
STATUTORY INSTRUMENTS

1991 No. 1672

The Civil Aviation Authority Regulations 1991

PART II

**FUNCTIONS CONFERRED ON THE AUTHORITY
BY OR UNDER AIR NAVIGATION ORDERS**

Regulation of the conduct of the Authority

6.—(1) The functions conferred on the Authority by or under Air Navigation Orders with respect to:

- (a) registration of aircraft;
- (b) certification of operators of aircraft;
- (c) certification of airworthiness of aircraft;
- (d) noise certification;
- (e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;
- (f) ersonnel licensing;
- (g) licensing of aerodromes;
- (h) validation of any certificate or licence;
- (i) pproval of equipment and approval or authorisation of persons;
- (j) pproval of schemes for the regulation of the flight times of aircraft crew;
- (k) receiving reports of reportable occurrences;

are hereby prescribed for the purposes of section 7(2) of the Act.

(2) Subject to paragraphs (8) and (9) of this regulation, a decision with respect to any of the matters referred to in paragraph (1) of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, validate, refuse to validate, revoke, suspend, vary or refuse to vary a certificate, licence, approval, authorisation or rating, may be made on behalf of the Authority only by a member or employee of the Authority.

(3) Subject to paragraphs (8), (9) and (10) of this regulation, where—

- (a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the United Kingdom; or
- (b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the Authority shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Authority.

- (4) Subject to paragraphs (8), (9) and (10) of this regulation, where is is proposed to—
- (a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the United Kingdom; or
 - (b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating otherwise than on the application of the holder;

the authority shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Authority a request that the case be decided by the Authority and not by any other person on its behalf.

(5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure request that the Authority determine whether the test or examination was properly conducted.

- (a) (6) (a) the function of deciding a case where such a request as is referred to in paragraph (3), (4) or (5) of this regulation has been duly served on the Authority is hereby prescribed for the purposes of section 7(1) of the Act: and for the purpose of making any decision in such a case a quorum of the Authority shall be one member.
- (b) The Authority shall sit with such technical assessors to advise it as the Authority may appoint, but the Authority shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing the test or examination which is to be the subject of the Authority's decision.

(7) Where such a request has been duly served the Authority shall, before making a decision, consider any representations which may have been served on it by the person concerned within 21 days after the date of service of the notice given by the Authority pursuant to paragraphs (3), (4) or (5) of this regulation.

- (8) Nothing in this regulation shall—
- (a) prevent the Authority or any person authorised so to act on behalf of the Authority from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect under an Air Navigation Order, pending inquiry into or consideration of the case;
 - (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;
 - (c) apply where the Authority refuses to register or cancels or amends the registration of an aircraft or refuses to grant or validate, grants or validates in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval, authorisation or rating pursuant to a direction given by the Secretary of State.

- (9) Nothing in paragraphs (2), (3) or (4) of this regulation shall apply—
- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;
 - (b) where pursuant to its duty under section 5 of the Act, the Authority refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.

- (10) Nothing in paragraphs (3) or (4) of this regulation shall apply where the Authority—
- (a) refuses an application by the holder of an aerodrome licence for the substitution of an ordinary aerodrome licence for a public use aerodrome licence; or

- (b) proposes, otherwise than on the application of the licence holder, to substitute a public use aerodrome licence for an ordinary aerodrome licence.

Reasons for decisions

7. Where the Authority makes a decision pursuant to regulation 6(6) it shall be the duty of the Authority to serve a statement of its reasons for the decision on the person concerned.

Inspection of aircraft register

8. The Authority shall, at all reasonable times and upon payment to it of any applicable charge under section 11 of the Act for inspecting the register, make the register of aircraft available for inspection by any person.

Dissemination of reports of reportable occurrences

9. The Authority shall make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is:

- (a) the operator or member of the flight crew of any aircraft;
- (b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of parts or equipment therefor;
- (c) the aeronautical authority of a country other than the United Kingdom, or the representative in the United Kingdom of such an authority;
- (d) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;
- (e) engaged in preparing a programme about civil aviation for television or radio;
- (f) engaged in the study of civil aviation for any academic purpose; or
- (g) any other person whose functions include the furthering of the safety of civil aviation:

Provided that the Authority shall not be required to make available any report or summary thereof to any person if it is satisfied that to do so will not further the safety of civil aviation.

Substitution of a public use aerodrome licence for an ordinary aerodrome licence or of an ordinary aerodrome licence for a public use aerodrome licence

10.—(1) The Authority shall refuse to consider an application for the substitution of an ordinary aerodrome licence for a public use aerodrome licence unless:

- (a) the application is made by the holder of the licence;
- (b) it contains a statement of the grounds on which the application is made; and
- (c) the application is accompanied by any applicable charge under section 11 of the Act.

(2) The Authority shall refuse to consider an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence unless—

- (a) it is made by—
 - (i) the holder of the licence;
 - (ii) any other holder of an aerodrome licence granted under an Air Navigation Order;
 - (iii) the holder of any air operator's certificate granted under an Air Navigation Order;
 - (iv) the holder of any air transport licence granted under the Act; or

- (v) the operator of any aircraft who satisfies the Authority that an aircraft operated by him has, during the 12 months immediately preceding the date on which the application is made, been granted or refused permission to land at or take off from the aerodrome to which the licence relates;
- (b) it contains a statement of the grounds on which the application is made;
- (c) the application is accompanied by any applicable charge under section 11 of the Act; and
- (d) if made by someone other than the holder of the ordinary aerodrome licence, a copy of the application has been served on the holder within 24 hours after it has been served on the Authority.

(3) The Authority shall as soon as may be after an application has been served upon it in accordance with this regulation publish such particulars of the application as it thinks necessary for indicating the substance of the application and shall make a copy of the application available at its principal office for inspection by any person at any reasonable time:

Provided that nothing herein shall require the Authority to publish an application for the substitution of a public use aerodrome licence for an ordinary aerodrome licence which is made by the holder of the licence.

(4) If the Authority proposes to substitute a public use aerodrome licence for an ordinary aerodrome licence it shall serve on the holder of that licence particulars of the proposal and of the reasons for it and shall publish those particulars and reasons.

11. Any person may serve on the Authority an objection to or representation about an application or proposal published pursuant to regulation 10 if—

- (a) he does so within 21 days after the date of publication;
- (b) he serves a copy of his objection or representation on the applicant and on the holder of the aerodrome licence to which the application or proposal relates within 24 hours after it has been served on the Authority; and
- (c) he states the grounds of his objection or representation.

12. Before the date fixed for the hearing of a case pursuant to regulation 13, the Authority shall serve on any person who has the right to be heard in connection with the case or whom the Authority proposes to hear a copy of, or a summary of, any information in the possession of the Authority which has been provided in connection with the case or which the Authority has reason to believe will be referred to at the hearing of the case:

Provided that before serving such information which has been provided by any other person (not being a person who has provided information in connection with the case but does not wish to be heard), the Authority shall consult that person and shall not serve any information which in its opinion relates to the commercial or financial affairs of the person who has provided it and cannot be disclosed to the prospective recipient without disadvantage to the person who has provided it which, by comparison with the advantage to the public and the prospective recipient of disclosure to him, is unwarranted.

13.—(1) Before any decision is made on an application or proposal published pursuant to regulation 10 the following persons shall have a right to be heard:

- (a) the applicant;
- (b) the holder of any air transport licence;
- (c) the holder of any air operator's certificate granted under an Air Navigation Order;
- (d) the holder of any aerodrome licence granted under an Air Navigation Order;

- (e) such persons (being persons who wish to be heard and who have served objections or representations pursuant to regulation 11 expressing the views of operators of aircraft described in regulation 10(2)(a)(v)) as appear to the Authority to be representative of those who have served such objections or representations:

Provided that no person (other than the applicant and the holder of the licence to which the decision will relate) shall have a right to be heard unless he has served an objection or representation pursuant to regulation 11 and in so doing has stated that he wishes to be heard.

- (2) Notwithstanding that a person does not have a right to be heard, the Authority may, if it thinks fit, hear him:

Provided that no person shall be heard pursuant to this paragraph unless he has served an objection or representation pursuant to regulation 11.

- (3) No hearing shall be held pursuant to this regulation unless the Authority has served on all persons having a right to be heard and whom it proposes to hear in connection with the case not less than 14 days' notice of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates: a similar notice shall be published not less than 7 days before the date of the hearing, and shall be exhibited in a public place in the Authority's principal office during the 7 days immediately preceding the date of the hearing.

14.—(1) The function of making a decision on an application or proposal published pursuant to regulation 10 is hereby prescribed for the purposes of section 7(1) of the Act, and for the purposes of making such a decision and of conducting a hearing pursuant to regulation 13 a quorum of the Authority shall be two members:

Provided that the quorum shall be one member, if the persons having the right to be heard in connection with the case have so consented.

- (2) Hearings shall be conducted by the Authority, sitting with such employees of the Authority acting as advisers as it thinks fit.

- (3) At a hearing every party to the case may appear in person or be represented by any other person whom he may have authorised to represent him and may produce oral and written evidence and may examine any other party to the case, any person whom the Authority hears pursuant to regulation 13(2) and any witnesses produced by any such party or person: the Authority may, to such extent as it thinks fit, permit any person heard by it pursuant to regulation 13(2) to exercise at the hearing the rights set out in this paragraph of a party to the case.

- (4) Any person who has served an objection or representation pursuant to regulation 11 but who does not wish to be heard, may make a written submission which he shall serve on the Authority not less than 3 working days before the date fixed for the hearing of the case.

- (5) Every hearing shall be held in public unless the Authority shall otherwise decide in relation to the whole or part of a particular case, but nothing in this regulation shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending a hearing in his capacity as such.

- (6) The failure of the Authority or of any person to give notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Authority; and the Authority may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before reaching its decision to cure the irregularity, whether by the giving of notice or otherwise.

- (7) All the proceedings at a hearing of the Authority in connection with the case shall be recorded by a shorthand writer or by some other means, and if any person requests a record of the proceedings the Authority shall cause a mechanical recording or transcript of the shorthand or other record to be made available for purchase by that person at a reasonable price:

Provided that—

- (a) the Authority shall not be required to make available a mechanical recording or transcript of the record of the proceedings at any time after the expiry of one year from the day of publication of its decision of the case; and
- (b) a mechanical recording or transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case or by any other person heard by the Authority at those proceedings.

(8) The Authority shall furnish a statement of its reasons for the decision to the parties to the case and to any person whom it has heard in connection with the case:

Provided that no statement of reasons need be furnished when an application is granted on the application of the holder of the licence to which the decision relates and no objections or representations have been served pursuant to regulation 11.

(9) The Authority may exclude from its statement of reasons furnished to any person (hereinafter referred to as “the relevant person” any matter if it considers it necessary to do so for the purpose of withholding from the relevant person information which in the opinion of the Authority relates to the commercial or financial affairs of another person and cannot be disclosed to the relevant person without disadvantage to the other person which, by comparison with the advantage to the public and the relevant person of disclosure to him, is unwarranted.

(10) The Authority may publish in such manner as it thinks fit particulars of, and its reasons for, any decision taken by it with respect to an application published pursuant to regulation 10.