
STATUTORY INSTRUMENTS

1998 No. 2918

The Airports (Groundhandling) (Amendment) Regulations 1998

10. Part I of Schedule 2 shall be amended as follows—

(a) for paragraph 2, there shall be substituted the following paragraph—

“2. The appellant shall serve the notice of appeal on—

- (a) the CAA, and
- (b) the managing body of the airport concerned, and
- (c) in the case of an appeal against a decision of the managing body of an airport made pursuant to regulation 12(7)(a), the persons named in the notice published by the CAA pursuant to regulation 12(15) as the persons selected to supply groundhandling services, and
- (d) in the case of an appeal against a decision or individual measure taken, pursuant to regulation 16, by the public authority or other body controlling the airport, that authority or body.”;

(b) for paragraphs 4 and 5 there shall be substituted the following paragraphs—

“4.—(1) Where a notice of appeal is served on the CAA pursuant to paragraph 2(a) above, the CAA shall serve on each of the parties to the appeal a notice requiring each such party within 7 days after receiving the notice from the CAA to inform the CAA whether he requires an oral hearing of the appeal.

(2) If any person on whom a notice is served by the CAA pursuant to paragraph 4(1) above informs the CAA that he requires an oral hearing, then—

- (a) the CAA shall immediately serve on each of the parties to the appeal a notice stating that there will be an oral hearing, and
- (b) paragraph 5A below shall not apply.

(3) If no person informs the CAA within the period of 7 days referred to in paragraph 4(1) above that he requires an oral hearing, then the CAA shall serve on each of the parties to the appeal a notice stating that the appeal will be conducted by written representation, in which case paragraph 5A below shall apply.

(4) No oral hearing of an appeal shall be held pursuant to this paragraph unless the CAA has served on each of the parties to the appeal not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the appeal 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 in the CAA's principal office during the 7 days immediately preceding the date of the hearing.

5.—(1) Hearings of appeals shall be conducted by the CAA, sitting with such employees of the CAA acting as advisers as it thinks fit.

(2) At a hearing each of the parties to the appeal 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 the appeal and any witnesses produced by any such party.

(3) Every hearing shall be held in public unless the CAA otherwise decides in relation to the whole or part of a particular appeal, but nothing in this sub-paragraph shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such.

(4) Subject to sub-paragraphs (5) and (6) below, all the proceedings at a hearing of the CAA in connection with the appeal shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the CAA 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.

(5) The CAA 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 on the appeal.

(6) 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 each of the parties to the appeal.

5A.—(1) Where a person receives a notice of appeal pursuant to paragraph 2(b), 2(c) or 2(d) above, that person shall, within 14 days after receiving a notice pursuant to paragraph 4(3) above,—

- (a) serve on the CAA any submission which that person may wish to make in connection with the appeal, and
- (b) serve on each of the other parties to the appeal a copy of that submission.

(2) Within 14 days after receiving a copy of the submission referred to in paragraph 5A(1) above, each of the other parties to the appeal—

- (a) shall serve on the CAA any reply he may wish to make to any such submission, and
- (b) shall serve on all other parties to the appeal a copy of any such reply.”;

(c) in paragraph 6—

- (i) for the words “the appellant or the person who took the decision or individual measure concerned” there shall be substituted the words “any of the parties to the appeal”, and
- (ii) for the words “the appellant, or as the case may be, that person” there shall be substituted the words “the other parties to the appeal”;

(d) for paragraph 9 there shall be substituted the following paragraph—

“**9.** The CAA shall notify each of the parties to the appeal of its determination and the reasons for it.”;

(e) after paragraph 11, there shall be added the following paragraph—

“**12.** In this Part of this Schedule “parties to the appeal” means—

- (a) the appellant, and
- (b) the persons (other than the CAA) on whom a notice of appeal is served in accordance with paragraph 2 above.”.