

1987 No. 379

CIVIL AVIATION

**The Civil Aviation Authority (Amendment)
Regulations 1987**

<i>Made</i> - - - -	<i>9th March 1987</i>
<i>Laid before Parliament</i>	<i>19th March 1987</i>
<i>Coming into force</i>	<i>13th April 1987</i>

The Secretary of State for Transport, in exercise of his powers under section 7(2) of the Civil Aviation Act 1982(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 (Amendment) Regulations 1987 and shall come into force on 13th April 1987.

2. The Civil Aviation Authority Regulations 1983(c) shall be amended as follows:

(1) to regulation 6(8), there shall be added at the end:

“(c) apply where the Authority refuses to register or cancels or amends the registration of an aircraft or refuses to grant, grants in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval or rating pursuant to a direction given by the Secretary of State.”;

(2) for regulation 12(2), there shall be substituted:

“(2) Subject to paragraph (3) of this regulation, if the Authority proposes to revoke, suspend or vary an air transport licence on grounds other than those referred to in paragraph (1) of this regulation and otherwise than in pursuance of an application made to it in that regard, it shall publish particulars of the proposal and of the reasons for it, unless -

(a) the Secretary of State has directed the Authority to revoke, suspend or vary the licence as proposed or the proposal is made pursuant to a direction made by the Secretary of State under regulation 22(1) to re-hear the case;

(b) the Authority's duty under section 31(2) of the Airports Act 1986(d) (being a duty so to perform its air transport licensing functions as to secure that any traffic distribution rules in force under section 31 of the said Act are complied with) requires it to revoke, suspend or vary the licence as proposed;

- (c) except in the case of an environmental proposal, the Authority is satisfied that to dispense with publication is unlikely to prejudice the interests of any person of a description specified in regulation 19(1) and the holder of the licence consents to the proposal not being published.”;
- (3) for paragraph (a) of regulation 16 there shall be substituted:
“(a) the Channel Islands, without consulting such person or persons in Jersey, Guernsey and Alderney as from time to time may be notified by respectively the Bailiff of Jersey, the Bailiff of Guernsey and the President of the States of Alderney to the Secretary of State for the Home Department for the receipt of communications relating to air transport licensing applications;”;
- (4) for paragraph (b) of regulation 16 there shall be substituted:
“(b) the Isle of Man, without consulting the Isle of Man Department of Highways, Ports and Properties; or”;
- (5) to regulation 16, there shall be added at the end:
“(iii) the Authority’s duty under section 31(2) of the Airports Act 1986 requires it to refuse to grant or to revoke, suspend or vary the licence.”;
- (6) in regulation 18(2) after the words “whom the Authority proposes to hear in connection with the case” there shall be inserted the words
“and to any person consulted by the Authority pursuant to regulation 16 who has responded in writing”;
- (7) to regulation 19(1) there shall be added at the end:
“or where the Authority’s duty under section 31(2) of the Airports Act 1986 requires that the licence be refused, revoked, suspended or varied.”.
- (8) in regulation 19(4) after the words “whom it proposes to hear in connection with the case” there shall be inserted the words
“and on any person consulted by the Authority pursuant to regulation 16 who has responded in writing”;
- (9) in the proviso to regulation 19(4) after the words “whose interests are in the opinion of the Authority likely to be prejudiced by the granting of the application” there shall be inserted the words:
“and to any person consulted by the Authority pursuant to regulation 16”;
- (10) for regulation 20(5) there shall be substituted:
“Where any person consulted by the Authority pursuant to regulation 16 has responded in writing and that person or a person acting on behalf of that person attends the hearing the Authority shall give him opportunity at the hearing to make observations on the evidence and arguments advanced by the parties to the case and by any persons heard by the Authority pursuant to regulation 19(3). And where any such observations are made the Authority shall give the parties to the case, and any person heard pursuant to regulation 19(3), opportunity at the hearing to respond to them.”.

Signed by authority of
the Secretary of State
9th March 1987

Michael Spicer
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Aviation Authority Regulations 1983 ("the 1983 Regulations".) The changes are:-

(1) Where the Civil Aviation Authority is directed by the Secretary of State to refuse to put an aircraft on the United Kingdom register or to cancel or amend a registration or to refuse, revoke, suspend or vary a certificate, licence, approval or rating required by the Air Navigation Order, it may do so without complying with the procedures specified in regulation 6 of the 1983 Regulations (regulation 2(1)).

(2) Where traffic distribution rules made under section 31 of the Airports Act 1986 and the Authority's duty under sub-section (2) of that section so to carry out its air transport licensing functions as to secure that such rules are complied with, require that an air transport licence be refused, revoked, suspended or varied, the Authority is not required to hear interested parties, to consult, in relation to the Channel Islands, the persons specified in paragraph (a) of regulation 16, the Isle of Man Department of Highways, Ports and Properties or in relation to Gibraltar, the Secretary of State, or to publish notice of its proposal to revoke, suspend or vary a licence (regulation 2(2), (4) and (6)). Where traffic distribution rules may lead to refusal, revocation, suspension or variation of a licence but do not require such action, a hearing, consultation if appropriate, and publication of proposals is still required.

(3) In future the Authority is required to consult such person or persons as may be designated for that purpose by the Bailiffs of Jersey and Guernsey and the President of the States of Alderney rather than the Channel Islands Air Advisory Council before making any decision in relation to any air transport licence authorising flights to, from or within the Channel Islands (regulation 2(3)). The Authority is required to give notice of any preliminary meeting held to discuss the conduct of any case and notice of the hearing of any case to any person who has responded in writing after being consulted by the Authority pursuant to regulation 16 (which provides also for consultation with the Isle of Man Department of Highways, Ports and Properties and the Secretary of State in the case of decisions relating to flights to, from or within the Isle of Man or Gibraltar respectively) (regulations 2(5) and (7)). Where, for reasons of urgency, a hearing is held without such notice having been served provision is made for the Authority to give notice of the hearing to any person consulted by the Authority pursuant to regulation 16 even if they have not responded (regulation 2(8)). In addition, where a person consulted pursuant to regulation 16 has responded in writing and that person, or a person acting on his behalf, attends the hearing the Authority is required to give him opportunity at the hearing to make observations on the evidence and arguments advanced by the parties to the case and by any person heard by the Authority pursuant to regulation 19(3) of the 1983 Regulations and to give those persons opportunity at the hearing to respond to the observations (regulation 2(9)).