

SCHEDULES

SCHEDULE 10

APPEALS IN CONNECTION WITH SPACEFLIGHT ACTIVITIES

PART 3

DETERMINATION OF APPEAL

Permission to appeal

- 5 (1) An appeal to a panel may be brought only with the panel’s permission.
- (2) An application for permission to appeal under this Schedule may be made only by a person who, if permission is granted, will be entitled to bring the appeal.
- (3) An application for permission to appeal under this Schedule must be made within the prescribed period.

Circumstances in which panel may not accept an application

- 6 (1) Where a person appeals to a panel and there is no appealable decision, the panel may not accept the appeal.
- (2) Where the panel does not accept an appeal, it must—
- (a) notify the person making the appeal and the person who made the decision, and
 - (b) take no further action on that appeal.
- (3) In this paragraph “appealable decision” means a decision from which an appeal lies to a panel under this Schedule.

Determination of application for permission to appeal

- 7 (1) A panel may refuse permission to appeal under this Schedule only on the ground that—
- (a) the appeal is brought for reasons that are trivial or vexatious, or
 - (b) the appeal does not have a reasonable prospect of success.
- (2) A panel may grant permission to appeal under this Schedule subject to conditions.

When appeals may be allowed

- 8 A panel may allow an appeal only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—
- (a) that the decision was based on an error of fact;

Status: This is the original version (as it was originally enacted).

- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion.

Determination of appeal

- 9 (1) Where it does not allow an appeal, a panel must confirm the decision appealed against.
- (2) Where it allows an appeal, a panel must do one or more of the following—
- (a) quash the decision appealed against;
 - (b) vary the decision appealed against;
 - (c) remit the matter that is the subject of the decision appealed against to the person who made the decision for reconsideration and determination in accordance with the relevant provisions and any directions given by the panel.
- (3) Where a panel allows only part of an appeal—
- (a) sub-paragraph (2) applies in relation to the part of the decision in respect of which the appeal is allowed, and
 - (b) sub-paragraph (1) applies to the rest of that decision.
- (4) A panel must not give a direction under this paragraph that requires a person to do anything that the person would not have power to do apart from this paragraph.
- (5) A person to whom a direction is given under this paragraph must comply with it.
- (6) A direction given under this paragraph is enforceable—
- (a) in England and Wales and Northern Ireland, as if it were an order of the High Court, and
 - (b) in Scotland, as if it were an order of the Court of Session.
- (7) In this paragraph “the relevant provisions”—
- (a) where the decision appealed against was made under this Act, means the provisions of this Act;
 - (b) where the decision appealed against was made under regulations made under this Act, means those regulations;
 - (c) where the decision appealed against was made under the Outer Space Act 1986, means the provisions of that Act.

Determination of appeal: further provision

- 10 (1) Regulations may prescribe—
- (a) the form in which a determination of a panel is to be made;
 - (b) the time at which a determination of a panel takes effect;
 - (c) persons to whom copies of a determination of a panel are to be sent.
- (2) Regulations may make provision about publication of determinations of a panel.

Determination of appeal: time limit

- 11 A panel must determine an appeal within whatever period is prescribed (if any).