



# Transport Act 2000

## 2000 CHAPTER 38

### PART I

#### AIR TRAFFIC

### CHAPTER II

#### TRANSFER SCHEMES

##### *Secretary of State's schemes*

#### **46 Information for purposes of section 45.**

- (1) If the Secretary of State proposes to make a transfer scheme he may give a direction to an interested body requiring it—
  - (a) to provide him with such information as he thinks necessary to enable him to make the scheme, and
  - (b) to do so within the period (not less than 28 days starting with the date on which the direction is given) specified in the direction.
- (2) These are interested bodies—
  - (a) the CAA;
  - (b) a company which is wholly owned by the Crown;
  - (c) a company which is wholly owned by the CAA;
  - (d) a company which is a wholly owned subsidiary of a company falling within paragraph (b) or (c).
- (3) If a body fails to comply with a direction under subsection (1) the Secretary of State may serve on it a notice which—
  - (a) requires it to produce any documents which are specified or described in the notice and are in its custody or under its control, and to produce them at a time and place so specified and to a person so specified, or

*Status: Point in time view as at 15/10/2005.*

*Changes to legislation: Transport Act 2000, Section 46 is up to date with all changes known to be in force on or before 09 September 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)*

- (b) requires it to supply information specified or described in the notice, and to supply it at a time and place and in a form and manner so specified and to a person so specified.
- (4) No body may be required under this section—
  - (a) to produce documents which it could not be compelled to produce in civil proceedings in the court;
  - (b) to supply information which it could not be compelled to supply in such proceedings.
- (5) If a body fails without reasonable excuse to do anything required of it by a notice under subsection (3) it is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) If a body intentionally alters, suppresses or destroys a document which it has been required to produce by a notice under subsection (3) it is guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (7) If a body makes default in complying with a notice under subsection (3) the court may on the Secretary of State's application make such order as the court thinks fit for requiring the default to be made good.
- (8) An order under subsection (7) may provide that all the costs or expenses of and incidental to the application are to be borne—
  - (a) by the body in default, or
  - (b) if officers of the body are responsible for its default, those officers.
- (9) A reference to producing a document includes a reference to producing a legible and intelligible copy of information recorded otherwise than in legible form.
- (10) A reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.
- (11) A reference to the court is to—
  - (a) the High Court in relation to England and Wales or Northern Ireland;
  - (b) the Court of Session in relation to Scotland.

#### **Commencement Information**

- II** S. 46 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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