



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER I

AIR TRAFFIC SERVICES

Miscellaneous

34 Investigations.

- [^{F1}(1) A person may make a representation to the CAA about an alleged or apprehended contravention of a section 8 duty or a licence condition.
- (2) Where a representation is made to the CAA, the CAA may—
- (a) consider the representation;
 - (b) investigate the alleged or apprehended contravention.]

(3) A section 8 duty is a duty imposed on a licence holder by section 8.

Textual Amendments

- F1** S. 34(1)(2) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021](#) (c. 12), [ss. 10\(6\), 21\(3\)-\(7\)](#); S.I. 2021/748, [reg. 2\(b\)](#)

Commencement Information

- II** S. 34 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](#))

Changes to legislation: Transport Act 2000, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 15 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

35 Register.

- (1) The CAA must compile and maintain a register for the purposes of this Chapter.
- (2) The register must be kept at such premises and in such form as the CAA decides.
- (3) The CAA must cause these matters to be entered in the register—
 - (a) the provisions of every exemption;
 - (b) the provisions of every licence;
 - (c) every modification of the [^{F2}licence conditions];
 - (d) every revocation or surrender of a licence;
 - (e) the provisions of every requirement or determination made or direction, consent or approval given under a licence;
 - (f) the terms of every notice given under section 9;
 - [^{F3}(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.]
- (4) The duty in subsection (3) does not extend to anything of which the CAA is unaware.
- (5) So far as practicable the CAA must secure the exclusion from the register of any matter relating to the affairs of a person if the CAA thinks its inclusion would or might seriously and prejudicially affect the person's interests.
- (6) If the Secretary of State thinks that entry of anything in the register would be against the public interest or any person's commercial interests, he may give a direction to the CAA requiring the CAA not to enter it.
- (7) The CAA must secure that the contents of the register are available for inspection by the public during such hours as may be specified in an order made by the Secretary of State.
- (8) If requested by any person to do so the CAA must supply him with a copy (certified to be true) of the register or of an extract from it.
- (9) But subsection (8) does not apply if a charge required by a scheme or regulations made under section 11 of the ^{M1}Civil Aviation Act 1982 is not paid.

Textual Amendments

- F2** Words in s. 35(3)(c) substituted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 6\(2\)](#); S.I. 2021/748, [reg. 2\(j\)](#)
- F3** S. 35(3)(g)-(k) substituted for s. 35(3)(g) (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), s. 21(3)-(7), [Sch. 7 para. 6\(3\)](#); S.I. 2021/748, [reg. 2\(j\)](#)

Commencement Information

- I2** S. 35 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

M1 1982 c. 16.

36 Land.

Schedule 4 gives licence holders powers in relation to land.

37 Licence holders as statutory undertakers.

Schedule 5 contains provisions treating licence holders as statutory undertakers.

38 Directions in interests of national security etc.

- (1) The Secretary of State may give to a licence holder or to licence holders generally such directions of a general character as he thinks are necessary or expedient—
 - (a) in the interests of national security, or
 - (b) in the interests of encouraging or maintaining the United Kingdom's relations with another country or territory.
- (2) The Secretary of State may give to a licence holder a direction requiring it to do or not to do a particular thing, if the Secretary of State thinks it necessary or expedient to give the direction in the interests of national security.
- (3) The Secretary of State may give to a licence holder a direction requiring it—
 - (a) to do or not to do a particular thing in connection with anything authorised by the licence, or
 - (b) to secure that a particular thing is done or not done in connection with anything authorised by the licence,if the Secretary of State thinks it necessary or expedient to give the direction in order to discharge or facilitate the discharge of an international obligation of the United Kingdom.
- (4) In exercising his powers under subsections (1) to (3) the Secretary of State must have regard to the need to maintain a high standard of safety in the provision of air traffic services.
- (5) In so far as a direction under this section conflicts with the requirements of section 93 or of an order under section 94, the direction is to be disregarded.
- (6) In so far as a direction under this section conflicts with the requirements of an enactment or instrument other than section 93 or an order under section 94, the requirements are to be disregarded.
- (7) Before giving a direction under this section to a particular licence holder (as opposed to licence holders generally) the Secretary of State must consult it.
- (8) The Secretary of State must send a copy of a direction under this section to the CAA.
- (9) The Secretary of State must lay before each House of Parliament a copy of a direction under this section unless he thinks its disclosure is against the interests of national security or the interests of the United Kingdom's relations with another country or territory or the commercial interests of any person.

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- (10) A person must not disclose, and is not required by any enactment or otherwise to disclose, a direction given or other thing done by virtue of this section if the Secretary of State notifies him that he thinks disclosure is against the interests of national security or the interests of the United Kingdom's relations with another country or territory or the commercial interests of any person (other than the person notified).
- (11) A person commits an offence if—
- (a) without reasonable excuse he contravenes or fails to comply with a direction under this section, or
 - (b) he makes a disclosure in contravention of subsection (10).
- (12) A person who commits an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Commencement Information

- I3** S. 38 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](#))

39 Directions relating to the environment.

- (1) The Secretary of State may give such directions as he thinks are necessary or expedient—
- (a) to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation;
 - (b) to limit or mitigate the effects of such noise, vibration, pollution or disturbance.
- (2) Directions under this section may be given to—
- (a) a licence holder or licence holders generally;
 - (b) a person who is authorised by an exemption to provide air traffic services (an authorised person) or authorised persons generally.
- (3) A direction under this section may be of a general character or may require a licence holder or an authorised person to do or not to do a particular thing.
- (4) A direction under this section may include provision requiring persons to have regard to guidance which relates to the environment and which the Secretary of State may issue from time to time.
- (5) In so far as a direction under this section conflicts with the requirements of section 38 or 93 or of an order under section 94, the direction is to be disregarded.
- (6) In so far as a direction under this section conflicts with the requirements of an enactment or instrument other than section 38 or 93 or an order under section 94, the requirements are to be disregarded.
- (7) Before giving a direction under this section to a particular licence holder or authorised person (as opposed to licence holders or authorised persons generally) requiring him to do or not to do a particular thing, the Secretary of State must consult—

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- (a) that licence holder or authorised person;
- (b) the CAA.

Commencement Information

- I4** S. 39 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](#))

Changes to legislation:

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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](#)