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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, SCHEDULE 13. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 13

Section 90

#### APPEALS AGAINST PENALTIES

##### *Appeals against penalties*

- 1 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under section 86 or 87.
- (2) The appeal may be against one or more of the following—
- (a) a decision to impose the penalty;
  - (b) a decision as to the amount of the penalty;
  - (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
  - (d) a decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

##### *Decisions on appeal*

- 2 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1 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;
  - (b) that the decision was wrong in law;
  - (c) that an error was made in the exercise of a discretion.
- (2) It may—
- (a) confirm or set aside the notice or penalty;
  - (b) give the CAA such 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) When deciding an appeal under paragraph 1 (including giving directions), the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 4 of the Civil Aviation Act 1982.

##### *Further appeals*

- 3 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 2, including a direction.

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- (2) An appeal under this paragraph may be brought by a party to the proceedings before the Competition Appeal Tribunal.
- (3) An appeal may not be brought under this paragraph without the permission of—
  - (a) the Competition Appeal Tribunal, or
  - (b) the appropriate court.
- (4) “The appropriate court” means—
  - (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, the Court of Appeal, or
  - (b) in the case of an appeal from proceedings in Scotland, the Court of Session.

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