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STATUTORY INSTRUMENTS

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**2007 No. 3468**

**The Air Navigation (Overseas Territories) Order 2007**

PART XIV

DOCUMENTS AND RECORDS

**Revocation, suspension and variation of permissions, etc. granted under article 135 or article 137**

**123.**—(1) The Secretary of State may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the Secretary of State, may exercise his powers under paragraph (1) only after notifying the permit-holder of his intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if it appears to him that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or a Government which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, have—

- (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement; or
  - (ii) engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982<sup>(1)</sup> or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned or of the operator of an aircraft registered in and licensed to operate from any of the Territories by regulations under section 13 of the Act in his operation of air services to or from points in the country concerned;
- (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of any such agreement, is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.
- (6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.
- (7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.
- (8) The permits to which this article applies are permissions granted by the Secretary of State or the Governor as the case may be under Article 135 or Article 137 and any approvals or authorisations of, or consents to, any matter which the Secretary of State or the Governor has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.
- (9) References in this Article to the “permit-holder” are references to the person to whom any permit to which this article applies has been granted, or that is deemed to have been granted.
- (10) The Secretary of State may, in any particular case, or class of cases, delegate to the Governor the exercise of the powers conferred on the Secretary of State under this article in respect of permissions granted by the Secretary of State or the Governor as the case may be under Article 135 of this Order and any approvals or authorisations of, or consents to, any matter which the Secretary of State or the Governor has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.
- (11) The provisions of this Article have effect, as from the commencement of this Order, as well in relation to permits, being permits to which this Article applies, granted before the commencement of this Order as in relation to those granted thereafter.

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(1) 1982 c.16.