

SCHEDULES

SCHEDULE 7

Section 11

AIR TRAFFIC SERVICES: CONSEQUENTIAL AMENDMENTS

Transport Act 2000 (c.38)

- 1 (1) Section 7 of the Transport Act 2000 (licences: provisions) is amended as follows.
 - (2) Omit subsection (5).
 - (3) After subsection (6) insert—
 - “(6A) A licence condition may include provision for its modification only if it specifies or describes—
 - (a) the circumstances in which it may be modified,
 - (b) the types of modification that may be made, and
 - (c) the period or periods in which it may be modified.
 - (6B) If a licence condition includes such a provision, it may be modified in accordance with that provision or in accordance with the provision made by this Chapter about modifying licence conditions.
 - (6C) A term of a licence may be modified only in accordance with the provision made by this Chapter about modifying terms of a licence.”
- 2 (1) Section 10 of that Act (breach of duties or conditions) is amended as follows.
 - (2) In subsection (1), in paragraph (b), for “condition of a licence” substitute “licence condition”.
 - (3) In subsection (2), for paragraph (b) substitute—
 - “(b) the power to give a contravention notice;
 - (c) the power to give an enforcement order or an urgent enforcement order, a duty to comply with the order and a power to bring proceedings in respect of the duty;
 - (d) the power to impose a penalty under paragraph 9 or 10 of Schedule B1.”
- 3 In section 19 of that Act (modification by order under other enactments), in subsection (1), for “conditions of a licence” substitute “licence conditions”.
- 4 (1) Section 28 of that Act (power to make air traffic administration order) is amended as follows.
 - (2) In subsection (4), for paragraph (b) substitute—
 - “(b) no notice of withdrawal or revocation has been given under paragraph 1(8), 4(2) or 7(2) of Schedule B1 in relation to the contravention or apprehended contravention, and”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (5)—
- (a) in paragraph (a), for “a final or provisional order” substitute “an enforcement order or an urgent enforcement order”;
 - (b) in paragraph (b), for “proceedings under section 23” substitute “an appeal under section 19A”.
- (4) For subsection (7) substitute—
- “(7) In subsections (4) and (5)—
- “section 8 duty” means a duty imposed on a licence holder by section 8;
- “licence condition” means a condition of a licence holder’s licence.”
- 5 In section 30 of that Act (petitions and orders: supplementary), in subsection (3)(b), for “section 20 above” substitute “Schedule B1 to this Act”.
- 6 (1) Section 35 of that Act (register) is amended as follows.
- (2) In subsection (3), in paragraph (c), for “the conditions of a licence” substitute “licence conditions”.
 - (3) In that subsection, for paragraph (g) substitute—
 - “(g) the terms of every contravention notice;
 - (h) the terms of every withdrawal of a contravention notice;
 - (i) the terms of every enforcement order;
 - (j) the terms of every urgent enforcement order that has been confirmed;
 - (k) the terms of every modification or revocation of an enforcement order or urgent enforcement order.”
- 7 (1) Section 40 of that Act (interpretation) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—
 - “(aa) air transport service;
 - (ab) the CMA;
 - (ac) contravention;
 - (ad) contravention notice;
 - (ae) enforcement order;”.
 - (3) In that subsection omit paragraph (b).
 - (4) In that subsection, after paragraph (d) insert—
 - “(da) licence condition;”.
 - (5) In that subsection, after paragraph (h) insert—
 - “(i) notice;
 - (j) publication;
 - (k) representation;
 - (l) term of licence;
 - (m) urgent enforcement order.”
 - (6) For subsection (6) substitute—

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

“(6) A licence condition is a provision of a licence which is expressed as a condition.

(6A) A term of a licence is a provision of a licence which is not a licence condition.”

(7) After subsection (7) insert—

“(8) “Air transport service” and “user”, in relation to such services, have the meaning given in section 69(1) of the Civil Aviation Act 2012 (air transport services).

(9) “The CMA” is the Competition and Markets Authority.

(10) References in this Chapter to a notice are to a notice in writing.

(11) Where a person is required to publish something by this Chapter, the person must publish it in whatever form and manner the person considers appropriate for bringing it to the attention of persons likely to be affected by it.

(12) A representation includes an objection.

(13) A contravention includes a failure to comply, and related expressions are to be read accordingly.

(14) A contravention notice is a notice under paragraph 1 of Schedule B1.

(15) An enforcement order is an order under paragraph 3 of Schedule B1.

(16) An urgent enforcement order is an order under paragraph 5 of Schedule B1.”

8 After section 40 of that Act insert—

“40A Connected persons

(1) For the purposes of this Chapter one person is connected to another if they are group undertakings in relation to each other.

(2) “Group undertaking” has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).

(3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Chapter, including provision amending or otherwise modifying subsections (1) and (2).”

9 (1) Section 103 of that Act (orders and regulations) is amended as follows.

(2) In subsection (5)—

(a) before “51” insert “11, 19A, 40A,”;

(b) after “94” insert “, paragraph 14 of Schedule B1 or paragraph 2 of Schedule C1”.

(3) In subsection (6), after “51” insert “, and no regulations are to be made under section 11, 19A or 40A, paragraph 14 of Schedule B1 or paragraph 2 of Schedule C1,”.

(4) In subsection (9), after “section 6” insert “or 11”.

- 10 In section 104 of that Act (directions), after subsection (2) insert—
- “(2A) But subsection (2) does not apply in the case of—
- (a) a direction given by the Competition and Markets Authority under section 19C;
 - (b) a direction given by that Authority under paragraph 8 of Schedule A1 (see instead paragraph 8(4) of that Schedule);
 - (c) a direction given by the Competition Appeal Tribunal under paragraph 20 of Schedule B1;
 - (d) a direction given by that Tribunal under paragraph 8 of Schedule C1.”

Enterprise and Regulatory Reform Act 2013 (c. 24)

- 11 In Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority), in paragraph 48(4)(c), after sub-paragraph (iib) insert—
- “(iic) Schedule A1 to the Transport Act 2000;”.