. 86(3)(a) word inserted by [S.I. 2019/93 Sch. 1 para. 9\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 9(2) substituted immediately before IP completion day by S.I. 2020/1343, regs. 1(1), 21)
- s. 86(3)(c) omitted by [S.I. 2019/93 Sch. 1 para. 9\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 9(2) substituted immediately before IP completion day by S.I. 2020/1343, regs. 1(1), 21)
- s. 86(3)(d) omitted by [S.I. 2019/93 Sch. 1 para. 9\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 9(2) substituted immediately before IP completion day by S.I. 2020/1343, regs. 1(1), 21)

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](#)