

SCHEDULE 1

Regulation 19

APPEALS TO THE SECRETARY OF STATE

1. When the CAA provides to a person having a right of appeal notification in writing of its decision to refuse, revoke or suspend an operating licence, the notification shall specify a date, being not less than 3 working days after the date on which a copy of the notification was available for collection by or despatch to that person (which date is hereinafter referred to as “the decision date”).

2. An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the appellant and clearly identifying the case to which it relates and stating the grounds on which the appeal is based and the arguments on which the appellant relies.

3. The appellant shall serve the notice of appeal on:

- (a) the Secretary of State; and
- (b) the CAA.

4. The notice of appeal shall be served within 14 days after the decision date.

5. Within 14 days after receiving notice of an appeal, the CAA shall serve on the Secretary of State any submission it may wish to make in connection with the appeal including, if it thinks fit, an amplification and explanation of the reasons for its decision, and shall, within such period, serve a copy of any such submission on the appellant.

6. Within 14 days after the expiry of the period of 14 days referred to in the preceding paragraph the appellant may serve on the Secretary of State a reply to any submission made pursuant to the preceding paragraph and shall within such period serve a copy of any such reply on the CAA.

7. Before deciding an appeal the Secretary of State may ask the appellant or the CAA to amplify or explain any point made by them or to answer any other question, the answer to which appears to the Secretary of State necessary to enable him to determine the appeal, and the Secretary of State shall as the case may be give the appellant and the CAA an opportunity of replying to such amplification, explanation or answer.

8. In the appeal proceedings no person may submit to the Secretary of State evidence which was not before the CAA when it decided the case.

9. The Secretary of State may, if he thinks fit, uphold the decision of the CAA or direct it to reverse or vary its decision.

10. The Secretary of State shall notify the CAA and the appellant of his decision and of the reasons for it. Where the decision is to grant or revoke an operating licence the CAA shall take the steps necessary to cause the Secretary of State’s decision to be published in the Official Journal of the European Communities.

11. An appeal to the Secretary of State shall not preclude him from consulting the competent authorities of any country or territory outside the United Kingdom for the purposes of section 6(2) (a) to (d) of the Civil Aviation Act 1982 (which relates to national security, relations with other countries and territories and similar matters) notwithstanding that the consultation may relate to matters affecting the appeal.

12. The failure of any person (other than the appellant in serving notice of appeal on the Secretary of State within the time prescribed in paragraph 4 above) to serve any notice, submission or reply, or copies thereof or to furnish any particulars in the time provided for in this Schedule or any other procedural irregularity shall not invalidate the decision of the Secretary of State; and the Secretary of State may, and shall if he considers that any person may have been prejudiced, take such steps as he thinks fit before deciding the appeal to cure the irregularity.