

Changes to legislation: Transport Act 2000, PART 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE C1 U.K.]

INFORMATION

Textual Amendments

- F1** Sch. C1 inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), ss. 10(7)(b), 21(3)-(7), [Sch. 6](#); S.I. 2021/748, reg. 2(b)

PART 2 U.K.

ENFORCEMENT: INFORMATION

Enforcement of information notice

- 2 (1) If a person fails to comply with a notice under paragraph 1 without reasonable excuse, the CAA may do either or both of the following—
- (a) impose a penalty on the person;
 - (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.
- (2) The amount of the penalty must be the amount that the CAA determines to be—
- (a) appropriate, and
 - (b) proportionate to the failure in respect of which it is imposed.
- (3) A penalty may consist of either or both of the following—
- (a) a fixed amount;
 - (b) an amount payable in respect of each day in a period specified by the CAA (a “daily amount”).
- (4) A fixed amount must not exceed £2,000,000.
- (5) A daily amount must not exceed £100,000.
- (6) A specified period during which daily amounts accumulate must be the period that the CAA considers appropriate, subject to sub-paragraphs (7) and (8).
- (7) The period must begin after the day on which the CAA gives the notice under paragraph 6 stating that it has imposed the penalty.
- (8) The period must end before the day on which the person provides the information or documents specified in the notice under paragraph 1.

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- (9) The Secretary of State may by regulations replace the amount for the time being specified in sub-paragraph (4) or (5).

Penalty for providing false information

- 3 (1) The CAA may impose a penalty of a fixed amount on a person where it is satisfied beyond reasonable doubt that the person, in giving information to the CAA, has committed an offence under section 101 (making of false statements etc).
- (2) Where a penalty is imposed on a person under this paragraph by the CAA, that person may not at any time be convicted of the offence under section 101 in respect of the act or omission giving rise to the penalty.
- (3) The amount of a penalty imposed on a person under this paragraph must be the amount that the CAA determines to be—
- (a) appropriate, and
 - (b) proportionate to the action in respect of which it is imposed,
- but subject to a maximum of £2,000,000.

Penalty for destroying documents etc.

- 4 (1) The CAA may impose a penalty of a fixed amount on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under paragraph 1.
- (2) The reference in sub-paragraph (1) to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in a legible format.
- (3) The amount of a penalty imposed on a person under this paragraph must be the amount that the CAA determines to be—
- (a) appropriate, and
 - (b) proportionate to the action in respect of which it is imposed,
- but subject to a maximum of £2,000,000.

Procedure before imposing a penalty

- 5 (1) Before imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—
- (a) give the person a notice about the proposed penalty;
 - (b) publish the notice as soon as practicable;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (4);
 - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under sub-paragraph (1) must—
- (a) state that the CAA proposes to impose a penalty;
 - (b) state the proposed amount of the penalty;
 - (c) give the CAA's reasons for imposing the penalty.
- (3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice under sub-paragraph (1) must specify—

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- (a) the day on which daily amounts would begin to accumulate;
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The persons are—
- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (c) the Secretary of State.
- (5) The period specified in the notice under sub-paragraph (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (6) Before varying the proposed amount of a penalty, the CAA must—
- (a) give the person on whom the penalty is to be imposed a notice about the proposed variation;
 - (b) publish the notice as soon as practicable;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (4);
 - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (7) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the reference in sub-paragraph (6) to varying the proposed amount of the penalty includes a reference to—
- (a) varying the day on which daily amounts would begin to accumulate, and
 - (b) varying the day on which, or circumstances in which, they would cease to accumulate.
- (8) The notice under sub-paragraph (6) must—
- (a) specify the proposed variation;
 - (b) give the CAA's reasons for the proposed variation.
- (9) The period specified in the notice under sub-paragraph (6) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (10) The CAA may withdraw a notice under sub-paragraph (1) or (6) at any time by giving notice to the person on whom it is proposed to impose the penalty.
- (11) As soon as practicable after giving a notice under sub-paragraph (10), the CAA must—
- (a) publish the notice;
 - (b) send a copy of the notice to the persons listed in sub-paragraph (4).

Procedure after imposing penalty

- 6 (1) As soon as practicable after imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—
- (a) give a notice to the person on whom the penalty is imposed;
 - (b) publish the notice;

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- (c) send a copy of the notice to the persons listed in sub-paragraph (4).
- (2) The notice must—
- (a) state that the CAA has imposed the penalty;
 - (b) state the amount of the penalty;
 - (c) give the CAA's reasons for imposing the penalty;
 - (d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.
- (3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice must specify—
- (a) the day on which the daily amounts begin to accumulate;
 - (b) the day on which, or circumstances in which, they cease to accumulate.
- (4) The persons are—
- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (c) the Secretary of State.
- (5) As soon as practicable after daily amounts cease to accumulate, the CAA must—
- (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate;
 - (b) send a copy of the notice to the persons listed in sub-paragraph (4).]

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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](#)