
STATUTORY INSTRUMENTS

2021 No. 816

The Space Industry (Appeals) Regulations 2021

PART 3

Permission to appeal

Application for permission to appeal

8.—(1) An application for permission to appeal must be made to the secretary within 14 days after the day on which the decision which is being appealed was made and, for these purposes, the application is made on the date on which the notice of application for permission to appeal is received by the secretary.

- (2) The appeal panel may not extend the time limit set out in paragraph (1) unless—
- (a) the appellant demonstrates that it did not receive notice of the decision until a date within the period of 14 days before the application for permission to appeal was made, or
 - (b) the appeal panel is satisfied that the circumstances are exceptional.
- (3) The application must be made by notice of application for permission to appeal which states—
- (a) the name and address of the appellant,
 - (b) the name and address of the representative, if any, of the appellant,
 - (c) an email address or a postal address in the United Kingdom where documents for the appellant may be sent or delivered, and
 - (d) the name and address of the respondent to the proceedings.
- (4) The notice of application for permission to appeal must contain—
- (a) a concise statement of the facts,
 - (b) details of the decision to which the proceedings relate, including a copy of that decision,
 - (c) a summary of the grounds for appeal,
 - (d) a statement as to whether, if permission to appeal is given, the appellant wishes to have an oral hearing, and
 - (e) a statement of truth in accordance with regulation 15.

(5) When the application is being made on behalf of the appellant by a representative other than a legal representative, the application must be accompanied by a duly authenticated document from the appellant confirming that the representative is authorised to make the application on behalf of the appellant.

- (6) The secretary must—
- (a) serve the notice of application for permission to appeal, together with all accompanying documents, on each respondent as soon as practicable, and in any event not later than seven days after the date on which the notice was received by the secretary;
 - (b) publish the notice of application for permission to appeal and the date on which it was received on the panel website, unless paragraph (7) applies.

- (7) This paragraph applies if publishing the notice would, in the opinion of the secretary—
- (a) breach any international obligations of the United Kingdom,
 - (b) involve the disclosure of sensitive information, or information which is commercially sensitive, or
 - (c) breach data protection legislation, and for these purposes, “data protection legislation” has the meaning given in section 3(9) of the Data Protection Act 2018(1).

Fees

9.—(1) The fees set out in the second column of the following table are payable in respect of the items described in the first column.

<i>Description of fee</i>	<i>Amount of fee</i>
Application for permission to appeal	£116
Application for permission to intervene	£50
Application for directions	£50
Application to amend a notice of appeal	£116
Determination of a standard appeal without a hearing	£154
Determination of a standard appeal with a hearing	£385
Determination of a complex appeal without a hearing	£240
Determination of a complex appeal with a hearing	£528

(2) Fees for making an application are payable by the applicant to the Secretary of State, and must be sent by the applicant to the secretary when the application is made.

(3) Fees for the determination of the appeal are payable by the applicant to the Secretary of State, and must be sent by the appellant to the secretary within the applicable period beginning with the day after the day on which permission to appeal is given.

(4) If the fee for making an application is not sent with the application, the application must be rejected by the secretary.

(5) If the fee for determination of an appeal is not paid within the period referred to in paragraph (3), the appeal must be struck out.

Response to application for permission to appeal

10.—(1) The respondent may serve a response to the application for permission to appeal on the secretary within 14 days beginning with the day after the day on which the respondent received notice of the application for permission to appeal under regulation 8(6)(a).

(2) If a response is served under paragraph (1)—

- (a) it must contain—
 - (i) the name and address of the respondent,

(1) 2018 c. 12. Section 3(9) has been amended by S.I. 2019/419.

- (ii) the name and address of the representative, if any, of the respondent,
 - (iii) an email address or postal address in the United Kingdom where documents for the respondent may be sent or delivered,
 - (iv) a summary of the reasons for the decision,
 - (v) representations in relation to the application for permission to appeal, and
 - (vi) a statement of truth in accordance with regulation 15, and
- (b) it must state whether the appeal will involve consideration of sensitive information.
- (3) The secretary must serve a copy of the response on all other parties to the appeal as soon as practicable, and in any event not later than seven days after the day on which the response was received by the secretary.

Application to intervene

11.—(1) A person with sufficient interest in the decision which is the subject of the appeal may apply to the appeal panel for permission to intervene in the appeal.

(2) An application under paragraph (1) must be made within the period of 14 days beginning with the day after the day on which notice of the application for permission to appeal was published on the panel website and sent to the secretary.

(3) The secretary must give notice of the application for permission to intervene to all the parties to the appeal, and invite them to make representations in relation to the application within a period specified in the notice.

(4) An application for permission to intervene must state—

- (a) the title of the appeal to which that application relates,
- (b) the name and address of the person wishing to intervene,
- (c) the name and address of its legal representative, if any, and
- (d) an email address or a postal address in the United Kingdom where documents for the applicant may be sent or delivered.

(5) The application must include—

- (a) a concise statement of the matters which give the applicant a sufficient interest in the decision which is the subject of the appeal,
- (b) the name of any party whose position the applicant intends to support,
- (c) the reasons for making the application, and
- (d) a statement of truth in accordance with regulation 15.

(6) If the appeal panel is satisfied, having taken into account the observations of the parties, as to the matters referred to in paragraph 14(1) of Schedule 10 to the Act, it may permit the intervention on such terms and conditions as it thinks fit.

(7) On granting permission under paragraph (6), the appeal panel may make any consequential directions it considers necessary in relation to—

- (a) the service on the intervener of documents submitted to the appeal panel;
- (b) if the appeal panel considers it appropriate, the submission by the intervener of a statement of intervention;
- (c) if a submission is required under sub-paragraph (b), the submission by the principal parties of a response to the statement of intervention and any objections to the admission of evidence put forward by the intervener.

(8) The statement of intervention must contain—

- (a) a concise presentation of the facts and arguments supporting the intervention,
- (b) the relief sought by the intervener,
- (c) a schedule listing all the documents annexed to the intervention, and
- (d) a statement of truth in accordance with regulation 15.

(9) As far as practicable, the list referred to in paragraph (8)(c) must include every document, or part of a document, on which the intervener relies, including witness statements, if any, but not including any document annexed to the notice of appeal or respondent's notice.

(10) The intervener must serve a copy of the statement of intervention and any accompanying documents on the secretary.

(11) The secretary must—

- (a) give notice of the decision of the appeal panel under paragraph (6), and any directions made under paragraph (7), and
- (b) serve a copy of all the documents provided under paragraph (10),

on each of the parties to the appeal as soon as practicable, and in any event not later than seven days after the day on which the documents were received by the secretary.

Determination of application for permission to appeal

12.—(1) An application for permission to appeal must be considered by the appeal panel without a hearing.

(2) The appeal panel considering an application for permission to appeal may require the appellant to provide further information if that information is reasonably required by the panel to enable it—

- (a) to determine the application, or
- (b) to make the determination referred to in paragraph (4).

(3) When the appeal panel determines the application for permission to appeal, it may—

- (a) give permission to appeal;
- (b) give permission to appeal, but on limited grounds, or subject to conditions;
- (c) refuse permission to appeal.

(4) If the appeal panel grants permission to appeal, it must determine whether the appeal is to be treated as a standard appeal or a complex appeal.

(5) The appeal panel must reject an application for permission to appeal if—

- (a) the application for permission to appeal is made out of time, and
- (b) no extension of time has been granted under regulation 8(2).

(6) If the appeal panel grants permission to appeal—

- (a) the decision being appealed, and
- (b) where the decision being appealed is the imposition of conditions on a licence, the grant of that licence,

has no effect pending the determination of the appeal unless the appeal panel directs otherwise.

(7) The secretary must give written notice of the appeal panel's decision to the Secretary of State, the appellant and the respondent within the period of seven days beginning with the day after the day on which the appeal panel decided the application.

(8) If the appeal panel has decided to grant permission to appeal, the notice must state whether the appeal panel considers the appeal to be a standard appeal or a complex appeal.

(9) If the appeal panel has decided to reject the application for permission to appeal, or to grant permission to appeal subject to conditions or limitations on the appeal, that notice must contain a statement of the reasons for the refusal, or for any limitations or conditions.