

EXPLANATORY MEMORANDUM

THE TRANSPORT ACT 2000 (CONSEQUENTIAL AMENDMENT) ORDER 2004 No.1755

This explanatory memorandum is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instrument.

The Department for Transport is responsible for this Instrument.

Title of the Instrument

The Transport Act 2000 (Consequential Amendment) Order 2004

Description of the Instrument

The Order amends an incorrect cross-reference in section 44(10) of the Civil Aviation Act 1982. Currently, Subsection 44(10) sets out the penalties for contravening subsection 44(7) of that Act. However, the Transport Act 2000 amended section 44(7) of the Civil Aviation Act 1982 and the substance of subsection 44(7) was moved into subsection 44(7A). This Order seeks to ensure that the existing cross-reference in section 44(10) is corrected to become a reference to the provisions in subsection 44(7A).

Powers under which the Instrument is made

The Instrument is made under section 277(1) of the Transport Act 2000.

Legislative context for the Instrument

The Order amends section 44(10) of the Civil Aviation Act 1982 by correcting a cross-reference to section 44(7). Section 44 of the 1982 Act gives the Secretary of State powers to obtain, by Order, rights over land to secure its safe and efficient use for civil aviation purposes. Section 44(7) prohibits interference with any works carried out on such land and section 44(10) sets out the penalties for contravening section 44(7).

Section 36 of and paragraph 4 of Schedule 4 to the Transport Act 2000 made an amendment to subsection 44(7), which involved dividing the substance of that subsection into 2 parts: new subsections 44(7) and 44(7A). This Order seeks to ensure that the existing cross-reference in section 44(10) of the 1982 Act to the provisions of section 44(7) is corrected to become a reference to the provisions in subsection 44(7A).

Extent

This instrument applies to the United Kingdom.

Compatibility with Convention on Human Rights

There are no human rights implications arising from this Order.

Policy background to the Instrument

The Instrument makes a minor technical correction to a cross-reference in the Civil Aviation Act 1982. It is uncontroversial.

Impact

There are no regulatory impacts arising from this Order.

There are no financial effects arising from this Order.

Contact

Queries on the proposed Instrument should be addressed to:

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7th July 2004