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STATUTORY INSTRUMENTS

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**2000 No. 1562**

**The Air Navigation Order 2000**

PART XI

GENERAL

*Appeal to County Court or Sheriff Court*

**128.**—(1) Subject to paragraphs (2) and (3), an appeal shall lie to a county court from any decision of the CAA that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller, student air traffic controller or flight information service officer, and if the court is satisfied that on the evidence submitted to the CAA it was wrong in so deciding, the court may reverse the CAA's decision and the CAA shall give effect to the court's determination.

(2) An appeal shall not lie from a decision of the CAA that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(a) (3) (a) If the appellant resides or has his registered or principal office in Scotland the appeal shall lie to the sheriff within whose jurisdiction he resides and the appeal shall be brought within 21 days from the date of the CAA's decision or within such further period as the sheriff may in his discretion allow.

(b) Notwithstanding any provision to the contrary in rules governing appeals to a county court in Northern Ireland, if the appellant resides or has his registered or principal office in Northern Ireland the appeal shall lie to the county court held under the County Courts (Northern Ireland) Order 1980<sup>(1)</sup>.

(4) The CAA shall be a respondent to any appeal under this article.

(5) For the purposes of any provision relating to the time within which an appeal may be brought, the CAA's decision shall be deemed to have been taken on the date on which the CAA furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.

(6) In the case of an appeal to the sheriff:

(a) the sheriff may, if he thinks fit, and shall on the application of any party, appoint one or more persons of skill and experience in the matter to which the proceedings relate to act as assessor, but where it is proposed to appoint any person as an assessor objection to him either personally or in respect of his qualification may be stated by any party to the appeal and shall be considered and disposed of by the sheriff;

(b) the assessors for each sheriffdom shall be appointed from a list of persons approved for the purposes by the sheriff principal and such a list shall be published in such manner as the sheriff principal shall direct and shall be in force for 3 years only, but persons entered in any such list may be again approved in any subsequent list; it shall be lawful for the

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<sup>(1)</sup> SI 1980/397 (NI 3).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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sheriff principal to defer the preparation of such a list until application has been made to appoint an assessor in an appeal in one of the courts in his sheriffdom;

- (c) the sheriff before whom an appeal is heard with the assistance of an assessor shall make a note of any question submitted by him to such assessor and of the answer thereto;
- (d) an appeal shall lie on a point of law from any decision of a sheriff under this article to the Court of Session.