

1999 No. 2245

CIVIL AVIATION

The Licensing of Air Carriers Regulations 1999

<i>Made</i> - - - -	<i>5th August 1999</i>
<i>Laid before Parliament</i>	<i>16th August 1999</i>
<i>Coming into force</i>	<i>6th September 1999</i>

The Secretary of State for the Environment, Transport and the Regions, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to air transport, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Licensing of Air Carriers Regulations 1999 and shall come into force on 6th September 1999.

Interpretation

2. In these Regulations—

- (a) “approval” means an approval under article 10 of the Council Regulation;
- (b) “CAA” means the Civil Aviation Authority; and
- (c) “Council Regulation” means Council Regulation (EEC) No. 2407/92 of 23rd July 1992 on licensing of air carriers(c).

Procedure on refusal etc of an approval

3.—(1) A decision to grant, vary, suspend, refuse or revoke an approval may be made on behalf of the CAA only by a member or employee of the CAA.

(2) Subject to paragraph (9), where an application for an approval has been refused or granted in terms other than those requested by the applicant, the CAA shall serve on the applicant a notice stating the reasons for the decision and the applicant may, within 14 days after the date of service of that notice, request that the case be reviewed by the CAA.

(3) Subject to paragraphs (8) and (9), where it is proposed to vary, suspend or revoke an approval otherwise than on the application of the holder, the CAA shall serve on the holder notice of the proposal together with the reasons for it and that person may within 14 days after the date of service of that notice serve on the CAA a request that the case be decided by the CAA.

(4) The function of deciding a case where a request has been duly served on the CAA under paragraph (2) or (3) may not be performed on behalf of the CAA by any other person: and for the purpose of making a decision in such a case a quorum of the CAA shall be one member.

(a) S.I. 1993/2661.

(b) 1972 c. 68.

(c) O.J. No. L240 of 24th August 1992, page 1. The Regulation was extended to EEA States by the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2073 and 2183) as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994 (O.J. L160, 28.6.94, p.1).

(5) Where a request under paragraph (2) or (3) has been duly served, the CAA shall sit with such technical assessors to advise it as the CAA may appoint, but the CAA shall not appoint as an assessor any person who participated in the decision or proposal which is to be the subject of the CAA's decision.

(6) Where a request under paragraph (2) or (3) has been duly served, the CAA shall, before making a decision:—

- (a) consider any representations which have been served on it by the applicant or the holder of the approval, as the case may be, within 21 days after the date of service of the notice by the CAA; and
- (b) where the applicant or the holder of the approval, as the case may be, has requested the opportunity to make oral representations in his representations under sub-paragraph (a) above, afford him an opportunity to make such representations and consider them.

(7) Where the CAA makes a decision pursuant to paragraph (4), the CAA shall serve a statement of its reasons on the applicant or the holder of the approval, as the case may be.

(8) Paragraph (3) shall not apply where the CAA determines to provisionally suspend or vary an approval pending inquiry into or consideration of the case.

(9) Paragraphs (2) and (3) shall not apply where the CAA refuses to grant an approval or grants an approval in terms other than those requested by the applicant or proposes to vary, suspend or revoke an approval pursuant to a direction given by the Secretary of State under section 6 of the Civil Aviation Act 1982(a) (Secretary of State's directions in national interest, etc).

Service of documents

4.—(1) Anything required to be served on any person under regulation 3 shall be set out in a notice in writing which may be served by:—

- (a) delivering to that person;
- (b) leaving it at his proper address;
- (c) sending it by post to that address; or
- (d) sending it to him at that address by telex or other similar means which produce a document containing a text of the communication, in which event the document shall be regarded as served when it is received;

and where the person is a body corporate the document may be served on the secretary of that body.

(2) For the purposes of this regulation, the proper address of any person shall, in the case of a body corporate, be the registered or principal office of that body and in any other case be the last known address of the person to be served.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Chris Mullin
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

5th August 1999

(a) 1982 c. 16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedures to be followed by the CAA in making decisions under article 10 of Council Regulation No. 2407/92 on licensing of air carriers. They are in addition to the Licensing of Air Carriers Regulations 1992 (S.I. 1992/2992 as amended by S.I. 1993/101, 1993/3039 and 1994/1732).

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