

## SCHEDULES

### SCHEDULE 2

#### APPEALS UNDER SECTIONS 24 AND 25

##### PART 1

###### PERMISSION TO APPEAL

###### *Application for permission to appeal*

- 1 (1) An application for permission to appeal under section 24 or 25 against a decision in respect of a licence may not be made after the end of the period of 6 weeks beginning with the day on which the CAA published the relevant notice.
- (2) In this paragraph “the relevant notice” means—
  - (a) in the case of an application for permission to appeal under section 24, the notice published in accordance with section 15 of the decision to grant the licence, and
  - (b) in the case of an application for permission to appeal under section 25, the notice published in accordance with section 22 of the decision that is the subject of the application.
- (3) The applicant must send a copy of the application to the CAA.
- (4) The CAA must—
  - (a) publish the application, and
  - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).
- (5) Those persons are—
  - (a) the holder of the licence that is the subject of the application,
  - (b) any other person with a qualifying interest in the decision that is the subject of the application, and
  - (c) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.

###### *Determination of application for permission to appeal*

- 2 (1) The Competition Commission’s decision on an application for permission to appeal is to be taken by an authorised member of the Commission.
- (2) The authorised member must take the decision before the end of the period of 10 weeks beginning with the day on which the CAA published the relevant notice (as defined in paragraph 1).
- (3) The authorised member may grant permission to appeal subject to conditions.

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- (4) The conditions may, in particular, include—
- (a) conditions which limit the matters that are to be considered on the appeal,
  - (b) conditions for the purpose of expediting the determination of the appeal, and
  - (c) conditions requiring the appeal to be considered together with other appeals, including appeals relating to different matters or decisions and appeals brought by different persons.
- (5) An authorised member of the Competition Commission who grants permission to appeal against a decision that relates entirely or partly to a matter remitted to the CAA following an earlier appeal under section 24 or 25 must grant it subject to conditions excluding consideration of—
- (a) matters that were considered as part of the earlier appeal, and
  - (b) matters that could have been raised by the applicant or a relevant connected person as part of the earlier appeal,
- unless the member considers that there are compelling reasons not to do so.
- (6) In sub-paragraph (5), in relation to an applicant, “relevant connected person” means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the Competition Commission.
- (7) The Competition Commission must—
- (a) publish the decision on an application for permission to appeal and the reasons for the decision, and
  - (b) send a copy of the decision and reasons to the persons listed in sub-paragraph (8).
- (8) Those persons are—
- (a) the holder of the licence which is the subject of the application,
  - (b) if the application was made by someone other than the holder of that licence, the applicant,
  - (c) any other person with a qualifying interest in the decision that is the subject of the application,
  - (d) such bodies representing airport operators or providers of air transport services as the Commission considers appropriate, and
  - (e) the CAA.
- (9) Section 29(5) applies to the publication of a decision and reasons under this paragraph as it applies to the publication of an order containing a determination of an appeal.

*Time limit for CAA to make representations*

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- (1) This paragraph applies where the CAA wishes to make representations to the Competition Commission in relation to an application under paragraph 1 for permission to appeal against a decision.
  - (2) The CAA must make the representations in writing before the end of the period of 8 weeks beginning with the day on which the CAA publishes the relevant notice (as defined in paragraph 1).
  - (3) The CAA must send a copy of its representations to—
    - (a) the holder of the licence which is the subject of the application,

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- (b) if the application was made by someone other than the holder of that licence, the applicant,
- (c) any other person with a qualifying interest in the decision that is the subject of the application, and
- (d) such bodies representing airport operators or providers of air transport services as the CAA considers appropriate.