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STATUTORY INSTRUMENTS

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**2012 No. 1017**

**The Civil Aviation (Air Travel  
Organisers' Licensing) Regulations 2012**

**PART 5**

**DECISIONS AND HEARINGS**

**CHAPTER 1**

**Licensing Procedures**

**Meaning of “the person concerned”**

**49.**—(1) In this Part, “the person concerned” means the applicant for or holder of an ATOL or accreditation which is the subject of the proceedings.

(2) In this part, “the CAA’s employee responsible for the proposal” means an employee of the CAA designated by them to consider whether an ATOL or accreditation ought to be revoked, suspended or varied and who proposes what action should be taken to the Member.

**Decisions to be made by Member**

**50.**—(1) This Part applies to the CAA’s function of making a decision to—

- (a) revoke, suspend or vary an ATOL or accreditation otherwise than on the application of the person concerned,
- (b) grant or vary an ATOL or accreditation in terms other than those requested by the applicant,
- (c) refuse to grant an ATOL or accreditation, or
- (d) provisionally vary an ATOL or accreditation.

(2) Any other decision to grant, revoke, suspend or vary an ATOL or accreditation may be made on behalf of the CAA only by a Member or by an employee of the CAA.

(3) Where this Part applies, the quorum of the CAA is one Member.

(4) Where a decision is to be made by more than one Member, references in this Part to “Member” shall include all such Members.

**Application for extension of time limit**

**51.**—(1) The CAA may extend any time limit imposed by this Part 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 entitled to attend a hearing under regulation 59 an opportunity to submit written representations.

### **Confidential information**

**52.**—(1) In this regulation, confidential information means personal data (as defined in section 1 of the Data Protection Act 1998<sup>(1)</sup>) or information which in the opinion of the CAA relates to the commercial or financial affairs of any person.

(2) The CAA must exclude from a statement of reasons or decision which it is required to publish any confidential information which cannot be disclosed without disadvantage to the person to whom it relates where, by comparison with the advantage to the public, its disclosure is unwarranted.

### **Consideration of representations**

**53.**—(1) Before making a decision specified in regulation 50(1)(a), (b) or (c), the Member must consider any representations and evidence submitted by the person concerned and the CAA's employee responsible for the proposal.

(2) The requirement to consider the representations only applies if they are provided to the CAA by the person concerned within 10 days beginning with the date of service of the notice under regulation 36 or regulation 44 or such additional period as the Member may determine in accordance with regulation 51.

(3) The Member may request further information and specify the period of time in which it must be supplied from the person concerned or the CAA employee responsible for the proposal after considering any representations and evidence submitted.

### **Statement of reasons**

**54.** Where the CAA makes a decision to—

- (a) revoke, suspend or vary an ATOL or an accreditation otherwise than on the application of the person concerned;
- (b) grant or vary an ATOL or an accreditation in terms other than those requested by the person concerned; or
- (c) refuse to grant an ATOL or an accreditation,

the CAA must supply a statement of its reasons for the decision to the person concerned.

### **Publication of Decision**

**55.** Where the CAA decides to revoke or suspend an ATOL or accreditation the decision must be published by the CAA.

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(1) 1998 c.29.