

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

SCHEDULES

SCHEDULE 1 **U.K.**

Section 13

APPEALS AGAINST DETERMINATIONS

Appeals against determinations

- 1 (1) The following may appeal to the Competition Appeal Tribunal against a market power determination in respect of an airport area—
- (a) a person who is the operator of the area at the time the determination is made, and
 - (b) any other person whose interests are materially affected by the determination.
- (2) A person who is the subject of an operator determination may appeal to the Competition Appeal Tribunal against the determination.
- (3) The making of an appeal under this paragraph in respect of a determination does not suspend the effect of the determination, unless the Competition Appeal Tribunal orders otherwise.

Commencement Information

- II** Sch. 1 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 against a determination 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 60 days beginning with the relevant day.
- (3) In this paragraph “the relevant day” means the later of—
- (a) the day on which the CAA publishes the notice of the determination, and
 - (b) the day on which the CAA publishes the reasons for the determination.
- (4) 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.

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Commencement Information

I2 Sch. 1 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 market power determination or operator determination appealed against was wrong on one or more of the following grounds—
- (a) that the determination was based on an error of fact;
 - (b) that the determination was wrong in law;
 - (c) that an error was made in the exercise of a discretion.
- (2) It may—
- (a) confirm or set aside all or part of the market power determination or operator determination;
 - (b) direct the CAA to make a further determination;
 - (c) give the CAA such other 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) If the CAA fails to comply with a direction to make a further market power determination in respect of an airport area within the time specified by the Competition Appeal Tribunal, the Tribunal may make the determination.
- (6) If the Competition Appeal Tribunal makes a market power determination under subparagraph (5)—
- (a) the determination has effect as if made by the CAA, and
 - (b) section 8 applies in relation to the determination as if the references to the CAA were references to the Competition Appeal Tribunal.
- (7) If the CAA fails to comply with a direction to make a further operator determination in respect of a person and an airport area within the time specified by the Competition Appeal Tribunal, the Tribunal may make the determination.
- (8) If the Competition Appeal Tribunal makes an operator determination under subparagraph (7)—
- (a) the determination has effect as if made by the CAA under section 10(1), and
 - (b) sections 10(2) and 11(1) to (3) and (5) apply in relation to the determination as if the references to the CAA were references to the Competition Appeal Tribunal.

Commencement Information

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

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Effect of suspending or setting aside market power determination

- 4 (1) This paragraph applies where—
- (a) the CAA publishes a notice of a market power determination (“determination A”) in respect of an airport area (“area Z”),
 - (b) the CAA subsequently publishes a notice of another market power determination (“determination B”) in respect of all or part of area Z or in respect of an area that includes all or part of area Z,
 - (c) determination A ceases to have effect in respect of all or part of area Z by virtue of section 7(9) or (10), and
 - (d) there is subsequently an appeal under this Schedule against determination B.
- (2) If the effect of determination B is suspended under paragraph 1(3), determination A has effect again during the period of suspension, unless the Competition Appeal Tribunal orders otherwise.
- (3) If all or part of determination B is set aside at the end of a period of suspension, determination A continues to have effect after the end of the period of suspension, unless the Competition Appeal Tribunal orders otherwise.
- (4) If all or part of determination B is set aside otherwise than at the end of a period of suspension, determination A has effect again from the setting aside, unless the Competition Appeal Tribunal orders otherwise.
- (5) If the suspension or setting aside of determination B only affects part of area Z, or an area that includes part of area Z, the references in sub-paragraphs (2) to (4) to determination A are to be treated as references to that determination so far as it relates to that part of area Z.
- (6) Sub-paragraphs (2) to (4) do not apply if determination B is suspended or set aside only so far as it relates to an area that does not include any part of area Z.
- (7) Nothing in sub-paragraphs (3) to (5) affects the operation of section 7(9) or (10) where notice is published of a further market power determination in respect of all or part of area Z or in respect of an area that includes all or part of area Z.

Commencement Information

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

Appeals to Competition Appeal Tribunal: supplementary

- 5 (1) When deciding an appeal under paragraph 1 (including giving directions), making an order under paragraph 1 or 4 or making a market power determination or operator determination, the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 1.
- (2) When deciding an appeal under paragraph 1 relating to a market power determination (including giving directions) or making such a determination, the Competition Appeal Tribunal must have regard to the notices, guidance, advice and information described in section 6(10).

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Commencement Information

I5 Sch. 1 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Further appeals

- 6 (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 or 4(3) or (4), including a direction.
- (2) An appeal under this paragraph against a decision relating to a market power determination may be brought by—
- (a) a party to the proceedings before the Competition Appeal Tribunal, or
 - (b) a person whose interests are materially affected by the decision or direction.
- (3) An appeal under this paragraph against a decision relating to an operator determination may be brought by a party to the proceedings before the Competition Appeal Tribunal.
- (4) An appeal may not be brought under this paragraph without the permission of—
- (a) the Competition Appeal Tribunal, or
 - (b) the appropriate court.
- (5) “The appropriate court” means—
- (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, the Court of Appeal, or
 - (b) in the case of an appeal from proceedings in Scotland, the Court of Session.

Commencement Information

I6 Sch. 1 para. 6 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

SCHEDULE 2 **U.K.**

Section 30

APPEALS UNDER SECTIONS 24 AND 25

PART 1 U.K.

PERMISSION TO APPEAL

Application for permission to appeal

- 1 (1) An application for permission to appeal under section 24 or 25 against a decision in respect of a licence may not be made after the end of the period of 6 weeks beginning with the day on which the CAA published the relevant notice.
- (2) In this paragraph “the relevant notice” means—

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- (a) in the case of an application for permission to appeal under section 24, the notice published in accordance with section 15 of the decision to grant the licence, and
 - (b) in the case of an application for permission to appeal under section 25, the notice published in accordance with section 22 of the decision that is the subject of the application.
- (3) The applicant must send a copy of the application to the CAA.
- (4) The CAA must—
- (a) publish the application, and
 - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).
- (5) Those persons are—
- (a) the holder of the licence that is the subject of the application,
 - (b) any other person with a qualifying interest in the decision that is the subject of the application, and
 - (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Commencement Information

I7 Sch. 2 para. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Determination of application for permission to appeal

- 2 (1) The [^{F1} decision of the Competition and Markets Authority] on an application for permission to appeal is to be taken by an authorised member of [^{F2} the Competition and Markets Authority].
- (2) The authorised member must take the decision before the end of the period of 10 weeks beginning with the day on which the CAA published the relevant notice (as defined in paragraph 1).
- (3) The authorised member may grant permission to appeal subject to conditions.
- (4) The conditions may, in particular, include—
- (a) conditions which limit the matters that are to be considered on the appeal,
 - (b) conditions for the purpose of expediting the determination of the appeal, and
 - (c) conditions requiring the appeal to be considered together with other appeals, including appeals relating to different matters or decisions and appeals brought by different persons.
- (5) An authorised member of the [^{F3} Competition and Markets Authority] who grants permission to appeal against a decision that relates entirely or partly to a matter remitted to the CAA following an earlier appeal under section 24 or 25 must grant it subject to conditions excluding consideration of—
- (a) matters that were considered as part of the earlier appeal, and
 - (b) matters that could have been raised by the applicant or a relevant connected person as part of the earlier appeal,
- unless the member considers that there are compelling reasons not to do so.

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- (6) In sub-paragraph (5), in relation to an applicant, “relevant connected person” means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the [^{F3} Competition and Markets Authority].
- (7) [^{F4} An authorised member of the Competition and Markets Authority] must—
- (a) publish the decision on an application for permission to appeal and the reasons for the decision, and
 - (b) send a copy of the decision and reasons to the persons listed in sub-paragraph (8).
- (8) Those persons are—
- (a) the holder of the licence which is the subject of the application,
 - (b) if the application was made by someone other than the holder of that licence, the applicant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the application,
 - (d) such bodies representing airport operators or providers of air transport services as the [^{F5} authorised member] considers appropriate, and
 - (e) the CAA.
- (9) Section 29(5) applies to the publication of a decision and reasons under this paragraph as it applies to the publication of an order containing a determination of an appeal.

Textual Amendments

- F1** Words in Sch. 2 para. 2(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(2\)\(a\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 2 para. 2(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(2\)\(a\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in Sch. 2 para. 2(5)(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(2\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in Sch. 2 para. 2(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(2\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in Sch. 2 para. 2(8)(d) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(2\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I8** Sch. 2 para. 2 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Time limit for CAA to make representations

- 3 (1) This paragraph applies where the CAA wishes to make representations to the [^{F6} Competition and Markets Authority] in relation to an application under paragraph 1 for permission to appeal against a decision.
- (2) The CAA must make the representations in writing before the end of the period of 8 weeks beginning with the day on which the CAA publishes the relevant notice (as defined in paragraph 1).
- (3) The CAA must send a copy of its representations to—

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- (a) the holder of the licence which is the subject of the application,
- (b) if the application was made by someone other than the holder of that licence, the applicant,
- (c) any other person with a qualifying interest in the decision that is the subject of the application, and
- (d) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Textual Amendments

- F6** Words in Sch. 2 para. 3(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(3); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I9** Sch. 2 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

PART 2 U.K.

INTERVENTION IN APPEAL

Application for permission to intervene in appeal

- 4 (1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for permission to intervene in the appeal may be made to the [^{F7}Competition and Markets Authority] by another person who would be entitled to appeal against the decision.
- (2) An application for permission to intervene may be made before the end of the period of 1 week beginning with the day [^{F8}of publication of the Competition and Markets Authority's] decision to grant permission to appeal against the decision.
- (3) An application for permission to intervene may be made after the end of that period only with the leave of an authorised member of the [^{F9}Competition and Markets Authority].
- (4) The applicant must send a copy of the application to the CAA.
- (5) The CAA must—
- (a) publish the application, and
 - (b) send a copy of the application to the persons listed in sub-paragraph (6) (other than the applicant).
- (6) Those persons are—
- (a) the holder of the licence that is the subject of the application for permission to appeal,
 - (b) any other person with a qualifying interest in the decision that is the subject of that application, and
 - (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

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Textual Amendments

- F7** Words in Sch. 2 para. 4(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(4\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in Sch. 2 para. 4(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(4\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in Sch. 2 para. 4(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(4\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I10** Sch. 2 para. 4 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Determination of application for permission to intervene

- 5 (1) The [^{F10}decision of the Competition and Markets Authority] on an application for permission to intervene is to be taken by an authorised member of [^{F11}the Competition and Markets Authority].
- (2) An authorised member of the [^{F12}Competition and Markets Authority] may grant permission to intervene in an appeal only if satisfied that allowing the applicant to intervene is necessary or desirable for the proper resolution of the appeal.
- (3) The authorised member—
- (a) may grant permission to intervene for the purposes of supporting or opposing an appeal;
 - (b) must make any permission to intervene for the purposes of supporting an appeal subject to conditions preventing the intervener from putting forward new grounds of appeal;
 - (c) may make permission to intervene subject to other conditions, including conditions which limit the matters that may be raised by the intervener.
- (4) [^{F13}An authorised member of the Competition and Markets Authority must]—
- (a) publish the decision on an application for permission to intervene and the reasons for the decision, and
 - (b) send a copy of the decision and reasons to the persons listed in subparagraph (5).
- (5) Those persons are—
- (a) the holder of the licence which is the subject of the application,
 - (b) if the application was made by someone other than the holder of that licence, the applicant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the application,
 - (d) such bodies representing airport operators or providers of air transport services as the [^{F14}authorised member] considers appropriate, and
 - (e) the CAA.
- (6) Section 29(5) applies to the publication of a decision and reasons under this paragraph as it applies to the publication of an order containing a determination of an appeal.

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Textual Amendments

- F10** Words in Sch. 2 para. 5(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(5\)\(a\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F11** Words in Sch. 2 para. 5(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(5\)\(a\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F12** Words in Sch. 2 para. 5(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(5\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F13** Words in Sch. 2 para. 5(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(5\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F14** Words in Sch. 2 para. 5(5)(d) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(5\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I11** Sch. 2 para. 5 in force at 6.4.2013 by [S.I. 2013/589, art. 2\(1\)-\(3\)](#)

PART 3 U.K.

AUTOMATIC SUSPENSION OF CONDITION OF NEW LICENCE OR MODIFICATION

Automatic suspension of condition of new licence including exception for certain financial arrangements

- 6 (1) Sub-paragraph (2) applies where—
- the CAA decides to grant a licence under section 15,
 - an application is made for permission to appeal under section 24 against the CAA's decision to include a relevant financial arrangements condition in the licence, and
 - the relevant financial arrangements condition would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with the day on which notice of the decision was published in accordance with section 15 (“the 10 week period”).
- (2) The relevant financial arrangements condition does not have effect during the 10 week period.
- (3) Sub-paragraph (4) applies where—
- the CAA decides to grant a licence under section 15, and
 - the ^{F15} [Competition and Markets Authority] grants an application for permission to appeal under section 24 against the CAA's decision to include a relevant financial arrangements condition in the licence.
- (4) The relevant financial arrangements condition does not have effect until the appeal against the decision is determined or withdrawn (or, if there is more than one appeal against the decision, until all of the appeals are determined or withdrawn).
- (5) In this paragraph, “relevant financial arrangements condition” means a condition that is subject to an exception (however expressed) relating to, or operating by reference to, financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before section 3 came into force.

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- (6) For the purposes of this paragraph, financial arrangements entered into after section 3 came into force but pursuant to other financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before that time are to be treated as entered into before that time.

Textual Amendments

F15 Words in Sch. 2 para. 6(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(6); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I12 Sch. 2 para. 6 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Automatic suspension of modification of existing licence involving exception for certain financial arrangements

- 7 (1) Sub-paragraph (2) applies where—
- (a) the CAA decides under section 22 to modify a licence by adding a relevant financial arrangements condition,
 - (b) an application is made for permission to appeal under section 25 against the decision, and
 - (c) the condition would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with the day on which notice of the decision was published in accordance with section 22 (“the 10 week period”).
- (2) The relevant financial arrangements condition does not have effect during the 10 week period.
- (3) Sub-paragraph (4) applies where—
- (a) the CAA decides under section 22 to modify a licence by adding a relevant financial arrangements condition, and
 - (b) the ^{F16} Competition and Markets Authority] grants permission to appeal against the decision.
- (4) The relevant financial arrangements condition does not have effect until the appeal against the decision is determined or withdrawn (or, if there is more than one appeal against the decision, until all of the appeals are determined or withdrawn).
- (5) In this paragraph, “relevant financial arrangements condition” has the same meaning as in paragraph 6.

Textual Amendments

F16 Words in Sch. 2 para. 7(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(7); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I13 Sch. 2 para. 7 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 8 (1) Sub-paragraph (2) applies where—
- (a) the CAA decides under section 22 to modify a licence condition,

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- (b) the decision is subject to the restrictions in section 23,
 - (c) an application is made for permission to appeal under section 25 against the decision, and
 - (d) the licence modification that is the subject of the decision would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with the day on which notice of the decision was published in accordance with section 22 (“the 10 week period”).
- (2) The licence modification does not have effect during the 10 week period.
- (3) Sub-paragraph (4) applies where—
- (a) the CAA decides under section 22 to modify a licence condition,
 - (b) the decision is subject to the restrictions in section 23, and
 - (c) the ^{F17} Competition and Markets Authority] grants permission to appeal against the decision.
- (4) The licence modification does not have effect until the appeal against the decision is determined or withdrawn (or, if there is more than one appeal against the decision, until all of the appeals are determined or withdrawn).

Textual Amendments

F17 Words in [Sch. 2 para. 8\(3\)](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I14 Sch. 2 para. 8 in force at 6.4.2013 by [S.I. 2013/589](#), art. 2(1)-(3)

PART 4 **U.K.**

APPLICATION FOR SUSPENSION OF CONDITION OF NEW LICENCE OR MODIFICATION

Application for direction suspending condition of new licence

- 9 (1) Where an application is made for permission to appeal against a decision under section 15 to include a condition in a licence, an application for a direction suspending the effect of the decision may be made to the ^{F18} Competition and Markets Authority]—
- (a) by the person who applied for permission to appeal, or
 - (b) by another person who would be entitled to appeal against the decision.
- (2) An application for a direction may be made at any time before the determination of the appeal.
- (3) The applicant must send a copy of the application to the CAA.
- (4) The CAA must—
- (a) publish the application, and
 - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

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- (5) Those persons are—
- (a) the holder of the licence that is the subject of the application,
 - (b) any other person with a qualifying interest in the decision that is the subject of the application, and
 - (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Textual Amendments

F18 Words in Sch. 2 para. 9(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(9); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I15 Sch. 2 para. 9 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Effect of early application for direction under paragraph 9

- 10 (1) This paragraph applies if—
- (a) an application is made under paragraph 9 for a direction suspending the effect of a decision under section 15 to include a condition in a licence,
 - (b) the application is made before the end of the period of 6 weeks beginning with the day on which the CAA published the notice of the decision to grant the licence in accordance with section 15, and
 - (c) the licence condition would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with that day (“the 10 week period”).
- (2) The licence condition does not have effect during the 10 week period.
- (3) The ^{F19} decision of the Competition and Markets Authority] on the application under paragraph 9 must be taken before the end of the 10 week period.

Textual Amendments

F19 Words in Sch. 2 para. 10(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(10); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I16 Sch. 2 para. 10 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Direction following application under paragraph 9

- 11 (1) The ^{F20} functions of the Competition and Markets Authority] in relation to an application under paragraph 9 for a direction are to be carried out by an authorised member of ^{F21}the Competition and Markets Authority].
- (2) An authorised member of the ^{F22}Competition and Markets Authority] may give a direction suspending the effect of a decision under section 15 to include a condition in a licence only if—
- (a) the applicant for the direction would incur significant costs if the licence condition were to have effect from the date specified in the decision, and

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- (b) the balance of convenience does not otherwise require the licence condition to have effect from that date.
- (3) If an authorised member gives a direction suspending the effect of the decision, the licence condition does not have effect or ceases to have effect—
 - (a) to the extent specified in the direction, and
 - (b) for the period specified or described in the direction.
- (4) [^{F23}An authorised member of the Competition and Markets Authority] may by notice vary or withdraw a direction under this paragraph if [^{F24}he or she] considers it appropriate to do so having regard to the costs and the balance of convenience referred to in sub-paragraph (2).

Textual Amendments

- F20** Words in Sch. 2 para. 11(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(11\)\(a\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F21** Words in Sch. 2 para. 11(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(11\)\(a\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F22** Words in Sch. 2 para. 11(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(11\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F23** Words in Sch. 2 para. 11(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(11\)\(c\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F24** Words in Sch. 2 para. 11(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(11\)\(c\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I17** Sch. 2 para. 11 in force at 6.4.2013 by [S.I. 2013/589, art. 2\(1\)-\(3\)](#)

Application for direction suspending licence modification

- 12 (1) Where an application for permission to appeal against a decision under section 22 to modify a licence condition is made, an application for a direction suspending the effect of the decision may be made to the [^{F25}Competition and Markets Authority]—
 - (a) by the person who applied for permission to appeal, or
 - (b) by another person who would be entitled to appeal against the decision.
- (2) An application for a direction may be made at any time before the determination of the appeal.
- (3) The applicant must send a copy of the application to the CAA.
- (4) The CAA must—
 - (a) publish the application, and
 - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).
- (5) Those persons are—
 - (a) the holder of the licence that is the subject of the application,
 - (b) any other person with a qualifying interest in the decision that is the subject of the application, and

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- (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Textual Amendments

F25 Words in Sch. 2 para. 12(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(12\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I18 Sch. 2 para. 12 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Effect of early application for direction under paragraph 12

- 13 (1) This paragraph applies if—
- (a) an application is made under paragraph 12 for a direction suspending the effect of a decision under section 22 to modify a licence condition,
 - (b) the application is made before the end of the period of 6 weeks beginning with the day on which the CAA published notice of that decision in accordance with that section, and
 - (c) the modification would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with that day (“the 10 week period”).
- (2) The modification does not have effect during the 10 week period.
- (3) The [^{F26}decision of the Competition and Markets Authority] on the application under paragraph 12 must be taken before the end of the 10 week period.

Textual Amendments

F26 Words in Sch. 2 para. 13(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(13\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I19 Sch. 2 para. 13 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Direction following application under paragraph 12

- 14 (1) The [^{F27}functions of the Competition and Markets Authority] in relation to an application under paragraph 12 for a direction are to be carried out by an authorised member of [^{F28}the Competition and Markets Authority].
- (2) An authorised member of the [^{F29}Competition and Markets Authority] may give a direction suspending the effect of a decision under section 22 to include a condition in a licence only if—
- (a) the applicant for the direction would incur significant costs if the licence condition were to have effect from the date specified in the decision, and
 - (b) the balance of convenience does not otherwise require the licence condition to have effect from that date.
- (3) If an authorised member gives a direction suspending the effect of the decision, the licence condition does not have effect or ceases to have effect—

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- (a) to the extent specified in the direction, and
 - (b) for the period specified or described in the direction.
- (4) ^{F30}An authorised member of the Competition and Markets Authority] may by notice vary or withdraw a direction under this paragraph if ^{F31}he or she] considers it appropriate to do so having regard to the costs and the balance of convenience referred to in sub-paragraph (2).

Textual Amendments

- F27** Words in Sch. 2 para. 14(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(14\)\(a\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F28** Words in Sch. 2 para. 14(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(14\)\(a\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F29** Words in Sch. 2 para. 14(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(14\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F30** Words in Sch. 2 para. 14(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(14\)\(c\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F31** Words in Sch. 2 para. 14(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(14\)\(c\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I20** Sch. 2 para. 14 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Publication of decisions about directions

- 15 (1) ^{F32}An authorised member of the Competition and Markets Authority must]—
- (a) publish a decision on an application under paragraph 9 or 12 for a direction and the reasons for the decision, and
 - (b) send a copy of the decision and reasons to the persons listed in sub-paragraph (4).
- (2) Where paragraph 10 or 13 applies, ^{F33}the requirements of sub-paragraph (1) must be complied with] before the end of the 10 week period referred to in that paragraph.
- (3) ^{F34}An authorised member of the Competition and Markets Authority must]—
- (a) publish any notice varying or withdrawing a direction under paragraph 11 or 14 and the reasons for the variation or withdrawal, and
 - (b) send a copy of the notice and reasons to the persons listed in sub-paragraph (4).
- (4) Those persons are—
- (a) the holder of the licence which is the subject of the application or direction,
 - (b) if the application for the direction was made by someone other than the holder of that licence, the applicant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the application,
 - (d) such bodies representing airport operators or providers of air transport services as the ^{F35}authorised member] considers appropriate, and
 - (e) the CAA.

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- (5) Section 29(5) applies to the publication of a decision, notice or reasons mentioned in sub-paragraph (1) or (3) as it applies to the publication of an order containing a determination of an appeal.

Textual Amendments

- F32** Words in Sch. 2 para. 15(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(15\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F33** Words in Sch. 2 para. 15(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(15\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F34** Words in Sch. 2 para. 15(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(15\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F35** Words in Sch. 2 para. 15(4)(d) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(15\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I21** Sch. 2 para. 15 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Time limit for CAA to make representations

- 16 (1) This paragraph applies where the CAA wishes to make representations to the ^{F36} [Competition and Markets Authority] in relation to an application under paragraph 9 or 12 for a direction.
- (2) In a case to which paragraph 10 or 13 applies, the CAA must make the representations in writing before the end of the period of 8 weeks beginning with the day on which the CAA published the relevant notice.
- (3) In sub-paragraph (2) “the relevant notice” means—
- in the case of an application under paragraph 9, the notice published in accordance with section 15 of the decision to grant the licence, and
 - in the case of an application under paragraph 12, the notice published in accordance with section 22 of the decision that is the subject of the application.
- (4) In any other case—
- ^{F37} [an authorised member of the Competition and Markets Authority] must specify a reasonable period for making representations, and
 - the CAA must make the representations in writing before the end of that period.
- (5) In all cases, the CAA must send a copy of its representations to—
- the holder of the licence which is the subject of the application,
 - if the application was made by someone other than the holder of that licence, the applicant,
 - any other person with a qualifying interest in the decision that is the subject of the application, and
 - such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

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Textual Amendments

- F36** Words in Sch. 2 para. 16(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(16)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F37** Words in Sch. 2 para. 16(4)(a) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(16)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I22** Sch. 2 para. 16 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

PART 5 U.K.

APPEALS

Determination of appeal by group

- 17 ^{F38}(1)
- (2) [^{F39} A group constituted by the chair of the Competition and Markets Authority, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, for the purpose of carrying out functions of the Competition and Markets Authority with respect to an appeal under section 24 or 25] must consist of 3 members of the [^{F40}CMA panel].
- ^{F41}(3)
- ^{F41}(4)
- (5) A decision of the group is effective only if—
- (a) all of the members of the group are present when it is made, and
 - (b) at least 2 members of the group are in favour of the decision.

Textual Amendments

- F38** Sch. 2 para. 17(1) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(17)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F39** Words in Sch. 2 para. 17(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(17)(b)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F40** Words in Sch. 2 para. 17(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(17)(b)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F41** Sch. 2 para. 17(3)(4) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(17)(c)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I23** Sch. 2 para. 17 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Replacing members of group

- ^{F42}18

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Textual Amendments

F42 Sch. 2 para. 18 omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(18)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I24 Sch. 2 para. 18 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Representations made by the CAA

- 19 (1) This paragraph applies where an application for permission to appeal has been granted and the CAA makes representations to the [^{F43} Competition and Markets Authority] for the purposes of the appeal.
- (2) The CAA must send a copy of its representations to—
- (a) the holder of the licence which is the subject of the appeal,
 - (b) if the appeal was brought by someone other than the holder of that licence, the appellant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal, and
 - (d) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Textual Amendments

F43 Words in Sch. 2 para. 19(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(19)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I25 Sch. 2 para. 19 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Matters that may be disregarded

- 20 (1) [^{F44}The Competition and Markets Authority] may disregard matters raised by the CAA if it thinks it necessary to do so for the purpose of securing that [^{F45}an appeal] is determined within the period allowed under section 28, unless they are matters contained in representations made to the [^{F46}Competition and Markets Authority]—
- (a) in accordance with paragraph 16, or
 - (b) before the end of the period of 12 weeks beginning with the day on which the relevant notice was published.
- (2) In sub-paragraph (1) “the relevant notice” means—
- (a) in the case of an appeal under section 24, the notice published in accordance with section 15 of the decision to grant the licence, and
 - (b) in the case of an appeal under section 25, the notice published in accordance with section 22 of the decision that is the subject of the appeal.
- (3) [^{F47}The Competition and Markets Authority] may disregard matters raised by the appellant if it thinks it necessary to do so for the purpose of securing that [^{F48}an

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appeal] is determined within the period allowed under section 28, unless the matters were raised by the appellant—

- (a) at the time of the application under paragraph 1 for permission to appeal, or
- (b) in an application under paragraph 9 or 12 for a direction.

(4) [^{F49}The Competition and Markets Authority] may disregard matters raised by an intervener if it thinks it necessary to do so for the purpose of securing that [^{F50}an appeal] is determined within the period allowed under section 28, unless the matters were raised by the intervener—

- (a) at the time of the application under paragraph 4 for permission to intervene, or
- (b) in an application under paragraph 9 or 12 for a direction.

Textual Amendments

- F44** Words in Sch. 2 para. 20(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(a)(i); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F45** Words in Sch. 2 para. 20(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(a)(ii); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F46** Words in Sch. 2 para. 20(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(a)(iii); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F47** Words in Sch. 2 para. 20(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(b)(i); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F48** Words in Sch. 2 para. 20(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(b)(ii); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F49** Words in Sch. 2 para. 20(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(c)(i); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F50** Words in Sch. 2 para. 20(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(20)(c)(ii); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I26** Sch. 2 para. 20 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Remitting decision to CAA

- 21 (1) This paragraph applies where the [^{F51} Competition and Markets Authority] decides to remit a matter that is the subject of an appeal to the CAA for reconsideration and decision.
- (2) Where, on reconsidering the matter, the CAA decides to modify a licence, the notice under section 22(6) in respect of the modification may, with the agreement of the holder of the licence, specify a date falling—
- (a) before the end of the period of 6 weeks beginning with the date on which the notice is published, but
 - (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.
- (3) Where, on reconsidering the matter, the CAA considers it appropriate to modify a licence by adding or altering a price cap condition in respect of goods and services—

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- (a) sub-paragraph (4) applies if the highest charges that would be permitted by the new or altered price cap condition (disregarding sub-paragraphs (4) and (6)) (“the proposed maximum charges”) are lower than charges imposed by the holder of the licence in respect of such goods and services during all or part of the appeal period, and
 - (b) sub-paragraph (6) applies if the proposed maximum charges are higher than charges imposed by the holder of the licence in respect of such goods and services during all or part of that period.
- (4) Where this sub-paragraph applies, the CAA may modify the licence so that it includes such price cap conditions as the CAA considers appropriate with a view to putting the holder of the licence in the position that it would have been in if, during the appeal period, it had imposed such lower charges as the CAA considers appropriate.
- (5) The reference in sub-paragraph (4) to lower charges does not include charges of less than the proposed maximum charges.
- (6) Where this sub-paragraph applies, the CAA may modify the licence so that it includes such price cap conditions as the CAA considers appropriate with a view to putting the holder of the licence in the position that it would have been in if, during the appeal period, it had imposed such higher charges as the CAA considers appropriate.
- (7) The reference in sub-paragraph (6) to higher charges does not include charges of more than the proposed maximum charges.
- (8) For the purposes of this paragraph a licence condition is a price cap condition to the extent that it regulates prices by providing that the amount, or the maximum amount, that may be charged is an amount specified in, or determined in accordance with, the condition.
- (9) In this paragraph “appeal period” has the same meaning as in section 28.

Textual Amendments

F51 Words in [Sch. 2 para. 21\(1\)](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(21\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I27 Sch. 2 para. 21 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Substituting CAA's decision

- 22 (1) This paragraph applies where the [^{F52}Competition and Markets Authority] decides to substitute its own decision for a decision of the CAA that is the subject of an appeal.
- (2) Section 23 applies to the [^{F52}Competition and Markets Authority] as it applies to the CAA.
- (3) The [^{F53}decision of the Competition and Markets Authority] has effect as if made by the CAA, except that—
- (a) section 22(6) does not apply, and
 - (b) an appeal may not be brought against it under this Chapter.

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- (4) Any modification of a licence effected by the [^{F54}decision of the Competition and Markets Authority] takes effect from the date specified by [^{F55}the Competition and Markets Authority].
- (5) The [^{F56}Competition and Markets Authority] may, with the agreement of the holder of the licence, specify a date falling—
- (a) before the date on which the order containing its decision is published, but
 - (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.
- (6) Where the [^{F56} Competition and Markets Authority] considers it appropriate to modify the licence by adding or altering a price cap condition in respect of goods and services—
- (a) sub-paragraph (7) applies if the highest charges that would be permitted by the new or altered price cap condition (disregarding sub-paragraphs (7) and (9)) (“the proposed maximum charges”) are lower than charges imposed by the holder of the licence in respect of such goods and services during all or part of the appeal period, and
 - (b) sub-paragraph (9) applies if the proposed charges are higher than charges imposed by the holder of the licence in respect of such goods and services during all or part of that period.
- (7) Where this sub-paragraph applies, the [^{F57} decision of the Competition and Markets Authority] may modify the licence so that it includes such price cap conditions as the [^{F58} Competition and Markets Authority] considers appropriate with a view to putting the holder of the licence in the position that it would have been in if, during the appeal period, it had imposed such lower charges as the [^{F58} Competition and Markets Authority] considers appropriate.
- (8) The reference in sub-paragraph (7) to lower charges does not include charges of less than the proposed maximum charges.
- (9) Where this sub-paragraph applies, the [^{F59} decision of the Competition and Markets Authority] may modify the licence so that it includes such price cap conditions as the [^{F60} Competition and Markets Authority] considers appropriate with a view to putting the holder of the licence in the position that it would have been in if, during the appeal period, it had imposed such higher charges as the [^{F60}Competition and Markets Authority] considers appropriate.
- (10) The reference in sub-paragraph (9) to higher charges does not include charges of more than the proposed maximum charges.
- (11) In this paragraph—
- “appeal period” has the same meaning as in section 28;
 - “price cap condition” has the same meaning as in paragraph 21.

Textual Amendments

F52 Words in Sch. 2 para. 22(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013](#) (c. 24), s. 103(3), [Sch. 6 para. 148\(22\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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- F53** Words in Sch. 2 para. 22(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F54** Words in Sch. 2 para. 22(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(c)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F55** Words in Sch. 2 para. 22(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(c)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F56** Words in Sch. 2 para. 22(5)(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(d)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F57** Words in Sch. 2 para. 22(7) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(e)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F58** Words in Sch. 2 para. 22(7) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(e)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F59** Words in Sch. 2 para. 22(9) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(f)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F60** Words in Sch. 2 para. 22(9) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(22)(f)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I28** Sch. 2 para. 22 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

PART 6 U.K.

GENERAL

Consideration of new matters

- 23 (1) This paragraph applies to—
- (a) an authorised member of the [^{F61} Competition and Markets Authority] with the function of determining an application for permission to appeal under section 24 or 25, and
 - (b) a group with the function of determining an appeal.
- (2) The member or group must not have regard to any matter, information or evidence raised or provided by the CAA if it was not considered by the CAA in making the decision that is the subject of the application or appeal, unless the member or group considers that—
- (a) the CAA could not reasonably have been expected to consider the matter, information or evidence when making that decision, and
 - (b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (3) The member or group must not have regard to any matter, information or evidence raised or provided by a person other than the CAA if it was not considered by the CAA in making the decision that is the subject of the application or appeal, unless the member or group considers that—
- (a) the person or a relevant connected person could not reasonably have raised the matter with the CAA, or provided the information or evidence to the CAA, during the period in which the CAA was making that decision, and

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

- (b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (4) Where the member or group has regard to a matter, information or evidence in reliance on sub-paragraph (2) or (3), those sub-paragraphs do not prevent the member or group having regard to further matters, information or evidence raised or provided in response to it if the member or group considers that the further matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (5) In sub-paragraph (3), in relation to a person who raises or provides a matter, information or evidence, “relevant connected person” means a person who was connected to that person at any time during the period in which the CAA was making the decision that is the subject of the application or appeal.
- (6) References in this paragraph to the period in which the CAA was making a decision are to the period—
 - (a) beginning with the publication of a notice under section 15(1) or 22(2) proposing to make the decision, and
 - (b) ending with the publication of a notice under section 15(5) or 22(6) in relation to the decision.

Textual Amendments

F61 Words in Sch. 2 para. 23(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(23); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I29 Sch. 2 para. 23 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Production of documents

- 24 (1) The [^{F62}Competition and Markets Authority] may by notice require a person to produce to [^{F63}the Competition and Markets Authority] documents specified or described in the notice that are in the person's custody or under the person's control.
- (2) The notice may require the production of documents—
 - (a) at the time and place specified in the notice, and
 - (b) in the form and manner specified in the notice.
 - (3) The notice may not require a person to produce documents that the person could not be compelled to provide in evidence in civil proceedings before the appropriate court.
 - (4) A notice under this paragraph may be given [^{F64}on behalf of the Competition and Markets Authority by an authorised member of the Competition and Markets Authority].

Textual Amendments

F62 Words in Sch. 2 para. 24(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(24)(a)(i); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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

- F63** Words in Sch. 2 para. 24(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(24)(a)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F64** Words in Sch. 2 para. 24(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 148(24)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I30** Sch. 2 para. 24 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Oral hearings

- 25 (1) For the purposes of this Schedule the following persons may hold an oral hearing and take evidence on oath—
- (a) an authorised member of the [^{F65}Competition and Markets Authority] considering an application under paragraph 1 for permission to appeal,
 - (b) an authorised member of the [^{F65}Competition and Markets Authority] considering an application under paragraph 4 for permission to intervene,
 - (c) an authorised member of the [^{F65}Competition and Markets Authority] considering an application under paragraph 9 or 12 for a direction, and
 - (d) a group with the function of determining an appeal.
- (2) In the course of holding such a hearing and taking such evidence, a person or group described in sub-paragraph (1) may administer oaths.
- (3) [^{F66}An authorised member of the Competition and Markets Authority] may by notice require a person—
- (a) to attend at a time and place specified in the notice, and
 - (b) at that time and place, to give evidence to a member or group described in sub-paragraph (1).
- (4) At an oral hearing, the member or group conducting the hearing may require the following persons to give evidence or to make representations—
- (a) the applicant, the appellant or any intervener (if present), or
 - (b) a person attending the hearing as a representative of the applicant, the appellant, an intervener or the CAA.
- (5) A person who gives oral evidence at the hearing may be cross-examined by or on behalf of a party to the appeal, subject to sub-paragraph (6).
- (6) Such a person may be cross-examined by or on behalf of an intervener only with the leave of the person or group conducting the hearing.
- (7) If the applicant, the appellant, an intervener or a representative of such a person or the CAA is not present at a hearing—
- (a) [^{F67}there is no requirement] to give notice to that person under sub-paragraph (3), and
 - (b) the member or group conducting the hearing may determine the application or appeal without hearing that person's evidence or representations.
- (8) A person may not be required under this paragraph to give evidence that the person could not be compelled to give in civil proceedings before the appropriate court.

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

- (9) Where a person is required under this paragraph to attend at a place more than 16 kilometres from the person's place of residence, [^{F68}an authorised member of the Competition and Markets Authority must arrange for the person to be paid] the necessary expenses of attendance.
- (10) A notice under this paragraph may be given [^{F69}on behalf of the Competition and Markets Authority by an authorised member of the Competition and Markets Authority].

Textual Amendments

- F65** Words in Sch. 2 para. 25(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(25\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F66** Words in Sch. 2 para. 25(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(25\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F67** Words in Sch. 2 para. 25(7)(a) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(25\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F68** Words in Sch. 2 para. 25(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(25\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F69** Words in Sch. 2 para. 25(10) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 148\(25\)\(e\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I31** Sch. 2 para. 25 in force at 6.4.2013 by [S.I. 2013/589, art. 2\(1\)-\(3\)](#)

Written evidence

- 26 (1) The [^{F70}Competition and Markets Authority] may by notice require a person to produce a written statement with respect to a matter specified in the notice to—
- an authorised member of the [^{F70}Competition and Markets Authority] considering an application under paragraph 1 for permission to appeal,
 - an authorised member of the [^{F70}Competition and Markets Authority] considering an application under paragraph 4 for permission to intervene,
 - an authorised member of the [^{F70}Competition and Markets Authority] considering an application under paragraph 9 or 12 for a direction, or
 - a group with the function of determining an appeal.
- (2) The notice may require the written statement—
- to be produced at the time and place specified in the notice, and
 - to be verified by a statement of truth.
- (3) Where a notice requires a written statement to be verified by a statement of truth, the statement may be disregarded unless it is so verified.
- (4) A person may not be required under this paragraph to produce a written statement about a matter about which the person could not be compelled to give evidence in civil proceedings before the appropriate court.
- (5) A notice under this paragraph may be given [^{F71}on behalf of the Competition and Markets Authority by an authorised member of the Competition and Markets Authority].

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

Textual Amendments

- F70** Words in Sch. 2 para. 26(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(26\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F71** Words in Sch. 2 para. 26(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(26\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I32** Sch. 2 para. 26 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Expert advice

- 27 Where permission to appeal is granted under paragraph 2, the [^{F72} Competition and Markets Authority] may commission expert advice with respect to any matter raised by a party to the appeal.

Textual Amendments

- F72** Words in [Sch. 2 para. 27](#) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(27\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I33** Sch. 2 para. 27 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Enforcement of requirements in relation to evidence etc

- 28 (1) This paragraph applies where a person (“P”)—
- (a) fails to comply with a notice under paragraph 24, 25 or 26,
 - (b) fails to comply with any other requirement imposed under paragraph 24, 25 or 26,
 - (c) in complying with a notice under paragraph 26, makes a statement that is false or misleading in a material respect, or
 - (d) in providing information verified by a statement of truth required by appeal rules, provides information that is false or misleading in a material respect.
- (2) [^{F73} An authorised member of the Competition and Markets Authority] may certify to the appropriate court—
- (a) the failure,
 - (b) the fact that P has made a false or misleading statement in circumstances described in sub-paragraph (1)(c), or
 - (c) the fact that P has provided false or misleading information in circumstances described in sub-paragraph (1)(d).
- (3) The appropriate court may inquire into the certified failure or act and, if it does so, must hear—
- (a) any witness against P,
 - (b) any witness on behalf of P, and
 - (c) any statement in P's defence.

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

- (4) The appropriate court may punish P as if P had been guilty of contempt of court if it is satisfied that—
 - (a) the certified failure or act took place, and
 - (b) P did not have a reasonable excuse for the failure or act.
- (5) Where P is a body corporate, the appropriate court may punish any director or other officer of that body, either instead of or as well as punishing the body.
- (6) In this paragraph “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Textual Amendments

F73 Words in Sch. 2 para. 28(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(28); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

I34 Sch. 2 para. 28 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Destruction of documents

- 29
- (1) A person who intentionally alters, suppresses or destroys a document that the person has been required to produce under paragraph 24 is guilty of an offence.
 - (2) A person guilty of an offence under this paragraph is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for not more than 2 years or a fine (or both).

Commencement Information

I35 Sch. 2 para. 29 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Withdrawal of applications and appeals

- 30
- (1) An application under paragraph 1 for permission to appeal may be withdrawn only with the consent of [^{F74} the Competition and Markets Authority].
 - (2) After an application for permission to appeal is granted, the appeal may be withdrawn only with the consent of [^{F74} the Competition and Markets Authority].
 - (3) An application under paragraph 4 for permission to intervene may be withdrawn only with the consent of [^{F74} the Competition and Markets Authority].
 - (4) After an application for permission to intervene is granted, the intervener may withdraw from the appeal only with the consent of [^{F74} the Competition and Markets Authority].
- [^{F75}(4A) For the purposes of sub-paragraphs (1) to (4), the consent of the Competition and Markets Authority is to be given by an authorised member of the Competition and Markets Authority.]

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

- (5) An application under paragraph 9 or 12 for a direction suspending the effect of a decision may be withdrawn at any time.
- (6) Withdrawal of an application under this Schedule or of an appeal has effect when the applicant or appellant gives notice to the [F76 Competition and Markets Authority].
- (7) The applicant or appellant must send a copy of the notice to the CAA.
- (8) The CAA must—
 - (a) publish the notice, and
 - (b) send a copy of the notice to the persons listed in sub-paragraph (9) (other than the person withdrawing the application or appeal).
- (9) Those persons are—
 - (a) the holder of the licence that is the subject of the application or appeal,
 - (b) any other person with a qualifying interest in the decision that is the subject of the application or appeal, and
 - (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

Textual Amendments

- F74** Words in Sch. 2 para. 30(1)-(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(29)(a); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F75** Sch. 2 para. 30(4A) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(29)(b); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F76** Words in Sch. 2 para. 30(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(29)(c); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I36** Sch. 2 para. 30 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Appeal rules

- 31 (1) The [F77 CMA Board] may make rules regulating the conduct and disposal of appeals.
- (2) The rules may include provision supplementing the provisions of this Schedule in relation to any application, notice, hearing or requirement for which this Schedule provides.
- (3) The rules may, in particular, include—
- (a) provision requiring an application to be accompanied by information specified in the rules,
 - (b) provision requiring such information to be verified by a statement of truth,
 - (c) provision requiring an applicant to provide the CAA with information specified in the rules,
 - (d) provision imposing time limits or other restrictions on the taking of evidence at an oral hearing, and
 - (e) provision imposing time limits or other restrictions on the making of representations or observations at such a hearing.
- (4) The rules may make different provision for different purposes.

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

- (5) Before making rules under this paragraph the [F78 CMA Board] must consult such persons as it considers appropriate.
- (6) The [F79 CMA Board] must publish rules made under this paragraph.

Textual Amendments

- F77** Words in Sch. 2 para. 31(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(30); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F78** Words in Sch. 2 para. 31(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(30); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F79** Words in Sch. 2 para. 31(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 148(30); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I37** Sch. 2 para. 31 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Costs

- 32 (1) Where an application under this Schedule or an appeal is withdrawn, an authorised member of the [F80 Competition and Markets Authority] may make such order as the member thinks fit requiring the parties to the application or appeal to make payments to each other and to [F81 the Competition and Markets Authority] in respect of costs incurred in connection with the application or appeal.
- (2) A group that determines an appeal must make an order requiring the payment to the [F82 Competition and Markets Authority] of the costs incurred by [F83 the Competition and Markets Authority] in connection with the appeal.
- (3) An order under sub-paragraph (2) must require those costs to be paid—
- where the appeal is allowed in full, by the CAA,
 - where the appeal is dismissed in full, by the appellant, and
 - where the appeal is allowed in part, by the appellant and the CAA in such proportions as the [F84 group] considers appropriate,
- subject to sub-paragraph (4).
- (4) The order may require an intervener in the appeal to pay such proportion of those costs (if any) as the [F84 group] considers appropriate.
- (5) A group that determines an appeal may make such order as it thinks fit requiring one party to the appeal to make payments to another in respect of costs reasonably incurred by the other party in connection with the appeal.
- (6) A person who is required to make a payment by an order under this paragraph must comply with the order before the end of the period of 28 days beginning with the day after the making of the order.
- (7) If that person does not do so, the unpaid balance carries interest at a rate specified in the order or determined in accordance with the order.

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

- (8) In this paragraph, references to an intervener in an appeal, and to a party to an appeal, include a person who was granted permission to intervene in the appeal and subsequently withdrew from the appeal.

Textual Amendments

- F80** Words in Sch. 2 para. 32(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(a\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F81** Words in Sch. 2 para. 32(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(a\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F82** Words in Sch. 2 para. 32(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(b\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F83** Words in Sch. 2 para. 32(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(b\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F84** Words in Sch. 2 para. 32(3)(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I38** Sch. 2 para. 32 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Secretary of State's power to modify time limits

- 33 The Secretary of State may by regulations modify any period of time specified in this Schedule.

Commencement Information

- I39** [Sch. 2 para. 33](#) in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Publication etc

- 34 Where the CAA or the [^{F85} Competition and Markets Authority or a member of the Competition and Markets Authority] is required by this Schedule to publish something or send a copy of something and this Schedule does not specify a time for doing so, [^{F86}it must be published or sent] as soon as practicable.

Textual Amendments

- F85** Words in Sch. 2 para. 34 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(32\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F86** Words in Sch. 2 para. 34 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(32\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I40** Sch. 2 para. 34 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Interpretation

- 35 (1) In this Schedule—

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

“appeal” means an appeal under section 24 or 25;

“appeal rules” means rules under paragraph 31;

“the appropriate court” means—

(a) in relation to England and Wales and Northern Ireland, the High Court, and

(b) in relation to Scotland, the Court of Session;

[^{F87}“authorised member of the Competition and Markets Authority—

(a) in relation to a power exercisable in connection with an appeal or application or direction in respect of which a group has been constituted by the chair of the Competition and Markets Authority under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the Competition and Markets Authority to exercise that power;

(b) in relation to a power exercisable in connection with an application for permission to bring an appeal, or otherwise in connection with an appeal or application or direction in respect of which a group has not been so constituted by the chair of the Competition and Markets Authority, means—

(i) any member of the CMA Board who is also a member of the CMA panel, or

(ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question;]

^{F88} ...

^{F89} ...

[^{F90} “ CMA Board ” and “ CMA panel ” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;]

“intervener”, in relation to an appeal, means a person who has been granted permission to intervene in the appeal and who has not withdrawn from the appeal (but see paragraph 32(8));

“statement of truth”, in relation to the production of a statement or in relation to information provided by a person, means a statement that the person producing that statement or providing that information believes the facts contained in the statement or the information to be true.

(2) References in this Schedule to a party to an application are to—

(a) the applicant, or

(b) the CAA.

(3) References in this Schedule to a party to an appeal are to—

(a) the appellant,

(b) an intervener, or

(c) the CAA.

(4) For the purposes of this Schedule and sections 28 and 29, a person has a qualifying interest in a decision that is the subject of an appeal or an application under this Schedule for permission to appeal if—

(a) the person has been granted permission to appeal against the decision and has not withdrawn the appeal,

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

- (b) the person has applied for permission to appeal against the decision and the application has not been withdrawn or refused,
- (c) the person has been granted permission to intervene in an appeal against the decision and the appeal has not been withdrawn,
- (d) the person has applied for permission to intervene in an appeal against the decision and the application has not been withdrawn or refused, or
- (e) the person has applied for a direction under this Schedule suspending the effect of the decision, the application has not been withdrawn or refused and any direction made in response to the application has not been withdrawn.

Textual Amendments

- F87** Words in Sch. 2 para. 35(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F88** Words in Sch. 2 para. 35(1) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F89** Words in Sch. 2 para. 35(1) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F90** Words in Sch. 2 para. 35(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I41** Sch. 2 para. 35 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

SCHEDULE 3 U.K.

Section 47

APPEALS AGAINST ORDERS AND PENALTIES

Appeals against enforcement orders and urgent enforcement orders

- 1 (1) A person may appeal to the Competition Appeal Tribunal against—
- (a) an enforcement order given to the person, or
 - (b) an urgent enforcement order given to the person that has been confirmed.
- (2) The appeal may be against one or more of the following—
- (a) a decision to give the order or, in the case of an urgent enforcement order, to confirm the order;
 - (b) a decision as to the steps specified in the order;
 - (c) a decision as to the period allowed for taking those steps.
- (3) The making of an appeal under this paragraph against an enforcement order suspends the effect of the order until the appeal is decided or withdrawn, unless the Competition Appeal Tribunal orders otherwise.
- (4) The making of an appeal under this paragraph against an urgent enforcement order does not suspend the effect of the order, unless the Competition Appeal Tribunal orders otherwise.

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

Commencement Information

I42 Sch. 3 para. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Appeals against modification and revocation of orders

- 2 (1) A person may appeal to the Competition Appeal Tribunal against—
- (a) a decision to modify or revoke an enforcement order, or
 - (b) a decision to modify or revoke an urgent enforcement order that has been confirmed.
- (2) An appeal under this paragraph may be made only by a person—
- (a) who is not the person to whom the order was given, but
 - (b) who appears to the Competition Appeal Tribunal to have a sufficient interest in the decision.
- (3) The making of an appeal under this paragraph against the modification or revocation of an order suspends its modification or revocation until the appeal is decided or withdrawn, unless the Competition Appeal Tribunal orders otherwise.

Commencement Information

I43 Sch. 3 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Appeals against penalties

- 3 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under section 39 or 40.
- (2) The appeal may be against one or more of the following—
- (a) a decision to impose the penalty;
 - (b) a decision as to the amount of the penalty;
 - (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
 - (d) a decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

Commencement Information

I44 Sch. 3 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Decisions on appeal

- 4 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1, 2 or 3 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;

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- (c) that an error was made in the exercise of a discretion.
- (2) It may—
 - (a) confirm or set aside the order, modification, revocation or penalty;
 - (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, 2 or 3 (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

I45 Sch. 3 para. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Further appeals

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

I46 Sch. 3 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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,

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

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

I47 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—
 - (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.

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

Commencement Information

I48 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

I49 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.
- (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

I50 Sch. 4 para. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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

SCHEDULE 5 **U.K.**

Section 55

APPEALS AGAINST PENALTIES: INFORMATION

Appeals against penalties

- 1 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under section 51 or 52.
- (2) The appeal may be against one or more of the following—
- (a) a decision to impose the penalty;
 - (b) a decision as to the amount of the penalty;
 - (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
 - (d) a decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

Commencement Information

I51 Sch. 5 para. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Decisions on appeal

- 2 (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 penalty;
 - (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

I52 Sch. 5 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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

Further appeals

- 3 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 2, including a direction.
- (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

I53 Sch. 5 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

SCHEDULE 6 **U.K.**

Section 59

RESTRICTIONS ON DISCLOSING INFORMATION

Prohibition on disclosure

- 1 (1) This paragraph applies to information if—
- (a) it was obtained under or by virtue of Chapter 1 of this Part, and
 - (b) it relates to the affairs of an individual or to a particular business.
- (2) The information must not be disclosed—
- (a) during the lifetime of the individual, or
 - (b) while the business continues to be carried on.
- (3) Sub-paragraph (2) has effect subject to the following provisions of this Schedule.

Commencement Information

I54 Sch. 6 para. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Disclosure with consent

- 2 Paragraph 1(2) does not apply to a disclosure made with the consent of—
- (a) the individual, or
 - (b) the person for the time being carrying on the business.

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

Commencement Information

I55 Sch. 6 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Disclosure of information already available to public

- 3 Paragraph 1(2) does not apply to information that has been made available to the public by being disclosed—
- (a) in circumstances in which disclosure is not precluded by this Schedule, or
 - (b) for a purpose for which disclosure is not precluded by this Schedule.

Commencement Information

I56 Sch. 6 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Other permitted disclosures

- 4 (1) Paragraph 1(2) does not apply where information is disclosed—
- (a) for the purpose of facilitating the carrying out of functions of a relevant person under a relevant statutory provision, or
 - (b) for the purposes of civil proceedings brought under or by virtue of a relevant statutory provision.
- (2) These are relevant persons—
- the CAA;
 - a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);
 - the Welsh Ministers;
 - the Scottish Ministers;
 - a Northern Ireland Department;
 - the Competition Appeal Tribunal;
 - the [^{F91}Competition and Markets Authority];
 - ^{F92} ...
 - the Gas and Electricity Markets Authority;
 - the Northern Ireland Authority for Utility Regulation;
 - the Water Services Regulation Authority;
 - [^{F93}the Office of Rail Regulation][^{F93}Office of Rail and Road];
 - the Coal Authority;
 - the Office of Communications;
 - ^{F94} ...
 - a local weights and measures authority in Great Britain;
 - a district council in Northern Ireland.
- (3) These are relevant statutory provisions—
- Part 1 of this Act;
 - sections 83 and 84 of this Act;
 - Trade Descriptions Act 1968;

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

Fair Trading Act 1973;
 Consumer Credit Act 1974;
 Estate Agents Act 1979;
 Competition Act 1980;
 Civil Aviation Act 1982;
 Air Navigation Orders made under section 60 of the Civil Aviation Act 1982;
 regulations made under section 75 of the Civil Aviation Act 1982 (investigation of accidents);
 Airports Act 1986;
 Gas Act 1986;
 Insolvency Act 1986;
 Consumer Protection Act 1987;
 Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20));
 Electricity Act 1989;
 Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19));
 Broadcasting Act 1990;
 F95
 ...
 Water Industry Act 1991;
 Water Resources Act 1991;
 Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1));
 Railways Act 1993;
 Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1));
 Broadcasting Act 1996;
 Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2));
 Competition Act 1998;
 Part 1 of the Transport Act 2000;
 Enterprise Act 2002;
 Communications Act 2003;
 Water Act 2003;
 Railways Act 2005;
 Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21));
 Postal Services Act 2011;
 [F96Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013;]
 [F97Water Act 2014;]

and subordinate legislation made for the purpose of securing compliance with relevant EU provisions.

- (4) These are relevant EU provisions—
- (a) Articles 104 and 105 of the Treaty on the Functioning of the European Union (competition);
 - (b) Directive [2005/29/EC](#) of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market;
 - (c) Directive [2006/114/EC](#) of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising;

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

- (d) Directive [2009/12/EC](#) of the European Parliament and of the Council of 11 March 2009 on airport charges.

Textual Amendments

- F91** Words in Sch. 6 para. 4(2) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 203\(2\)\(a\)](#) (with art. 3)
- F92** Sch. 6 para. 4(2) entry omitted (1.4.2014) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 203\(2\)\(b\)](#) (with art. 3)
- F93** Words in Sch. 6 para. 4(2) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 4\(u\)](#)
- F94** Words in Sch. 6 para. 4(2) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 6 para. 22\(17\)](#); [S.I. 2015/1732](#), [art. 2\(e\)\(vi\)](#) (with art. 7)
- F95** Words in Sch. 6 para. 4(3) omitted (1.10.2013) by virtue of [The Property Misdescriptions Act 1991 \(Repeal\) Order 2013 \(S.I. 2013/1575\)](#), art. 1, [Sch. para. 15](#)
- F96** Words in Sch. 6 para. 4(3) inserted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), [Sch. 1 para. 203\(3\)](#) (with art. 3)
- F97** Words in [Sch. 6 para. 4\(3\)](#) inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), [16](#)

Commencement Information

- I57** Sch. 6 para. 4 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

- 5 Paragraph 1(2) does not apply where information is disclosed—
- (a) in connection with the investigation of a criminal offence or for the purposes of criminal proceedings,
 - (b) in pursuance of [^{F98}[^{F99}an assimilated] obligation],
 - ^{F100}(c)
 - (d) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise powers conferred by or under the Financial Services and Markets Act 2000 or by or under the enactments relating to companies, insurance companies or insolvency,
 - (e) for the purpose of enabling or assisting an inspector appointed under the enactments relating to companies to carry out functions under those enactments,
 - (f) for the purpose of enabling or assisting an official receiver to carry out functions under the enactments relating to insolvency,
 - (g) for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the Insolvency Act 1986 or Article 350 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) to carry out its functions,
 - (h) for the purpose of facilitating the carrying out by the Health and Safety Executive of its functions under an enactment,
 - ^{F101}(ha) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of its functions under an enactment,]
 - (i) for the purpose of facilitating the carrying out by an enforcing authority (within the meaning of Part 1 of the Health and Safety at Work etc Act

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1974) of functions under a relevant statutory provision (within the meaning of that Act), or

- (j) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of functions under any enactment.

Textual Amendments

- F98** Words in Sch. 6 para. 5(b) substituted (31.1.2020) by [The Civil Aviation \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/687\)](#), regs. 1(2), **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Sch. 6 para. 5(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 76(3)**
- F100** Sch. 6 para. 5(c) omitted (31.1.2020) by virtue of [The Civil Aviation \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/687\)](#), regs. 1(2), **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** Sch. 6 para. 5(ha) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 26** (with Sch. 4)

Commencement Information

- I58** Sch. 6 para. 5 in force at 6.4.2013 by [S.I. 2013/589](#), **art. 2(1)-(3)**

- 6 The Secretary of State may by regulations amend paragraph 4 or 5.

Commencement Information

- I59** Sch. 6 para. 6 in force at 6.4.2013 by [S.I. 2013/589](#), **art. 2(1)-(3)**

Offence

- 7 A person who discloses information in contravention of paragraph 1(2) is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to imprisonment for not more than 2 years or to a fine (or both).

Commencement Information

- I60** Sch. 6 para. 7 in force at 6.4.2013 by [S.I. 2013/589](#), **art. 2(1)-(3)**

Criminal liability of officers of bodies corporate etc

- 8 (1) Sub-paragraph (2) applies if an offence under this Schedule committed by a body corporate—
- (a) is committed with the consent or connivance of a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such a capacity, or
 - (b) is attributable to neglect on the part of such a person.
- (2) That person, as well as the body corporate, commits the offence.
- (3) In sub-paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

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

Commencement Information

I61 Sch. 6 para. 8 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

SCHEDULE 7 **U.K.**

Section 72

INDEX OF DEFINED EXPRESSIONS

Commencement Information

I62 Sch. 7 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

This Table lists expressions defined in Part 1 of this Act.

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SCHEDULE 8 **U.K.**

Section 76

STATUS OF AIRPORT OPERATORS AS STATUTORY UNDERTAKERS ETC

PART 1 **U.K.**

GREAT BRITAIN

Airports Act 1986 (c. 31)

1 The Airports Act 1986 is amended as follows.

Commencement Information

I63 Sch. 8 para. 1 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

2 For section 57 (scope of Part 5: status of certain airport operators as statutory undertakers etc) substitute—

“57A Scope of Part 5

(1) In this Part “relevant airport operator” means the airport operator in the case of an airport to which this Part applies.

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

- (2) This Part applies to any airport in respect of which a certificate has been granted under this section (and has not been withdrawn).
- (3) The CAA must grant a certificate under this section in respect of an airport if, but only if—
 - (a) the airport operator applies for a certificate (and has not withdrawn the application),
 - (b) the airport operator pays the charge (if any) specified in a scheme or regulations made under section 11 of the 1982 Act, and
 - (c) the CAA considers that, at the time, the airport is an eligible airport.
- (4) An airport is an eligible airport if—
 - (a) the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in at least two of the last three financial years ending before the application for the certificate is made, and
 - (b) the airport is not excluded by virtue of subsection (5).
- (5) The excluded airports are—
 - (a) an airport owned by a principal council or jointly owned by two or more principal councils;
 - (b) an airport owned by an Integrated Transport Authority in England or jointly owned by such an Authority and one or more principal councils;
 - (c) an airport owned by a metropolitan county passenger transport authority in Scotland or jointly owned by such an authority and one or more principal councils.
- (6) The appropriate Minister may withdraw a certificate granted under this section in respect of an airport if the appropriate Minister considers that, at the time, the annual turnover of the business carried on at the airport by the airport operator in each of the last two financial years did not exceed the sum for the time being specified in subsection (4)(a).
- (7) Before withdrawing a certificate in respect of an airport, the appropriate Minister must consult—
 - (a) the CAA, and
 - (b) the airport operator.
- (8) The withdrawal of a certificate does not affect any rights or liabilities accruing by virtue of this Part before it is withdrawn.
- (9) In this section—
 - “annual turnover”, in relation to the business carried on at an airport by the airport operator, means the aggregate of all sums received in the course of the business during a financial year, as stated or otherwise shown in the accounts of the business, including grants from any public or local authority but excluding—
 - (a) capital receipts, and
 - (b) loans made by any person;
 - “the appropriate Minister” means—

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

- (a) in relation to an airport in England or Wales, the Secretary of State, and
 - (b) in relation to an airport in Scotland, the Scottish Ministers;
- “financial year” means a period of 12 months ending with 31 March;
- “local authority” and “principal council” have the same meaning as in Part 2.
- (10) Where the person who is for the time being the airport operator in relation to an airport has not had its management for the whole or any part of a period relevant for the purposes of this section, references in this section to the business carried on at the airport by the airport operator include a reference to the business carried on there by any other person who was the airport operator in relation to the airport for the whole or any part of that period.
- (11) The Secretary of State may by order substitute a greater sum for the sum specified in subsection (4)(a).
- (12) An order under subsection (11) does not affect the validity of a certificate granted under this section before the order comes into force.”

Commencement Information

I64 Sch. 8 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 3 (1) Section 79 (orders and regulations) is amended as follows.
- (2) In subsection (2), at the end insert “ , unless it is an instrument described in subsection (4A) ”.
- (3) After subsection (4) insert—
- “(4A) A statutory instrument that contains (whether alone or with other provision) an order under section 57A(11) increasing the specified sum by more than is necessary to reflect changes in the value of money may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Commencement Information

I65 Sch. 8 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Consequential repeal

- 4 In Schedule 4 to the Local Transport Act 2008, omit paragraph 54(3).

Commencement Information

I66 Sch. 8 para. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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

Power to make provision in relation to operators of airport areas

- 5 (1) The Secretary of State may by regulations make provision about the operation of section 57A of the Airports Act 1986 in cases in which two or more persons are operators of different areas that form part of the same airport.
- (2) Regulations under this paragraph may modify—
- (a) section 57A of the Airports Act 1986, and
 - (b) any provision of an Act (including the Airports Act 1986), or of an instrument made under an Act, which refers to or otherwise operates by reference to a relevant airport operator or an airport to which Part 5 of the Airports Act 1986 applies.
- (3) In this paragraph—
- “Act” includes an Act or Measure of the National Assembly for Wales and an Act of the Scottish Parliament;
 - “airport” has the same meaning as in the Airports Act 1986;
 - “modify” includes amend, repeal or revoke;
 - “operator”, in relation to an area that forms part of an airport, means the person who is the operator of the area for the purposes of this Part of this Act;
 - “relevant airport operator” has the same meaning as in Part 5 of the Airports Act 1986.

Commencement Information

I67 Sch. 8 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

PART 2 **U.K.**

NORTHERN IRELAND

Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))

- 6 The Airports (Northern Ireland) Order 1994 is amended as follows.

Commencement Information

I68 Sch. 8 para. 6 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 7 In Article 2(2) (interpretation), for the definition of “regulated airport” substitute—
- ““regulated airport” has the meaning given in Article 2A;”.

Commencement Information

I69 Sch. 8 para. 7 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 8 In Part 2 (powers in relation to land exercisable in connection with airports), before Article 3 insert—

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

“Regulated airports

- 2A (1) In this Order “regulated airport” means an airport in respect of which a certificate has been granted under this Article (and has not been withdrawn).
- (2) The CAA must grant a certificate under this Article in respect of an airport if, but only if—
- (a) the airport operator applies for a certificate (and has not withdrawn the application),
 - (b) the airport operator pays the charge (if any) specified in a scheme or regulations made under section 11 of the 1982 Act, and
 - (c) the CAA considers that, at the time, the airport is an eligible airport.
- (3) An airport is an eligible airport if the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in at least two of the last three financial years ending before the application for the certificate is made.
- (4) The Department may withdraw a certificate granted under this Article in respect of an airport if it considers that, at the time, the annual turnover of the business carried on at the airport by the airport operator in each of the last two financial years did not exceed the sum for the time being specified in paragraph (3).
- (5) Before withdrawing a certificate in respect of an airport, the Department must consult—
- (a) the CAA, and
 - (b) the airport operator.
- (6) The withdrawal of a certificate does not affect any rights or liabilities accruing by virtue of this Part or Article 25 or 26 before it is withdrawn.
- (7) In this Article—
- “annual turnover”, in relation to the business carried on at an airport by the airport operator, means the aggregate of all sums received in the course of the business during a financial year, as stated or otherwise shown in the accounts of the business, including grants from any public body but excluding—
 - (a) capital receipts, and
 - (b) loans made by any person;
 - “financial year” means a period of 12 months ending with 31 March;
 - “public body” means a body established by or under a statutory provision.
- (8) Where the person who is for the time being the airport operator in relation to an airport has not had its management for the whole or any part of a period relevant for the purposes of this Article, references in this Article to the business carried on at the airport by the airport operator include a reference to the business carried on there by any other person who was the airport operator in relation to the airport for the whole or any part of that period.

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

- (9) The Department may, by order made with the consent of the Department of Finance and Personnel, substitute a greater sum for the sum specified in paragraph (3).
- (10) An order under paragraph (9) does not affect the validity of a certificate granted under this Article before the order comes into force.”

Commencement Information

I70 Sch. 8 para. 8 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 9 (1) Article 70 (regulations and orders) is amended as follows.
- (2) In paragraph (2), after “Schedule 7” insert “ and orders described in paragraph (2A) ”.
- (3) After paragraph (2) insert—
- “(2A) An order under Article 2A(9) increasing the specified sum by more than is necessary to reflect changes in the value of money may not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”

Commencement Information

I71 Sch. 8 para. 9 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 10 The amendments in paragraphs 7 to 9 are without prejudice to the power to make further orders amending or revoking the provisions inserted.

Commencement Information

I72 Sch. 8 para. 10 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Power to make provision in relation to operators of airport areas

- 11 (1) The Secretary of State may by regulations make provision about the operation of Article 2A of the Airports (Northern Ireland) Order 1994 in cases in which two or more persons are operators of different areas that form part of the same airport.
- (2) Regulations under this paragraph may modify—
- (a) Article 2A of the Airports (Northern Ireland) Order 1994, and
- (b) any provision of Northern Ireland legislation (including the Airports (Northern Ireland) Order 1994), or of an instrument made under Northern Ireland legislation, which refers to or otherwise operates by reference to a regulated airport or an airport operator of such an airport.
- (3) In this paragraph—
- “airport” and “airport operator” have the same meaning as in the Airports (Northern Ireland) Order 1994;
- “modify” includes amend, repeal or revoke;
- “operator”, in relation to an area that forms part of an airport, means the person who is the operator of the area for the purposes of this Part of this Act;

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

“regulated airport” has the same meaning as in the Airports (Northern Ireland) Order 1994.

Commencement Information

I73 Sch. 8 para. 11 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

SCHEDULE 9 U.K.

Section 76

REGULATION OF OPERATORS OF DOMINANT AIRPORTS: CONSEQUENTIAL PROVISION

Fair Trading Act 1973 (c. 41)

- 1 Omit section 93B (false or misleading information provided to Competition Commission in connection with functions under Airports Act 1986).

Commencement Information

I74 Sch. 9 para. 1 in force at 1.4.2014 by S.I. 2013/589, art. 5(1)(b)

Airports Act 1986 (c. 31)

- 2 The Airports Act 1986 is amended as follows.

Commencement Information

I75 Sch. 9 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

- 3 (1) Section 74 (restriction on disclosure of information) is amended as follows.
- (2) In subsection (3)—
- (a) omit paragraph (II), and
 - (b) after paragraph (w) insert—
 - “(x) Part 1 of the Civil Aviation Act 2012”.
- (3) In subsection (4)—
- (a) leave out paragraph (a), and
 - (b) in paragraph (b), for “such a report” substitute “ a report of the Competition Commission under section 45 ”.

Commencement Information

I76 Sch. 9 para. 3(1)(2)(a)(3)(a) in force at 1.4.2014 by S.I. 2013/589, art. 5(1)(b)
I77 Sch. 9 para. 3(2)(b)(3)(b) in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

- 4 (1) Section 82 (general interpretation) is amended as follows.

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

- (2) In subsection (1), in paragraph (a) of the definition of “user”, for “the definition of “relevant activities” in section 36(1)” substitute “ subsection (1A) ”.
- (3) After that subsection insert—
- “(1A) The services and facilities mentioned in the definition of “user” in subsection (1) are services or facilities provided at an airport for the purposes of—
- (a) the landing, parking or taking off of aircraft,
 - (b) the servicing of aircraft (including the supply of fuel), or
 - (c) the handling of passengers or their baggage or of cargo at all stages while on airport premises.
- (1B) The services and facilities mentioned in subsection (1A)(c)—
- (a) include services and facilities provided for the purposes of the transfer of passengers, their baggage or cargo to and from aircraft, but
 - (b) do not include facilities for car parking, for the refreshment of passengers or for the supply of consumer goods or services.”
- (4) In subsection (3) omit “or 37”.

Commencement Information

I78 Sch. 9 para. 4 in force at 1.4.2014 by S.I. 2013/589, art. 5(1)(b)

Water Act 1989 (c. 15)

- 5 In section 174(3) of the Water Act 1989 (exceptions from restrictions on disclosure of information), after paragraph (m) insert—
- “(n) Part 1 of the Civil Aviation Act 2012”.

Commencement Information

I79 Sch. 9 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Water Industry Act 1991 (c. 56)

- 6 In Part 2 of Schedule 15 to the Water Industry Act 1991 (enactments conferring functions for the purposes of which information may be disclosed), at the end insert — “ Part 1 of the Civil Aviation Act 2012. ”

Commencement Information

I80 Sch. 9 para. 6 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

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

Water Resources Act 1991 (c. 57)

- 7 In Part 2 of Schedule 24 to the Water Resources Act 1991 (enactments conferring functions for the purposes of which information may be disclosed), at the end insert—
 — “ Part 1 of the Civil Aviation Act 2012. ”

Commencement Information

181 Sch. 9 para. 7 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Railways Act 1993 (c. 43)

- 8 In section 145(3) of the Railways Act 1993 (exceptions from restrictions on disclosure of information), after paragraph (r) insert—
 “(s) Part 1 of the Civil Aviation Act 2012”.

Commencement Information

182 Sch. 9 para. 8 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Competition Act 1998 (c. 41)

- 9 In paragraph 19A of Schedule 7 to the Competition Act 1998 (performance of Commission's general functions: rules of procedure), in the definition of “special reference group” in sub-paragraph (9), omit paragraphs (c) and (j).

Commencement Information

183 Sch. 9 para. 9 in force at 1.4.2014 by S.I. 2013/589, art. 5(1)(b)

Greater London Authority Act 1999 (c. 29)

- 10 In section 235(3) of the Greater London Authority Act 1999 (exceptions from restrictions on disclosure of information), after paragraph (s) insert—
 “(t) Part 1 of the Civil Aviation Act 2012”.

Commencement Information

184 Sch. 9 para. 10 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Utilities Act 2000 (c. 27)

- 11 In section 105(6) of the Utilities Act 2000 (exceptions from restrictions on disclosure of information), after paragraph (w) insert—
 “(x) Part 1 of the Civil Aviation Act 2012”.

Commencement Information

185 Sch. 9 para. 11 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

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

Transport Act 2000 (c. 38)

- 12 In paragraph 3(3) of Schedule 9 to the Transport Act 2000 (exceptions from restrictions on disclosure of information), after paragraph (re) insert—
“(rf) Part 1 of the Civil Aviation Act 2012;”.

Commencement Information

I86 Sch. 9 para. 12 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Enterprise Act 2002 (c. 40)

- 13 The Enterprise Act 2002 is amended as follows.

Commencement Information

I87 Sch. 9 para. 13 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

- 14 (1) Section 168 (regulated markets) is amended as follows.
(2) In subsection (3)—
(a) omit paragraph (b), and
(b) at the end insert—
“(q) modifying the conditions of a licence granted under Chapter 1 of Part 1 of the Civil Aviation Act 2012”.
(3) In subsection (4)—
(a) omit paragraph (b), and
(b) at the end insert—
“(s) in relation to a licence granted under Chapter 1 of Part 1 of the Civil Aviation Act 2012, the duties of the Civil Aviation Authority under section 1 of that Act”.

Commencement Information

I88 Sch. 9 para. 14(1)(2)(b)(3)(b) in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

I89 Sch. 9 para. 14(2)(a)(3)(a) in force at 1.4.2014 by S.I. 2013/589, art. 5(1)(b)

- 15 In Schedule 15 (enactments conferring functions for the purposes of which information may be disclosed), at the end insert— “ Civil Aviation Act 2012. ”

Commencement Information

I90 Sch. 9 para. 15 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Civil Contingencies Act 2004 (c. 36)

- 16 (1) Schedule 1 to the Civil Contingencies Act 2004 (category 1 and 2 responders) is amended as follows.
(2) In Part 3 (category 2 responders: general), after paragraph 26 insert—

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

“26A A person who, for the purposes of Part 1 of the Civil Aviation Act 2012, is an operator of an airport area that consists of or forms part of an airport in Great Britain.”

(3) In Part 4 (category 2 responders: Scotland), after paragraph 36 insert—

“36A A person who, for the purposes of Part 1 of the Civil Aviation Act 2012, is an operator of an airport area that consists of or forms part of an airport in Scotland.”

Commencement Information

I91 Sch. 9 para. 16 in force at 6.4.2013 by S.I. 2013/589, art. 2(3)

Further repeals and revocations

17 The following repeals and revocations are consequential on section 76(1) and (2) and the preceding paragraphs of this Schedule.

<i>Act or instrument</i>	<i>Extent of repeal or revocation</i>
Companies Act 1989 (c. 40)	Section 151.
Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))	In Schedule 9, paragraph 10.
Scotland Act 1998 (Transfer of Functions to Scottish Ministers) Order 1999 (S.I. 1999/1750)	In Schedule 1, in the entry in respect of the Airports Act 1986, the word “37(5),”.
Enterprise Act 2002 (c. 40)	In Schedule 9— (a) paragraphs 2(2) and (4) and 3; (b) paragraphs 11(2) and (4) and 12. In Schedule 25— (a) paragraph 5(4)(b); (b) paragraph 14(3) to (5); (c) paragraph 33(3) to (6).
Transport Act 2000 (c. 38)	In Schedule 8, paragraph 10.
Civil Aviation Act 2006 (c. 34)	In Schedule 2, paragraph 5.
Serious Crime Act 2007 (c. 27)	In Schedule 6— (a) paragraph 10; (b) paragraph 26.

Commencement Information

I92 Sch. 9 para. 17 in force at 6.4.2013 for specified purposes by S.I. 2013/589, art. 2(3)

I93 Sch. 9 para. 17 in force at 1.4.2014 in so far as not already in force by S.I. 2013/589, art. 5(1)(b)

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

SCHEDULE 10 **U.K.**

Section 76

REGULATION OF OPERATORS OF DOMINANT AIRPORTS: TRANSITIONAL PROVISION

PART 1 **U.K.**

REGULATION

Definitions

- 1 In this Part of this Schedule—
- “the 1986 Act” means the Airports Act 1986;
 - “the 1994 Order” means the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1));
 - “the commencement day” means the day on which section 3 of this Act comes into force;
 - “designated airport” means an airport (as defined in the 1986 Act or the 1994 Order) which is designated for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order;
 - “the interim period” means the period beginning with the commencement day and ending with 31 March 2014.

Market power determinations: designated airports

- 2
- (1) This paragraph applies where, immediately before the commencement day, an airport is a designated airport.
 - (2) The market power test is to be treated as met on the commencement day in relation to the airport area consisting of the whole of the airport.
 - (3) Part 1 of this Act has effect on and after the commencement day as if the CAA—
 - (a) had made a determination to that effect on the commencement day, and
 - (b) had published a notice of the determination on that day in accordance with section 8.
 - (4) In section 7(5) (disapplication of CAA's duty to make market power determination), the reference to a market power determination previously made by the CAA does not include a determination treated as made by virtue of sub-paragraph (3).
 - (5) Section 8(3) (CAA's reasons for determination) does not apply in relation to the notice treated as published under sub-paragraph (3).
 - (6) A person may not appeal under Schedule 1 against the market power determination treated as made under sub-paragraph (3).

Commencement Information

194 Sch. 10 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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

Exemption from prohibition for designated airports during interim period

- 3 (1) This paragraph applies where, immediately before the commencement day, an airport is a designated airport.
- (2) Nothing in Chapters 1 and 3 of this Part prevents a person from requiring payment of, or recovering, charges in respect of services provided at the airport during the shorter of the following periods—
- (a) the interim period;
 - (b) the period beginning with the commencement day and ending with the day on which the airport ceases to be a designated airport.

Commencement Information

I95 Sch. 10 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Designation and de-designation before commencement day

- 4 (1) In section 7(5) (disapplication of CAA's duty to make market power determination), the reference to a market power determination previously made by the CAA in relation to an airport area (or an area that includes all of a particular airport area) includes any of the following that are made on or after 10 November 2011—
- (a) an order designating the airport at which the area is located for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order;
 - (b) an order revoking the designation of that airport for those purposes;
 - (c) a decision by the Secretary of State or the Department of the Environment in Northern Ireland not to make an order mentioned in paragraph (a) or (b).
- (2) Where—
- (a) a request is made before the commencement day for an order designating an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order or revoking the designation of an airport for those purposes, and
 - (b) the Secretary of State or the Department of the Environment in Northern Ireland does not make the order, or decide not to make the order, before the commencement day,
- the request is to be treated on and after that day as a request to the CAA for a market power determination in respect of the airport area consisting of the whole of the airport.
- (3) In this paragraph, references to an airport are to an airport as defined in the 1986 Act or the 1994 Order, except in the expression “airport area”.

Commencement Information

I96 Sch. 10 para. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Designation and de-designation during interim period

- 5 (1) During the interim period, an order may not be made designating an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order.

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

- (2) Section 40A(1) of the 1986 Act and Article 31A(1) of the 1994 Order (duty to designate airports in specified circumstances) do not require an order designating an airport for those purposes to be made during the interim period.
- (3) During the interim period, an order designating an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order—
- (a) must be revoked if the CAA makes, and publishes a notice of, a determination that the market power test is not met in relation to the designated airport (subject to sub-paragraph (4)), and
 - (b) may not otherwise be revoked.
- (4) During the interim period, such an order must not be revoked—
- (a) during the period in which a person may appeal to the Competition Appeal Tribunal against the determination,
 - (b) at a time when the effect of the determination is suspended or the Secretary of State or the Department of the Environment in Northern Ireland considers that it may be suspended, or
 - (c) if all or part of the determination has been set aside or quashed.
- (5) Where—
- (a) a request is made during the interim period for an order revoking the designation of an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order, and
 - (b) the Secretary of State or the Department of the Environment in Northern Ireland does not make the order, or decide not to make the order, before the end of that period,
- the request is to be treated after the end of the interim period as a request to the CAA for a market power determination in respect of the airport area consisting of the whole of the airport.
- (6) In this paragraph, references to an airport are to an airport as defined in the 1986 Act or the 1994 Order, except in the expressions “airport area” and “dominant airport”.

Commencement Information

I97 Sch. 10 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Modification of preceding paragraphs

- 6 (1) This paragraph applies where an airport as defined in section 66 of this Act (a “2012 Act airport”) consists of an airport as defined in the 1986 Act or the 1994 Order (a “predecessor airport”) and other land, buildings and structures.
- (2) In this paragraph “the main operator's airport area” means the whole of the area at the 2012 Act airport in respect of which the operator (as defined in this Act) on the commencement day is the person who was the operator (as defined in the 1986 Act or the 1994 Order) of the predecessor airport immediately before the commencement day.
- (3) In paragraph 2—
- (a) the reference in sub-paragraph (1) to an airport is to the predecessor airport, and

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

- (b) the reference in sub-paragraph (2) to the airport area consisting of the whole of the airport is to the main operator's airport area.
- (4) In paragraph 3—
 - (a) the reference in sub-paragraph (1) to an airport is to the predecessor airport,
 - (b) the reference in sub-paragraph (2) to services provided at the airport is to services provided in the main operator's airport area, and
 - (c) the reference in sub-paragraph (2)(b) to the airport is to the predecessor airport.
- (5) An airport area that is not located at the predecessor airport is to be treated as located at that airport for the purposes of paragraph 4(1) if it forms part of the main operator's airport area.
- (6) Where a request falling within paragraph 4(2)(a) and (b) is made in relation to the predecessor airport, the request is to be treated on and after the commencement day as a request for a market power determination in respect of the main operator's airport area.
- (7) In paragraph 5(3), the reference to a determination that the market power test is not met in relation to the designated airport includes a determination that it is not met in relation to an airport area that includes the whole of the predecessor airport.
- (8) Where a request falling within paragraph 5(5)(a) and (b) is made in relation to the predecessor airport, the request is to be treated after the end of the interim period as a request for a market power determination in respect of the main operator's airport area.

Commencement Information

198 Sch. 10 para. 6 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Power to amend this Schedule

- 7 The power under section 108 may not be used—
 - (a) to provide that the interim period ends before 31 March 2014, or
 - (b) to make provision having an effect equivalent to any effect that would result from such a change.

PART 2 **U.K.**

STATUS OF AIRPORT OPERATORS AS STATUTORY UNDERTAKERS ETC

Great Britain

- 8 In paragraphs 9 to 12 “the commencement day” means the day on which Part 1 of Schedule 8 comes into force.

Commencement Information

199 Sch. 10 para. 8 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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

- 9 (1) This paragraph applies where, in relation to an airport, a permission to levy airport charges is in force under Part 4 of the Airports Act 1986 (economic regulation of airports) immediately before the commencement day (but see paragraph 11).
- (2) The permission has effect on and after the commencement day as if it were a certificate granted by the CAA under section 57A of that Act (statutory undertakers) (inserted by Part 1 of Schedule 8).

Commencement Information

I100 Sch. 10 para. 9 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 10 (1) This paragraph applies where, immediately before the commencement day, there subsists a pending application made by the operator of an airport in accordance with section 38 of the Airports Act 1986 for a permission to levy airport charges (but see paragraph 11).
- (2) The application has effect on and after the commencement day as if it were an application for a certificate under section 57A of that Act (statutory undertakers) (inserted by Part 1 of Schedule 8).
- (3) Part 5 of the Airports Act 1986 (statutory undertakers) applies to the airport while the application is pending.

Commencement Information

I101 Sch. 10 para. 10 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 11 Paragraphs 9 and 10 do not apply where the airport is an airport mentioned in section 57A(5) of the Airports Act 1986 (airports owned by councils or transport authorities etc) (inserted by Part 1 of Schedule 8).

Commencement Information

I102 Sch. 10 para. 11 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 12 Nothing in this Act affects any rights or liabilities accruing under or by virtue of Part 5 of the Airports Act 1986 (statutory undertakers) before the commencement day.

Commencement Information

I103 Sch. 10 para. 12 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 13 In paragraphs 9 to 11, “airport” has the same meaning as in the Airports Act 1986.

Commencement Information

I104 Sch. 10 para. 13 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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

Northern Ireland

- 14 In paragraphs 15 to 17 “the commencement day” means the day on which Part 2 of Schedule 8 comes into force.

Commencement Information

I105 Sch. 10 para. 14 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 15 (1) This paragraph applies where, in relation to an airport, a permission to levy airport charges is in force under Part 4 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (economic regulation of airports) immediately before the commencement day.
- (2) The permission has effect on and after the commencement day as if it were a certificate granted by the CAA under Article 2A of that Order (statutory undertakers) (inserted by Part 2 of Schedule 8).

Commencement Information

I106 Sch. 10 para. 15 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 16 (1) This paragraph applies where, immediately before the commencement day, there subsists a pending application made by the operator of an airport in accordance with Article 29 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) for a permission to levy airport charges.
- (2) The application has effect on and after the commencement day as if it were an application for a certificate under Article 2A of that Order (regulated airports) (inserted by Part 2 of Schedule 8).
- (3) The airport is to be treated as a regulated airport for the purposes of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) while the application is pending.

Commencement Information

I107 Sch. 10 para. 16 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 17 Nothing in this Act affects any rights or liabilities accruing under or by virtue of Part 2 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (powers in relation to land exercisable in connection with airports) or Article 25 or 26 of that Order before the commencement day.

Commencement Information

I108 Sch. 10 para. 17 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

- 18 In paragraphs 15 to 17, “airport” has the same meaning as in the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)).

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

Commencement Information

I109 Sch. 10 para. 18 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

SCHEDULE 11 **U.K.**

Section 78

AVIATION SECURITY DIRECTIONS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

Civil Aviation Act 1982 (c. 16)

1 Part 1 of the Civil Aviation Act 1982 (administration) is amended as follows.

Commencement Information

I110 Sch. 11 para. 1 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

2 In section 11 (charges by CAA) at the end insert—

“(8) References in this section to functions of the CAA include functions conferred by or under Part 2 of the Aviation Security Act 1982 on authorised persons (as defined in that Part) to the extent that the functions are carried out by persons authorised by the CAA.”

Commencement Information

I111 Sch. 11 para. 2 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

3 In section 20 (supplementary provisions with respect to functions of the CAA) at the end insert—

“(5) References in this section to functions of the CAA include functions conferred by or under Part 2 of the Aviation Security Act 1982 on authorised persons (as defined in that Part) to the extent that the functions are carried out by persons authorised by the CAA.”

Commencement Information

I112 Sch. 11 para. 3 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

Aviation Security Act 1982 (c. 36)

4 Part 2 of the Aviation Security Act 1982 (protection of civil aviation against acts of violence and other unlawful interference) is amended as follows.

Commencement Information

I113 Sch. 11 para. 4 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

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

5 For the heading before section 11 substitute “ Information ”.

Commencement Information

I114 Sch. 11 para. 5 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

- 6 (1) Section 11 (power to require information) is amended as follows.
- (2) In subsection (1)—
- (a) for “The Secretary of State” substitute “ A relevant authority ”,
 - (b) for “the Secretary of State”, in each place, substitute “ the authority ”, and
 - (c) for “his functions” substitute “ functions conferred by or ”.
- (3) After that subsection insert—
- “(1A) Each of the following is a relevant authority for the purposes of this section—
- (a) the Secretary of State, and
 - (b) the CAA.”
- (4) In subsections (2) to (4) and (6) for “Secretary of State”, in each place, substitute “ relevant authority ”.
- (5) In subsection (4) for “him” substitute “ the authority ”.
- (6) In subsection (6)—
- (a) after “person” insert “ by a relevant authority ”, and
 - (b) after “varied” insert “ by the relevant authority ”.
- (7) Accordingly, in the heading of that section omit “for Secretary of State”.

Commencement Information

I115 Sch. 11 para. 6 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

7 Before section 11A insert— “ Designation of security restricted areas ”.

Commencement Information

I116 Sch. 11 para. 7 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

- 8 (1) Section 11A (designation of security restricted area) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) Before approving an application without modifications the Secretary of State shall consult the CAA.”
- (3) In subsection (5), before paragraph (a) insert—
- “(za) the CAA,”.
- (4) In subsection (8), before paragraph (a) insert—
- “(za) the CAA,”.

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

Commencement Information

I117 Sch. 11 para. 8 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

9 Before section 12 insert— “ Directions ”.

Commencement Information

I118 Sch. 11 para. 9 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

10 In section 12(3) (power to impose restrictions in relation to aircraft)—
(a) for “the Civil Aviation Authority” substitute “ the CAA ”, and
(b) for “that Authority” substitute “ the CAA ”.

Commencement Information

I119 Sch. 11 para. 10 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

11 In section 15(2) (matters which may be included in directions under section 12) for “the Civil Aviation Authority” substitute “ the CAA ”.

Commencement Information

I120 Sch. 11 para. 11 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

12 (1) After section 17 insert—

“17A Copies of directions etc for CAA

(1) The Secretary of State must give the CAA a copy of—
(a) each direction under section 12, 13, 13A or 14, and
(b) each direction varying or revoking such a direction.

(2) The Secretary of State must inform the CAA of each notification given under section 17.”

(2) The amendment made by sub-paragraph (1) applies only in relation to directions and notifications given on or after the day on which this paragraph comes into force.

Commencement Information

I121 Sch. 11 para. 12 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

13 (1) Section 18A (enforcement notices) is amended as follows.

(2) Omit subsection (3).

(3) After that subsection insert—

“(4) Where a person authorised in writing by the Secretary of State for the purposes of this Part of this Act serves an enforcement notice, the Secretary of State must give the CAA a copy of the notice.

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

- (5) Where a person authorised in writing by the CAA for the purposes of this Part of this Act serves an enforcement notice, the CAA must give the Secretary of State a copy of the notice.”

Commencement Information

I122 Sch. 11 para. 13 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

- 14 (1) Section 18D (objections to enforcement notices) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) On receipt of an objection to an enforcement notice under subsection (1) the Secretary of State must—
- (a) give a copy of the objection to the authorised person who served the enforcement notice and the CAA,
 - (b) consider the objection,
 - (c) allow the person making the objection and the authorised person who served the enforcement notice an opportunity to make written or oral representations to the Secretary of State or a person appointed by the Secretary of State,
 - (d) give a decision notice to the person who made the objection, and
 - (e) give a copy of the decision notice to the authorised person who served the enforcement notice and the CAA.”
- (3) In subsection (4)—
- (a) for the words from the beginning to “on the objector” substitute “ In this section “decision notice” means ”, and
 - (b) in paragraph (b) for “notice under this subsection” substitute “ decision notice ”.
- (4) In subsection (5) for “a notice under subsection (4) above”, in both places, substitute “ a decision notice ”.

Commencement Information

I123 Sch. 11 para. 14 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

- 15 (1) Section 20B (detention directions) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Where a person authorised in writing by the Secretary of State for the purposes of this Part of this Act gives a detention direction, the Secretary of State must give the CAA a copy of the direction.
- (2B) Where a person authorised in writing by the CAA for the purposes of this Part of this Act gives a detention direction, the CAA must give the Secretary of State a copy of the direction.”
- (3) In subsection (5)—
- (a) before paragraph (a) insert—

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- “(za) give a copy of the objection to the authorised person who gave the direction and the CAA,”,
- (b) omit “and” at the end of paragraph (c),
- (c) in paragraph (d) omit “and the authorised person who gave the direction”, and
- (d) after that paragraph insert “, and
- (e) give a copy of the notice to the authorised person who gave the direction and the CAA.”

Commencement Information

I124 Sch. 11 para. 15 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

- 16 In section 21 (application of provisions to air navigation installations), in subsection (7)—
- (a) after “in section” insert “ 14A, 16A, ”, and
 - (b) after “17,” insert “ 17A, ”.

Commencement Information

I125 Sch. 11 para. 16 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

- 17 (1) Section 21G (duty to report certain occurrences) is amended as follows.
- (2) In subsection (1) after “to him” insert “ or the CAA ”.
 - (3) In subsection (2) after “consult” insert “—
 - (a) the CAA, and
 - (b)”.

Commencement Information

I126 Sch. 11 para. 17 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

Application of Part 3 of Regulatory Enforcement and Sanctions Act 2008 (“the RESA 2008”)

- 18 The offences under section 11 of the Aviation Security Act 1982 (as amended by this Schedule) (“the ASA 1982”) in connection with providing, or failing to provide, information to the Civil Aviation Authority are to be treated for the purposes of Part 3 of the RESA 2008 (civil sanctions) as contained in Part 2 of the ASA 1982 immediately before the day on which the RESA 2008 was passed.

Commencement Information

I127 Sch. 11 para. 18 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

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

SCHEDULE 12 **U.K.**

Section 82

AVIATION SECURITY: FURTHER PROVISION ABOUT TRANSFER SCHEMES

Transfer

- 1 (1) The property, rights and liabilities that may be transferred by a scheme under section 82 (a “transfer scheme”) include property, rights and liabilities that would otherwise be incapable of being transferred.
- (2) A transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property transferred by the scheme,
 - (b) create new rights and liabilities as between the Crown and the Civil Aviation Authority (“the CAA”), and
 - (c) apportion property, rights and liabilities between the Crown and the CAA.
- (3) A transfer scheme may include consequential, incidental, supplementary, transitional, transitory and saving provision.

Commencement Information

I128 Sch. 12 para. 1 in force at 11.3.2014 by S.I. 2014/262, art. 2

Employment

- 2 (1) This paragraph has effect where rights, powers, duties and liabilities relating to an individual's contract of employment are transferred in accordance with a transfer scheme.
- (2) The transfer does not break the continuity of the individual's employment and accordingly—
- (a) the individual is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (redundancy) as having been dismissed by virtue of the transfer, and
 - (b) the individual's period of employment in the civil service of the Crown counts as a period of employment with the CAA for the purposes of that Act.

Commencement Information

I129 Sch. 12 para. 2 in force at 11.3.2014 by S.I. 2014/262, art. 2

- 3 (1) This paragraph has effect where—
- (a) a transfer scheme contains provision for the transfer of rights, powers, duties and liabilities relating to an individual's contract of employment, but
 - (b) before the transfer takes effect, the individual informs the Secretary of State or the CAA that the individual objects to the transfer.
- (2) Those rights, powers, duties and liabilities are not transferred under the transfer scheme.

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

- (3) The individual's contract of employment is terminated immediately before the day on which the transfer would occur.
- (4) The individual is not, for any purpose, to be regarded as having been dismissed.
- (5) Nothing in this paragraph affects the individual's right to terminate the contract of employment if, apart from the change of employer, a substantial change is made to the individual's detriment in the individual's working conditions.

Commencement Information

I130 Sch. 12 para. 3 in force at 11.3.2014 by S.I. 2014/262, art. 2

- 4 (1) If a transfer scheme contains provision for the transfer of rights, powers, duties and liabilities relating to an individual's contract of employment, it may include provision with respect to the individual's eligibility to become a member of a pension scheme by virtue of employment with the CAA.
- (2) The transfer scheme may include provision with respect to rights of, or rights or liabilities in respect of, the individual under—
 - (a) a pension scheme of which the individual may become a member by virtue of employment with the CAA, or
 - (b) a pension scheme of which the individual is a member by virtue of employment immediately before the transfer.
- (3) In this paragraph “pension scheme” includes a scheme made under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc).

Commencement Information

I131 Sch. 12 para. 4 in force at 11.3.2014 by S.I. 2014/262, art. 2

Civil servants treated as employed under a contract of employment etc

- 5 (1) This Schedule applies with the following modifications in relation to employment in the civil service of the Crown on terms which do not constitute a contract of employment.
- (2) Where an individual holds such employment—
 - (a) the individual is to be treated as employed under a contract of employment,
 - (b) the terms of the employment in the civil service of the Crown are to be treated as the terms of that contract, and
 - (c) the reference in paragraph 3 to dismissal is to be treated as a reference to termination of the employment in the civil service of the Crown.

Commencement Information

I132 Sch. 12 para. 5 in force at 11.3.2014 by S.I. 2014/262, art. 2

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

Certificate

- 6 A certificate issued by the Secretary of State that any property, rights, powers, duties or liabilities have been transferred to the CAA under a transfer scheme is conclusive evidence of the transfer.

Commencement Information

I133 Sch. 12 para. 6 in force at 11.3.2014 by S.I. 2014/262, art. 2

Validity

- 7 A transfer under a transfer scheme does not affect the validity of anything done by or in relation to the Crown before the transfer takes effect.

Commencement Information

I134 Sch. 12 para. 7 in force at 11.3.2014 by S.I. 2014/262, art. 2

Continuity

- 8 (1) A transfer scheme may provide for things done by or in relation to the Crown for the purposes of or in connection with anything transferred under a transfer scheme to be—
- (a) treated as done by or in relation to the CAA or its members or employees, or
 - (b) continued by or in relation to the CAA or its members or employees.
- (2) A transfer scheme may, in particular—
- (a) make provision about the continuation of legal proceedings, and
 - (b) make provision for references to the Crown in documents to be treated as references to the CAA.

Commencement Information

I135 Sch. 12 para. 8 in force at 11.3.2014 by S.I. 2014/262, art. 2

Appeals against penalties

- 1 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under section 86 or 87.
- (2) The appeal may be against one or more of the following—
- (a) a decision to impose the penalty;
 - (b) a decision as to the amount of the penalty;

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

- (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
 - (d) a decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

Decisions on appeal

- 2
- (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 or penalty;
 - (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 4 of the Civil Aviation Act 1982.

Further appeals

- 3
- (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 2, including a direction.
 - (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 or Northern Ireland, the Court of Appeal, or
 - (b) in the case of an appeal from proceedings in Scotland, the Court of Session.

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

SCHEDULE 14 U.K.

Section 99

CAA MEMBERSHIP: TRANSITIONAL AND SAVING PROVISION

Commencement day

- 1 In this Schedule “the commencement day” means the day after the end of the period of 2 months beginning with the day on which this Act is passed.

Executive members of CAA

- 2 (1) This paragraph applies where a person—
- (a) is a member of the CAA immediately before the commencement day, and
 - (b) receives a notice from the Secretary of State before that day—
 - (i) stating that the person is to be an executive member of the CAA by virtue of this paragraph, and
 - (ii) setting out the terms and conditions on which the person is to be employed by the CAA.
- (2) The person—
- (a) becomes an executive member and employee of the CAA on the commencement day as if appointed in accordance with section 2 of the Civil Aviation Act 1982 as amended by section 95 of this Act, and
 - (b) is employed on the terms and conditions set out in the notice as if they had been determined and approved in accordance with paragraph 8A of Schedule 1 to the Civil Aviation Act 1982 (inserted by section 97 of this Act).

Chief executive of CAA

- 3 If the notice given to a person under paragraph 2(1)(b) states that the person is to be the chief executive of the CAA, the person becomes the chief executive of the CAA on the commencement day as if appointed in accordance with section 2 of the Civil Aviation Act 1982 as amended by section 95 of this Act.

Non-executive members of CAA

- 4 (1) This paragraph applies where a person—
- (a) is a member of the CAA immediately before the commencement day, and
 - (b) does not receive a notice under paragraph 2(1)(b) before that day.
- (2) The person becomes a non-executive member of the CAA on the commencement day as if appointed in accordance with section 2 of the Civil Aviation Act 1982 as amended by section 95 of this Act.
- (3) The instrument appointing the person to the office of member of the CAA has effect on and after that day as if it were an instrument appointing the person to the office of non-executive member of the CAA.

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

Chair of CAA

- 5 The person who is the chairman of the CAA immediately before the commencement day becomes the chair of the CAA on that day as if appointed in accordance with section 2 of the Civil Aviation Act 1982 as amended by section 95 of this Act.

Pensions

- 6 (1) This paragraph applies where, before the commencement day, the CAA has made provision under paragraph 7 of Schedule 1 to the Civil Aviation Act 1982 for the payment of pensions to or in respect of persons who are or have been members of the CAA.
- (2) Despite the amendment of that paragraph by section 96 of this Act, the CAA must continue to make such provision as may be determined by the Secretary of State for the payment of pensions to or in respect of those persons.
- 7 (1) This paragraph applies where, before the commencement day, the CAA has made a determination under sub-paragraph (2) of paragraph 13 of Schedule 1 to the Civil Aviation Act 1982 in respect of the treatment of the service of a member of the CAA for the purposes of a pension scheme maintained by the CAA.
- (2) Despite the repeal of that sub-paragraph by section 96 of this Act, the member's service is to continue to be treated in accordance with the determination for the purposes of the pension scheme.

Nominee under section 66 of Transport Act 2000

- 8 (1) This paragraph applies where—
- (a) a nomination of a member of the CAA under section 66 of the Transport Act 2000 (CAA's air navigation functions) is in force immediately before the commencement day, and
 - (b) the nominated member becomes an executive member of the CAA by virtue of paragraph 2.
- (2) The nomination is to be treated on and after that day as having been made in accordance with section 66 of the Transport Act 2000 as amended by section 98 of this Act.

Nominee under section 67 of Transport Act 2000

- 9 (1) This paragraph applies where—
- (a) a nomination of a member of the CAA under section 67 of the Transport Act 2000 (national security nominee) is in force immediately before the commencement day, and
 - (b) the nominated member becomes a non-executive member of the CAA by virtue of paragraph 4.
- (2) The nomination is to be treated on and after that day as having been made in accordance with section 67 of the Transport Act 2000 as amended by section 98 of this Act.

Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 2012.