



Transport Act 2000

2000 CHAPTER 38

PART I

AIR TRAFFIC

CHAPTER IV

CHARGES FOR AIR SERVICES

Miscellaneous

81 **Records**

- (1) The Secretary of State may make regulations in order to facilitate the assessment and collection of charges payable by virtue of section 73.
- (2) The regulations may require operators or owners of aircraft or managers of aerodromes—
 - (a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as are specified;
 - (b) to preserve the records for a specified period;
 - (c) to produce relevant records for inspection by specified persons at specified times;
 - (d) to provide specified particulars of relevant records to specified persons.
- (3) Relevant records are records required to be preserved by the operators, owners or managers by the regulations or an Air Navigation Order.
- (4) The persons who may be specified under subsection (2)(c) or (d) are—
 - (a) in the case of charges payable to Eurocontrol, officers of the CAA or of Eurocontrol;
 - (b) in the case of other charges, officers of the CAA or of the organisation, government or other person to whom the charges are payable.

Status: This is the original version (as it was originally enacted).

- (5) The requirements may be imposed on the operator or owner of an aircraft whether or not—
 - (a) it is registered in the United Kingdom;
 - (b) it is in the United Kingdom when the services concerned are provided;
 - (c) the services concerned are provided from a place in the United Kingdom.
- (6) A record includes (in addition to a record in writing)—
 - (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
 - (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
 - (c) a photograph.
- (7) An Air Navigation Order is an Order in Council under section 60 of the Civil Aviation Act 1982.
- (8) In subsection (4)—
 - (a) a reference to officers of the CAA includes a reference to persons authorised to act as such officers;
 - (b) a reference to officers of Eurocontrol includes a reference to persons authorised to act as such officers.

82 Offences

- (1) A person commits an offence if without reasonable excuse he fails to comply with a requirement of regulations made under section 81.
- (2) A person commits an offence if he is in possession of information provided to him or obtained by him under regulations made under section 81 and he discloses the information otherwise than—
 - (a) with the consent of the person by whom it was provided or from whom it was obtained,
 - (b) for the purposes of the regulations,
 - (c) for the purposes of any proceedings arising out of this Chapter,
 - (d) for the purposes of any criminal proceedings (however arising),
 - (e) for the purposes of any proceedings brought by virtue of paragraph 3 of Schedule 4 to the Civil Aviation Act 1982 (claims against Eurocontrol),
 - (f) for the purposes of a public inquiry or investigation held or carried out under regulations made under section 75 of the Civil Aviation Act 1982, or
 - (g) for the purposes of a report of any proceedings, inquiry or investigation mentioned above.
- (3) A person commits an offence if in providing particulars under a provision contained in regulations by virtue of section 81(2)(d)—
 - (a) he provides particulars which he knows are false in a material particular, or
 - (b) he recklessly provides particulars which are false in a material particular.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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

- (5) A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.
- (6) A person who commits an offence under subsection (3) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

83 Detention and sale

- (1) The Secretary of State may make regulations containing—
 - (a) provision which, in the case of default by an operator in paying a charge payable by virtue of section 73, authorises the detention (pending payment) of any aircraft falling within subsection (2);
 - (b) provision which, in the case of default by an operator in complying with a requirement imposed by regulations made under section 81 to produce records for inspection or provide particulars of records, authorises the detention (pending compliance) of any aircraft of which he is the operator when detention begins;
 - (c) provision which authorises the sale of any detained aircraft if the default is not remedied within a specified period.
- (2) These aircraft fall within this subsection—
 - (a) the aircraft in respect of which the charge was incurred (whether or not the person who is the operator of the aircraft when detention begins is the defaulter);
 - (b) any aircraft of which the defaulter is the operator when detention begins.
- (3) Regulations under subsection (1) may—
 - (a) provide that detention (or continued detention) is authorised only in specified circumstances or at specified places;
 - (b) provide that in specified circumstances detention is authorised only if a specified person consents;
 - (c) provide that sale is authorised only in specified circumstances (which may relate to the court's consent, to be given only in specified circumstances);
 - (d) specify the descriptions of person authorised to detain or sell aircraft;
 - (e) provide for the power of detention or sale to extend to other matters (such as the aircraft's equipment);
 - (f) provide for the application of the proceeds of sale;
 - (g) provide for them to be applied in a specified order;
 - (h) make provision corresponding to any provision made by or under section 88 of the Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges);
 - (i) generally make such provision as the Secretary of State thinks is necessary or expedient to secure detention or sale.