

TRANSPORT ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I: Air Traffic

Chapter Iii: Air Navigation

Sections 66 to 72: Air navigation directions

56. *Section 66* allows the Secretary of State to give the CAA duties and powers in connection with air navigation- essentially those functions currently carried out by the Director of Airspace Policy and which are to be transferred to the CAA. Directions will require the CAA among other things to develop and implement a policy for the use of airspace which meets, so far as practicable, the needs of all users; to promote and facilitate the continued operation of an integrated air traffic service provision; to establish a consultative forum inter alia for the reconciliation of civil and military interests in airspace use; and to meet relevant objectives, for example in relation to the environment.
57. *Section 67* gives the right of appeal on national security issues to a member of the CAA to be nominated by the Secretary of State for Defence.
58. *Section 68* provides broad guidelines on the areas which Directions under section 66(1) may cover, such as consultation and provision for referring matters to the Secretary of State or seeking his approval.
59. *Section 69* contains supplementary provisions relating to the directions and provides that these directions take precedence over all other enactment or instruments with the exception of directions under section 93 (Hostilities) or an order under section 94 (Orders for possessions of aerodromes etc.) made in times of actual or imminent hostilities, or of severe international tension or great national emergency.
60. *Section 70* details the CAA's general duties when exercising its air navigation functions and specifies how any possible conflict in the application of these provisions is to be resolved. The section disapplies the CAA's general objectives under section 4 of the 1982 Act from the CAA's performance of its functions under this Chapter. These relate to the provision of air transport services by British airlines and furthering the interests of users of air transport services and are not appropriate here.
61. *Section 71* allows the CAA in connection with its air navigation functions to serve a notice, on a person who provides air traffic services, specifying documents or information to be produced. A person commits an offence if they fail to provide the documents or information without reasonable excuse as defined in *subsection (3)*. Penalties for these offences are set out in *subsections (4) and (5)*. If a person makes default in complying with a notice the CAA may apply to a court for an order requiring the default to be made good. *Section 72* defines terms used for the purposes of the Chapter.