



# Transport Act 2000

## 2000 CHAPTER 38

### PART I

#### AIR TRAFFIC

#### CHAPTER IV

#### CHARGES FOR AIR SERVICES

#### *Charges*

#### 73 Charges for services.

- (1) The CAA may specify—
  - (a) the amounts of, or methods of calculating, the charges which are to be paid by virtue of this section in respect of chargeable air services (or of such descriptions of those services as the CAA specifies),
  - (b) the operators and owners of aircraft (or descriptions of such operators and owners) who are to pay the charges,
  - (c) the persons (or descriptions of persons) to whom they are to be paid, and
  - (d) the currencies in which they are to be paid.
- (2) On or after making specifications under subsection (1) the CAA may stipulate—
  - (a) that charges are to be dispensed with in cases of specified descriptions;
  - (b) that interest at a specified rate is to be paid on charges in respect of any period in which they are due but unpaid;
  - (c) that interest is to be paid with the charges or separately;
  - (d) that charges of a specified description are payable elsewhere than in the United Kingdom;
  - (e) that charges of a specified description are to be disposed of in a specified way when received.

*Status: Point in time view as at 01/08/2001.*

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- (3) Charges of the specified amounts, or calculated in accordance with the specified methods, must be paid in accordance with specifications made under subsection (1).
- (4) But if stipulations are made under subsection (2)(a) the charges concerned are not to be paid.
- (5) If stipulations are made under subsection (2)(b) or (c) interest must be paid accordingly.
- (6) If stipulations are made under subsection (2)(d) the charges concerned are payable accordingly.
- (7) If stipulations are made under subsection (2)(e) the charges concerned must be disposed of accordingly.
- (8) Subsections (3) to (7) have effect subject to section 74.
- (9) For the purposes of subsection (1)(c) persons include—
  - (a) Eurocontrol and other international organisations, and
  - (b) governments of countries or territories outside the United Kingdom.

#### Commencement Information

- II** S. 73 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**)

#### 74 Publication, commencement, amendment and revocation.

- (1) If the CAA makes specifications or stipulations under section 73—
  - (a) it must publish a notice containing them;
  - (b) they become effective as provided in the published notice.
- (2) The CAA may amend or revoke any specifications or stipulations published under this section, and—
  - (a) it must publish a notice containing any amendment or revocation;
  - (b) the amendment or revocation becomes effective as provided in the published notice.
- (3) An amendment or revocation does not affect any liability incurred before the amendment or revocation becomes effective.
- (4) Publication under this section must be made—
  - (a) in the London Gazette, the Edinburgh Gazette and the Belfast Gazette, or
  - (b) in such other manner as the Secretary of State may provide by order.

#### Commencement Information

- I2** S. 74 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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## 75 Specifications: supplementary.

- (1) This section applies for the purposes of specifications under section 73(1).
- (2) The CAA may specify—
  - (a) different amounts or methods in respect of different descriptions of services;
  - (b) different amounts or methods in respect of different classes or descriptions of aircraft;
  - (c) different amounts or methods in respect of different circumstances in which aircraft are used.
- (3) In specifying amounts or methods the CAA must have regard to—
  - (a) tariffs which are approved under any international agreement to which the United Kingdom is a party;
  - (b) tariffs which in the CAA's opinion are likely to be approved under any such agreement before or within one month after the date when the specifications are to take effect;
  - (c) tariffs which in the CAA's opinion are likely to be approved, before or within one month after the date when the specifications are to take effect, under any international agreement to which the United Kingdom is likely to be a party before or within one month after that date.
- (4) Methods may be expressed by reference to such factors (including exchange rates between currencies) as the CAA thinks fit.
- (5) A description of services may be expressed by reference to such factors (including the area in respect of which they are provided) as the CAA thinks fit.
- (6) A description of operators and owners may be so general as to refer to all operators and owners.
- (7) Owners and operators may be specified (or of a description specified) if the services concerned are available for the aircraft concerned, and it is immaterial whether or not the services are actually used or could be used with the equipment installed in the aircraft.

### Commencement Information

- I3** S. 75 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)

## 76 Liability, recovery etc.

- (1) Liability to pay a charge by virtue of section 73 arises whether or not—
  - (a) the aircraft concerned is registered in the United Kingdom;
  - (b) it is in the United Kingdom when the services concerned are provided;
  - (c) the services concerned are provided from a place in the United Kingdom.
- (2) A charge payable by virtue of section 73 is recoverable in the United Kingdom wherever it is payable (without prejudice to its recovery elsewhere).
- (3) A court in any part of the United Kingdom has jurisdiction to hear and determine—
  - (a) a claim for a charge or interest payable by virtue of section 73;

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- (b) a claim, by a person appearing to the court to have an interest in the matter, that a charge which by virtue of that section must be disposed of in a particular way has not been disposed of in that way.
- (4) Subsection (3) applies even if the person against whom the claim is made is not resident within the court's jurisdiction.

#### Commencement Information

**I4** S. 76 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**)

### 77 Chargeable air services.

- (1) For the purposes of this Chapter chargeable air services are services which—
- (a) fall within subsection (2), and
  - (b) are not excepted air services (as defined in subsection (3)).
- (2) These services fall within this subsection—
- (a) air traffic services provided in respect of the United Kingdom;
  - (b) air traffic services which the United Kingdom has undertaken under international arrangements to provide in respect of an area outside the United Kingdom;
  - (c) air traffic services which are provided in respect of an area outside the United Kingdom and the charges for which the United Kingdom has undertaken to collect under international arrangements;
  - (d) services which are provided by the CAA in performing its air navigation functions (within the meaning of Chapter III) and for which Eurocontrol is to collect charges under the Eurocontrol agreement;
  - (e) air traffic services which do not fall within paragraph (d) and for which Eurocontrol is to collect charges under the Eurocontrol agreement.
- (3) These are excepted air services—
- (a) air traffic services provided by the owner or manager of an aerodrome or by his employee [<sup>F1</sup>other than services which fall within subsection (3A)];
  - (b) air traffic services provided on behalf of the owner or manager of an aerodrome (other than a designated aerodrome) in circumstances where the person providing the services is not an employee of the owner or manager and they are provided under a contract or other arrangement made by the owner or manager and the person providing them.

[<sup>F2</sup>(3A) Air traffic services fall within this subsection if—

- (a) they are services for which Eurocontrol is to collect charges under the Eurocontrol agreement, and
- (b) they are provided by the owner or manager of an aerodrome or by his employee under a contract or other arrangement made by the owner or manager with the CAA and the CAA in making that contract or other arrangement is acting in pursuance of its air navigation functions (within the meaning of Chapter III).]

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- (4) A designated aerodrome is an aerodrome designated by the Secretary of State by order for the purposes of subsection (3)(b).
- (5) The Secretary of State may by order amend the meaning of chargeable air services for the purposes of this Chapter.

#### Textual Amendments

- F1** Words in s. 77(3)(a) added (1.4.2001) by S.I. 2001/492, art. 2(2)  
**F2** S. 77(3A) inserted (1.4.2001) by S.I. 2001/492, art. 2(3)

#### Commencement Information

- I5** S. 77 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)

### 78 Amounts for recovery etc.

- (1) This section applies if—
  - (a) an amount of a charge is specified under section 73(1) in respect of a service falling within section 77(2)(d) or (e), and
  - (b) under the Eurocontrol agreement Eurocontrol is to collect a charge in respect of the specification and publication of the amount of the charge and its recovery.
- (2) In specifying the amount of the charge the CAA may include an amount in respect of the specification and publication of the amount of the charge and its recovery.
- (3) References to an amount include references to a method of calculating an amount.

#### Commencement Information

- I6** S. 78 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)

### 79 Further duties of the CAA.

- (1) The CAA—
  - (a) must exercise its powers under section 73 if it thinks it should do so in order for international agreements to which the United Kingdom is a party to be fulfilled, and
  - (b) in exercising those powers must act in the manner it thinks best calculated to take account of those agreements.
- (2) The CAA must exercise its powers under section 73 in relation to services falling within section 77(2)(b) if it thinks it should do so in order to enable the provider of the services to be paid for their provision.

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#### Commencement Information

- I7** S. 79 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**)

### 80 Secretary of State's duties.

- (1) If information is given to the Secretary of State by the CAA concerning the charges the CAA would like to be paid in respect of chargeable air services which fall within section 77(2)(d), he must (so far as practicable) ensure that the information is given to Eurocontrol.
- (2) If information is given to the Secretary of State by a licence holder concerning the charges it would like to be paid in respect of chargeable air services which it provides and which fall within section 77(2)(e), he must (so far as practicable) ensure that the information is given to Eurocontrol.
- (3) But subsection (2) does not apply if the CAA tells the Secretary of State that giving the information to Eurocontrol could result in the licence holder being paid charges whose calculation was in contravention of the provisions of the licence.
- (4) If money is received by the government of the United Kingdom from Eurocontrol in respect of a chargeable air service falling within section 77(2)(d) or (e), the Secretary of State must (so far as practicable) ensure that the money is paid to the person who provided the service.
- (5) If money falls to be paid by Eurocontrol in respect of a chargeable air service falling within section 77(2)(d) or (e), the Secretary of State must (so far as practicable) ensure that the money falls to be paid by Eurocontrol to the person who provided the service.
- (6) The reference to money being received by the government of the United Kingdom is to money being received by a person on behalf of that government.

#### Commencement Information

- I8** S. 80 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**)

### *Miscellaneous*

### 81 Records.

- (1) The Secretary of State may make regulations in order to facilitate the assessment and collection of charges payable by virtue of section 73.
- (2) The regulations may require operators or owners of aircraft or managers of aerodromes—
  - (a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as are specified;
  - (b) to preserve the records for a specified period;

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- (c) to produce relevant records for inspection by specified persons at specified times;
  - (d) to provide specified particulars of relevant records to specified persons.
- (3) Relevant records are records required to be preserved by the operators, owners or managers by the regulations or an Air Navigation Order.
- (4) The persons who may be specified under subsection (2)(c) or (d) are—
- (a) in the case of charges payable to Eurocontrol, officers of the CAA or of Eurocontrol;
  - (b) in the case of other charges, officers of the CAA or of the organisation, government or other person to whom the charges are payable.
- (5) The requirements may be imposed on the operator or owner of an aircraft whether or not—
- (a) it is registered in the United Kingdom;
  - (b) it is in the United Kingdom when the services concerned are provided;
  - (c) the services concerned are provided from a place in the United Kingdom.
- (6) A record includes (in addition to a record in writing)—
- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
  - (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
  - (c) a photograph.
- (7) An Air Navigation Order is an Order in Council under section 60 of the <sup>M1</sup>Civil Aviation Act 1982.
- (8) In subsection (4)—
- (a) a reference to officers of the CAA includes a reference to persons authorised to act as such officers;
  - (b) a reference to officers of Eurocontrol includes a reference to persons authorised to act as such officers.

#### Commencement Information

**I9** S. 81 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.

## 82 Offences.

- (1) A person commits an offence if without reasonable excuse he fails to comply with a requirement of regulations made under section 81.

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- (2) A person commits an offence if he is in possession of information provided to him or obtained by him under regulations made under section 81 and he discloses the information otherwise than—
- (a) with the consent of the person by whom it was provided or from whom it was obtained,
  - (b) for the purposes of the regulations,
  - (c) for the purposes of any proceedings arising out of this Chapter,
  - (d) for the purposes of any criminal proceedings (however arising),
  - (e) for the purposes of any proceedings brought by virtue of paragraph 3 of Schedule 4 to the <sup>M2</sup>Civil Aviation Act 1982 (claims against Eurocontrol),
  - (f) for the purposes of a public inquiry or investigation held or carried out under regulations made under section 75 of the <sup>M3</sup>Civil Aviation Act 1982, or
  - (g) for the purposes of a report of any proceedings, inquiry or investigation mentioned above.
- (3) A person commits an offence if in providing particulars under a provision contained in regulations by virtue of section 81(2)(d)—
- (a) he provides particulars which he knows are false in a material particular, or
  - (b) he recklessly provides particulars which are false in a material particular.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.
- (6) A person who commits an offence under subsection (3) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

#### Commencement Information

**I10** S. 82 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

**M2** 1982 c. 16.

**M3** 1982 c. 16.

## 83 Detention and sale.

- (1) The Secretary of State may make regulations containing—
- (a) provision which, in the case of default by an operator in paying a charge payable by virtue of section 73, authorises the detention (pending payment) of any aircraft falling within subsection (2);
  - (b) provision which, in the case of default by an operator in complying with a requirement imposed by regulations made under section 81 to produce records



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- for inspection or provide particulars of records, authorises the detention (pending compliance) of any aircraft of which he is the operator when detention begins;
- (c) provision which authorises the sale of any detained aircraft if the default is not remedied within a specified period.
- (2) These aircraft fall within this subsection—
- (a) the aircraft in respect of which the charge was incurred (whether or not the person who is the operator of the aircraft when detention begins is the defaulter);
- (b) any aircraft of which the defaulter is the operator when detention begins.
- (3) Regulations under subsection (1) may—
- (a) provide that detention (or continued detention) is authorised only in specified circumstances or at specified places;
- (b) provide that in specified circumstances detention is authorised only if a specified person consents;
- (c) provide that sale is authorised only in specified circumstances (which may relate to the court’s consent, to be given only in specified circumstances);
- (d) specify the descriptions of person authorised to detain or sell aircraft;
- (e) provide for the power of detention or sale to extend to other matters (such as the aircraft’s equipment);
- (f) provide for the application of the proceeds of sale;
- (g) provide for them to be applied in a specified order;
- (h) make provision corresponding to any provision made by or under section 88 of the <sup>M4</sup>Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges);
- (i) generally make such provision as the Secretary of State thinks is necessary or expedient to secure detention or sale.

#### **Commencement Information**

**I11** S. 83 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**

**M4** 1982 c. 16.

### *Interpretation*

#### **84 Interpretation.**

- (1) This section applies for the purposes of this Chapter.
- (2) Eurocontrol has the meaning given by section 24 of the <sup>M5</sup>Civil <sup>M6</sup>Aviation Act 1982.
- (3) The Eurocontrol agreement is the multilateral agreement relating to route charges signed at Brussels on 12 February 1981 or any agreement replacing it.
- (4) An aerodrome is an aerodrome as defined in 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

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licence granted in respect of it by virtue of section 60 of that Act (Chicago Convention, regulation of air navigation etc).

(5) “Licence holder” has the meaning given by section 40.

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**Commencement Information**

**I12** S. 84 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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**Marginal Citations**

**M5** 1982 c. 16.

**M6** 1982 c. 16.

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