

SCHEDULES

SCHEDULE 1

APPEALS AGAINST DETERMINATIONS

Decisions on appeal

- 3 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1 only to the extent that it is satisfied that the market power determination or operator determination appealed against was wrong on one or more of the following grounds—
- (a) that the determination was based on an error of fact;
 - (b) that the determination was wrong in law;
 - (c) that an error was made in the exercise of a discretion.
- (2) It may—
- (a) confirm or set aside all or part of the market power determination or operator determination;
 - (b) direct the CAA to make a further determination;
 - (c) give the CAA such other directions as it considers appropriate, including directions about the time within which the CAA must act.
- (3) It may not direct the CAA to do anything that the CAA would not have power to do apart from the direction.
- (4) The CAA must comply with directions under this paragraph.
- (5) If the CAA fails to comply with a direction to make a further market power determination in respect of an airport area within the time specified by the Competition Appeal Tribunal, the Tribunal may make the determination.
- (6) If the Competition Appeal Tribunal makes a market power determination under subparagraph (5)—
- (a) the determination has effect as if made by the CAA, and
 - (b) section 8 applies in relation to the determination as if the references to the CAA were references to the Competition Appeal Tribunal.
- (7) If the CAA fails to comply with a direction to make a further operator determination in respect of a person and an airport area within the time specified by the Competition Appeal Tribunal, the Tribunal may make the determination.
- (8) If the Competition Appeal Tribunal makes an operator determination under subparagraph (7)—
- (a) the determination has effect as if made by the CAA under section 10(1), and
 - (b) sections 10(2) and 11(1) to (3) and (5) apply in relation to the determination as if the references to the CAA were references to the Competition Appeal Tribunal.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Decisions on appeal. (See end of Document for details)

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Commencement Information

II Sch. 1 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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