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STATUTORY INSTRUMENTS

1992 No.2992

CIVIL AVIATION

The Licensing of Air Carriers Regulations 1992

<i>Made</i>	- - - -	<i>1st December 1992</i>
<i>Laid before Parliament</i>		<i>4th December 1992</i>
<i>Coming into force</i>	- -	<i>1st January 1993</i>

The Secretary of State for Transport, being a Minister designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to the licensing of air carriers established in the Community in exercise of the powers conferred by that section, hereby makes the following Regulations:—

1. These Regulations may be cited as the Licensing of Air Carriers Regulations 1992 and shall come into force on 1st January 1993.

2.—(1) In these Regulations—

“air transport licensing functions” has the same meaning as in section 68(5) of the Civil Aviation Act 1982(3);

“the CAA” means the Civil Aviation Authority; and

“the Council Regulation” means Council Regulation 2407/92 on licensing of air carriers(4).

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation.

Operating licences

3.—(1) Subject to the provisions of regulations 4 and 16 to 19 below the CAA shall perform the functions relating to the grant and maintenance of operating licences that are required to be performed by the United Kingdom or by the competent authorities or licensing authorities of the United Kingdom by the Council Regulation save for those functions for which the Secretary of State is the competent authority.

(1) S.I. 1992/1711.

(2) 1972 c. 68.

(3) 1982 c. 16.

(4) O.J. No. L240 of 24 August 1992, page 1.

(2) The Secretary of State shall be the competent authority for the purposes of the second sentence of paragraph 5 of article 4, paragraph 7(b) and (c) of article 5, paragraphs 2 and 3 of article 8 and articles 14, 17 and 18 of the Council Regulation.

4. In any case where the CAA has reason to believe that—

- (a) an applicant for, or the holder of, a licence granted in accordance with the Council Regulation, or
- (b) a carrier to whom article 16 of the Council Regulation for the time being applies,

does not meet the requirements of paragraphs 2 to 4 of article 4 of the Council Regulation it shall be the duty of the CAA to inform the Secretary of State accordingly. In any such case the CAA shall make no determination as to whether the said requirements are met but shall await determination of the Secretary of State. The Secretary of State's determination shall be binding on the CAA and, in particular, in a case where the Secretary of State determines that paragraphs 2 to 4 of article 4 of the Council Regulation are not met, the CAA shall forthwith either refuse to grant or revoke to grant the relevant operating licence (as the case may be) or, in a case where the undertaking operates by virtue of an exemption, shall forthwith except that undertaking from that exemption.

5. Where the CAA has reason to believe that an aircraft is intended to be used by an undertaking without an operating licence that is required by and granted in accordance with the Council Regulation, the CAA may—

- (a) give to the person appearing to it to be in command of the aircraft a direction that he shall not permit the aircraft to take off until it has informed him that the direction is cancelled,
- (b) whether or not it has given such a direction, detain the aircraft until it is satisfied that the aircraft will not be so used,

and a person who, without reasonable excuse, fails to comply with a direction given to him in pursuance of this regulation shall be guilty of an offence.

6.—(1) An undertaking which knowingly or recklessly undertakes the carriage by air of passengers, mail or cargo for remuneration or hire without an appropriate operating licence required by and granted in accordance with the Council Regulation shall be guilty of an offence.

(2) Nothing in paragraph (1) above shall apply to an undertaking which holds, or which is deemed to hold, an operating licence which remains valid by virtue of article 16 of the Council Regulation.

7. For the purposes of determining in pursuance of regulation 6 above whether an offence relating to carriage has been committed by an undertaking it is immaterial that the contravention mentioned in that regulation occurred outside the United Kingdom if when it occurred the undertaking—

- (a) was a United Kingdom national,
- (b) was a body incorporated under the law of any part of the United Kingdom, or
- (c) was a person (other than a United Kingdom national or such a body) maintaining a place of business in the United Kingdom.

8. An undertaking which, for the purpose of—

- (a) obtaining for itself or another undertaking an operating licence under the Council Regulation, or
- (b) seeking to demonstrate that the requirements of paragraphs 2 to 4 of article 4 of the Council Regulation are met in connection with securing the continuation of a right to operate under article 16 of that Regulation,

knowingly or recklessly furnishes the CAA or the Secretary of State with any information which is false in a material particular shall be guilty of an offence.

9.—(1) An air carrier which fails without reasonable excuse to obtain approval for the use or provision of an aircraft from or to an undertaking as required by paragraph 1 of article 10 of the Council Regulation or fails without reasonable excuse to comply with the conditions of any such approval shall be guilty of an offence.

(2) Regulation 5 above shall apply in a case where the CAA has reason to believe that an aircraft is intended to be used by an air carrier in breach of the requirement for prior approval required by paragraph 1 of article 10 of the Council Regulation or in breach of any condition of any such approval as it applies in the case there provided for.

(3) Regulation 7 above shall apply for the purpose of determining in pursuance of paragraph (1) above whether an offence relating to the use or provision of an aircraft has been committed as it applies in the case there provided for.

10.—(1) The Secretary of State may, by notice in writing served in a manner set out in regulation 4 of the Civil Aviation Authority Regulations 1991⁽⁵⁾ on a Community air carrier with a valid operating licence granted by the CAA require that carrier to furnish to him, in such form and at such times as may be specified in the notice, information of such descriptions as may be so specified, being descriptions of information required by the Commission for it to carry out its duties under article 4 of the Council Regulation.

(2) An air carrier which fails without reasonable excuse to comply with the requirements of a notice served on it under paragraph (1) above shall be guilty of an offence.

(3) An air carrier which, in purported compliance with the requirements of any such notice, knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence.

11.—(1) An air carrier with a valid operating licence granted by the CAA in accordance with the Council Regulation—

- (a) shall not carry by air any passenger for remuneration or hire to whom accommodation for carriage on the flight has been made available by any person required by regulations made under section 71 of the Civil Aviation Act 1982 to hold a licence issued in pursuance of those regulations unless that person does hold such a licence;
- (b) shall enter into a special contract with every passenger to be carried for remuneration or hire, or with a person acting on behalf of such a passenger, for the increase to not less than the Sterling equivalent of 100,000 Special Drawing Rights, exclusive of costs, of the limit of the carrier's liability under article 17 of the Warsaw Convention 1929 and under article 17 of that Convention as amended at The Hague in 1955⁽⁶⁾; and
- (c) when undertaking the carriage of passengers having the common purpose of attending an association football match shall not cause or permit a passenger to go or be taken on board the aircraft unless that passenger is in possession of a valid ticket of admission to the match. For the purpose of this sub-paragraph a person shall be deemed to be in possession of a valid ticket of admission to the match where such a ticket is held on his behalf by another passenger.

(2) Regulation 5 above shall apply in a case where the CAA has reason to believe that an aircraft is intended to be used by an air carrier in breach of any of the requirements set out in paragraph (1) above as it applies in the case there provided for.

⁽⁵⁾ S.I. 1991/1672.

⁽⁶⁾ For The Warsaw Convention see Cmd. 4284 of 1933 and for The Hague Protocol see Cmnd. 3356 of 1967. The Warsaw Convention as amended at The Hague may also be seen in Schedule 1 to the Carriage by Air Act 1961^(1961 c. 27.).

(3) Regulation 6 above shall apply in a case where an air carrier knowingly or recklessly undertakes the carriage by air of passengers for remuneration or hire in breach of any of the requirements set out in paragraph (1) above as it applies in the case there provided for.

(4) Regulation 7 above shall apply for the purpose of determining in pursuance of paragraph (3) above whether an offence relating to carriage has been committed as it applies in the case there provided for.

12. A person guilty of an offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

13.—(1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where a Scottish partnership is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

14.—(1) Subject to paragraph (2) below, summary proceedings for an offence under these Regulations may be commenced in Scotland within a period of 6 months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge.

(2) No such proceedings shall be commenced by virtue of this regulation more than 3 years after the commission of the offence.

(3) For the purposes of this regulation, a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(5) Subsection (3) of section 331 of the Criminal Procedure (Scotland) Act 1975 (date of commencement of proceedings)⁽⁷⁾ shall apply for the purposes of this regulation as it applies for the purposes of that section.

15.—(1) The CAA may require, for the purpose of granting an operating licence in accordance with the Council Regulation, proof that the persons who will continuously and effectively manage the operation of the undertaking are of good repute and that none of them is an undischarged bankrupt.

(2) The CAA may suspend or revoke an operating licence in the event it is satisfied the holder is not a fit person to operate aircraft under the authority of that licence by reason of serious professional misconduct or a criminal offence.

16. The CAA shall, for the purposes of paragraph 7(a) of article 5 of the Council Regulation, always afford air carriers exclusively engaged in operations with aircraft of less than 10 tonnes

(7) 1975 c. 21.

maximum take off weight or less than 20 seats the option of providing the information relevant for the purposes of paragraph 5 of that article instead of being required to demonstrate that their net capital worth is at least 80,000 ECUs or such other sum as may be published pursuant to paragraph 7(b) of that article.

17. Paragraphs 1, 2, 3, 4 and 6 of article 5 of the Council Regulation shall not apply to any air carrier described in regulation 16 above and to which the CAA grants an operating licence under the Council Regulation being a carrier that operates scheduled services or whose turnover exceeds 3 million ECUs per annum.

18.—(1) Save for waivers granted by the Secretary of State by virtue of paragraph 3 of article 8 of the Council Regulation an operating licence granted to an air carrier by the CAA in accordance with the Council Regulation shall not be valid for the purpose of enabling an air carrier to use an aircraft for the carriage by air of passengers, mail or cargo for remuneration or hire in so far as that carriage is performed by an aircraft which is not registered according to the option selected by the Secretary of State by virtue of paragraph 2(a) of article 8 of the Council Regulation and published as described in paragraph (2) below.

(2) The CAA shall, on request made by the Secretary of State, publish in its Official Record the option selected by the Secretary of State referred to in paragraph (1) above.

19.—(1) Where the CAA takes a decision to refuse an application for an operating licence, or to revoke or suspend an operating licence granted under the Council Regulation, the applicant for, or the holder of, the licence, as the case may be, shall have a right of appeal to the Secretary of State.

(2) The provisions of Schedule 1 to these Regulations shall apply.

(3) Paragraph (1) above shall not apply to the extent that the reason for the CAA's decision relies upon a determination of the Secretary of State made under regulation 4 above.

(4) If an operating licence is revoked or suspended by the CAA otherwise than on the application of the holder of the licence and otherwise than in consequence of a determination made in pursuance of regulation 4 above the revocation or suspension shall not take effect before the expiration of the period within which an appeal may be made against that decision (which period is described in Schedule 1 to these Regulations) nor, if such an appeal is brought within that period, before the determination or abandonment of the appeal.

Restriction of air transport licensing functions of the CAA

20. Section 64 of the Civil Aviation Act 1982 (regulation of carriage by air by air transport licences) shall be amended by the insertion in subsection (2) (flights for which such licences are required), by way of a further exception, of the following—

“(d) a flight for the undertaking of carriage by air for which a valid operating licence issued in accordance with Council Regulation 2407/92 on licensing of air carriers is required.”.

Regulation of carriage by air by route licences

21. After section 69 of the Civil Aviation Act 1982 there shall be inserted the following section—

“Regulation of carriage by air by route licences.

69A.—(1) No aircraft shall be used for the carriage for reward of passengers or cargo on a flight to which this subsection applies unless—

(a) the operator of the aircraft holds a licence granted to him by the CAA in pursuance of section 65 as applied by subsection (6) below (in this Act referred to as a

“route licence”) authorising him to operate aircraft on such flights as the flight in question; and

- (b) the terms of the licence are complied with so far as they relate to that flight and fall to be complied with before or during the flight.

(2) Subsection (1) above applies to any flights to which section 64(1) above applies (apart from the exceptions) where the aircraft is used by a Community air carrier, except that it does not apply to—

- (a) a flight of a description specified for the purposes of paragraph (a) of section 64(2) as applied by subsection (6) below;
- (b) a particular flight or series of flights specified for the purposes of paragraph (b) of section 64(2) as so applied;
- (c) a flight by an aircraft of which the CAA is the operator; and
- (d) flights by aircraft in exercise of traffic rights permitted by virtue of the Community access Regulation.

(3) No route licence shall be granted by the CAA so as to permit the exercise of those traffic rights access to which is denied to the aircraft operator concerned by virtue of exceptions contained in articles 3 to 6 of the Community access Regulation.

(4) The CAA shall refuse to grant a route licence in pursuance of an application under section 65 as applied by subsection (6) below if it is not satisfied that the applicant possesses a valid operating licence.

(5) Where a person holds—

- (a) an operating licence granted by an authority in any member State, and
- (b) a route licence,

and his operating licence is revoked or suspended by that authority (and that revocation or suspension takes effect), the route licence shall, as from the date when the revocation or suspension takes effect, cease to be in force or, in the case of suspension, not be effective during the period of suspension of the operating licence.

(6) Subject to subsections (3) to (5) above, sections 64(2)(a), (b) and (c), (3) to (8) and 65 to 69 above shall apply in relation to route licences (and route licensing functions) as they apply in relation to air transport licences (and air transport licensing functions) subject to the modifications specified in subsection (7) below.

(7) Those modifications are—

- (a) the omission of section 65(2) and the substitution, for the reference to that subsection in subsection (4), of a reference to subsection (4) above;
- (b) the omission of section 66(3) to the end of paragraph (b);
- (c) the omission in sections 64(6) and 65(3) of the references to the law of a relevant overseas territory or of an associated state;
- (d) the substitution, in section 68(5), for the reference to sections 64 to 67, of a reference to this section and those sections as applied by subsection (6) above; and
- (e) the substitution, in section 69(1), for the reference to sections 64 to 68, of a reference to this section and those sections as so applied.

(8) In this section—

“the Community access Regulation” means Council Regulation 2408/92 on access for Community air carriers to intra-Community air routes;

“Community air carrier” has the same meaning as in the Community access Regulation;

“operating licence” means an operating licence granted in any member State in accordance with Council Regulation 2407/92 on licensing of air carriers.”.

22. An air transport licence which remains valid by virtue of article 16 of the Council Regulation shall take effect on the day the holder thereof is granted an operating licence by the CAA as a route licence granted under section 65 of the Civil Aviation Act 1982 as applied by section 69A in relation to those flights which were authorised by that air transport licence and for which a route licence is required under section 69A of that Act and subject to the same terms as that air transport licence in so far as those terms are compatible with Community law.

Consequential amendments

23. The provisions specified in Schedule 2 to these Regulations shall have effect subject to the amendments there specified.

Signed by authority of the Secretary of State for Transport

1st December 1992

Caithness
Minister of State,
Department of Transport

SCHEDULE 1

Regulation 19

APPEALS TO THE SECRETARY OF STATE

1. When the CAA provides to a person having a right of appeal notification in writing of its decision to refuse, revoke or suspend an operating licence, the notification shall specify a date, being not less than 3 working days 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”).

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; and
- (b) the CAA.

4. The notice of appeal shall be served within 14 days after the decision date.

5. Within 14 days after receiving notice of an appeal, the CAA 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 a copy of any such submission on the appellant.

6. Within 14 days after the expiry of the period of 14 days referred to in the preceding paragraph the appellant may serve on the Secretary of State a reply to any submission made pursuant to the preceding paragraph and shall within such period serve a copy of any such reply on the CAA.

7. Before deciding an appeal the Secretary of State may ask the appellant or the CAA 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 and the CAA an opportunity of replying to such amplification, explanation or answer.

8. In the appeal proceedings no person may submit to the Secretary of State evidence which was not before the CAA when it decided the case.

9. The Secretary of State may, if he thinks fit, uphold the decision of the CAA or direct it to reverse or vary its decision.

10. The Secretary of State shall notify the CAA and the appellant of his decision and of the reasons for it. Where the decision is to grant or revoke an operating licence the CAA shall take the steps necessary to cause the Secretary of State’s decision to be published in the Official Journal of the European Communities.

11. 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 Civil Aviation Act 1982 (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.

12. The failure of any person (other than the appellant in serving notice of appeal on the Secretary of State within the time prescribed in paragraph 4 above) to serve any notice, submission or reply, or copies thereof or to furnish any particulars in the time provided for in this Schedule 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.

SCHEDULE 2

Regulation 23

The Airports Act 1986(8)

1. In section 29(1) after the definition of the expression “movement” there shall be added the following definition—

““route licensing functions” means the functions conferred on the CAA in relation to the grant of such licences as are referred to in section 69A(1)(a) of the 1982 Act and in relation to the revocation, suspension or variation of such licences (whether on the application of any person or otherwise).”

2. In section 31(2) after the word “functions” there shall be inserted the words “and its route licensing functions”.

3. In section 32(3) after the word “functions” there shall be inserted the words “and its route licensing functions”.

The Civil Aviation Act 1982

4. In section 17(1)(c) after the words “air transport licence” there shall be inserted the words “or operating licence granted in accordance with Council Regulation 2407/92 on licensing of air carriers”.

5. In section 70 after the words “sections 64 to 68” there shall be inserted the words “(but not as applied by section 69A(6))”.

6. In section 84(1)(a) after the word “Order” there shall be inserted the words “or an operating licence granted by the CAA in accordance with Council Regulation 2407/92 on licensing of air carriers”.

7. In section 84(2) after the words “air transport licence” there shall be inserted the words “or operating licence”.

The Air Navigation Order 1989(9)

8. For paragraph (3) of article 4 there shall be substituted the following paragraph:

“(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the United Kingdom or a share therein:

- (a) The Crown in right of Her Majesty’s Government in the United Kingdom;
- (b) Commonwealth citizens;
- (c) nationals of any member State;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth;
- (f) undertakings formed in accordance with the law of a member State and having their registered office, central administration or principal place of business within the European Economic Community; or
- (g) firms carrying on business in Scotland.

(8) 1986 c. 31.

(9) S.I. 1989/2004 amended by S.I. 1990/2154 and S.I. 1991/1726.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In this sub-paragraph “firm” has the same meaning as in the Partnership Act 1890(10).”.

The Civil Aviation Authority Regulations 1991

9. In regulation 3(1) after the definition of the expression “hearing” there shall be added the following definition—

““operating licence” means an operating licence granted by the CAA in accordance with Council Regulation 2407/92 on licensing of air carriers;”.

10. In regulation 3(5) after the words “air transport licences” there shall be inserted the words “or route licences”.

11. In regulation 10(2)(a)(iv) after the words “under the Act” there shall be inserted the words “or of any operating licence”.

12. In regulation 13(1)(b) after the words “air transport licence” there shall be inserted the words “or operating licence”.

13. In regulation 15(1)(a) after the word “licence” there shall be inserted the words “or a route licence”.

14. In regulation 15(1)(d) the word “or” where it last appears shall be omitted.

15. After regulation 15(1)(e) there shall be added the following sub-paragraphs—

“(f) revoke or suspend an operating licence otherwise than at the request of the holder;
or

(g) refuse to grant an operating licence.”.

16. In regulation 15(2) after the words “paragraph (1)(a) to (c)” there shall be inserted the words “(f) and (g)”.

17. In regulation 15(4) after the word “licence” there shall be inserted the words “or a route licence and any other decision to grant, revoke or suspend an operating licence”.

18. In regulations 16, 17(4), 18, 20, 21, 24, 25, 27, 30(1) and 31 after the words “air transport licence” there shall be inserted the words “or a route licence”.

19. In regulation 17(2) after the words “in that regard” there shall be inserted the words “or proposes to revoke, suspend or vary a route licence otherwise than in pursuance of an application made to it in that regard,”.

20. In regulation 17(3) for the words “suspend a” there shall be substituted the words “suspend an air transport”.

21. In regulation 21(ii) the word “or” where it last appears shall be omitted.

22. In regulation 21(iii) after the word “licence” there shall be inserted the word “or”.

23. After regulation 21(iii) there shall be added the following paragraph—

“(iv) the Authority is acting in pursuance of its duty under section 69A(4) of the Act.”.

24. In regulation 25(1)(b) after the words “the holder of” there shall be inserted the words “an operating licence,”.

25. In regulation 25(1)(ii) after the words “Airports Act 1986” there shall be inserted the words “or under section 69A(4) of the Act”.

(10) 1890 c. 39.

26. In paragraph (5) of regulation 30 for the words after “if” where it first appears there shall be substituted the words—

- “(a) in the case of an air transport licence it would be bound under section 65(2) of the Act, and
- (b) in the case of an air transport licence or a route licence it would be bound under section 65(3) or 69A(4) of the Act,

to refuse that application if it were an application for the grant of a licence to that person.”.

27. In regulation 31 after the words “has taken effect” there shall be inserted the words “or if a route licence ceases to be in force by virtue of section 69A(5) of the Act” and at the end there shall be inserted the words “Nothing in this regulation shall apply to a route licence which is rendered ineffective during a period of suspension of an operating licence by virtue of section 69A(5) of the Act.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for implementing the Community obligations of the United Kingdom provided for in Council Regulation 2407/92 on licensing of air carriers and matters arising out of or related thereto.

Subject to the terms of these Regulations and save for those instances where the Secretary of State is specified as the competent authority for the purposes of the Council Regulation the Civil Aviation Authority (the CAA) is given the task of performing the various functions relating to the grant and maintenance of air carrier operating licences that are required to be performed by the Council Regulation (regulation 3). Those terms require the CAA, in the case of small air carriers, to afford those carriers the option of providing the financial information relevant to article 5.5 of the Council Regulation rather than information as to net capital worth; disapply paragraphs 1 to 4 and 6 of article 5 of the Council Regulation in the case of small air carriers and require UK licensed air carriers to use aircraft registered according to an option determined by the Secretary of State save for the exceptions provided for in the Council Regulation (regulations 16 to 18). Provision is made for appeals to the Secretary of State consequent upon a refusal, suspension or withdrawal of an operating licence (regulation 19 and Schedule 1).

The CAA is required to give the Secretary of State notice of cases where the CAA believes an air carrier seeking or holding an operating licence is not majority owned or effectively controlled by EC member States or their nationals and the CAA is obliged to act according to the determination of the Secretary of State (regulation 4).

The CAA is empowered to prevent aircraft flying where it believes the operator does not possess the necessary operating licence (regulation 5).

A number of offences are created namely, failing to comply with a CAA direction not to fly (regulation 5), operating without the required operating licence (regulation 6) failure to obtain prior approval for making use of or providing aircraft to another undertaking or to comply with the terms of any such approval (regulation 9) and failing to give, or giving false, information (regulations 8 and 10).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Carriers holding a valid operating licence from the CAA are required to ensure when taking passengers who have arranged their travel through a person who is required to possess an Air Travel Organiser's Licence (ATOL) that such a licence is held, to extend their potential liability under article 17 of the Warsaw Convention 1929 as amended at The Hague in 1955 to 100,000 Special Drawing Rights and to ensure that passengers on flights arranged for their attendance at association football matches all carry tickets for the match. Failure to so ensure is created a criminal offence (regulation 11).

The CAA is enabled to apply moral fitness criteria to the grant and maintenance of operating licences. Provision is made applying sections 64 to 69 of the Civil Aviation Act 1982 with modifications so as to create, in place of the present air transport licence regime created for flights by those sections, a new regime for route licences. An air carrier requiring an operating licence under Council Regulation 2407/92 will require a route licence in order to undertake carriage for reward on a route for which traffic rights are not available under Council Regulation 2408/92 on access for Community air carriers to intra-Community air routes (regulations 20 and 21).

Air transport licences which remain valid by virtue of article 16 of Council Regulation 2407/92 are converted, in relation to certain routes, into route licences for those routes on the day the carrier concerned is granted its operating licence (regulation 22).

Finally a number of consequential amendments are made to the Airports Act 1986, the Civil Aviation Act 1982, the Air Navigation Order 1989 and the Civil Aviation Authority Regulations 1991 (regulation 23 and Schedule 2).