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STATUTORY INSTRUMENTS

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**1991 No. 1672**

**The Civil Aviation Authority Regulations 1991**

**PART III**

**AIR TRANSPORT LICENSING**

**Appeals to the Secretary of State**

**27.**—(1) Every party to a case before the Authority (not being a person having a right to be heard by virtue only of regulation 25(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 25(2), 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 21, in connection with the case.

(4) Subject to paragraph (9) of this regulation, the notice of appeal shall be served within 21 days after the decision date or, if the appellant has made such a request as is referred to in regulation 26(8) and has within 24 hours after 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) Subject to paragraph (9) of this regulation, 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 after 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) Subject to paragraph (9) of this regulation, within 28 days after 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) Subject to paragraph (9) of this regulation, within 14 days after 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 paragraph (6) or (7) of this regulation and shall within such period serve copies of any such reply 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) Where a case has come before the Authority solely because of a need to allocate scarce bilateral capacity, the references in paragraph (4) to 21 days shall be taken as references to 5 working days, the reference in paragraph (6) to 14 days shall be taken as a reference to 5 working days, the reference in paragraph (7) to 28 days shall be taken as a reference to 8 working days and in paragraph (8) for the words “within 14 days after the expiry of the period of 28 days” there shall be substituted “within 4 working days after the expiry of the period of 8 working days”.

(10) 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 22 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.

(11) 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.