

1990 No. 9

CIVIL AVIATION

**The Civil Aviation Authority (Amendment) Regulations
1990**

<i>Made - - - -</i>	<i>5th January 1990</i>
<i>Laid before Parliament</i>	<i>8th January 1990</i>
<i>Coming into force</i>	<i>29th January 1990</i>

The Secretary of State for Transport, in exercise of his powers under sections 7(2) and 67(5) 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 1990 and shall come into force on 29th January 1990.

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

(1) After regulation 3(4) there shall be inserted the following—

“(5) For the purposes of Part III of these Regulations, a need to allocate scarce bilateral capacity arises when the Authority has been notified by the Secretary of State that in his opinion by virtue of any provision made by or under the terms of an air services agreement or other international agreement or arrangement, the United Kingdom’s share of the capacity on air transport services between the United Kingdom and another State which may be provided by British airlines, as defined for the purposes of section 4(1) of the Act, (whether capacity is expressed in terms of the number of passenger seats or the amount of cargo carrying space which may be offered for sale by such operators, or otherwise) will, within 6 months of the date of the notification, be insufficient to enable all persons holding air transport licences authorising them to operate such air transport services to make available all the capacity which they plan to provide.”;

(2) For the proviso (ii) to regulation 15(1) there shall be substituted the following—

“(ii) permit the Authority to specify a period of less than 21 days for the service of objections or representations in a case where it has made a proposal pursuant to regulation 12, unless it has proposed to—

(a) revoke, suspend or vary an air transport licence in accordance with a direction given by the Secretary of State;

(b) vary an air transport licence for the sole reason that there is a need to allocate scarce bilateral capacity.”;

(a) 1982 c.16.

(b) 1971 c.62.

(c) S.I. 1983/550, amended by S.I. 1987/379, 1989/1826.

(3) In regulation 21, before each of paragraphs (4), (6), (7) and (8) there shall be inserted "subject to paragraph 8A of this regulation" and after paragraph (8) there shall be inserted the following—

"8A. Where a case has come before the Authority solely because of a need to allocate scarce bilateral capacity, the references in paragraph 4 to 21 days shall be taken as references to 5 working days, the reference in paragraph 6 to 14 days shall be taken as a reference to 5 working days, the reference in paragraph 7 to 28 days shall be taken as a reference to 8 working days and in paragraph (8) for the words "within 14 days of the expiry of the period of 28 days" there shall be substituted "within 4 working days of the expiry of the period of 8 working days."."

Signed by authority of the Secretary of State for Transport

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

5th January 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Civil Aviation Authority Regulations 1983 to provide that where the Secretary of State has certified that the United Kingdom's share of the capacity on air transport services between the United Kingdom and another state will within 6 months be insufficient to enable British operators to make available all the capacity they plan to provide, the Civil Aviation Authority may propose to vary the relevant air transport licences in order to allocate the available capacity without giving 21 days for the service of objections and representations. The timescales for appeal to the Secretary of State in such cases is reduced (regulation 2(1), (2) and (3)).

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