



Civil Aviation Act 2012

2012 CHAPTER 19

PART 1

AIRPORTS

CHAPTER 1

REGULATION OF OPERATORS OF DOMINANT AIRPORTS

Appeals against licence conditions etc

28 Determination of appeal: time limits

- (1) The [^{F1} Competition and Markets Authority] must determine an appeal under section 24 or 25 against a decision in respect of a licence within the period of 24 weeks beginning with the day on which the CAA published the relevant notice, subject to subsections (3) to (6).
- (2) In subsection (1) “the relevant notice” means—
 - (a) in the case of an 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 appeal under section 25, the notice published in accordance with section 22 of the decision that is the subject of the appeal.
- (3) The [^{F2} Competition and Markets Authority] may extend the appeal period by not more than 8 weeks if it is satisfied that there are good reasons for doing so.
- (4) The [^{F3} Competition and Markets Authority] may only extend the appeal period once in reliance on subsection (3).
- (5) The [^{F4} Competition and Markets Authority] may extend the appeal period by such period as it considers appropriate if—

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 28. (See end of Document for details)

- (a) there is an appeal to the Competition Appeal Tribunal under this Chapter which [^{F5} the Competition and Markets Authority] considers may be relevant to the appeal under section 24 or 25, and
 - (b) the appeal to the Tribunal has not been determined or withdrawn.
- (6) The [^{F6} Competition and Markets Authority] may extend the appeal period more than once in reliance on subsection (5).
- (7) If the [^{F6} Competition and Markets Authority] extends the appeal period it must—
- (a) publish a notice stating the new time limit for determining the appeal, and
 - (b) send a copy of the notice to the persons listed in subsection (8).
- (8) Those persons are—
- (a) the holder of the licence which is the subject of the appeal,
 - (b) if the appeal was brought by someone other than the holder of that licence, the appellant,
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 35(4) of Schedule 2),
 - (d) such bodies representing airport operators or providers of air transport services as the [^{F6} Competition and Markets Authority] considers appropriate, and
 - (e) the CAA.
- (9) The Secretary of State may by regulations modify the periods of time specified in this section.
- (10) In this section “the appeal period”, in relation to an appeal under section 24 or 25, means the period allowed for determining the appeal.

Textual Amendments

- F1** Words in s. 28(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 145(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in s. 28(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 145(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 28(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 145(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in s. 28(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 145(3)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in s. 28(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 145(3)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in s. 28(6)-(8) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 145(4)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I1** S. 28 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 2012, Section 28.