
STATUTORY INSTRUMENTS

1983 No. 550**CIVIL AVIATION****The Civil Aviation Authority Regulations 1983**

<i>Made</i> - - - -	11th April 1983
<i>Laid before Parliament</i>	20th April 1983
<i>Coming into Operation</i>	16th May 1983

ARRANGEMENT OF REGULATIONS**PART I****GENERAL**

1. Citation and commencement.
2. Revocation.
3. Interpretation.
4. Service of documents.
5. Publication by the Authority.

PART II**FUNCTIONS CONFERRED ON THE AUTHORITY BY OR UNDER AIR NAVIGATION ORDERS**

6. Regulation of the conduct of the Authority.
7. Reasons for decisions.
8. Inspection of aircraft register.
9. Dissemination of reports of reportable occurrences.

PART III**AIR TRANSPORT LICENSING**

10. Regulation of the conduct of the Authority.
11. Applications for the grant, revocation, suspension or variation of licences.
12. Revocation, suspension or variation of licences without application being made.
13. Variation of schedules of terms.
14. Environmental cases.
15. Objections and representations.
16. Consultation by the Authority.
17. Furnishing of information by the Authority.
18. Preliminary meetings.

19. Hearings in connection with licences.
20. Procedure at hearings.
21. Appeals to the Secretary of State.
22. Decisions on appeals.
23. Transfer of licences.
24. Surrender of licences.

PART IV

OTHER FUNCTIONS OF THE AUTHORITY

25. Participation in civil proceedings.

The Secretary of State, in exercise of his powers under sections 2(3), 7(1) and (2), 11(2), 64(3), 65(1) and (6), 66(1) and (4), 67(1), (2) and (5), 84(1) and 85(1) of and paragraph 15 of Schedule 1 to the Civil Aviation Act 1982^(a) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals under section 10 of the Tribunals and Inquiries Act 1971^(b), hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Civil Aviation Authority Regulations 1983 and shall come into operation on 16th May 1983.

Revocation

2. The Regulations specified in the Schedule hereto are hereby revoked.

Interpretation

- 3.—(1) In these Regulations unless the context otherwise requires:

“the Act” means the Civil Aviation Act 1982;

“decision date” and “transcript date” have the meanings respectively assigned to them in regulation 20(8);

“environmental application” and “environmental proposal” have the meanings respectively assigned to them in regulation 14(1);

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

“party” in relation to a case before the Authority has the meaning assigned to it by regulation 19(2);

(a) 1982 c. 16.
(b) 1971 c. 62.

“party” in relation to an appeal to the Secretary of State has the meaning assigned to it by regulation 21(3);

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

“personnel licence” means a licence authorising a person to act as a member of a flight crew, an aircraft maintenance engineer, an air traffic controller, a student air traffic controller or an aerodrome flight information service officer;

“rating” means a rating on a personnel licence;

“reportable occurrence” has the same meaning as in the Air Navigation Order 1980(a).

(2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations;

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

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

Service of documents

4.—(1) Anything required to be served on any person under these Regulations or under section 66(4) or 84(1) of the Act shall be set out in a notice in writing which may be served either:

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

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

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

(a) S.I. 1980/1965, to which there are amendments not relevant to these Regulations.

Publication by the Authority

5. Any notice or other matter (not being a schedule of terms referred to in regulation 13) required by these Regulations, or by section 11(2), 64(3), 65(1) or (6) or 85(1) of the Act, to be published shall be published by the Authority in its official record.

PART II

FUNCTIONS CONFERRED ON THE AUTHORITY BY OR UNDER AIR NAVIGATION ORDERS

Regulation of the conduct of the Authority

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

- (a) registration of aircraft;
- (b) certification of operators of aircraft;
- (c) certification of airworthiness of aircraft;
- (d) noise certification;
- (e) personnel licensing;
- (f) licensing of aerodromes;
- (g) validation of any certificate or licence;
- (h) approval of persons and equipment;
- (i) approval of schemes for the regulation of the flight times of aircraft crew;
- (j) receiving reports of reportable occurrences,

are hereby prescribed for purposes of section 7(2) of the Act.

(2) Subject to paragraphs (8) and (9) of this regulation, a decision with respect to any of the matters referred to in paragraph (1) of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, revoke, suspend or vary a certificate, licence, approval or rating, may be made on behalf of the Authority only by a member or employee of the Authority.

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

- (a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the United Kingdom; or
- (b) an application for the grant, validation or variation of a certificate, licence, approval or rating has been refused or granted in terms other than those requested by the applicant,

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

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

- (a) cancel the registration of an aircraft on the grounds that it would be

inexpedient in the public interest for it to continue to be registered in the United Kingdom; or

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

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

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

(6) The function of deciding a case where such request as is referred to in paragraph (3), (4) or (5) of this regulation has been duly served on the Authority is hereby prescribed for the purposes of section 7(1) of the Act: and for the purpose of making any decision in such a case a quorum of the Authority shall be one member.

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

(8) Nothing in this regulation shall:

- (a) prevent the Authority or any person authorised so to act on behalf of the Authority provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, validation or rating granted or having effect under an Air Navigation Order, pending inquiry into or consideration of the case;
- (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness.

(9) Nothing in paragraph (2), (3) or (4) of this regulation shall apply:

- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;
- (b) where pursuant to its duty under section 5 of the Act, the Authority refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.

Reasons for decisions

7. Where the Authority makes a decision pursuant to regulation 6(6) it shall be the duty of the Authority to serve a statement of its reasons for the decision on the person concerned.

Inspection of aircraft register

8. The Authority shall, at all reasonable times and upon payment to it of any

charge applicable under section 11 of the Act for inspecting the register, make the register of aircraft available for inspection by any person.

Dissemination of reports of reportable occurrences

9. The Authority shall make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is:

- (a) the operator or member of the flight crew of any aircraft;
- (b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of parts or equipment therefor;
- (c) the aeronautical authority of a country other than the United Kingdom, or the representative in the United Kingdom of such an authority;
- (d) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;
- (e) engaged in preparing a programme about civil aviation for television or radio;
- (f) engaged in the study of civil aviation for any academic purpose, or
- (g) any other person whose functions include the furthering of the safety of civil aviation:

provided that the Authority shall not be required to make available any report or summary thereof to any person if it is satisfied that to do so will not further the safety of civil aviation.

PART III

AIR TRANSPORT LICENSING

Regulation of the conduct of the Authority

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

- (a) grant, revoke, suspend or vary an air transport licence in a case where an objection has been served pursuant to regulation 15;
- (b) grant or vary a licence in terms other than those requested by the applicant; or
- (c) refuse to grant a licence,

is hereby prescribed for the purpose of section 7(1) of the Act.

(2) For the purpose of making any such decision as is referred to in paragraph (1) of this regulation and of conducting a hearing pursuant to regulation 20(1) a quorum of the Authority shall be two members unless—

- (a) the Authority has dispensed with publication of the application or proposal in accordance with the proviso to regulation 11(3) or to regulation 12(2);
- (b) the decision is to suspend the licence in accordance with regulation 12(3);
- (c) the Authority has, in accordance with regulation 15(1), specified less

than 21 days for serving an objection to or representation about the application or proposal;

- (d) the Authority has, in accordance with the proviso to regulation 19(4) given the persons having a right to be heard and whom it proposes to hear in connection with the case less than 14 days' notice of the date of the hearing, or
- (e) the persons having the right to be heard in connection with the case have so consented,

in which case the quorum shall be one member.

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

(4) The functions conferred upon the Authority by sections 64 to 67 of the Act are hereby prescribed for purposes of section 7(2) thereof.

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

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

- (a) in the case of an application for the grant of a licence it has been served on the Authority not less than 6 months before the beginning of the period for which the licence is proposed to be in effect, and in any other case it has been served on the Authority not less than 6 months before the date on which it is proposed that the revocation, suspension or variation shall take effect;
- (b) in the case of an application for the grant of a licence, the application contains all the particulars specified by the Authority in accordance with section 65(1) of the Act; and
- (c) the application is accompanied by any applicable charge under section 11 of the Act.

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

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

Provided that, except in the case of an environmental application,

- (i) the Authority may dispense with publication in any case where it is satisfied that for reasons of urgency it is desirable to do so and it is of the opinion that to do so is unlikely to prejudice the interests of any persons of a description specified in regulation 19(1);

- (ii) the Authority may dispense with publication in the case of an application:
 - (a) for the grant of a licence for not more than 4 flights in any one direction between the same two places;
 - (b) made by its holder for the revocation or suspension of a licence;
 - (c) for the variation of a licence if in its opinion to do so is unlikely to prejudice the interests of any persons of a description specified in regulation 19(1).
- (4) The Authority may direct that an application shall be treated as being such number of separate applications as it may specify in the direction, and the application shall be treated accordingly.
- (5) Any person of a description specified in regulation 19(1)(b) to (d) may apply to the Authority for the variation, suspension or revocation of an air transport licence but, except as provided in regulation 13(3), no person may apply for the variation of such a schedule of terms as is mentioned in regulation 13.

Revocation, suspension or variation of licences without application being made

12.—(1) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend, or vary an air transport licence (other than in pursuance of an application made to it in that regard) on the ground that it is not or is no longer satisfied as to the matters specified in paragraph (a) or (b) of section 66(3) of the Act, it shall:

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

Provided that the Authority may:

- (i) with the consent of the holder of the licence, dispense with publication of its proposal to revoke or suspend the licence;
- (ii) dispense with publication of its proposal to vary the licence if it is satisfied that the variation is unlikely to prejudice the interests of any persons of a description specified in regulation 19(1).

(2) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend or vary an air transport licence on grounds other than those referred to in paragraph (1) of this regulation and otherwise than in pursuance of an application made to it in that regard or of a direction (including a direction under regulation 22(1) to re-hear a case) given by the Secretary of State, it shall publish particulars of the proposal and of the reasons for it:

Provided that, except in the case of an environmental proposal, the Authority may with the consent of the holder of the licence, dispense with publication of its proposal to revoke, suspend or vary the licence if it is satisfied that to

dispense with publication is unlikely to prejudice the interests of any persons of a description specified in regulation 19(1).

(3) The Authority may suspend a licence notwithstanding that it has not complied with the requirements of paragraph (1) or (2) of this regulation if it has served on the holder of the licence not less than 144 hours' notice of its proposal to suspend the licence, together with its reasons for the proposal, and if after considering any representations which may be made to it by the holder of the licence before the expiration of such notice it is not, or is no longer, satisfied as mentioned in section 66(3)(a) or (b) of the Act.

(4) Before reaching a decision that it has reason to believe that the holder of an air transport licence is neither a United Kingdom national nor such a body as is mentioned in section 65(3)(b) of the Act, the Authority shall:

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

Variation of schedules of terms

13.—(1) If the Authority establishes any schedule of terms and includes in any air transport licence a term that the holder of the licence shall comply with terms set out in that schedule as varied from time to time by the Authority, the Authority may at any time propose to vary that schedule or any part thereof, and any such proposal shall for the purposes of these Regulations be treated as a proposal for the variation of every air transport licence which contains such a term as aforesaid relating to that schedule or that part of that schedule, as the case may be.

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

(3) This paragraph applies to any schedule of terms set out in a document published by the Authority and entitled the United Kingdom Domestic Air Tariff or the United Kingdom Cabotage Air Passenger Tariff. An application for the variation of a schedule of terms to which this paragraph applies may be made by the holder of any air transport licence which includes a term requiring the holder of the licence to comply with that schedule of terms as varied from time to time by the Authority, and any such application shall for purposes of these Regulations be treated as an application for the variation of every air transport licence which contains such a term as aforesaid.

(4) The Authority shall maintain a list of the names and addresses of all persons who hold a licence which includes such a term as is referred to in paragraph (3) of this regulation and shall serve copies of that list on any person who so demands.

Environmental cases

14.—(1) For the purpose of this part of these Regulations, “environmental application” and “environmental proposal” mean respectively an application and a proposal for the grant or variation of an air transport licence, being a

licence which authorises, or which if granted would authorise, the holder to operate—

- (a) a helicopter at a height of less than 3,000ft above the surface for the greater part of the distance which it flies over land, or
- (b) any aircraft in circumstances which, in the opinion of the Authority, will or may cause an exceptional amount of noise, vibration, pollution or other disturbance,

but do not include—

- (i) any such application or proposal which is not, in the opinion of the Authority, an application or proposal relating to a licence to operate a regular and frequent service, or
- (ii) any such proposal made by the Authority to vary a licence on the ground that it is not or is no longer satisfied as to the matters specified in paragraphs (a) or (b) of section 66(3) of the Act.

(2) If the Authority receives an environmental application or makes an environmental proposal it shall designate the case as an environmental case and publish notice of the designation.

Objections and representations

15.—(1) Any person may serve on the Authority an objection to or representation about an application or proposal for the grant, revocation or variation of an air transport licence if he does so:

- (a) where an application or proposal is published within such period (being, subject to paragraph (2) of this regulation, not more than 21 days nor less than 7 days) as the Authority may specify when publishing the application or proposal;
- (b) where the application or proposal is not published, but he has been notified by the Authority that the application or proposal has been made and will not be published, within 72 hours of his being so notified:

Provided that nothing herein shall:

- (i) permit the Authority to specify a period of less than 21 days for the service of objections or representations unless it is satisfied that for reasons of urgency it is desirable to do so;
- (ii) permit the Authority to specify a period of less than 21 days for the service of objections or representations in a case where it has proposed to revoke, suspend or vary an air transport licence otherwise than in pursuance of an application made to it in that regard or of a direction given by the Secretary of State.

(2) If the Authority receives an environmental application or makes an environmental proposal it shall specify 42 days from the date of publication of the notice of designation pursuant to regulation 14 as the period for service of objections or representations on grounds of noise, vibration, pollution or other disturbance.

(3) Where the person making the objection or representation is the holder of an air transport licence he shall, within 24 hours after it has been served on the Authority, serve a copy of it on:

- (a) the applicant;
- (b) any other person who is the holder of the licence to which the application or proposal relates; and
- (c) any person which the Authority is obliged by regulation 16 to consult in respect of the application or proposal,

and where the person making the objection or representation is not the holder of an air transport licence, the Authority shall within 7 days of the day on which the objection or representation has been served on the Authority serve a copy of it on the said persons, indicating whether the person making the objection or representation wishes to be heard pursuant to regulation 19.

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

Consultation by the Authority

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

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

and subject to regulation 20(5) such consultations shall be completed before the date fixed for the hearing of the case pursuant to regulation 19:

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

- (i) the application or licence in question is for not more than four flights in any one direction between the same two places, or
- (ii) the Authority is acting in pursuance of its duty under section 65(2) or (3) or 66(3) of the Act.

Furnishing of information by the Authority

17. Before the date fixed for the hearing of a case pursuant to regulation 19, the Authority shall serve on any person who has the right to be heard in connection with the case or whom the Authority proposes to hear or is required to consult pursuant to regulation 16 a copy of, or a summary of, any information in the possession of the Authority which has been provided in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that:

- (i) the Authority shall not serve any such information which has been provided by the Secretary of State if the Secretary of State has certified to the Authority that it would not be in the public interest for it to be disclosed;
- (ii) before serving such information which has been provided by any other person (not being a person who has provided information in connection with the case but does not wish to be heard), the Authority shall consult

that person and shall not serve any information which in its opinion relates to the commercial or financial affairs of the person who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted.

Preliminary meetings

18.—(1) Before the date fixed for the hearing of a case pursuant to regulation 19, the Authority may hold a preliminary meeting to discuss the conduct of the case.

(2) The Authority shall give to every party to the case and to every person whom the Authority proposes to hear in connection with the case notice of the date, time and place of the preliminary meeting and any such person may attend in person or be represented by any person whom he may have authorised to represent him.

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

Hearings in connection with licences

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

- (a) the applicant;
- (b) the holder of any air transport licence;
- (c) the holder of any air operator's certificate granted under an Air Navigation Order;
- (d) the holder of any aerodrome licence granted under an Air Navigation Order;
- (e) such persons (being persons who wish to be heard and who have served objections or representations pursuant to regulation 15 expressing the views of passengers or shippers of cargo) as appear to the Authority to be representative of those who have served such objections or representations;
- (f) where the Authority has designated the case as an environmental case pursuant to regulation 14, such persons (being persons who wish to be heard and who have served objections or representations on grounds of noise, vibration, pollution or other disturbance pursuant to regulation 15(2)) as appear to it to be representative of those who have served such objections or representations:

Provided that:

- (i) no person (other than the applicant and the holder of the licence to which the decision will relate) shall have a right to be heard unless he has served an objection or representation pursuant to regulation 15 and (unless he is a person of a description specified in subparagraphs (e) or (f) of this regulation) in so doing has stated that he wishes to be heard;

(ii) no person shall be heard before a decision is made by the Authority in a case where the Secretary of State has directed that the licence be granted, refused, revoked, suspended or varied.

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

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

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

- (i) unless he has served an objection or a representation pursuant to regulation 15;
- (ii) in a case where such a direction as is referred to in proviso (ii) to paragraph (1) of this regulation has been given.

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

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

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

Procedure at hearings

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

(2) At a hearing every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral and written evidence and may examine any other party to that case, any person whom the Authority hears pursuant to regulation 19(3) and any witnesses produced by any such party or person. The Authority may, to such extent as it thinks fit, permit any person heard by it pursuant to regulation 19(3) to exercise at the hearing the rights set out in this paragraph of a party to the case.

(3) Any person who has served an objection or representation pursuant to regulation 15 but who does not wish to be heard, may make a written

submission which he shall serve on the Authority not less than 72 hours before the date fixed for the hearing of the case.

(4) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case, but nothing in this regulation shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such.

(5) Where any person consulted by the Authority pursuant to regulation 16 has responded in writing and a representative of that person has attended the whole or part of the hearing, the Authority shall, immediately after hearing the evidence and arguments advanced by the parties to the case and by any person heard by the Authority pursuant to regulation 19(3), give that representative an opportunity to say whether he considers that any facts or issues have been raised for the first time at the hearing or in documents submitted since the completion of the consultation. If the Authority considers that any new facts or issues have been so raised it shall, before reaching its decision:

- (a) consider any representation on those new facts or issues which that person may serve on it within 10 days (or such lesser period as the Authority may specify where for reasons of urgency it is satisfied that it is desirable to do so);
- (b) inform the parties to the case and any person heard by the Authority pursuant to regulation 19(3) of any such representations; and
- (c) if so requested by any party to the case or any such person reconvene the hearing and consider any response which any such party or person may make to the representations within 10 days of being so informed.

(6) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.

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

Provided that:

- (a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its decision of the case; and
- (b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.

(8) When the Authority provides to a person having a right of appeal pursuant to regulation 21(1)—

- (a) notification in writing of its decision of the case, the notification shall specify a date, being not less than 72 hours after the date on which a copy of the notification was available for collection by or despatch to that person (which date is hereinafter referred to as “the decision date”);
- (b) a mechanical recording or transcript of the record of proceedings in the case pursuant to a request made by that person within 7 days of the decision date, the recording or transcript shall be accompanied by a statement specifying a date, being not less than 72 hours after the date on which the recording or transcript was available for collection by or despatch to that person (which date is hereinafter referred to as “the transcript date”),

and the Authority shall as soon as may be thereafter publish the decision date and the transcript date.

Appeals to the Secretary of State

21.—(1) Every party to a case before the Authority (not being a person having a right to be heard by virtue only of regulation 19(1)(e) or (f)) shall have a right of appeal to the Secretary of State in accordance with the provisions of this regulation from the Authority’s decision with respect to an air transport licence or an application for a licence.

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

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

- (a) the Secretary of State;
- (b) the Authority;
- (c) each of the parties to the case before the Authority;
- (d) each person whom, pursuant to regulation 19(3), the Authority had decided to exercise its discretion to hear in connection with the case, whether that person was heard or not; and
- (e) any person consulted by the Authority, pursuant to regulation 16, in connection with the case,

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

(4) The notice of appeal shall be served within 21 days of the decision date or, if the appellant has made such a request as is referred to in regulation 20(8) and has within 24 hours of making his request to the Authority served notice on each of the persons referred to in paragraph (3)(a), (c), (d) and (e) of this regulation that he has done so, not later than 21 days from the transcript date.

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

(6) Any party to the appeal (other than the appellant) and any person who has been served with notice of the appeal pursuant to paragraph 3(e) of this

regulation may within 14 days of service thereof serve on the Secretary of State a submission giving reasons why the Authority's decision should or should not be upheld and shall within such period serve copies of any such submission on the Authority, the appellant and the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.

(7) Within 28 days of receiving notice of an appeal, the Authority shall serve on the Secretary of State any submission it may wish to make in connection with the appeal, including, if it thinks fit, an amplification and explanation of the reasons for its decision, and shall, within such period, serve copies of any such submission on the appellant and on the persons who have been served with notice of the appeal pursuant to paragraph (3)(c), (d) and (e) of this regulation.

(8) Within 14 days of the expiry of the period of 28 days referred to in the preceding paragraph of this regulation, the appellant may serve on the Secretary of State a reply to any submission made pursuant to paragraphs (6) and (7) of this regulation and shall within such period serve copies of any such submission on the Authority and on the persons who have been served with notice of the appeal pursuant to paragraph 3(c), (d) and (e) of this regulation.

(9) Before deciding an appeal the Secretary of State may—

- (a) ask the appellant, any other person who has made a submission pursuant to the preceding paragraphs of this regulation or the Authority to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable him to determine the appeal, and the Secretary of State shall as the case may be give the appellant, the other parties to the appeal and the Authority an opportunity of replying to such amplification, explanation or answer;
- (b) obtain from the Authority any information which is in the possession of the Authority but which, pursuant to paragraph (ii) of the proviso to regulation 17 the Authority did not furnish to any person having the right to be heard by the Authority in connection with the case. The Secretary of State shall give the Authority and the person who provided the information to the Authority an opportunity of making written submissions in connection with any information so obtained. A copy of any submission of the Authority made pursuant to this subparagraph shall be served only on the person who provided the information to the Authority and a copy of any submission of that person or body made pursuant to this subparagraph shall be served only on the Authority.

(10) In the appeal proceedings no person may submit to the Secretary of State evidence which was not before the Authority when it decided the case.

Decisions on appeals

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

(2) The Secretary of State shall notify the Authority, the appellant and the

persons who have been served with the notice of appeal pursuant to regulation 21(3) of his decision and of the reasons for it and the Authority shall publish the Secretary of State's notification.

- (3) (a) Subject to paragraph (4) of this regulation, in determining an appeal the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs or any part thereof;
 - (b) any costs required by an order under the foregoing subparagraph to be taxed may be taxed in the county court on such scale as may be directed by the order;
 - (c) any sum payable by virtue of an order under subparagraph (a) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court;
 - (d) the powers of the county court under the foregoing provisions of this paragraph may be exercised by the Registrar, or in Northern Ireland by the clerk of the Crown and Peace.
- (4) (a) In determining an appeal where the appellant resides or has his registered or principal office in Scotland the Secretary of State may, if he thinks fit, order the appellant to pay to any other party thereto either a specified sum in respect of the expenses incurred by him in connection with the appeal, or the taxed amount of those expenses or any part thereof;
 - (b) any expenses required by an order under the foregoing subparagraph to be taxed may be taxed by the Auditor of the Court of Session on such a scale as may be directed by the order;
 - (c) any award of expenses by the Secretary of State under the foregoing provisions of this paragraph may be enforced in like manner as a recorded decree arbitral.

(5) An appeal to the Secretary of State shall not preclude him from consulting the competent authorities of any country or territory outside the United Kingdom for the purposes of section 6(2)(a) to (d) of the Act (which relates to national security, relations with other countries and territories and similar matters) notwithstanding that the consultation may relate to matters affecting the appeal.

(6) The failure of any person (other than the appellant in serving notice of appeal on the Secretary of State within the time prescribed in regulation 21(4)) to serve any notice, submission or reply, or copies thereof or to furnish any particulars in the time or manner provided for in the Act or in these Regulations or any other procedural irregularity shall not invalidate the decision of the Secretary of State; and the Secretary of State may, and shall if he considers that any person may have been prejudiced, take such steps as he thinks fit before deciding the appeal to cure the irregularity.

Transfer of licences

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

- (a) if the sole holder of an air transport licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative;
- (b) if in connection with the reconstruction of any body corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate), or such part thereof as includes the provision of carriage by air for reward of passengers or cargo, is transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.
- (2) The person required by paragraph (1) of this regulation to be treated as the holder of the licence may apply to the Authority:
- (a) if he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest), and
- (b) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.
- (3) The application shall state the ground on which it is based and shall be served on the Authority within the period of 21 days from the day on which the applicant first became entitled to make it; and if no application as aforesaid is made within that period the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.
- (4) The application shall, for the purposes of these Regulations be treated as if it were an application for the variation of the licence, and the provisions of regulation 21 and 22 as to appeals shall apply accordingly.
- (5) The Authority shall not grant an application for the transfer of a licence to, or the substitution of the name of, any person if it would be bound under section 65(2) or (3) of the Act to refuse that application if it were an application for the grant of a licence to that person.
- (6) For the purposes of this regulation "legal personal representative" means a person constituted executor, administrator or other representative of a deceased person by probate, administration or other instrument.

Surrender of licences

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

PART IV

OTHER FUNCTIONS OF THE AUTHORITY

Participation in civil proceedings

25.—(1) The function of the Authority of being a party to civil proceedings is hereby prescribed for the purposes of section 7(2) of the Act.

(2) In any civil proceedings to which the Authority is or becomes a party, the Authority shall disclose to the Court and any other party to the proceedings information in its possession which, apart from section 23(1) of the Act, it would have been under a duty to disclose for the purpose of those proceedings.

Iain Sproat,
Parliamentary Under Secretary of State,
Department of Trade.

11th April 1983.

SCHEDULE

Regulation 2

REVOCATION

(1) Regulations revoked	(2) References
The Civil Aviation Authority Regulations 1972	1972/178
The Civil Aviation Authority (Amendment) Regulations 1973	1973/1929
The Civil Aviation Authority (Second Amendment) Regulations 1974	1974/1389
The Civil Aviation Authority (Third Amendment) Regulations 1975	1975/532
The Civil Aviation Authority (Fourth Amendment) Regulations 1976	1976/1026
The Civil Aviation Authority (Fifth Amendment) Regulations 1979	1979/514
The Civil Aviation Authority (Sixth Amendment) Regulations 1981	1981/61

TABLE OF COMPARISON

The following Table shows, in relation to each regulation of the Civil Aviation Authority Regulations 1972, as amended, the regulation of the 1983 Regulations in which it is reproduced.

1972 Regulations as amended	1983 Regulations
1	1 and 3
2	4
3	5
4	6
5	7
6	10
7	11
8	12
9	13
10	15
11	16
12	17
13	18
14	19 and 20
15	(deleted)
16	21 and 22
17	23
18	24
19	25
20	6(1) and 8
21	6(1) and 9.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the The Civil Aviation Authority Regulations 1972, as amended.

In addition to some minor and drafting amendments, the following changes are made:—

(1) The definition of “personnel licence” has been amended to include a licence authorising a person to act as an aerodrome flight information service officer, so that the applicant for and holder of such a licence will have the same rights under Regulation 6 as are enjoyed by applicants for and holders of other types of personnel licence. (Regulation 3(1));

(2) The procedures under Regulation 6 do not apply where, pursuant to its duty under section 5 of the Civil Aviation Act 1982 to consider environmental factors in licensing certain aerodromes, the Authority refuses to grant an aerodrome licence or proposes to revoke, suspend or vary such a licence. (Regulation 6(9)(b));

(3) The quorum of the Authority for deciding air transport licensing cases has been increased to two members, except in cases of urgency and cases where the parties consent, when it remains one member. (Regulation 10(2));

(4) In air transport licensing cases which raise significant environmental issues, the Authority may not dispense with publication of applications and proposals in respect of licences and those wishing to object on environmental grounds have 42 days from the date of publication of details of the case in which to do so, instead of the 21 days previously allowed. (Regulations 11(3), 12(2), 14 and 15(2));

(5) Except in air transport licensing cases raising significant environmental issues the Authority may now dispense with publication of a proposal to vary a schedule of terms if it is satisfied that persons having a right to be heard are unlikely to be prejudiced and the holders of the relevant licences consent. (Regulation 13(1));

(6) The Authority is no longer required to invite to a preliminary meeting on an air transport licensing case every person who has made an objection or representation: only the parties to the case and other persons whom the Authority proposes to hear now have a right to receive notice of and attend preliminary meetings. (Regulation 18(2));

(7) Operators of road, rail and sea transport no longer have a right to be heard in an air transport licensing case or to appeal against the Authority’s decision in such a case, but the Authority has a discretion to hear them if they serve an objection or representation, and they then have right to intervene if anyone else appeals. (Regulations 19(1) and (3) and 21(3) and (6));

(8) In any air transport licensing case, the Authority has a duty to hear such persons as appear to it to be representative of those who have objected or made representations expressing the views of passengers or shippers of cargo. (Regulation 19(1)(e));

(9) In air transport licensing cases which raise significant environmental issues, the Authority has a duty to hear such persons as appear to it to be representative of those who have objected and made representations on environmental grounds. (Regulation 19(1)(f));

(10) In air transport licensing cases concerning flights to, from or within the Channel Islands, the Isle of Man or Gibraltar, where new facts or issues are raised at the hearing and the Channel Islands Air Advisory Council, the Isle of Man Airports Board or the Secretary of State make representations on those new facts or issues, the time limit for response by the parties to those representations was previously unlimited and is now 10 days. (Regulation 20(5)(c));

(11) The time for appealing against the Authority's decision in an air transport licensing case now runs from a date specified by the Authority in its written decision or when furnishing a record of its proceedings, instead of from the date on which the appellant receives the decision or record. The date specified must be not less than 72 hours after the date on which the decision or record is available for collection by or dispatch to the appellant. The time for requesting a record of proceedings has been extended from 48 hours to 7 days. (Regulations 20(8) and 21(4));

(12) A person who is not a party to an air transport licensing case now has a right to intervene in an appeal by a party to the case if the Authority proposed in exercise of its discretion to hear him, notwithstanding that he chose not to be heard. (Regulation 21(3)(d));

(13) The Secretary of State's power to obtain clarification of the arguments put forward in the appeal by the appellant as well as by any other person who has made a submission, and, as well, to obtain clarification from the Authority of the reasons for its decision, and to invite replies from the appropriate persons to the clarification is expressly stated but is subject to the present rule that fresh evidence is not admissible on appeals. (Regulation 21(9)(a));

(14) The Secretary of State now has power to determine an appeal despite procedural irregularities (except as regards the time for giving notice of appeal). (Regulation 22(6));

(15) The time for making an application when a licence is transferred on the death of an individual or the reconstruction of a body corporate or the amalgamation of bodies corporate has been extended from 20 to 21 days. (Regulation 23(3));

(16) The Civil Aviation Act 1982 no longer provides for guidance to be given to the Authority by the Secretary of State and the provision in the Regulations for staying proceedings in air transport licensing cases while consideration was given to giving guidance or different guidance has been removed.

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