
STATUTORY INSTRUMENTS

2012 No. 1017

**The Civil Aviation (Air Travel
Organisers' Licensing) Regulations 2012**

PART 6

APPEALS AND TRANSFER OF LICENCE

Appeal to County Court or Sheriff Court

67.—(1) Subject to paragraphs (3) and (4), an appeal lies to a county court from any decision of the CAA that a person is not a fit person to hold an ATOL.

(2) If the court is satisfied that on the evidence submitted to the CAA it was wrong in deciding that a person is not a fit person to hold an ATOL, the court may reverse the CAA's decision and the CAA must give effect to the court's determination.

(3) If the appellant resides or has its registered or principal office in Scotland the appeal lies to the sheriff court within whose jurisdiction the appellant resides or has its registered or principal office and the appeal is by way of summary application⁽¹⁾.

(4) If the appellant resides or has its registered or principal office in Northern Ireland the appeal lies to a county court held under the County Courts (Northern Ireland) Order 1980⁽²⁾.

(5) The CAA will be named by the appellant as respondent to any appeal under this regulation.

(6) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision is deemed to have been taken on the date on which the CAA supplied a statement of its reasons for the decision to the applicant for an ATOL or the holder or former holder of it.

Transfer of ATOL

68.—(1) Subject to the provisions of this regulation, if the sole holder of an ATOL (being an individual) dies, the ATOL must be treated from the time of death as if it had been granted to the ATOL holder's legal personal representative.

(2) The legal personal representative required by paragraph (1) of this regulation to be treated as the holder of the ATOL may apply to the CAA for the transfer of the ATOL to any person entitled to a beneficial interest in the deceased's estate (including themselves in their personal capacity if, in that capacity, they are entitled to such an interest).

(3) The application must state the grounds on which it is based and must be served on the CAA within a period of 21 days beginning with the day on which the applicant first became entitled to make the application.

(4) If no such application is made within that period, the ATOL ceases at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

(1) Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules) 1999 S.I. 1999/929.

(2) S.I. 1980/397 (N.I. 3), to which there are amendments not relevant to these Regulations.

(5) The CAA must not grant an application for the transfer of an ATOL to any person if it would be bound under regulation 32(1) to refuse that application if it were an application for the grant of an ATOL to that person, and the provisions of Part 5 as to decisions and hearings apply accordingly and references in that Part to “the person concerned” are to be construed accordingly as including references to the legal personal representative.

(6) For the purposes of this regulation “legal personal representative” means a person constituted executor, administrator or other representative of a deceased person by probate, administration or other instrument.