

## SCHEDULE 2

Regulation 9

### Appeal to the Secretary of State

[<sup>F1</sup>1. When the CAA provides to a person having a right of appeal written notification of its decision to refuse, revoke or suspend an operating licence, the notification must specify the date on which the decision takes effect.]

#### Textual Amendments

**F1** Sch. 2 para. 1 substituted (31.12.2020) by [The Operation of Air Services \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1392\)](#), reg. 1(2), **Sch. 1 para. 16(a)**; 2020 c. 1, Sch. 5 para. 1(1)

2. An appeal to the Secretary of State must—
  - (a) be made by written notice signed by or on behalf of the appellant,
  - (b) clearly identify the case to which it relates,
  - (c) state the grounds on which the appeal is based, and
  - (d) state the arguments on which the appellant relies.
3. The appellant must serve a notice of appeal on the Secretary of State and the CAA within 14 days after the date on which the appellant was notified of the CAA's decision.
4. Within 14 days after receiving notice of an appeal, the CAA must—
  - (a) serve on the Secretary of State any submission it wishes to make in connection with the appeal and may include in it an amplification and explanation of the reasons for its decision, and
  - (b) serve a copy of any such submission on the appellant.
5. Within 14 days after the expiry of that period the appellant—
  - (a) may serve on the Secretary of State a reply to any submission made by the CAA under paragraph 4, and
  - (b) must serve a copy of any such reply on the CAA.
6. Before deciding an appeal the Secretary of State may ask the appellant or the CAA any question the answer to which appears to the Secretary of State necessary to enable the determination of the appeal. The Secretary of State must give the appellant and the CAA an opportunity to reply to any such answer.
7. No person may submit to the Secretary of State evidence that was not before the CAA when it decided the case.
8. The Secretary of State may uphold the decision of the CAA or direct it to reverse or vary its decision.
9. The Secretary of State must notify the CAA and the appellant of the Secretary of State's decision and of the reasons for it. Where as a consequence the CAA is required to grant or revoke an operating licence the CAA must take the steps necessary to cause the decision to be published in [<sup>F2</sup>its Official Record].

#### Textual Amendments

**F2** Words in Sch. 2 para. 9 substituted (31.12.2020) by [The Operation of Air Services \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1392\)](#), reg. 1(2), **Sch. 1 para. 16(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Operation of Air Services ... Regulations 2009*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

**10.** An appeal to the Secretary of State does not preclude consultations with the competent authorities of any country or territory outside the United Kingdom for the purposes of section 6(2) (a) to (d) of the Civil Aviation Act 1982 <sup>M1</sup> (Secretary of State's decision in national interest, etc.) even though the consultation may relate to matters affecting the appeal.

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**Marginal Citations**

**M1** 1982 c. 16. Section 6 has been amended by section 97 of and paragraph 17 of Schedule 8 to the [Transport Act 2000 \(c. 38\)](#).

**11.** Subject to paragraph 12, the failure of any person to serve any document, or copy of a document, or to provide information in the time provided for in this Schedule or any other procedural irregularity does not invalidate the decision of the Secretary of State. The Secretary of State may, and if it is considered that any person may have been prejudiced by such an irregularity, must take such steps as are thought fit before deciding the appeal to cure the irregularity.

**12.** Paragraph 11 does not apply where an appellant has failed to serve a notice of appeal within the period set out in paragraph 3.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10](#)