

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 49

APPEALS AGAINST REVOCATION OF LICENCE

Appeals against revocation of licence

- 1 (1) A person may appeal to the Competition Appeal Tribunal against—
- (a) a notice under section 48(1) revoking a licence, and
 - (b) a further notice under section 48(9) withdrawing a notice revoking a licence,
- unless the notice or further notice was given in accordance with a direction given by the Competition Appeal Tribunal under this Schedule.
- (2) The appeal may be against one or more of the following—
- (a) a decision to give the notice or further notice;
 - (b) in the case of an appeal under sub-paragraph (1)(a), a decision as to the day on which revocation takes effect.
- (3) The making of an appeal under this paragraph against a notice under section 48(1) revoking a licence—
- (a) suspends the effect of the notice until the appeal is decided or withdrawn, and
 - (b) extends the period specified in the notice until the appeal is decided or withdrawn.
- (4) The making of an appeal under this paragraph against a further notice under section 48(9) withdrawing a notice revoking a licence—
- (a) suspends the effect of the further notice until the appeal is decided or withdrawn, and
 - (b) extends the period specified in the notice revoking the licence until the appeal is decided or withdrawn.

Commencement Information

II Sch. 4 para. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Notice of appeal

- 2 (1) An appeal under paragraph 1 must be made by sending a notice of appeal to the Registrar of the Competition Appeal Tribunal.
- (2) The notice must be received by the Registrar before the end of the period of 30 days beginning with the relevant day.
- (3) In the case of an appeal under paragraph 1(1)(a) “the relevant day” means the later of—

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- (a) the day on which the CAA publishes the notice under section 48(1) revoking the licence, and
 - (b) the day on which the CAA publishes a notice extending the period on which the notice revoking the licence takes effect.
- (4) In the case of an appeal under paragraph 1(1)(b) “the relevant day” means the day on which the CAA publishes the further notice under section 48(9).
- (5) Sub-paragraphs (1) and (2) have effect subject to provision in rules made under section 15 of the Enterprise Act 2002 (Tribunal rules) after this Schedule comes into force—
- (a) as to the person to whom a notice of an appeal under paragraph 1 must be given;
 - (b) providing that such a notice must be received within a longer or shorter period beginning with the relevant day.

Commencement Information

I2 Sch. 4 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Decisions on appeal

- 3 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—
- (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that an error was made in the exercise of a discretion.
- (2) It may—
- (a) confirm or set aside the notice that is the subject of the appeal;
 - (b) give the CAA such directions as it considers appropriate, including directions about the time within which the CAA must act.
- (3) It may not direct the CAA to do anything that the CAA would not have power to do apart from the direction.
- (4) The CAA must comply with directions under this paragraph.
- (5) When deciding an appeal under paragraph 1 (including giving directions), the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 1.

Commencement Information

I3 Sch. 4 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Further appeals

- 4 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 3, including a direction.

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- (2) An appeal under this paragraph may be brought by a party to the proceedings before the Competition Appeal Tribunal.
- (3) An appeal may not be brought under this paragraph without the permission of—
 - (a) the Competition Appeal Tribunal, or
 - (b) the appropriate court.
- (4) “The appropriate court” means—
 - (a) in the case of an appeal from proceedings in England and Wales and Northern Ireland, the Court of Appeal, or
 - (b) in the case of an appeal from proceedings in Scotland, the Court of Session.

Commencement Information

I4 Sch. 4 para. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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