

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 47

APPEALS AGAINST ORDERS AND PENALTIES

Appeals against enforcement orders and urgent enforcement orders

- 1 (1) A person may appeal to the Competition Appeal Tribunal against—
- (a) an enforcement order given to the person, or
 - (b) an urgent enforcement order given to the person that has been confirmed.
- (2) The appeal may be against one or more of the following—
- (a) a decision to give the order or, in the case of an urgent enforcement order, to confirm the order;
 - (b) a decision as to the steps specified in the order;
 - (c) a decision as to the period allowed for taking those steps.
- (3) The making of an appeal under this paragraph against an enforcement order suspends the effect of the order until the appeal is decided or withdrawn, unless the Competition Appeal Tribunal orders otherwise.
- (4) The making of an appeal under this paragraph against an urgent enforcement order does not suspend the effect of the order, unless the Competition Appeal Tribunal orders otherwise.

Commencement Information

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

Appeals against modification and revocation of orders

- 2 (1) A person may appeal to the Competition Appeal Tribunal against—
- (a) a decision to modify or revoke an enforcement order, or
 - (b) a decision to modify or revoke an urgent enforcement order that has been confirmed.
- (2) An appeal under this paragraph may be made only by a person—
- (a) who is not the person to whom the order was given, but
 - (b) who appears to the Competition Appeal Tribunal to have a sufficient interest in the decision.
- (3) The making of an appeal under this paragraph against the modification or revocation of an order suspends its modification or revocation until the appeal is decided or withdrawn, unless the Competition Appeal Tribunal orders otherwise.

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Commencement Information

I2 Sch. 3 para. 2 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Appeals against penalties

- 3 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under section 39 or 40.
- (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.

Commencement Information

I3 Sch. 3 para. 3 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Decisions on appeal

- 4 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1, 2 or 3 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 order, modification, revocation 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, 2 or 3 (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 1.

Commencement Information

I4 Sch. 3 para. 4 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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Further appeals

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- (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 4, including a direction.
 - (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 and Northern Ireland, the Court of Appeal, or
 - (b) in the case of an appeal from proceedings in Scotland, the Court of Session.

Commencement Information

I5 Sch. 3 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

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