

1972 No. 178

CIVIL AVIATION

The Civil Aviation Authority Regulations 1972*Made* - - - 10th February 1972*Laid before Parliament* 17th February 1972*Coming into Operation* 1st April 1972

The Secretary of State, in exercise of his powers under sections 1(3), 5(1) and (2), 9(2), 21(3), 22(1) and (6), 23(1) and (4), 24(1), (3) and (6), 27(2) and 35(1) of and paragraph 16 of Schedule 1 to the Civil Aviation Act 1971(a) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals under section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following Regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Civil Aviation Authority Regulations 1972 and shall come into operation on 1st April 1972.

(2) In these Regulations unless the context otherwise requires—

“the Act” means the Civil Aviation Act 1971;

“hearing” means a hearing at which oral evidence or argument may be heard and “to hear” shall be construed accordingly;

“party” in relation to a case before the Authority has the meaning assigned to it by regulation 14(2) of these Regulations;

“party” in relation to an appeal to the Secretary of State has the meaning assigned to it by regulation 16(3) of these Regulations;

“the person concerned” means, in relation to the registration of aircraft, the applicant for registration or the person in whose name the aircraft is registered, as the case may be, and in relation to a certificate, licence, approval or rating, the holder or former holder of or applicant for the certificate, licence, approval or rating as the case may be;

“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 or a student air traffic controller;

“rating” means a rating on a personnel licence.

(3) Any period of time specified in these Regulations by reference to days or months shall be exclusive of the first day and inclusive of the last day unless the last day falls on a Saturday, Sunday, Christmas Day, Good Friday or any day appointed by law to be a bank holiday in any part of the United Kingdom, in which case the time shall be reckoned exclusively of that day also.

 (a) 1971 c. 75.

(b) 1971 c. 62.

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

(5) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Service of documents

2.—(1) Any document to be served on any person under these Regulations or under sections 23(4) or 35(1) of the Act may be served either—

- (a) by delivering it to that person; or
- (b) by leaving it at his proper address; or
- (c) by post,

and where the person is a body corporate the document may be served upon the secretary of that body.

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

Publication by the Authority

3. Any notice or other matter (not being a schedule of terms referred to in regulation 9 of these Regulations) required by these Regulations, or by sections 9(2), 21(3), 22(1) or (6) or 27(2) of the Act, to be published shall be published by the Authority in its official record.

PART II

FUNCTIONS CONFERRED ON THE AUTHORITY BY OR UNDER AIR NAVIGATION ORDERS

Regulation of the conduct of the Authority

4.—(1) The functions conferred on the Authority by or under Air Navigation Orders with respect to—

- (a) registration of aircraft;
- (b) certification of operators of aircraft;
- (c) certification of airworthiness of aircraft;
- (d) noise certification;
- (e) personnel licensing;
- (f) licensing of aerodromes;
- (g) validation of any certificate or licence;
- (h) approval of persons and equipment,

are hereby prescribed for purposes of section 5(2) of the Act.

(2) Subject to paragraphs (8) and (9) of this regulation, a decision with respect to any of the matters referred to in paragraph (1) of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, revoke, suspend or vary a

certificate, licence, approval or rating, may be made on behalf of the Authority only by a member or employee of the Authority.

(3) Subject to paragraphs (8) and (9) of this regulation, where—

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

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

the Authority shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days from the date of service of that notice request that the case be reviewed by the Authority.

(4) Subject to paragraphs (8) and (9) of this regulation, where it is proposed 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;

(b) revoke, suspend or vary a certificate, licence, approval, validation or rating otherwise than on the application of the holder,

the Authority shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days from the date of service of that notice, serve on the Authority a request that the case be decided by the Authority and not by any other person on its behalf.

(5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days of being notified of his failure request that the Authority determine whether the test or examination was properly conducted.

(6) The function of deciding a case where such request as is referred to in paragraph (3), (4) or (5) of this regulation has been duly served on the Authority is hereby prescribed for the purposes of section 5(1) of the Act: and for the purpose of making any decision in such a case a quorum of the Authority shall be one member.

(7) Where such a request has been duly served the Authority shall, before making a decision, consider any representations which may have been served on it by the person concerned within 21 days of the date of service of the notice given by the Authority pursuant to paragraph (3), (4) or (5) of this regulation.

(8) Nothing in this regulation shall—

(a) prevent the Authority or any person authorised so to act on behalf of the Authority provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, validation or rating granted or having effect under an Air Navigation Order, pending inquiry into or consideration of the case;

(b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness.

(9) Nothing in paragraphs (2), (3) or (4) of this regulation shall apply in respect of a medical certificate or certificate of test or experience relating to a personnel licence.

Reasons for decisions

5. Where the Authority makes a decision pursuant to regulation 4(6) of these Regulations, it shall be the duty of the Authority to furnish a statement of its reasons for the decision to the person concerned.

PART III

AIR TRANSPORT LICENSING

Regulation of the conduct of the Authority

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

(a) grant, revoke, suspend or vary an air transport licence in a case where an objection has been entered pursuant to regulation 10 of these Regulations;

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

(c) refuse to grant a licence,

is hereby prescribed for the purpose of section 5(1) of the Act: and for the purpose of making any such decision and of conducting a hearing pursuant to regulation 14(4) of these Regulations a quorum of the Authority shall be one member.

(2) Any other decision to grant, revoke, suspend or vary an air transport licence may be made on behalf of the Authority only by a member or employee of the Authority.

(3) The functions conferred upon the Authority by sections 22 to 24 of the Act are hereby prescribed for purposes of section 5(2) thereof.

Applications for the grant, revocation, suspension, or variation of licences

7.—(1) The Authority may refuse to consider an application for the grant, revocation, suspension or variation of an air transport licence unless—

(a) in the case of an application for the grant of a licence it has been served on the Authority not less than 6 months before the beginning of the period for which the licence is proposed to be in effect, and in any other case it has been served on the Authority not less than 6 months before the date on which it is proposed that the revocation, suspension or variation shall take effect;

(b) in the case of an application for the grant of a licence, the application contains all the particulars specified by the Authority in accordance with section 22(1) of the Act;

(c) the application is accompanied by the fee payable under section 9 of the Act.

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

(3) The Authority shall as soon as may be after an application for the grant, revocation, suspension or variation of an air transport licence has been served upon it in accordance with this regulation publish such particulars of the application as it thinks necessary for indicating the substance of the application, and shall make a copy of the application available at its head office for inspection by any person at any reasonable time:

Provided that—

- (i) the Authority may dispense with publication in any case where it is satisfied that for reasons for 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 regulation 14(1) of these Regulations;
- (ii) the Authority may dispense with publication in the case of an application—
 - (a) for the grant of a licence for not more than 4 flights in any one direction between the same two places;
 - (b) made by its holder for the revocation or suspension of a licence;
 - (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 regulation 14(1) of these Regulations.

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

(5) Any persons of a description specified in regulation 14(1) of these Regulations may apply to the Authority for the variation, suspension or revocation of an air transport licence, but no person may apply for the variation of such a schedule of terms as is mentioned in regulation 9 of these Regulations.

Revocation, suspension or variation of licences without application being made

8.—(1) Subject to paragraph (2) of this regulation, if the Authority proposes to revoke, suspend or vary an air transport licence, otherwise than in pursuance of an application made to it in that regard or of a direction given to it by the Secretary of State, it shall—

- (a) serve on the holder of the licence not less than 21 days' notice of its intention to publish particulars of the proposal together with its reasons for its proposal;
- (b) consider any representations which may be made to it by the holder of the licence before the expiration of the said notice; and
- (c) as soon as may be after the expiration of the said notice or at such earlier time as the Authority and the holder of the licence may agree, publish particulars of the proposal unless it has abandoned the proposal:

Provided that the Authority may—

- (i) with the consent of the holder of the licence, dispense with publication of its proposal to revoke or suspend the licence,
- (ii) dispense with publication of its proposal to vary the licence, if in its opinion the variation is unlikely to prejudice the interests of any persons of a description specified in regulation 14(1) of these Regulations.

(2) The Authority may suspend a licence notwithstanding that it has not complied with the requirements of paragraph (1) of this regulation if it has served on the holder of the licence not less than 144 hours notice of its proposal to suspend the licence, together with its reasons for the proposal,

and after considering any representations which may be made to it by the holder of the licence before the expiration of such notice is not, or is no longer, satisfied as mentioned in section 23(3)(a) or (b) of the Act.

(3) Before reaching a decision that it has reason to believe that the holder of an air transport licence is neither a United Kingdom national nor such a body as is mentioned in section 22(3)(b) of the Act, the Authority shall—

- (a) serve on the holder of the licence 21 days' notice of its intention to consider the matter;
- (b) consider any representations which may be made to it by the holder of the licence before the expiration of the said period.

Variations of schedules of terms

9.—(1) If the Authority establishes any schedule of terms and includes in any air transport licence a term that the holder of the licence shall comply with terms set out in that schedule as varied from time to time by the Authority, the Authority may at any time propose to vary that schedule or any part thereof, and any such proposal shall for the purposes of these Regulations be treated as a proposal for the variation of every air transport licence which contains such a term as aforesaid relating to that schedule or that part of that schedule, as the case may be, except that proviso (ii) to regulation 8(1) of these Regulations shall not apply to any such proposal.

(2) When any air transport licence contains such a term as aforesaid relating to a schedule, the Authority shall publish that schedule and any variations to it in its official record or otherwise.

Objections and representations

10.—(1) Within 21 days of the publication of any application or proposal for the grant, revocation, suspension or variation of an air transport licence, any person may enter an objection or make a representation to the application or proposal.

(2) The person making the objection or representation shall within 24 hours after it has been served on the Authority serve a copy of it on—

- (a) the applicant, if any;
- (b) any other person who is the holder of the licence to which the application or proposal relates; and
- (c) any person or body which the Authority is obliged by regulation 11 of these Regulations to consult in respect of the application or proposal.

(3) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application within 72 hours after being required so to do.

Consultation by the Authority

11. The Authority shall not grant, refuse to grant, revoke, suspend or vary any air transport licence authorising flights to, from or within—

- (a) the Channel Islands, without consulting the Channel Islands Air Advisory Council,
- (b) The Isle of Man, without consulting the Isle of Man Airports Board;
or
- (c) Gibraltar, without consulting the Secretary of State,

and such consultations shall be completed before the date fixed for the hearing of the case pursuant to regulation 14 of these Regulations:

Provided that consultation as aforesaid shall not be required in a case where—

- (i) the application or licence in question is for not more than four flights in any one direction between the same two places, or
- (ii) the Authority is acting in pursuance of its duty under section 22(2) or (3) or 23(3) of the Act.

Furnishing of information by the Authority

12. Before the date fixed for the hearing of a case pursuant to regulation 14 of these Regulations, the Authority shall furnish to any person or body who has the right to be heard in connection with the case or whom the Authority proposes to hear or is required to consult pursuant to regulation 11 of these Regulations, a copy of, or a summary of, any information in the possession of the Authority which has been furnished in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that

- (i) before furnishing any such information the Authority shall consult the person or body who has provided it; and
- (ii) the Authority shall not furnish any information which in its opinion relates to the commercial or financial affairs of the person or body who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person or body who has provided it which, by comparison with the advantage to the public and the prospective recipient of his disclosure to him, is unwarranted.

Preliminary meetings

13.—(1) Before the date fixed for the hearing of a case pursuant to regulation 14 of these Regulations, the Authority may hold a preliminary meeting to discuss the conduct of the case.

(2) The Authority shall give to every party to the case and to every person who has entered an objection or made a representation pursuant to regulation 10 of these Regulations notice of the date, time and place of the preliminary meeting and any such person may attend in person or be represented by any person whom he may have authorised to represent him.

(3) Preliminary meetings shall be conducted on behalf of the Authority only by a member or employee of the Authority.

Hearings in connection with licences

14.—(1) Before any decision to grant, refuse to grant, revoke, suspend or vary an air transport licence is made, the following persons shall have a right to be heard—

- (a) the applicant;
- (b) the holder of any air transport licence;
- (c) the holder of any air operator's certificate granted under an Air Navigation Order;
- (d) the holder of any aerodrome licence granted under an Air Navigation Order;

- (e) any person whose business includes the carriage of passengers or mails for reward by rail or the carriage of passengers, mails or other cargo for reward by sea and whose principal place of business is in the United Kingdom, any of the Channel Islands or the Isle of Man;
- (f) the holder of a road service licence granted under Part III of the Road Traffic Act 1960(a), authorising services of express carriages;
- (g) the holder of a road service licence granted under Part II of the Transport Act (Northern Ireland) 1967(b):

Provided that:

- (i) no person other than the applicant and the holder of the licence to which the decision will relate shall have a right to be heard unless he has entered an objection or made a representation pursuant to regulation 10 of these Regulations and in so doing has stated that he wishes to be heard;
- (ii) no person shall be heard before a decision is made by the Authority in a case where the Secretary of State has directed that the licence be granted, refused, revoked, suspended or varied.

(2) Any person who has a right to be heard in connection with any case pursuant to paragraph (1) of this regulation shall, for the purposes of these Regulations, be deemed to be a party to that case.

(3) Notwithstanding that a person does not have a right to be heard, the Authority may, if it thinks fit, hear him:

Provided that no person shall be heard pursuant to this paragraph—

- (i) unless he has entered an objection or made a representation pursuant to regulation 10 of these Regulations and in so doing has stated that he wishes to be heard;
- (ii) in a case where such a direction as is referred to in proviso (ii) to paragraph (1) of this regulation has been given.

(4) Hearings shall be conducted by the Authority, sitting with such employees of the Authority as it thinks fit.

(5) No hearing shall be held pursuant to this regulation unless the Authority has served on all persons having a right to be heard and whom it proposes to hear in connection with the case 14 days notice in writing of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates. A similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place for a like period:

Provided that in cases considered by the Authority to be of compelling urgency a hearing may be held without such notice having been served and published as aforesaid if the Authority has given notice of the date, time and place of the hearing, being notice of such length and by such means (whether oral or written) as it thinks fit, to the applicant and any person of a description specified in paragraph (1) of this regulation whose interests are in the opinion of the Authority likely to be prejudiced by the granting of the application.

(6) Two or more cases may be heard together, if the Authority thinks fit, but a party to one case shall not on that account be deemed to be a party to any other case.

(a) 1960 c. 16.

(b) 1967 c. 37 (N.I.).

(7) At a hearing every party to a case, and if the Authority thinks fit any person heard by the Authority pursuant to paragraph (3) of this regulation, may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral and written evidence and may examine any other party to that case, any person whom the Authority hears pursuant to paragraph (3) of this regulation and any witnesses produced by any such party or person.

(8) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case.

(9) The failure of the Authority or of any person to give any notice or publish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall 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.

(10) All the proceedings at a hearing of the Authority in connection with a licence or proposal shall be recorded by a shorthand writer, or, if the Authority thinks fit, by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price:

Provided that—

(a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its decision of the case; and

(b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.

(11) If within 48 hours of being notified by the Authority of its decision of the case a party to the case requests a record of the proceedings in connection with that case, he shall within 24 hours after he has made his request to the Authority notify each of the persons referred to in regulation 16(3)(a), (c), (d) and (e) that he has done so and the Authority shall notify each of the said persons of the date on which the mechanical recording or transcript, as the case may be, is supplied to the person requesting it.

Stay of proceedings

15.—(1) If the Secretary of State gives a direction to the Authority pursuant to section 24(2) of the Act or if the Authority makes a request to the Secretary of State pursuant to that subsection the Authority shall send a copy of the direction or request and of the cancellation of the direction or determination of the request to all parties to all cases before the Authority to which the direction, request, cancellation or determination relates, and shall publish any such direction, request, cancellation or determination. The Authority shall also send to all such parties a copy of any guidance or different guidance given by the Secretary of State following any such direction or request.

(2) If guidance or different guidance is so given and before the direction was given or the request made a hearing had already been held in connection with the case, a further hearing shall be held if any of the parties to that case so requests within 28 days of receiving a copy of the guidance or different guidance.

Appeals to the Secretary of State

16.—(1) Every party to a case before the Authority shall have a right of appeal to the Secretary of State in accordance with the provisions of this regulation from the Authority's decision with respect to an air transport licence.

(2) An appeal to the Secretary of State shall be made by written notice signed by or on behalf of the appellant and clearly identifying the case to which it relates and stating the grounds on which the appeal is based and the arguments on which the appellant relies.

(3) The appellant shall serve the notice of appeal on—

(a) the Secretary of State;

(b) the Authority;

(c) each of the parties to the case before the Authority;

(d) each person heard by the Authority pursuant to regulation 14(3) of these Regulations in connection with the case; and

(e) any person or body consulted by the Authority, pursuant to regulation 11 of these Regulations, in connection with the case:

and the persons specified in sub-paragraphs (c) and (d) of this paragraph shall be deemed to be parties to the appeal.

(4) The notice of appeal shall be served within 21 days from the day on which the Authority notifies the appellant of its decision, or from the day (if that day is later) on which the appellant receives a mechanical recording or transcript of the record of the proceedings in pursuance of a request made by him under regulation 14(11), being a request made within 48 hours of his being notified of the Authority's decision of the case and of which he has, within 24 hours after making his request, served notice in writing on the persons referred to in paragraph (3)(a), (c), (d) and (e) of this regulation.

(5) Any person having the right to appeal against a decision of the Authority may require it to furnish him with the names and addresses of the persons or bodies of the description specified in paragraph (3)(c), (d) or (e) of this regulation.

(6) Any party to the appeal and any person or body who has been served with notice of the appeal pursuant to paragraph (3)(e) of this regulation may within 14 days of service thereof serve on the Secretary of State a written submission giving reasons why the Authority's decision should or should not be upheld and shall within such period serve copies of any such submission on the Authority and the appellant: but neither the appellant nor any other party may submit to the Secretary of State any evidence which was not before the Authority when it decided the case.

(7) Within 28 days of receiving notice of an appeal, the Authority shall furnish the Secretary of State with any written 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, and shall, within such period, serve copies of any such submission on the appellant.

(8) Within 14 days of the expiry of the period of 28 days referred to in the preceding paragraph of this regulation, the appellant may serve on the Secretary of State a reply to any submission made pursuant to paragraphs (6) and (7) of this regulation.

(9) Before deciding an appeal the Secretary of State may ask any person who has made a submission pursuant to the preceding paragraphs of this regulation to amplify or explain any point in his submission and shall give the appellant an opportunity of replying to any such amplification or explanation.

(10) The Secretary of State may if he thinks fit uphold the decision of the Authority or direct it to re-hear the case which is the subject of the appeal or to reverse or vary its decision.

(11) The Secretary of State shall notify the Authority, the appellant and the persons or bodies who have been served with the notice of appeal pursuant to paragraph (3) of this regulation of his decision and of the reasons for it and the Authority shall publish the Secretary of State's notification.

(12) (a) Subject to paragraph 13 of this regulation, in determining an appeal the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs or any part thereof.

(b) Any costs required by an order under the foregoing subparagraph to be taxed may be taxed in the county court on such scale as may be directed by the order.

(c) Any sum payable by virtue of an order under subparagraph (a) of this paragraph shall, if the county court so orders be recoverable by executions from the county court or otherwise as if payable under an order of that court;

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

(13) (a) In determining an appeal where the appellant resides or has his registered or principal office in Scotland the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the expenses incurred by him in connection with the appeal, or the taxed amount of those expenses or any part thereof.

(b) Any expenses required by an order under the foregoing subparagraph to be taxed may be taxed by the Auditor of the Court of Session on such scale as may be directed by the order.

(c) Any award of expenses by the Secretary of State under the foregoing provisions of this paragraph may be enforced in like manner as a recorded decree arbitral.

(14) An appeal to the Secretary of State shall not preclude him from consulting the competent authorities of any country or territory outside the United Kingdom for the purposes of section 4(3)(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.

Transfer of licences

17.—(1) Subject to the provisions of this regulation—

(a) if the sole holder of an air transport licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative;

- (b) 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 thereof as includes the provision of carriage by air for reward of passengers or cargo, is transferred or sold to another body corporate, the licence shall be 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.
- (2) The person required by paragraph (1) of this regulation to be treated as the holder of the licence may apply to the Authority—
- (a) if he 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 in his personal capacity if he is in that capacity entitled to such an interest,) and
- (b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.
- (3) The application shall state the ground on which it is based and shall be served on the Authority within the period of 20 days from the day on which the applicant first became entitled to make it; and if no application as aforesaid is made within that period the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.
- (4) The application shall, for the purposes of these Regulations be treated as if it were an application for the variation of the licence, and the provisions of regulation 16 as to appeals shall apply accordingly.
- (5) The Authority shall not grant an application for the transfer of a licence to, or the substitution of the name of, any person if it would be bound under section 22(2) or (3) of the Act to refuse that application if it were an application for the grant of a licence to that person.
- (6) For the purposes of this regulation "legal personal representative" means a person constituted executor, administrator or other representative of a deceased person by probate, administration or other instrument.

Surrender of licences

18. If revocation or variation of an air transport licence has taken effect, the Authority may require any person who has the licence in his possession or control to surrender it for cancellation or variation, as the case may be and any person who fails, without reasonable cause, to comply with any such requirement, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Michael Noble,
Minister for Trade,
Department of Trade and Industry.

10th February 1972.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe—

- (a) the procedure to be followed by the Civil Aviation Authority in connection with the performance by it of its function under Air Navigation Orders of issuing certificates, licences and approvals (regulations 4 and 5) and of its function under Part II of the Civil Aviation Act 1971 of licensing air transport (regulations 6 to 15);
- (b) the decisions to be taken by the Authority and not by any other person on its behalf (regulations 4(6) and 6(1));
- (c) the right of appeal to the Secretary of State from decisions of the Authority with respect to air transport licences, and the procedure therefor (regulation 16);
- (d) the manner in which the Authority is to serve and publish documents (regulations 2 and 3);

The Regulations also contain ancillary provisions relating to the licensing of air transport (regulations 17 and 18).

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