
STATUTORY INSTRUMENTS

1991 No. 1672

The Civil Aviation Authority Regulations 1991

[^{F1}PART IIIA

REFERENCES IN RESPECT OF AN AIR TRAFFIC SERVICES LICENCE

[^{F1}Determination by Authority and Appeal to the Secretary of State

31E.—(1) Where the Authority makes a determination pursuant to this Part of these Regulations the Authority shall serve a notice of its determination and a statement of its reasons for the determination on the licence holder.

- (a) (2) (a) Where the relevant condition of an air traffic services licence provides in respect of a matter or question that the decision of the Authority shall be definitive there shall be no appeal to the Secretary of State.
- (b) Where the relevant condition of an air traffic services licence provides in respect of a matter or question that the licence holder may appeal to the Secretary of State, he may do so in accordance with this regulation.

- (a) (3) (a) An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the licence holder and clearly identifying the matter or question to which it relates and stating the grounds on which the appeal is based and the arguments on which the licence holder relies.
- (b) The licence holder shall serve the notice on the Secretary of State and a copy on the Authority within 14 days of receipt by the licence holder of the notice of determination and statement of reasons pursuant to paragraph (1).

(4) The Authority shall within one calendar month after receiving notice of appeal publish such particulars of the appeal as it thinks necessary to indicate the substance of the appeal.

(5) Within 14 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 determination, and shall, within such period, serve a copy of any such submission on the licence holder.

(6) Within 14 days after publication of the notice of the appeal by the Authority any person who appeared at the hearing before the Authority may serve on the Secretary of State a submission giving reasons why the Authority's determination should or should not be upheld and shall within such period serve copies of any such submission on the Authority and the licence holder.

(7) Within 14 days after receipt of any submission made pursuant to the preceding two paragraphs the licence holder may serve on the Secretary of State a reply and shall within such period serve a copy of any such reply on the Authority.

(8) Before deciding an appeal the Secretary of State may ask the licence holder, the Authority or any other person who appeared at the hearing held by 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 licence holder, the Authority and any other person who appeared at the hearing held by the Authority an opportunity of replying to such amplification, explanation or answer.

- (a) (9) (a) Where any person is obliged to serve on the Authority any notice, representation, submission or other material pursuant to this regulation the Authority shall as soon as may be after receipt thereof make a copy available at its principal office for inspection by any person at any reasonable time.
- (b) The Authority shall also make a copy of any representation, submission or other material which it is obliged to serve on the licence holder or the Secretary of State pursuant to this regulation available at its principal office for inspection by any person at any reasonable time.

(10) In the appeal proceedings none of the Authority, the licence holder or any other person may submit to the Secretary of State evidence which was not before the Authority when it decided the case.]

Textual Amendments

F1 Pt. 3A inserted (31.7.2001) by [The Civil Aviation Authority \(Amendment\) Regulations 2001 \(S.I. 2001/2448\)](#), regs. 1, **2(10)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Aviation Authority Regulations 1991, Section 31E.