STATUTORY INSTRUMENTS

2011 No. xxx

CIVIL AVIATION

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The Secretary of State for Transport, in exercise of the powers conferred by sections 2(3), 7(1) and (2), 11(2), 64(3), 65(1) and (6), 66(1) and (4),67(1), (2) and (5), 69A, 84(1) 85(1) and 102(1) and (2) of and paragraph 15 of Schedule 1 to the Civil Aviation Act 1982(**a**) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**b**) and after consultation with the Administrative Justice and Tribunals Council under Part 3 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(**c**), makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to Her Majesty that it is expedient for certain references to provisions of a Community instrument to be construed as a reference to those provisions as amended from time to time.

(**a**) 1982 c.16; section 7(2) was amended by the Criminal Justice Act 1982 (c.48), sections 40 and 46; sections 17, 64 to 66, 68 to 69, 70 and 84 were amended by the Licensing of Air Carriers Regulations 1992 (S.I. 1992/2992); section 69A was inserted by the Licensing of Air Carriers Regulations 1992; section 69A was amended by the EC/Swiss Air Transport Agreement (Consequential Amendments) Regulations 2004 (S.I. 2004/1256) and by the Civil Aviation Act 2006 (c.34).
(**b**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006 c.51, section 28.
(c) 2007 c.15.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Civil Aviation Authority Regulations 2011 and come into force on xxth xxxxx 2011.

Revocation

2. The Regulations listed in Schedule 1 are revoked to the extent there specified.

Interpretation

3.—(1) In these Regulations unless the context otherwise requires—

"the Act" means the Civil Aviation Act 1982;

"air traffic services licence" means a licence granted under section 6 of the Transport Act 2000(**a**);

"air transport licence" means an air transport licence granted by the CAA under the Act;

"air traffic direction" means a direction made under article 173 of the Air Navigation Order 2009(**b**);

"airspace policy direction" means a direction made under article 174 of the Air Navigation Order 2009;

"Basic EASA Regulation" means Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20th February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No. 1592/2002 and Directive 2004/36/EC, as amended(**c**);

"the CAA" means the Civil Aviation Authority;

"CAA Member" means a Member of the CAA appointed by the Secretary of State under section 2 of the Act;

"decision date" has the meaning assigned by Schedule 4, Section 6, paragraph 12;

"document" includes a map, plan, design, drawing, picture or other image;

"an EASA Regulation" means the Basic EASA Regulation or any Implementing Rule made under that Regulation;

"EASA" means the European Aviation Safety Agency;

"EU-OPS" means Annex III to the Technical Harmonisation Regulation(**d**);

"European Aviation Safety Agency" means the Agency established under the Basic EASA Regulation;

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) —

(a) by means of an electronic communications network (within the meaning of the Communications Act 2003(**a**)); or

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(a) 2000 c.38.
(**b**) S.I. 2009/3015 to which there are amendments not relevant to these Regulations.
(c) O.J. No. L 79 of 19.03.2008, p.1. The Basic EASA Regulation was amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC O.J. No. L 309 of 24.11.2009, p.51.
(d) The Technical Harmonisation Regulation was amended and Annex III inserted by Regulation 1899/2006 of the European Parliament and of the Council of 12 December 2006 O.J. No. L 377, 27.12.2006, p.1; an updated Annex III was inserted by Commission Regulation 859/2008 O.J. No. L 254, 20.9.2008, p.1.

(b) by other means while in an electronic form;

"environmental application" and "environmental proposal" have the meanings respectively assigned to them in Schedule 4 Section 2 paragraph 13;

"hearing" or "preliminary hearing" means a hearing or preliminary hearing at which the parties and the person concerned will be offered the opportunity to appear and present oral evidence or argument and "to hear" is construed accordingly;

"operating licence" means an operating licence granted by the CAA in accordance with Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24th September 2008 on common rules for the operation of air services in the Community(**b**);

"ordinary aerodrome licence" means an aerodrome licence granted under the Air Navigation Order 2009 which does not include a public use condition;

"party" in relation to a case before the CAA means, for the purposes of Schedules 3, 4 and 5, a person having the right to be heard;

"party" means for the purposes of an appeal to the Secretary of State under of Section 7 of Schedule 4, any person specified in Schedule 4, Section 7, paragraphs 3(c) or (d);

"the person concerned" means in Schedule 2—

(a) in relation to the registration of aircraft, the applicant for registration or the person in whose name the aircraft is registered;

(b) in relation to a certificate, licence, approval, authorisation, validation, rating or qualification, the holder or former holder of or applicant for the certificate, licence, approval, authorisation, validation, rating or qualification; and

(c) in relation to making an air traffic direction or an airspace policy direction, the person who has been directed;

"personnel licence" means a licence authorising a person to act as a member of a flight crew, an aircraft maintenance engineer, an air traffic controller, a student air traffic controller or a flight information service officer;

"public use aerodrome licence" means an aerodrome licence granted under the Air Navigation Order 2009 which includes a public use condition;

"public use condition" means a condition included in an aerodrome licence granted under the Air Navigation Order 2009 that the aerodrome is at all times when it is available for the take off or landing of aircraft so available to all persons on equal terms and conditions;

"qualification" means a qualification in a personnel licence;

"qualifying carrier" means—

(a) an undertaking which has been granted an air transport licence in accordance with section 65 of the Act; or

(b) a community air carrier as defined in section 69A(8) of the Act, which has either obtained its operating licence from the CAA, or is established in the United Kingdom in accordance with Article 43 of the Treaty establishing the European Community(**c**);

"rating" means a rating in a personnel licence;

"reportable occurrence" has the same meaning as in article 226 of the Air Navigation Order 2009;

"route licence" means a route licence granted by the CAA under the Act;

"a Single European Sky regulation" means—

(a) 2003 c.21.
(b) O.J. No. L 293, 31.10.08, p.3.
(c) O.J. No. C325, 24.12.2002, p.33.

(a) Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation), as amended(**a**);

(b) Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation), as amended(**b**);

(c) Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation), as amended(**c**); or

(d) Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation), as amended(**d**),

or any implementing rule made on the basis of any of those Regulations(**e**);

"statement of policies" means the publication of the CAA referred to in section 69 of the Act;

"statutory duties" means the duties of the CAA set out in sections 4 and 68 of the Act;

"to replace a public use aerodrome licence with an ordinary aerodrome licence" means to vary a public use aerodrome licence by removing the public use condition and "to replace an ordinary aerodrome licence with a public use aerodrome licence" means to vary an ordinary aerodrome licence by adding a public use condition;

"Technical Harmonisation Regulation" means Council Regulation (EEC) No. 3922/91 of 16th December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, as amended(**f**);

"transcript date" has the meaning assigned to it by Schedule 4, Section 6, paragraph 13;

(2) Except in the case of a notice served under section 66(4) or 84(1) of the Act, a reference in these Regulations to a thing in writing includes that thing in electronic form.

(3) Any period of time specified in these Regulations by reference to days, working days or months—

(a) if such period is expressed to begin after a particular date, begins on the first day after that date, and is inclusive of the last day unless that day falls on a Saturday, Sunday, Christmas Day, Good Friday or any other day appointed by law to be a bank holiday in any part of the United Kingdom, in which case the period runs to the immediately following working day; and

(b) if such period is expressed to run to or expire before a particular date or event, the period is calculated to expire on the last working day before the particular date or the date of that event.

(4) In computing any period of time specified in these Regulations by reference to hours or working days the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday is disregarded, and for that purpose any day which is appointed by law to be a bank holiday in any part of the United Kingdom is treated as a bank holiday.

(**a**) O.J. No. L 96, 31.3.2004, p.1.
(**b**) O.J. No. L 96, 31.3.2004, p.10.
(**c**) O.J. No. L 96, 31.3.2004, p.20.
(d) O.J. No. L 96, 31.3.2004, p.26.
(**e**) Regulation (EC) No 549/2004, 550/2004, 551/2004 and 552/2004 have been amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system, O.J. No L 300, 14.11.2009, p.34.
(f) O.J. No. L 373, 31.12.91, p.4. The Technical Harmonisation Regulation was amended and Annex III inserted by Regulation 1899/2006 of the European Parliament and of the Council of 12 December 2006 O.J. No. L 377, 27.12.2006, p.1; an updated Annex III was inserted by Commission Regulation 859/2008 O.J. No. L 254, 20.9.2008, p.1. Council Regulation 3922/91 applies throughout the area of the EEA by virtue of the amendment of the EEA Agreement (Cm 2073 and 2183) by the Decision of the EEA Joint Committee No. 7/94 of 21.3.94 (O.J. No. L160, 28.6.94, p.1).

PART 2

Disclosure of Information

Inspection of aircraft register

4. The CAA must, at all reasonable times and upon payment to it of any applicable charge under section 11 of the Act, make the register of aircraft available for inspection by any person.

Dissemination of reports of reportable occurrences

5.—(1) Subject to paragraph (2), the CAA must make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is—

(a) the operator or member of the flight crew of any aircraft;

(b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of aircraft parts or equipment;

(c) the provider of an air traffic control service;

(d) the aeronautical authority of a country other than the United Kingdom, or the representative in the United Kingdom of such an authority;

(e) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;

(f) engaged in preparing a programme about civil aviation for television or radio;

(g) engaged in the study of civil aviation for any academic purpose; or

(h) any other person whose functions include the furthering of the safety of civil aviation.

(2) The CAA is not required to make available any report or summary of a report to any person if it is satisfied that to do so will not further the safety of civil aviation.

Disclosure in civil proceedings

6.—(1) The function of the CAA of being a party to civil proceedings is prescribed for the purposes of section 7(2) of the Act.

(2) In any civil proceedings to which the CAA is or becomes a party or where civil proceedings are contemplated, the CAA must disclose to the Court and any other party to the proceedings information in its possession which, apart from section 23(1) of the Act, it would have been under a duty to disclose for the purpose of those proceedings.

PART 3

Standard Provisions for Conduct and Procedures Prescribed in Part 4

Applicability of standard provisions

7. The provisions in this Part apply to any decision or determination made or hearing held under Part 4 and Schedule 2, 3, 4 or 5.

Service of documents

8.—(1) Subject to paragraph (2), a notice or other document required to be served under these Regulations must be served in accordance with regulation 9 or 10.

(2) Anything which is required to be served on the CAA under these Regulations may be served electronically by sending it to an e-mail address which the CAA has published for the purpose.

(3) A a notice or other document served by the CAA under section 66(4) or 84(1) of the Act must be served in accordance with regulation 9.

(4) If a person is a body corporate, whatever is to be served may be served upon the secretary of that body.

9.—(1) A notice or other document is served on a person in accordance with this regulation if it is set out in writing and —

(a) delivered to that person;

(b) left at the person's proper address;

(c) sent by post to that address; or

(d) sent to the person at that address by fax or other similar means which produce a document containing a text of the communication, in which event the document is regarded as served when it is received.

(2) For the purposes of paragraph (1) the proper address of any person is, in the case of a body corporate, the registered or principal office of that body and in any other case the last known address of the person to be served.

10.—(1) A notice or other document is served on a person in accordance with this regulation if—

(a) an address for service using electronic communications has been given by that person and not withdrawn in accordance with paragraph (5);

(b) that person has agreed to accept service by electronic communications of documents in a certain form and has not withdrawn that agreement in accordance with paragraph (5); and

(c) electronic communication is used to send the notice or other document in that form to that person at that address.

(2) A document given to or served on a person in accordance with paragraph (1)(b) must be in a form sufficiently permanent to be used for subsequent reference.

(3) If a document is given to or served on a person in accordance with paragraph (1)(b), the document is deemed to have been given to or served on that person at the time at which the electronic communication is transmitted unless—

(a) the contrary is proved; or

(b) paragraph (4) applies.

(4) If the time at which an electronic communication is transmitted to a person is not a time at which that person's principal place of business in the country in which the addressee is situated is not normally open for business, the document is deemed to have been given or served on that person on the next day on which that person's principal place of business in the country in which the addressee is situated is normally open for business.

(5) A person who has supplied an address for service using electronic communication and has agreed to accept service of documents in a certain form in accordance with paragraph (1)(b) may give notice withdrawing that address or that agreement or both.

(6) A withdrawal under paragraph (5) takes effect on the later of—

(a) the date specified by the person in the notice; and

(b) the date which is fourteen days after the date on which the notice is given.

(7) This regulation does not apply to any document in relation to the service of which provision is made by the rules of the court.

Publication and making information available

11.—(1) Any notice or other matter (not being a schedule of terms referred to in Schedule 4 Section 2 paragraph 12) required by these Regulations, or by section 11(2), 64(3), 65(1) or (6) or 85(1) of the Act, to be published is published by the CAA in its Official Record.

(2) If the CAA is required to publish any information or document, including its Official Record, it may do so electronically or otherwise.

(3) If the CAA is required to make any information available for inspection it may do so electronically or otherwise;

(4) Any notice that is required to be published for a particular period and is published for a part, but not all, of the period is deemed to have been published for the whole of the relevant period if the failure to publish that notice throughout that period is wholly attributable to circumstances which it would not be reasonable to have expected the CAA to prevent or avoid.

Failure to give notice and other procedural irregularities

12.—(1) The failure of the CAA or of any person to give notice or publish any information in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity does not invalidate anything done by the CAA.

(2) The CAA may, and must if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.

Provision of transcripts

13.—(1) All the proceedings at a hearing in accordance with these regulations must be recorded in writing.

(2) Subject to paragraphs (3), (4) and (5) a copy of the transcript of the proceedings must be made available to any person, unless a decision has been taken to hold the hearing in private, in which case a transcript must only be made available to those present at the hearing.

(3) If part of the hearing is held in private, a copy of the transcript of that part of the proceedings must only be supplied to persons present during that part.

(4) The CAA is entitled to require payment of a reasonable fee before supplying such a record.

(5) The CAA is not required to supply an electronic recording or transcript of the proceedings at any time more than one year after it has published or notified its decision in the case.

Hearings in public or in private

14.—(1) All hearings must be in public except—

(a) if the CAA is satisfied that a private hearing is required in the interests of morals, public order or national security in a democratic society, the interests of juveniles or the protection of the private lives of the parties, or to the extent strictly necessary in the opinion of the CAA in special circumstances if publicity would prejudice the interests of justice; or

(b) if a party or the person concerned has requested in writing that the hearing be in private if the CAA is satisfied that there is no important public interest consideration that calls for the public to be present.

(2) The CAA may decide under paragraph (1) that part only of the hearing is to be in private or that information about the proceedings before the CAA, the names and identifying characteristics of persons concerned in the proceedings or specified evidence given in the proceedings must not be made public or disclosed to a party or parties.

(3) Any person which the CAA, with the consent of the parties or the person concerned, permits to attend the hearing is entitled to do so, whether or not the hearing is in private.

Giving notice of hearing

15.—(1) Subject to regulation 16 and Schedule 4, Section 5, paragraph 2(3), no hearing is to be held under these Regulations unless the CAA has served on all persons coming within paragraph (2) at least 14 days' notice of the date, time and place of the hearing.

(2) The following persons come within this paragraph—

(a) persons having a right to be heard;

(b) persons whom the CAA proposes to hear; and

(c) in the case of a hearing to be held under Section 6 of Schedule 4, any person who has been consulted by the CAA under Section 4 of Schedule 4 and who has responded in writing.

(3) The notice must clearly identify the matter to which it relates.

(4) A similar notice must be published not less than 7 days before the date of the hearing on the CAA's website unless the hearing is to be held in private.

(5) On the day of a hearing, a similar notice notice must be posted in a visible and accessible, place at the venue where the hearing is scheduled to take place unless the hearing is to be held in private.

Expedited hearing

16.—(1) If the CAA is satisfied that for reasons of urgency it is desirable to do so, a hearing may be held without notice having been served, published and exhibited in accordance with regulation 15.

(2) In such a case, the CAA must comply with sub-paragraph (3).

(3) The CAA complies with this paragraph if it gives notice of the date, time and place of the hearing, being notice of such length and by such means (whether oral, written or electronic) as it thinks fit, to any person of a description specified in regulation 15(2) whose interests are in the opinion of the CAA likely to be prejudiced by the granting of the application and to any person consulted by the CAA under Section 3 of Schedule 4.

Hearing in absence of party

17. Where the CAA holds a hearing, the hearing may proceed in the absence of the person concerned or any party and the CAA must consider any representations made or evidence submitted by any person with a right to be heard who is in attendance.

Technical assessors

18. The CAA Members conducting a hearing may sit with such technical assessors to advise them as they may appoint, but they must not appoint as an assessor any person who participated in an application or proposal, the development of any notice, counter-notice or decision, or in giving or assessing a test or examination which is to be the subject of the hearing.

Application for extension of time limit

19.—(1) The CAA may extend any time limit imposed by these Regulations whether or not it has already expired, if—

(a) it would not be reasonable to expect any person subject to such a limit to comply or to have complied with the time limit; or

(b) not to extend the time limit would result in substantial injustice.

(2) Before deciding whether or not to extend the time limit the CAA must give persons whose interests might be affected by the extension an opportunity to make representations and must consider any such representations.

(3) A decision to extend or refuse to extend any time limit must be made by a CAA Member or employee who was not involved in the original decision or proposal in question.

Procedure at a hearing

20.—(1) At the beginning of any hearing the Chair must explain the manner and order of proceeding, having regard to any applicable burden and standard of proof and rules of evidence.

(2) Subject to this rule, the CAA may, in accordance with the overriding objective, conduct the hearing in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings; it must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings.

(3) Any person heard at a hearing is entitled to give evidence, to call witnesses, to question any witnesses and to address the CAA Members conducting the hearing both on the evidence and generally on the subject matter of the appeal.

(4) The CAA may receive evidence of any fact which seems to the CAA to be relevant even if the evidence would be inadmissible in proceedings before a court of law.

(5) Where a hearing is to be conducted by more than one CAA Member, one will be appointed as Chair.

(6) Where a hearing is conducted by more than one CAA Member, in the event that a majority decision cannot be reached, the Chair will have a casting vote.

Treatment of specified information

21.—(1) In this regulation, specified information means information which in the opinion of the CAA relates to the private life or the commercial or financial affairs of any person.

(2) Where the CAA is in possession of specified information which it proposes to take into account when reaching a decision, it must serve that information on the parties unless it is satisfied that it cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient is unwarranted**.**

(3) The CAA must include in any statement of reasons or decision which it is required to publish any specified information unless it is satisfied that it cannot be published without disadvantage to the person who has provided it which, by comparison with the advantage to the public is unwarranted**.**

PART 4

Conduct and Procedure for Specified Functions of the CAA

Proposals and decisions of the CAA made by or under the Air Navigation Order 2009 an EASA Regulation EU OPS or a Single European Sky Regulation

22.—(1) The functions specified in paragraph (3) are prescribed for the purposes of section 7(2) of the Act(**a**).

(2) Part 3 and Schedule 2 regulate the conduct and procedure of the CAA in connection with its performance of the functions specified in paragraph (3).

(3) The functions referred to in paragraphs (1) and (2) are those conferred on the CAA by or under the Air Navigation Order 2009, an EASA Regulation, EU OPS or a Single European Sky Regulation with respect to—

(a) registration of aircraft;

(b) certification of operators of aircraft;

(c) certification of airworthiness or continuing airworthiness of aircraft;

(**a**) Section 7(2) of the Civil Aviation Act 1982 enables regulations to regulate the conduct of the CAA, including the procedure to be followed, in connection with a prescribed function.

(d) noise certification;

(e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;

(f) personnel licensing;

(g) approval of instrument flight procedures;

(h) certification of air navigation service providers;

(i) designation of air traffic service providers;

(j) licensing of aerodromes, except for the functions to which regulation 23 applies;

(k) validation or revalidation of any certificate or licence;

(l) approval or authorisation of persons;

(m) approval of courses;

(n) approval of equipment;

(o) approval of schemes for the regulation of the flight times of aircraft crew;

(p) receiving reports of reportable occurrences;

(q) making air traffic directions; and

(r) making airspace policy directions.

Proposals and decisions of the CAA in relation to public use and ordinary aerodrome licences

23.—(1) The functions specified in paragraph (3) are prescribed for the purposes of section 7(2) of the Act.

(2) Part 3 and Schedule 3 regulate the conduct and procedure of the CAA in connection with its performance of the functions specified in paragraph (3).

(3) The functions referred to in paragraphs (1) and (2) are—

(a) the making of a decision to substitute a public use aerodrome licence for an ordinary aerodrome licence; and

(b) the making of a decision to substitute an ordinary aerodrome licence for a public use aerodrome licence.

Proposals and decisions of the CAA concerning air transport licensing and route licensing

24.—(1) The functions conferred upon the CAA by sections 64 to 67 and 69A of the Act are prescribed for the purposes of section 7(2) of the Act.

(2) Part 3 and Schedule 4 regulate the conduct and procedure of the CAA in connection with its performance of the functions specified in paragraph (1).

Determination by the CAA of a reference under an Air Traffic Services Licence

25.—(1) Where, under a condition of an air traffic services licence, any matter or question may be referred for determination by one or more CAA Members under these Regulations, the function of making such a determination is prescribed for the purposes of section 7(2) of the Act.

(2) Part 3 and Schedule 5 regulate the conduct and procedure of the CAA in connection with the determination of any such matter or question which is referred.

Decisions of the CAA in connection with operator licensing

26.—(1) The function of making a decision to—

(a) revoke or suspend an operating licence otherwise than at the request of the holder; or

(b) refuse to grant an operating licence,

is prescribed for the purposes of section 7(1) of the Act so that it may only be performed by a CAA Member.

(2) A decision referred to in paragraph (1) must be made by at least two CAA Members except where the persons having the right to be heard in connection with the case have consented to the decision being made by one CAA Member.

(3) Any other decision to grant, revoke or suspend an operating licence may be made on behalf of the CAA only by a CAA Member or a CAA employee.

(4) The CAA must publish a procedure for making a decision prescribed in paragraph (1).

(5) A decision about an operating licence prescribed in paragraph (1) must be taken in accordance with the published procedure.

Medical appeals

27.—(1) The function of making a decision to refuse, provisionally vary, vary, provisionally suspend, suspend or revoke a medical certificate is prescribed for the purposes of section 7(2) of the Act.

(2) The CAA must publish a procedure for making a decision prescribed in paragraph (1).

(3) A decision about a medical certificate prescribed in paragraph (1) must be taken in accordance with the published procedure.

SCHEDULE 1

Regulation 2

Regulations revoked

SI Number	*Title*	*Extent of revocation*
1991/1672	The Civil Aviation Authority Regulations 1991	The whole instrument
1996/1494	The Civil Aviation Authority (Amendment) Regulations 1996	The whole instrument
2001/2448	The Civil Aviation Authority (Amendment) Regulations 2001	The whole instrument
2007/3556	The Civil Aviation (Allocation of Scarce Capacity) Regulations 2007	Regulation 3
2008/2683	The Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008	Paragraphs 45 to 49 of Schedule 1
2009/41	The Operation of Air Services in the Community Regulations 2009	Regulation 36

SCHEDULE 2

Regulation 21(3)

Conduct and Procedure of the CAA Concerning Proposals and Decisions Made Under the Air Navigation Order 2009 an EASA Regulation or a Single European Sky Regulation

Proposals and decisions to be made by CAA Members or CAA employees

1.—(1) This Schedule applies to proposals and decisions with respect to any of the functions specified in regulation 22(3).

(2) Subject to paragraph 13, a decision specified in sub-paragraph (3) or a proposal referred to in paragraph 5 may be made on behalf of the CAA only by a CAA Member or a CAA employee.

(3) The decisions referred to in sub-paragraph (1) are a decision to—

(a) register, refuse to register, cancel or amend the registration of an aircraft;

(b) grant, refuse to grant, validate, refuse to validate, revoke, suspend, vary or refuse to vary a certificate, licence, approval, authorisation or rating; or

(c) make an air traffic direction or an airspace policy direction.

Decisions to be made by CAA Members and quorum

2. Where a request referred to in paragraph 3, 4, 5 or 6 has been served on the CAA, the decision is prescribed for the purposes of section 7(1) of the Act so that it must be made by at least two CAA Members who were not involved in the original decision or proposal made by the CAA employee.

Decision by CAA employee to refuse an application

3. Subject to paragraph 13, if—

(a) a CAA employee has decided that it would be inexpedient in the public interest for an aircraft to be registered in the United Kingdom; or

(b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation, rating or qualification has been refused by a CAA employee or granted by a CAA employee in terms other than those requested by the applicant,

the CAA must serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by CAA Members.

Decision by CAA employee to cancel, revoke, suspend or vary under the Air Navigation Order 2009

4.—(1) Subject to paragraph 13, this paragraph applies if a CAA employee proposes to —

(a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the United Kingdom; or

(b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation, rating or qualification issued under the Air Navigation Order 2009 or make an air traffic direction or an airspace policy direction otherwise than on the application of the holder.

(2) The CAA must serve on the person concerned notice of the proposal together with the reasons for it.

(3) The person concerned may within 14 days after the date of service of that notice, serve on the CAA a request that the case be decided by CAA Members.

Decision by CAA employee to revoke, suspend or vary under an EASA Regulation or a Single European Sky Regulation

5.—(1) Subject to paragraph 13, this paragraph applies if a CAA employee revokes, suspends or varies a certificate, licence, approval, authorisation, validation, rating or qualification issued under an EASA Regulation or a Single European Sky Regulation otherwise than on the application of the holder.

(2) The CAA must serve on the person concerned notice of the revocation, suspension or variation together with the reasons for it.

(3) The person concerned may within 14 days after the date of service of that notice, serve on the CAA a request that the case be decided by CAA Members.

Failure of test or examination

6. Any person who has failed any test or examination which must be passed before being granted or exercising the privileges of a personnel licence may within 14 days after receiving notice of failure request that CAA Members determine whether the test or examination was properly conducted.

Consideration of representations

7.—(1) Before making a decision the CAA Members must consider any brief supplied by the CAA employee responsible for the proposal or decision and any representations which may have been served on it by the person concerned.

(2) The requirement to consider the brief or representations only applies if they are served within 21 days after the date of service of the notice under paragraph 3, 4, 5 or 6 or such additional period as the CAA Members may determine in accordance with Regulation 19.

Requirement to hold a hearing

8.—(1) Within the time permitted for serving representations under paragraph 7, the person concerned may request a hearing.

(2) If the person concerned has requested a hearing, the CAA Members must before making a decision, hold a hearing and consider any representations made or evidence submitted at such a hearing.

Right to be heard

9. The person concerned and the CAA employee who has made the decision or proposal to be reviewed have a right to be heard at the hearing.

Decision by the CAA Members

10. The CAA Members may decide to withdraw or impose a cancellation, revocation, suspension or variation proposed in accordance with paragraph 5 or to withdraw or uphold a revocation, suspension or variation imposed in accordance with paragraph 6 or to substitute any other decision which the CAA make make

CAA to serve and publish reasons for decision

11. When the CAA makes a decision it must—

(a) serve the decision and a statement of its reasons for the decision on the person concerned; and

(b) subject to Regulation 21, publish the decision and a statement of its reasons for the decision.

Right to be represented produce evidence and examine other parties

12. At a hearing every person with a right to be heard may appear in person or be represented by any other person who they have authorised to represent them and may produce oral and written evidence and the person with a right to be heard or their representative may examine the other persons being heard, and any witness produced by such persons.

Exclusions

13.—(1) Nothing in this Schedule prevents the CAA from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation, rating or qualification granted or having effect under the Air Navigation Order 2009, the EASA Regulations or a Single European Sky Regulation or making a provisional air traffic direction under the Air Navigation Order 2009 pending inquiry into or consideration of the case.

(2) Nothing in this Schedule applies when the CAA refuses to register or cancels or amends the registration of an aircraft or refuses to grant or validate, grants or validates in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval, authorisation, rating or qualification under a direction given by the Secretary of State.

(3) Nothing in paragraphs 3, 4, 5 or 6 applies in respect of a medical certificate or certificate of revalidation or of test or experience relating to a personnel licence.

(4) Nothing in this Schedule applies to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness.

(5) Nothing in paragraphs 3, 4, 5 or 6 applies in respect of the grant or refusal of an exemption under the Air Navigation Order 2009 or the Basic EASA Regulation.

(6) Nothing in paragraphs 3, 4, 5 or 6 applies when, in accordance with its duty under section 5 of the Act, the CAA refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.

SCHEDULE 3

Regulation 22(3)

Conduct and Procedure of the CAA Concerning Proposals and Decisions Made in Relation to Public Use and Ordinary Aerodrome Licences

Proposals to be made by CAA Members or CAA employees

1. A proposal to substitute a public use aerodrome licence for an ordinary aerodrome licence under paragraph 5 may be made on behalf of the CAA only by a CAA Member or a CAA employee.

Decisions to be made by CAA Members and quorum

2. Where an application under paragraph 3 or 4 is refused or a proposal under paragraph 5 is made, the decision is prescribed for the purposes of section 7(1) of the Act so that it must be made by at least two CAA Members who were not involved in the original decision or proposal made by the CAA employee.

Application to replace an ordinary aerodrome licence with a public use aerodrome licence

3.—(1) The CAA must refuse to consider an application to replace an ordinary aerodrome licence with a public use aerodrome licence unless the application complies with paragraph (2).

(2) An application complies with this paragraph if—

(a) it is made by—

(i) the holder of the licence;

(ii) any other holder of an aerodrome licence granted under the Air Navigation Order 2009;

(iii) the holder of any air operator's certificate granted under the Air Navigation Order 2009 or a qualifying air carrier;

(iv) the holder of an air transport licence or of an operating licence granted by the CAA; or

(v) the operator of any aircraft who satisfies the CAA that an aircraft which it operates has, during the 12 months immediately preceding the date on which the application is made, been granted or refused permission to land at or take off from the aerodrome to which the licence relates;

(b) it contains a statement of the grounds on which it is made;

(c) it is accompanied by any applicable charge under section 11 of the Act; and

(d) in the case of an application made by someone other than the holder of the ordinary aerodrome licence, a copy of the application has been served on the holder within 24 hours after it has been served on the CAA.

Application for to replace a public use aerodrome licence with an ordinary aerodrome licence

4.—(1) The CAA must refuse to consider an application to replace a public use aerodrome licence with an ordinary aerodrome licence unless it complies with sub-paragraph (2).

(2) An application complies with this paragraph if—

(a) it is made by the holder of the licence;

(b) it contains a statement of the grounds on which it is made; and

(c) it is accompanied by any applicable charge under section 11 of the Act.

Proposal by the CAA to replace an ordinary aerodrome licence with a public use aerodrome licence

5.—(1) The CAA may propose to replace an ordinary aerodrome licence with a public use aerodrome licence.

(2) If it makes such a proposal it must serve on the holder of that licence details of the proposal and of the reasons for it.

Publication of application or proposal

6.—(1) Subject to sub-paragraph (3), after an application has been served upon it or it has made a proposal in accordance with this Schedule the CAA must publish such details of the application or proposal as it thinks necessary for indicating the substance of the application or proposal.

(2) The CAA must make a copy of the application or proposal available for inspection by any person at any reasonable time.

(3) The CAA is not required to publish an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence which is made by the holder of the licence.

Service of objections and representations

7.—(1) Any person may serve on the CAA an objection to or representation about an application or proposal published under paragraph 6.

(2) An objection or representation must be served in accordance with sub-paragraph (3).

(3) An objection or representation is served in accordance with this sub-paragraph if—

(a) it is served within 21 days after the date of publication of the application or proposal;

(b) a copy is served on the applicant and on the holder of the aerodrome licence to which the application or proposal relates within 24 hours after it has been served on the CAA; and

(c) it states the grounds of the objection or representation.

Consideration of representations and requirement to hold a hearing

8. Before making a decision the CAA Members must—

(a) consider any statement of grounds for an application under paragraph 3 or 4 or reasons for a proposal under paragraph 5 and any objection or representation served in accordance with paragraph 7; and

(b) hold a hearing and consider any representations made or evidence submitted at such a hearing.

Service of information prior to a hearing

9.—(1) Subject to Regulation 21, before the date fixed for the hearing of a case under this Schedule, the CAA must serve on any person who has the right to be heard or whom the CAA proposes to hear a copy of, or a summary of, any information in the possession of the CAA which has been provided or which the CAA has reason to believe will be referred to at the hearing of the case.

(2) Before serving such information which has been provided by any other person (not being a person who has provided information but does not wish to be heard), the CAA must consult that person.

Sitting with employees

10. In the case of a hearing following an application under paragraph 3 or 4 but not following a proposal under paragraph 5, the CAA Members may sit with such CAA employees acting as advisers as the CAA Members think fit.

Right to be heard

11.—(1) Subject to paragraph (2), the following persons have a right to be heard at the hearing —

(a) the applicant;

(b) the holder of an air transport licence or operating licence granted by the CAA;

(c) the holder of any air operator's certificate granted under the Air Navigation Order 2009 or a qualifying air carrier;

(d) the holder of an aerodrome licence granted under the Air Navigation Order 2009;

(e) such persons (being persons who wish to be heard and who have served objections or representations under paragraph 7 expressing the views of operators of aircraft described in paragraph 4(2)(a)(v)) as appear to the CAA to be representative of those who have served such objections or representations;

(f) in the case of a hearing following a proposal under paragraph 5 the CAA employee who has made the proposal.

(2) No person (other than the applicant and the holder of the licence to which the decision will relate) has a right to be heard unless they have served an objection or representation under paragraph 7 and in so doing have stated a wish to be heard.

(3) Notwithstanding that a person does not have a right to be heard, the CAA may, if it thinks fit, hear any person who has served an objection or representation under paragraph 7 and in so doing has stated a wish to be heard.

(4) Any person who has served an objection or representation under paragraph 7 but who does not wish to be heard, may make a written submission which must be served on the CAA at least 3 working days before the date fixed for the hearing of the case.

CAA to serve and publish reasons for decision

12. When the CAA makes a decision it must—

(a) serve the decision and a statement of its reasons for the decision on the person concerned; and

(b) subject to Regulation 21, publish the decision and a statement of its reasons for the decision.

Right to be represented produce evidence and examine other parties

13. At a hearing every person with a right to be heard or whom the CAA has decided to hear may appear in person or be represented by any other person who they have authorised to represent

them and may produce oral and written evidence and the person with a right to be heard or their representative may examine the other persons being heard, and any witness produced by that person.

SCHEDULE 4

Regulation 23(2)

Conduct and Procedure of the CAA Concerning Proposals and Decisions Made in Connection With Air Transport and Route Licensing

SECTION 1

Decisions of the CAA

Decisions to be made by CAA Members or CAA employees

1. Subject to paragraph 2, any decision to grant, revoke, suspend or vary an air transport licence or a route licence may be made on behalf of the CAA only by a CAA Member or CAA employee.

Decisions to be made by CAA Members

2.—(1) Any decision specified in sub-paragraph (2) is prescribed for the purposes of section 7(1) of the Act so that it must be made by one or more CAA Members who were not involved in the original proposal made by the CAA employee.

(2) The decisions referred to in sub-paragraph (1) are a decision to—

(a) grant, revoke, suspend or vary other than provisionally an air transport licence or a route licence in a case where an objection has been served under Section 4 paragraph 1;

(b) grant or vary other than provisionally a licence in terms other than those requested by the applicant;

(c) refuse to grant a licence;

(d) hold or refuse to hold a preliminary hearing; or

(e) provisionally vary a licence where representations have been served under Section 5 paragraph 2.

Quorum of the CAA

3.—(1) Subject to sub-paragraph (2), a decision referred to in paragraph 2(1)(a), (b) or (c) must be made by at least two CAA Members and any hearing under Section 6 in relation to such a decision must be conducted by at least two CAA Members.

(2) In the circumstances set out in sub-paragraph (3) a decision referred to in paragraph 2(1)(a), (b) or (c) may be made by at least one CAA Member and any hearing under Section 6 in relation to such a decision must be conducted by at least one CAA Member.

(3) The circumstances referred to in sub-paragraph (2) are where—

(a) the CAA has dispensed with publication of the application or proposal in accordance with Section 2 paragraph 4(2) and (3) or Section 2 paragraph 9;

(b) the decision is to suspend the licence in accordance with Section 2 paragraph 11;

(c) the CAA has, in accordance with Section 4 paragraph 1(2)(a), specified less than 21 days for serving an objection to or representation about the application or proposal;

(d) the CAA has, in accordance with regulation 16 given the persons having a right to be heard and whom it proposes to hear less than 14 days' notice of the date of the hearing; or

(e) the persons having a right to be heard have consented to a decision being made by one CAA Member.

(4) A decision referred to in paragraph 2(1)(d) or (e) must be made by at least one CAA Member.

(5) A preliminary hearing under Section 5 must be conducted by at least one CAA Member.

SECTION 2

Conduct and procedure for applications and proposals where Section 5 does not apply

Application of this Section

1.—(1) This Section regulates the conduct and procedure for applications and proposals concerning the functions prescribed in respect of this Schedule except for any matter to which Section 5 applies.

Application for the grant of a licence

2.—(1) The CAA may refuse to consider an application for the grant of an air transport licence or a route licence unless—

(a) it has been served on the CAA at least 6 months before the beginning of the period for which the licence is proposed to be in effect;

(b) the application contains all the particulars specified by the CAA in accordance with section 65(1) of the Act; and

(c) the application is accompanied by any applicable charge under section 11 of the Act.

Application for the revocation, suspension or variation of a licence

3.—(1) The CAA may refuse to consider an application for the revocation, suspension or variation of an air transport licence or a route licence unless—

(a) it has been served on the CAA at least 6 months before the date on which it is proposed that the revocation, suspension or variation takes effect; and

(b) the application is accompanied by any applicable charge under section 11 of the Act.

(2) The CAA must refuse to consider an application for the revocation, suspension or variation of an air transport licence or a route licence made by a person other than the holder of the licence unless a copy of the application has been served on the holder within 24 hours after it has been served on the CAA.

(3) Any person of a description specified in Section 6 paragraph 4(1)(a) to (d) may apply to the CAA for the revocation, suspension or variation of an air transport licence or a route licence but no person may apply for the variation of a schedule of terms referred to in paragraph 12.

(4) The CAA may direct that an application be treated as being such number of separate applications as it may specify in the direction, and the application must be treated accordingly.

Publication of information about an application

4.—(1) Subject to sub-paragraphs (2) and (3), after an application for the grant, revocation, suspension or variation of an air transport licence or a route licence has been served upon it in accordance with this Schedule the CAA must—

(a) publish such details of the application as it thinks necessary for indicating the substance of the application; and

(b) make a copy of the application available for inspection by any person at any reasonable time.

(2) Except in the case of an environmental application, the CAA may dispense with publication in any case where it is satisfied that for reasons of urgency it is desirable to do so and it is of the opinion that to do so is unlikely to prejudice the interests of any persons of a description specified in Section 6 paragraph 4(1).

(3) Except in the case of an environmental application the CAA may dispense with publication in the case of an application—

(a) for the grant of a licence for not more than four flights in any one direction between the same two places;

(b) made by its holder for the revocation or suspension of a licence; or

(c) for the variation of a licence if in its opinion to do so is unlikely to prejudice the interests of any persons of a description specified in Section 6 paragraph 4(1).

Republication of information about an application after 12 months

5.—(1) This paragraph applies if 12 months after the date on which objections to and representations about an application for the grant, variation, suspension or revocation of an air transport licence or a route licence must have been served on the CAA under Section 4 paragraph 1, the CAA has neither—

(a) made a decision on the application; nor

(b) given notice under regulation 15 of the date, time and place of the hearing of such application.

(2) If this paragraph applies the CAA must republish such details of the application as it thinks necessary to indicate the substance of the application.

(3) The CAA must republish such details at 12 monthly intervals until such time as a decision has been made on the application or notice has been given under regulation 15.

(4) A reference in this Schedule to publication includes republication under this paragraph, but when an application is republished, a person who has served an objection to or representation about the application when it was previously published is not required to re-serve that objection or representation.

Proposal by the CAA for the revocation, suspension or variation of an Air Transport Licence on basis of section 66(3) of the Act

6.—(1) Subject to paragraph 7, if the CAA proposes to revoke, suspend, or vary an air transport licence (other than in pursuance of an application made to it) on the ground that it is not or is no longer satisfied as to the matters specified in sub-paragraph (a) or (b) of section 66(3) of the Act, its proposal must comply with sub-paragraph (2).

(2) A proposal complies with this paragraph if the CAA—

(a) serves on the holder of the licence at least 21 days' notice of its intention to publish details of the proposal together with the reasons for its proposal;

(b) considers any representations which may be made to it by the holder of the licence before the expiration of the said notice; and

(c) after the expiration of the said notice or at such earlier time as the CAA and the holder of the licence may agree, publishes details of the proposal unless it has abandoned the proposal.

Exceptions to the need to publish information about a proposal under paragraph 6

7.—(1) The CAA need not publish its proposal to revoke or suspend a licence under paragraph 6 if it obtains the consent of the holder of the licence.

(2) The CAA need not publish its proposal to vary a licence under paragraph 6 if it is satisfied that the variation is unlikely to prejudice the interests of any persons of a description specified in Section 6 paragraph 4(1).

Proposal by the CAA for the revocation, suspension or variation of a licence on other grounds

8. Subject to paragraph 9, if the CAA proposes to revoke, suspend or vary an air transport licence on grounds other than those referred to in paragraph 6(1) and otherwise than in pursuance

of an application made to it, or proposes to revoke, suspend or vary a route licence otherwise than in pursuance of an application made to it, it must publish details of the proposal and of the reasons for it.

Exceptions to the need to publish information about a proposal under paragraph 8

9. The CAA need not publish details of a proposal under paragraph 8 and of the reasons for it where—

(a) the Secretary of State has directed the CAA to revoke, suspend or vary the licence as proposed or the proposal is made in accordance with a direction made by the Secretary of State under Section 7 paragraph 13 to re-hear the case;

(b) the CAA's duty under section 31(2) of the Airports Act 1986(**a**) (being a duty so to perform its air transport licensing functions as to secure that any traffic distribution rules in force under section 31 of the said Act are complied with) requires it to revoke, suspend or vary the licence as proposed; or

(c) except in the case of an environmental proposal, the CAA is satisfied that to dispense with publication is unlikely to prejudice the interests of any person of a description specified in Section 6 paragraph 4(1) and the holder of the licence consents to the proposal not being published.

Reaching a decision that holder of licence is not a United Kingdom national etc

10. Before reaching a decision that it has reason to believe that the holder of an air transport licence or a route licence is neither a United Kingdom national nor such a body as is mentioned in section 65(3)(b) of the Act, the CAA must—

(a) serve on the holder of the licence at least 21 days' notice of its intention to consider the matter; and

(b) consider any representations which may be made to it by the holder of the licence before the expiration of the said period.

Suspension of an Air Transport Licence without publication

11.—(1) The CAA may suspend an air transport licence on the ground that it is not or is no longer satisfied as to the matters specified in paragraph (a) or (b) of section 66(3) of the Act notwithstanding that it has not complied with the requirements of paragraph 6 if it has complied with sub-paragraph (2).

(2) The CAA has complied with this paragraph if it has served on the holder of the licence at least 6 working days' notice of its proposal to suspend the licence, together with its reasons for the proposal, and if, after considering any representations which may be made to it by the holder of the licence before the expiration of such notice it is not, or is no longer, satisfied as mentioned in section 66(3)(a) or (b) of the Act.

Proposal by the CAA to vary a schedule of terms

12.—(1) If the CAA establishes any schedule of terms and includes in any air transport licence or a route licence a term that the holder of the licence complies with terms set out in that schedule as varied from time to time by the CAA, the CAA may at any time propose to vary that schedule or any part of it.

(2) Any such proposal is for the purposes of these Regulations treated as a proposal for the variation of every air transport licence or route licence which contains a term described in paragraph (1) relating to that schedule or that part of that schedule.

(**a**) 1986 c.31.

(3) When any air transport licence or route licence contains a term described in paragraph (1) relating to a schedule, the CAA must publish that schedule and any variation to it.

(4) The CAA must maintain a list of the names and addresses of all persons who hold a licence which includes such a term as is referred to in paragraph (1) and serve a copy of that list on any person who requests a copy.

Environmental applications and proposals

13.—(1) Subject to paragraphs (2) and (3), for the purposes of this Schedule, "environmental application" and "environmental proposal" mean respectively an application and a proposal for the grant or variation of an air transport licence which authorises, or which if granted would authorise, the holder to operate—

(a) a helicopter at a height of less than 3000ft above the surface for the greater part of the distance which it flies over land; or

(b) any aircraft in circumstances which, in the opinion of the CAA, will or may cause an exceptional amount of noise, vibration, pollution or other disturbance.

(2) Any such application or proposal which is not, in the opinion of the CAA, an application or proposal relating to a licence to operate a regular and frequent service is not an environmental application or an environmental proposal.

(3) Any such proposal made by the CAA to vary a licence on the ground that it is not or is no longer satisfied as to the matters specified in sub-paragraphs (a) or (b) of section 66(3) of the Act is not an environmental proposal.

Designation and publication of an enviromental case

14. If the CAA receives an environmental application or makes an environmental proposal it must designate the case as an environmental case and publish notice of the designation.

SECTION 3

Consultation by the CAA in relation to Isle of Man and Gibraltar

Requirement to consult Isle of Man and Secretary of State

1.—(1) Subject to paragraph 2, the CAA must not grant, refuse to grant, revoke, suspend or vary any air transport licence or route licence authorising flights to, from or within—

(a) the Isle of Man, without consulting the Isle of Man Department of Highways, Ports and Properties; or

(b) Gibraltar, without consulting the Secretary of State.

(2) Subject to Section 6 paragraph 10(3) and (4) such consultations must be completed before the date fixed for the hearing of the case.

When consultation not required

2. Consultation in accordance with paragraph 1 is not required in a case where—

(a) the application or licence in question is for not more than four flights in any one direction between the same two places;

(b) the CAA is acting in pursuance of its duty under section 65(2) or (3) or 66(3) of the Act;

(c) the CAA's duty under section 31(2) of the Airports Act 1986 requires it to refuse to grant or to revoke, suspend or vary the licence; or

(d) the CAA is acting in pursuance of its duty under section 69A(4) of the Act.

SECTION 4

Objections and representations

Service of objections and representations

1.—(1) Any person may serve on the CAA an objection to or representation about an application or proposal for the grant, revocation, suspension or variation (other than the provisional variation) of an air transport licence or a route licence in accordance with sub-paragraph (2).

(2) A person serves an objection or representation in accordance with this sub-paragraph—

(a) where the application or proposal is published, if the objection or representation is served within such period (being, subject to paragraphs 2 and 3, not more than 21 days nor less than 7 days) as the CAA may specify when publishing the application or proposal; or

(b) where the application or proposal is not published, but the CAA has notified the person that the application or proposal has been made and will not be published, if the objection or representation is served within 3 working days after being so notified.

Time for service of objections and representations

2.—(1) The CAA must not specify a period of less than 21 days for the service of objections or representations unless it is satisfied that for reasons of urgency it is desirable to do so.

(2) The CAA must not specify a period of less than 21 days for the service of objections or representations in a case where it has made a proposal under Section 2 paragraph 6 or 7, unless it has proposed to revoke, suspend or vary an air transport licence or a route licence in accordance with a direction given by the Secretary of State.

Time for service of objections and representations in an environmental application

3. If the CAA receives an environmental application or makes an environmental proposal it must specify 42 days from the date of publication of the notice of designation under Section 2 paragraph 14 as the period for service of objections or representations on grounds of noise, vibration, pollution or other disturbances.

Service of copies by person serving objection or representation

4. If the person making the objection or representation is the holder of an air transport licence or a route licence that person must, within 24 hours after it has been served on the CAA, serve a copy of it on—

(a) the applicant;

(b) any other person who is the holder of the licence to which the application or proposal relates; and

(c) any person whom the CAA is obliged by Section 3 to consult in respect of the application or proposal.

Service of copy of objection or representation by CAA

5. If the person making the objection or representation is not the holder of an air transport licence or a route licence, the CAA must within 7 days after the day on which the objection or representation has been served on the CAA serve a copy of it on the persons specified in paragraph 4, indicating whether the person making the objection or representation wishes to be heard at a hearing held under Section 6.

Service of copy of application by applicant

6. Upon being served by the CAA in accordance with paragraph 4 or 5, the applicant must, if so required in writing by the person making the objection or representation, serve that person with a copy of the application within 3 working days after being required so to do.

SECTION 5

Preliminary hearings of allegations of behaviour damaging to a competitor

Circumstances where a preliminary hearing may be requested

1. — This Section applies if the holder of any air transport licence or route licence (in this Section referred to as "the applicant")—

(a) has applied to the CAA for the variation of an air transport licence or a route licence held by another person (in this Section referred to as "the respondent") for the purpose of restraining the respondent from engaging in behaviour damaging to the applicant's business;

(b) has included in the application a statement giving details of the behaviour complained of and of the extent to which the applicant's business is being or is likely to be damaged by it;

(c) has asked for a preliminary hearing of the application with a view to the respondent's air transport licence or route licence being provisionally varied pending a hearing under Section 6; and

(d) has served a copy of the application on the respondent on the same day as the applicant has served it on the CAA.

Information to be supplied prior to a hearing

2.—(1) The respondent must, within 5 working days after the date of service of the application, serve on the CAA and on the applicant any representations the respondent wishes the CAA to take into account in determining whether to hold a preliminary hearing.

(2) The CAA must within 10 working days after the date of service of the application notify the applicant, the respondent and any person it is obliged by Section 3 to consult in respect of the application of the date (which must be within 20 working days after the date of service of the application), time and place of the preliminary hearing or of the fact that it has decided not to hold a preliminary hearing.

(3) Notice of the date, time and place of a preliminary hearing must be of such length as is reasonably practicable and must be given by such means (whether oral or written) as the CAA thinks fit.

When a preliminary hearing may be held

3. The CAA must hold a preliminary hearing only if, having regard to the terms of the application and of any representations served on it under paragraph 2(1), it considers that —

(a) there is prima facie evidence that the behaviour complained of by the applicant is being engaged in by the respondent and that behaviour has or is likely to have the effect of seriously damaging the business of the applicant; and

(b) having regard to its statutory duties, its statement of policies and to the urgency of the matter such a hearing is warranted.

Conduct of a preliminary hearing

4.—(1) A preliminary hearing must be conducted by one or more CAA Members who may sit with one or more CAA employees as advisers.

(2) The applicant and the respondent have a right to be heard at a preliminary hearing and the CAA may hear such other persons as it thinks fit.

(3) Regulations 12, 13, 14, 15 and 16, Section 3 and Section 6 paragraph 3 apply in relation to a preliminary hearing as they apply in relation to a hearing under Section 6.

(4) At a preliminary hearing the applicant and the respondent have the same rights as a party to a case in a hearing under Section 6 and the CAA may, to such extent as it thinks fit, permit any other person whom it decides to hear to exercise the same rights.

(5) If any person whom the CAA is obliged by Section 3 to consult in respect of the application attends the preliminary hearing the CAA must give that person an opportunity at the preliminary hearing to make observations on the evidence and arguments advanced by the applicant and the respondent and by any other person whom the CAA has decided to hear.

(6) If any such observations are made the CAA must give the applicant, the respondent and any other person it has decided to hear an opportunity at the preliminary hearing to respond to them.

Decision following preliminary hearing

5.—(1) The only decision which may be made by the CAA after a preliminary hearing is a decision provisionally to vary or to refuse provisionally to vary the respondent's air transport licence or route licence.

(2) Within 5 working days after the end of the preliminary hearing the CAA must notify the applicant and the respondent and any person it is obliged by Section 3 to consult in respect of the application —

(a) whether or not it has decided provisionally to vary the respondent's licence;

(b) if so, the terms of the provisional variation; and

(c) the date, time and place of the hearing to be held under Section 6.

(3) If required by section 67(2) of the Act to supply reasons for the decision, the CAA must do so within 10 working days after the end of the preliminary hearing.

(4) If the CAA provisionally varies the respondent's licence it must in so doing provide that the provisional variation will cease to have effect when the decision reached by the CAA following a hearing under Section 6 takes effect.

SECTION 6

Hearings in connection with air transport and route licences

Requirement for hearing

1.—(1) Before any decision is made to grant, refuse to grant, revoke, suspend or vary (other than provisionally) an air transport licence or a route licence, the CAA must hold a hearing.

(2) The hearing must be held in accordance with this Section.

Preliminary Meetings

2.—(1) Before the date fixed for the hearing of a case under this Section, the CAA may hold a preliminary meeting to discuss the conduct of the case.

(2) The CAA must give to every party to the case and to every person whom the CAA proposes to hear and to any person consulted by the CAA under Section 3 who has responded in writing notice of the date, time and place of the preliminary meeting.

(3) Any such person may attend in person or be represented by any person who they have authorised to represent them.

(4) A preliminary meeting must be conducted—

(a) in the case of an application for the grant of a licence, by a CAA Member or CAA employee;

(b) in the case of a proposal under Section 2 paragraph 6 or 7 by a CAA Member.

Provision of information by the CAA to a person to be heard or consulted

3.—(1) Subject to regulation 21(2) and sub-paragraph (2), before the date fixed for the hearing of a case under this Section, the CAA must serve on any person who has the right to be heard or whom the CAA proposes to hear or is required to consult under Section 3, a copy of, or a summary of, any information in the possession of the CAA which has been provided or which the CAA has reason to believe will be referred to at the hearing of the case.

(2) The CAA must not serve any such information which has been provided by the Secretary of State if the Secretary of State has certified to the CAA that it would not be in the public interest for it to be disclosed.

Right to be heard

4.—(1) Subject to paragraphs 5 and 6, the following persons have a right to be heard at a hearing—

(a) the applicant;

(b) the holder of an operating licence, any air transport licence or any route licence;

(c) the holder of any air operator's certificate granted under the Air Navigation Order 2009 or a qualifying air carrier;

(d) the holder of any aerodrome licence granted under the Air Navigation Order 2009;

(e) such persons (being persons who wish to be heard and who have served objections or representations under Section 4 paragraph 1 expressing the views of passengers or shippers of cargo) as appear to the CAA to be representative of those who have served such objections or representations;

(f) if the CAA has designated the case as an environmental case under Section 2 paragraph 14, such persons (being persons who wish to be heard and who have served objections or representations on grounds of noise, vibration, pollution or other disturbance as appear to it to be representative of those who have served such objections or representations.

(g) in the case of a hearing following a proposal any CAA employee responsible.

Requirement to serve objection or representation

5. No person (other than the applicant and the holder of the licence to which the decision will relate) has a right to be heard unless they have served an objection or representation under Section 4 paragraph 1 and (except for a person of a description specified in paragraph 4(1) (e) or (f)) in so doing has stated a wish to be heard.

No hearing where direction by Secretary of State

6. There is to be no hearing and no person is to be heard before a decision is made by the CAA in a case where the Secretary of State has directed that the licence be granted, refused, revoked, suspended or varied or where the CAA's duty under section 31(2) of the Airports Act 1986 or under section 67A(4) of the Act requires that the licence be refused, revoked, suspended or varied.

CAA may hear other persons

7.—(1) Subject to sub-paragraph (2) notwithstanding that a person does not have the right to be heard, the CAA may, if it thinks fit, hear that person.

(2) No person is to be heard under this paragraph—

(a) unless they have served an objection or a representation under Section 4 paragraph 1;

(b) in a case where such a direction as is referred to in paragraph 6 has been given.

Service of written submissions

8. Any person who has served an objection or representation under Section 4 paragraph 1 but who does not wish to be heard, may make a written submission which must be served on the CAA at least 3 working days before the date fixed for the hearing of the case.

Two or more cases heard together

9. Two or more cases may be heard together, if the CAA thinks fit, but a party to one case is not on that account be deemed to be a party to any other case.

Conduct of hearings in connection with of air transport licensing and route licensing

10.—(1) In the case of an application for the grant of a licence the CAA Members conducting the hearing may sit with such CAA employees acting as advisers as it thinks fit.

(2) In the case of a proposal under Section 2 paragraph 6 or 8 the CAA Members must not sit with any CAA employee.

(3) If any person consulted by the CAA under Section 3 has responded in writing and that person or a person acting on behalf of that person attends the hearing, the CAA must give that person an opportunity at the hearing to make observations on the evidence and arguments advanced by the parties to the case and by any persons heard by the CAA under paragraph 7.

(4) If any such observations are made the CAA must give the parties to the case, and any person heard under paragraph 7, an opportunity at the hearing to respond to them.

Consideration of representations etc

11. Before making a decision the CAA Members must—

(a) consider any representations or objections served in accordance with Section 2 or Section 4; and

(b) consider any representations made or evidence submitted at a hearing.

CAA to notify decision

12. When the CAA makes a decision it must notify the decision to the applicant for the licence or the holder or former holder of it and to any other person who has entered an objection in the case or requested such a statement(a).

CAA to specify decision date in notification of decision

13. Where the CAA notifies its decision under paragraph 12, the notification must specify a date, being not less than 3 working days after the date on which a copy of the notification was available for collection by or despatch to that person which date is for the purposes of paragraph 4(1) of Section 7 the decision date.

CAA to specify transcript date

14.—(1) Where the CAA sends a recording or transcript to a person having a right of appeal to the Secretary of State under Section 7 paragraph 1 in the circumstances specified in sub-paragraph (2), the recording or transcript must be accompanied by a statement specifying the transcript date.

(2) The circumstances referred to in sub-paragraph (1) are where the person having a right of appeal to the Secretary of State under Section 7 paragraph 1 requests a recording or transcript of the proceedings in the case within 7 days of the decision date.

(a) Section 67(2) and (3) of the Act provides that where the CAA makes such a decision it must supply a statement of its reasons except in specified circumstances.

(3) The transcript date means in this paragraph and for the purposes of Section 7 paragraph 4(2) a date which is not less than 3 working days after the date on which the recording or transcript was available for collection by or to be sent to the person requesting it.

CAA to publish decision date and transcript date

15. The CAA must publish the decision date and the transcript date.

CAA to publish decision and reasons

16.—(1) Subject to paragraphs (2) and (3), when the CAA makes a decision it must publish the decision and a statement of its reasons for the decision.

(2) No statement of reasons need be published where, in accordance with section 67 of the Act, such a statement is not required to be supplied to anyone.

(3) A statement of reasons which is published must exclude any matter which is excluded from the statement supplied to the parties.

CAA to include specified date in statement of reasons for decision

17. Where the CAA serves a statement of its reasons for a decision in relation to a route licence and section 65(6) or section 66(5) of the Act as modified by section 69A(7A) and (7B) applies, it must include in that statement the specified date for the purposes of the applicable section.

Right to be represented produce evidence and examine other parties

18. At a hearing every person with a right to be heard or whom the CAA has decided to hear may appear in person or be represented by any other person who they have authorised to represent them and may produce oral and written evidence and the person with a right to be heard or their representative may examine the other persons being heard, and any witness produced by that person.

SECTION 7

Appeal to the Secretary of State in respect of an Air Transport Licensing decision

Right of appeal to the Secretary of State

1. — Every party to a case before the CAA (not being a person having a right to be heard by virtue only of Section 6 paragraph 4(1)(e) or (f)) has a right of appeal to the Secretary of State in accordance with the provisions from the CAA's decision with respect to an air transport licence or an application for an air transport licence.

Notice of appeal

2. An appeal to the Secretary of State is made by a notice signed by or on behalf of the appellant which clearly identifies the case to which it relates and states the grounds on which the appeal is based and the arguments on which the appellant relies.

Service of notice

3. The appellant must serve the notice of appeal on—

(a) the Secretary of State;

(b) the CAA;

(c) each of the other parties to the case before the CAA;

(d) each person whom, under Section 6 paragraph 7, the CAA had decided to hear, whether that person was heard or not; and

(e) any person consulted by the CAA, under Section 3.

Time for service of notice

4.—(1) Subject to sub-paragraph (2), the notice of appeal must be served within 21 days after the decision date.

(2) If the appellant has made a request for a transcript in accordance with Section 6, paragraph 14 and has within 24 hours after making the request to the CAA served notice on each of the persons referred to in paragraphs 3(a), (c), (d) and (e) that this has been done, the appeal must be served not later than 21 days from the transcript date.

Request for CAA to supply information

5. Any person having the right to appeal against a decision of the CAA may require it to supply the names and addresses of the persons of the description specified in paragraphs 3(c), (d) and (e)

Service of submissions by parties to appeal

6.—(1) Subject to paragraph 9, any party to the appeal and any person who has been served with notice of the appeal under paragraph 3(e) may within 14 days after service of the notice of appeal serve on the Secretary of State a submission giving reasons why the CAA's decision should or should not be upheld.

(2) The person serving a submission on the Secretary of State must within the period permitted by sub-paragraph (1) for service on the Secretary of State, serve copies of any such submission on the CAA, the appellant, every other party to the appeal and any person who has been served with notice of the appeal under paragraph 3(e).

Service of submissions by CAA

7.—(1) Subject to paragraph 9, within 28 days after receiving notice of an appeal, the CAA must serve on the Secretary of State any submission it may wish to make in connection with the appeal, including, if it thinks fit, an amplification and explanation of the reasons for its decision.

(2) The CAA must, within 28 days after receiving notice of an appeal, serve copies of any such submission on the appellant and on the persons who have been served with notice of the appeal under paragraph 3(c), (d) and (e) .

Service of replies

8.—(1) Subject to paragraph 9, within 14 days after the expiry of the period of 28 days referred to in paragraph 7, the appellant may serve on the Secretary of State a reply to any submission made under paragraphs 6 and 7.

(2) The appellant must within such period serve copies of any such submission on the CAA and on the persons who have been served with notice of the appeal under paragraph 3(c), (d) and (e).

Request for amplification and explanation

9.—(1) Before deciding an appeal the Secretary of State may ask the appellant, any other person who has made a submission under the preceding paragraphs, or the CAA, to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable the appeal to be decided.

(2) The Secretary of State must give the appellant, the other parties to the appeal and the CAA an opportunity of replying to such amplification, explanation or answer.

Request for information

10.—(1) Before deciding an appeal the Secretary of State may obtain from the CAA any information which is in the possession of the CAA but which, under regulation 20(2) the CAA did not supply to any person having the right to be heard by the CAA.

(2) The Secretary of State must give the CAA and the person who provided the information to the CAA an opportunity of making written submissions in connection with any information so obtained.

(3) A copy of any submission of the CAA made under this paragraph must be served only on the person who provided the information to the CAA and a copy of any submission of that person or body made under this sub-paragraph must be served only on the CAA.

Restriction on information to be submitted to Secretary of State

11. In the appeal proceedings no person may submit to the Secretary of State evidence which was not before the CAA when it decided the case.

Appeal from decisions after preliminary hearings of allegations of behaviour damaging to a competitor

12.—(1) This Section applies in relation to appeals from decisions of the CAA after preliminary hearings of allegations of behaviour damaging to a competitor as it applies in relation to any other case but with the modifications set out in sub-paragraph (2).

(2) The modifications referred to in sub-paragraph (1) are —

(a) in paragraph 1 the reference to every party is taken as a reference to the applicant and the respondent;

(b) in paragraph 3 the reference in sub-paragraph (c) to each of the parties is taken as a reference to the applicant or respondent;

(c) in paragraph 3 the reference in sub-paragraph (d) to Section 6 paragraph 7 is taken as a reference to Section 5 paragraph 4(2);

(d) in paragraph 4 the first reference to 21 days is taken as a reference to 5 working days;

(e) in paragraph 4 the reference to the decision date is taken as a reference to the date upon which the CAA supplied reasons for its decision;

(f) paragraph 4(2) is omitted;

(g) in paragraph 6(1) the reference to 14 days is taken as a reference to 5 working days;

(h) in paragraph 7 both references to 28 days are taken as a reference to 8 working days;

(i) in paragraph 8 for "within 14 days after the expiry of the period of 28 days" there is substituted "within 4 working days after the expiry of the period of 8 working days".

Decisions on appeals

13.—(1) The Secretary of State may uphold the decision of the CAA or direct it to re-hear the case which is the subject of the appeal or direct it to reverse or vary its decision.

(2) The Secretary of State must notify the CAA, the appellant and the persons who have been served with the notice of appeal under paragraph 3 of the Secretary of State's decision and of the reasons for it and the CAA must publish the Secretary of State's notification.

Rehearing

14. If the Secretary of State directs the CAA to re-hear a case the Secretary of State must at the same time notify the CAA and persons referred to in paragraph 13(2) whether the CAA's decision is to have effect pending the further decision of the CAA.

Costs

15.—(1) Subject to paragraph 16, in determining an appeal the Secretary of State may order the appellant to pay to any other party either a specified sum in respect of the costs incurred by that other party in connection with the appeal, or the assessed amount of those costs or any part of those costs.

(2) Any costs required to be assessed by an order under sub-paragraph (1) may be assessed in the county court on such scale as may be directed by the order.

(3) Any sum payable by virtue of an order under sub-paragraph (1) is, if the county court so orders, recoverable by execution issued from the county court or otherwise as if payable under an order of that court.

(4) The powers of the county court under this paragraph may be exercised by the Registrar, or in Northern Ireland by the clerk of the Crown and Peace.

Where appellant is in Scotland

16.—(1) In determining an appeal where the appellant resides or has their registered or principal office in Scotland the Secretary of State may order the appellant to pay to any other party either a specified sum in respect of the expenses incurred by that party in connection with the appeal, or the taxed amount of those expenses or any part of those expenses.

(2) Any expenses required by an order under the foregoing sub-paragraph to be taxed may be taxed by the Auditor of the Court of Session on such a scale as may be directed by the order.

(3) Any award of expenses by the Secretary of State under this paragraph may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

Consultation with other competent authorities

17. An appeal to the Secretary of State does not preclude the Secretary of State from consulting the competent authorities of any country or territory outside the United Kingdom for the purposes of section 6(2)(a) to (d) of the Act (which relates to national security, relations with other countries and territories and similar matters) notwithstanding that the consultation may relate to matters affecting the appeal.

Procedural irregularity

18.—(1) The failure of any person (other than the appellant in serving notice of appeal on the Secretary of State within the time specified in paragraph 4) to serve any notice, submission or reply, or copies of such documents or to supply any details in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity does not invalidate the decision of the Secretary of State.

(2) The Secretary of State may, and must if the Secretary of State considers that any person may have been prejudiced, take such steps as the Secretary of State thinks fit before deciding the appeal to cure the irregularity.

SECTION 8

Transfer and surrender of licences

Death of holder of licence

1. — Subject to the provisions of this Section, if the sole holder of an air transport licence or a route licence (being an individual) dies, the licence is treated from the time of death as if it had then been granted to the holder's legal personal representative.

Sale etc of business of licence holder

2.—(1) This paragraph applies if in connection with the reconstruction of any body corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate), or such part as includes the provision of carriage by air for reward of passengers or cargo, is transferred or sold to another body corporate.

(2) Subject to the provisions of this Section, in such circumstances, the licence is treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.

Application to transfer licence

3. The person required by paragraphs 1 or 2 to be treated as the holder of the licence may apply to the CAA—

(a) if the person is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself or herself in a personal capacity if in that capacity entitled to such an interest); and

(b) in any other case, for the substitution of the person's own name in the licence for the name of the person by whom the licence was held.

Service of application to transfer licence

4.—(1) An application under paragraph 3 must state the ground on which it is based and must be served on the CAA within 21 days after the date on which the applicant first became entitled to make it.

(2) If no such application is made within that period the licence ceases at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

Appeal in connection with application to transfer licence

5. An application under paragraph 3 is, for the purposes of these Regulations treated as if it were an application for the variation of the licence, and the provisions of Section 7 as to appeals apply accordingly.

CAA to refuse application in specified cases

6.—(1) The CAA must not grant an application for the transfer of a licence to, or the substitution of the name of, any person in a case coming within sub-paragraphs (2) or (3).

(2) A case comes within this sub-paragraph if in the case of an air transport licence the CAA would be bound under section 65(2) of the Act to refuse an application if it were an application for the grant of a licence to that person.

(3) A case comes within this sub-paragraph if in the case of an air transport licence or a route licence the CAA would be bound under section 65(3) or 69A(4) of the Act to refuse an application if it were an application for the grant of a licence to that person.

Meaning of legal personal representative

7. For the purposes of this Section "legal personal representative" means a person constituted executor, administrator or other representative of a deceased person by probate, administration or other instrument.

Requirement to surrender licences

8. If revocation or variation of an air transport licence or a route licence has taken effect or if a route licence ceases to be in force by virtue of section 69A(5) of the Act, the person who has

possession or control of the licence must surrender it to the CAA for cancellation or variation, within a reasonable time after being required to do so by the CAA.

Penalty for failure to surrender

9. Any person who fails, without reasonable cause, to surrender a licence in accordance with paragraph 8 is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.

SCHEDULE 5

Regulation 26(3)

References in Respect of an Air Traffic Services Licence

SECTION 1

Conduct and Procedure of the CAA

Decisions to be made by CAA Members and quorum

1. If, under a condition of an air traffic services licence, any matter or question is referred for determination by CAA Members under these Regulations, the determination is prescribed for the purposes of section 7(1) of the Act so that it must be made by at least two CAA Members who were not involved in the original matter or question.

Service and publication of reference

2.—(1) The CAA must within one calendar month after a reference has been made serve notice of the reference on the licence holder

(2) The CAA must within one calendar month after a reference has been made publish such details of the reference as it thinks necessary for indicating the substance of the reference

(3) The CAA must make a copy of the reference available for inspection by any person at any reasonable time.

Service and publication of representations

3.—(1) The licence holder or any other person may serve on the CAA a representation about a reference within 21 days of, in the case of the licence holder the date of service of notice or, in the case of any other person, publication of the reference by the CAA.

(2) The CAA must make a copy of any representation which has been served on the CAA available for inspection by any person at any reasonable time and must serve a copy of any representations received from persons other than the licence holder on the licence holder.

(3) The CAA must serve a copy of any representations received from persons other than the licence holder on the licence holder.

Consideration of representations and requirement to hold a hearing

4. If a matter or question referred to in paragraph 1 has been referred the CAA must, before making a determination—

(a) consider any representations which may have been served on it by the licence holder or any other person within the time permitted by paragraph 3(1);

(b) consider any written submissions served in accordance with paragraph 6(2); and

(c) conduct a hearing in accordance with paragraphs 5 and 6 and consider any representations made or evidence submitted at such a hearing.

Right to be heard

5.—(1) The following persons have a right to be heard at the hearing—

(a) the licence holder; and

(b) such persons (being persons who wish to be heard and who have served representations within the time permitted by paragraph 3(1) as appear to the CAA to be users of services provided by the licence holder or to be representative of such persons.

(2) Notwithstanding that a person does not have the right to be heard, the CAA may, if it thinks fit, hear that person.

Procedure at hearings

6.—(1) Hearings must be conducted by at least two CAA Members.

(2) Any person who has served a representation within the time permitted by paragraph 3(1) but who does not wish to be heard, may make a written submission which must be served on the CAA not less than 3 working days before the date fixed for the hearing of the case.

Determination by CAA and right of appeal to the Secretary of State

7.—(1) If the CAA makes a determination under this Section the CAA must serve a notice of its determination and a statement of its reasons for the determination on the licence holder.

(2) (a) If the relevant condition of an air traffic services licence provides in respect of a matter or question that the decision of the CAA is definitive there is no appeal to the Secretary of State.

(b) If the relevant condition of an air traffic services licence provides in respect of a matter or question that the licence holder may appeal to the Secretary of State, the licence holder may do so in accordance with Section 2.

SECTION 2

Appeal to the Secretary of State

Notice of appeal to the Secretary of State

1.—(1) An appeal to the Secretary of State must be made by a notice signed by or on behalf of the licence holder and clearly identifying the matter or question to which it relates and stating the grounds on which the appeal is based and the arguments on which the licence holder relies.

(2) The licence holder must serve the notice on the Secretary of State and a copy on the CAA within 14 days of receipt by the licence holder of the notice of determination and statement of reasons under Section 1 paragraph 7(1).

(3) The CAA must within one calendar month after receiving notice of appeal publish such details of the appeal as it thinks necessary to indicate the substance of the appeal.

Submissions and replies to the Secretary of State

2.—(1) Within 14 days after receiving notice of an appeal, the CAA must serve on the Secretary of State any submission it may wish to make in connection with the appeal including, if it thinks fit, an amplification and explanation of the reasons for its determination, and must, within such period, serve a copy of any such submission on the licence holder.

(2) Within 14 days after publication of the notice of the appeal by the CAA any person who appeared at the hearing before the CAA may serve on the Secretary of State a submission giving reasons why the CAA's determination should or should not be upheld and must within such period serve copies of any such submission on the CAA and the licence holder.

(3) Within 14 days after receipt of any submission made under the preceding two paragraphs the licence holder may serve on the Secretary of State a reply and must within such period serve a copy of any such reply on the CAA.

Request by Secretary of State for amplification

3.—(1) Before deciding an appeal the Secretary of State may ask the licence holder, the CAA or any other person who appeared at the hearing held by the CAA to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable the appeal to be determined.

(2) The Secretary of State must give the licence holder, the CAA and any other person who appeared at the hearing held by the CAA an opportunity of replying to such amplification, explanation or answer.

CAA to make material available

4.—(1) If any person is obliged to serve on the CAA any notice, representation, submission or other material under this regulation the CAA must make a copy available for inspection by any person at any reasonable time.

(2) The CAA must also make a copy of any representation, submission or other material which it is obliged to serve on the licence holder or the Secretary of State under this regulation available for inspection by any person at any reasonable time.

Evidence not before the CAA not to be submitted to the Secretary of State

5. In the appeal proceedings no one may submit to the Secretary of State evidence which was not before the CAA when it decided the case.

Decision by Secretary of State

6.—(1) The Secretary of State may uphold the determination of the CAA in whole or in part or reverse or vary the whole or any part of its determination.

(2) The Secretary of State must notify the CAA and the licence holder of the Secretary of State's decision and of the reasons for it and the CAA must publish the Secretary of State's notification.

(3) The failure of any person (other than the licence holder in serving notice of appeal on the Secretary of State within the time prescribed in paragraph 1(2)) to serve any notice, representation, submission or reply, or copies of such documents or to supply any details in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity does not invalidate the decision of the Secretary of State; and the Secretary of State may, and must if the Secretary of State considers that any person may have been prejudiced, take such steps as the Secretary of State thinks fit before deciding the appeal to cure the irregularity.

TABLE OF COMPARISON

The following Table shows, in relation to each regulation of the Civil Aviation Authority Regulations 1991, as amended, the regulations of the 2011 Regulations in which it is reproduced.

1991 Regulations as amended	*2011 Regulations*
1	Regulation 1
2	Regulation 2
3	Regulation 3
4	Regulation 8
5	Regulation 11
6(1)	Regulation 22
6(2)	Schedule 2 paragraph 1
6(3)	Schedule 2 paragraph 3
6(4)	Schedule 2 paragraphs 4 and 5
6(5)	Schedule 2 paragraph 6
6(6)	Regulation 18 and Schedule 2 paragraph 2
6(7)	Schedule 2 paragraphs 7 and 8
6(7A)	Regulation 14
6(8), (9) and (10)	Schedule 2 paragraph 13
7	Schedule 2 paragraph 11
8	Regulation 4
9	Regulation 5
10	Schedule 3 paragraphs 3, 4, 5 and 6
11	Schedule 3 paragraph 7
12	Schedule 3 paragraph 9
13(1) and (2)	Schedule 3 paragraph 11
14(1)	Regulation 23 and Schedule 3 paragraph 2
14(2)	Schedule 3 paragraph 10
14(3) and (4)	Schedule 3 paragraph 11
14(5)	Regulation 14
14(6)	Regulation 12
14(7)	Regulation 13
14(8)	Schedule 3 paragraph 12
14(9)	Regulation 21
14(10)	Schedule 3 paragraph 12
15(1)	Schedule 4 section 1 paragraph 2
15(2) and (3)	Schedule 4 section 1 paragraph 3
15(4)	Schedule 4 section 1 paragraph 1
15(5)	Regulation 24
16(1) and (2)	Schedule 4 section 2 paragraphs 2 and 3
16(3)	Schedule 4 section 2 paragraph 4
16(4)	Schedule 4 section 2 paragraph 5
16(5)	Schedule 4 section 2 paragraph 3 (4)
16(6)	Schedule 4 section 2 paragraph 3 (3)
17(1)	Schedule 4 section 2 paragraphs 6 and 7
17(2)	Schedule 4 section 2 paragraphs 8 and 9
17(3)	Schedule 4 section 2 paragraph 11
17(4)	Schedule 4 section 2 paragraph 10
18	Schedule 4 section 2 paragraph 12
19	Schedule 4 section 2 paragraphs 13 and 14
20	Schedule 4 section 4

21	Schedule 4 section 3
22	Schedule 4 section 6 paragraph 3
23	Schedule 4 section 6 paragraph 2
24	Schedule 4 section 5
25(1)	Schedule 4 section 6 paragraphs 4, 5 and 6
25(2)	Schedule 4 section 6 paragraph 7
25(3)	Regulation 15
25(4)	Schedule 4 section 6 paragraph 9
26(1)	Schedule 4 section 6 paragraph 10(1)
26(2)	Schedule 4 section 6 paragraph 18
26(3)	Schedule 4 section 6 paragraph 8
26(4)	Regulation 14
26(5)	Schedule 4 section 6 paragraphs 10(3) and (4)
26(6)	Regulation 12
26(7)	Regulation 13
26(8)	Schedule 4 section 6 paragraphs 13 and 14
27(1)	Schedule 4 section 7 paragraph 1
27(2)	Schedule 4 section 7 paragraph 2
27(3)	Schedule 4 section 7 paragraph 3
27(4)	Schedule 4 section 7 paragraph 4
27(5)	Schedule 4 section 7 paragraph 5
27(6)	Schedule 4 section 7 paragraph 6
27(7)	Schedule 4 section 7 paragraph 7
27(8)	Schedule 4 section 7 paragraph 8
27(9)	Omitted
27(10)	Schedule 4 section 7 paragraphs 9 and 10
27(11)	Schedule 4 section 7 paragraph 11
28	Schedule 4 section 7 paragraph 12
29(1)	Schedule 4 section 7 paragraph 13(1)
29(2)	Schedule 4 section 7 paragraph 13(2)
29(3)	Schedule 4 section 7 paragraph 14
29(4)	Schedule 4 section 7 paragraph 15
29(5)	Schedule 4 section 7 paragraph 16
29(6)	Schedule 4 section 7 paragraph 17
29(7)	Schedule 4 section 7 paragraph 18
30(1)	Schedule 4 section 8 paragraphs 1 and 2
30(2)	Schedule 4 section 8 paragraph 3
30(3)	Schedule 4 section 8 paragraph 4
30(4)	Schedule 4 section 8 paragraph 5
30(5)	Schedule 4 section 8 paragraph 6
30(6)	Schedule 4 section 8 paragraph 7
31	Schedule 4 section 8 paragraphs 8 and 9
31A(1) and (2)	Regulation 25
31A(3)	Schedule 5 section 1 paragraph 1
31A(4)	Regulation 18
31A(5)	Regulation 3(1) and 11
31B(1)	Schedule 5 section 1 paragraph 2
31B(2)	Schedule 5 section 1 paragraph 3(1)
31B(3)	Schedule 5 section 1 paragraph 3(2) and (3)
31C(1)	Schedule 5 section 1 paragraph 4
31C(2)	Schedule 5 section 1 paragraph 5(1)
31C(3)	Schedule 5 section 1 paragraph 5(2)
31C(4)	Regulation 15

31D(1)	Schedule 5 section 1 paragraph 6(1)
31D(2)	Regulation 20(3)
31D(3)	Schedule 5 section 1 paragraph 6(2)
31D(4)	Regulation 14
31D(5)	Regulation 12
31D(6)	Regulation 13
31E(1)	Schedule 5 section 1 paragraph 7(1)
31E(2)	Schedule 5 section 1 paragraph 7(2)
31E(3) and (4)	Schedule 5 section 2 paragraph 1
31E(5), (6) and (7)	Schedule 5 section 2 paragraph 2
31E(8)	Schedule 5 section 2 paragraph 3
31E(9)	Schedule 5 section 2 paragraph 4
31E(10)	Schedule 5 section 2 paragraph 5
31F	Schedule 5 section 2 paragraph 6

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate and amend the Civil Aviation Authority Regulations 1991, as amended. In addition to some minor and drafting amendments, the following changes have been made—