

**Changes to legislation:** Transport Act 2000, Cross Heading: Applications to court 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

## SCHEDULES

### SCHEDULE 1

#### AIR TRAFFIC ADMINISTRATION ORDERS: GENERAL

##### Commencement Information

- II** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

### PART I

#### MODIFICATIONS OF 1986 ACT

##### Commencement Information

- II** Sch. 1 wholly in force at 1.2.2001, see s. 275(1) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

#### *Applications to court*

- 12 (1) Section 27 of the 1986 Act (protection of interests of creditors and members) as applied by this Part of this Schedule has effect as follows.
- (2) After subsection (1) insert—
- “(1A) If a creditor or member of the company makes an application under subsection (1), the court shall give notice of the application to the Secretary of State, who shall be entitled to be heard by the court in connection with the application.
- (1B) At any time when an air traffic administration order is in force the Secretary of State or (with his consent) the CAA may apply to the court by petition for an order under this section on one or both of the following grounds.
- (1C) The first ground is that the air traffic administrator has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which will not best ensure the achievement of the purposes of the order.
- (1D) The second ground is that he has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which involves a contravention of—
- (a) a condition of the licence granted under Chapter I of Part I of the Transport Act 2000, or

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- (b) a duty imposed by section 8(1) of that Act, or
  - (c) any other requirement imposed on the company by virtue of its holding the licence.”
- (3) Omit subsection (3).
- (4) In subsection (4) omit the words “Subject as above”.
- (5) After that subsection insert—
- “(4A) Provision may be made by virtue of subsection (4)(d) that the air traffic administration order is to be discharged from such date as may be specified in the order unless, before that date, such measures are taken as the court thinks fit for the purpose of protecting the interests of creditors.”
- (6) For subsection (6) substitute—
- “(6) Where an air traffic administration order is discharged, the air traffic administrator shall within 14 days after the date on which the discharge takes effect send [<sup>F1</sup>a copy] of the order under this section—
- (a) to the Secretary of State,
  - (b) to the CAA, and
  - (c) to the registrar of companies;
- and if, without reasonable excuse, the air traffic administrator fails to comply with this subsection, he is liable to a fine and, for continued contravention, to a daily default fine.”

#### Textual Amendments

- F1** Words in Sch. 1 para. 12(6) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 184(7)(b)** (with art. 10)

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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](#)