

1976 No. 1026

CIVIL AVIATION

The Civil Aviation Authority (Fourth Amendment)

Regulations 1976

Made - - - - - 30th June 1976

Laid before Parliament 8th July 1976

Coming into Operation 29th July 1976

The Secretary of State, in exercise of his powers under sections 5(2), 23(1) and 24(3) and (6) of the Civil Aviation Act 1971(a) and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals under section 10 of the Tribunals and Inquiries Act 1971(b) hereby makes the following Regulations:—

1. These Regulations may be cited as the Civil Aviation Authority (Fourth Amendment) Regulations 1976 and shall come into operation on 29th July 1976.

2. The Interpretation Act 1889(c) shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. The Civil Aviation Authority Regulations 1972(d) as amended (e) shall be further amended as follows:—

(1) for Regulation 7(5) there shall be substituted the following:—

“(5) Any person of a description specified in regulation 14(1)(b) to (g) of these Regulations may apply to the Authority for the variation, suspension or revocation of an air transport licence, but, except as provided in regulation 9(3), no person may apply for the variation of such a schedule of terms as is mentioned in regulation 9 of these Regulations.”;

(2) to Regulation 9 there shall be added the following new paragraphs:—

“(3) An application for the variation of a schedule of terms to which this paragraph applies may be made by the holder of any air transport licence which includes a term requiring the holder of the licence to comply with that schedule of terms as varied from time to time by the Authority, and any such application shall for purposes of these Regulations be treated as an application for the variation of every air transport licence which contains such a term as aforesaid. This paragraph applies to any schedule of terms set out in a document published by the Authority and entitled the United Kingdom Domestic Air Tariff or the United Kingdom Cabotage Air Passenger Tariff.

(a) 1971 c. 75.

(b) 1971 c. 62.

(c) 1889 c. 63.

(d) S.I. 1972/178 (1972 I, p. 652).

(e) The relevant amending instrument is S.I. 1974/1389 (1974 II, p. 5358).

(4) The Authority shall maintain a list of the names and addresses of all persons who hold a licence which includes such a term as is referred to in paragraph (3) of this regulation and shall furnish copies of that list to any person who so demands.”;

(3) for Regulation 10(2) there shall be substituted the following:—

“(2) Where the person making the objection or representation is the holder of an air transport licence he shall, within twenty-four hours after it has been served on the Authority, serve a copy of it on—

(a) the applicant, if any;

(b) any other person who is the holder of the licence to which the application or proposal relates; and

(c) any person or body which the Authority is obliged by Regulation 11 of these Regulations to consult in respect of the application or proposal;

and where the person making the objection or representation is not the holder of an air transport licence, the Authority shall within seven days after the objection or representation has been served on the Authority, serve a copy of it on the said persons, indicating whether the person making the objection or representation wishes to be heard pursuant to Regulation 14 of these Regulations”;

(4) in Regulation 14(11) for “of being notified by the Authority of its decision of the case” there shall be substituted “of receiving notification in writing of the Authority’s decision of the case”;

(5) in Regulation 16(4) for “on which the Authority notifies the appellant of its decision” there shall be substituted “on which the appellant receives notification in writing of the Authority’s decision of the case” and for “of his being notified of the Authority’s decision of the case” there shall be substituted “of his receiving notification in writing of the Authority’s decision of the case”;

(6) in Regulation 16(6) after “any party to the appeal” there shall be inserted “(other than the appellant)”;

(7) in Regulation 21(2) after subparagraph (d) there shall be added:

“(dd) engaged in preparing a programme about civil aviation for television or radio”.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

30th June 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Civil Aviation Authority Regulations 1972. In addition to some minor amendments, the following changes are made:

- (1) The holder of any air transport licence which requires compliance with the Domestic Air Tariff or the Cabotage Air Passenger Tariff as a condition of the licence, may now apply to vary that tariff and such an application will be treated as an application to vary every air transport licence which contains the same condition. Previously only the Civil Aviation Authority could propose to vary the Domestic Air Tariff or the Cabotage Air Passenger Tariff (Regulations 7(5) and 9).
- (2) Persons who are not holders of current air transport licences and who wish to object or to make representations concerning an air transport licence application, are no longer required to serve copies of their objections or representations upon the applicant and certain other classes of person. This obligation will now rest upon the Authority (Regulation 10(2)).
- (3) An ambiguity in Regulation 16(6) has been removed by making it clear that an appellant cannot make a submission under that paragraph.
- (4) Persons engaged in preparing television or radio programmes about civil aviation have been added to the list of persons to whom the Authority is required, on payment of the charges payable under Section 9 of the Civil Aviation Act 1971, to furnish information received by it in pursuance of an Air Navigation Order in respect of incidents, defects in and malfunctioning of an aircraft or its equipment (Regulation 21).

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