
STATUTORY INSTRUMENTS

2009 No. 41

The Operation of Air Services in the Community Regulations 2009

PART 1

Operating licences

Existing operating licences

4. A licence granted by the CAA under Council Regulation (EC) 2407/92 of 23rd July 1992 on licensing of air carriers^{M1} shall, in relation to times on or after 26th January 2009, be deemed for all purposes (including for the purposes of any enactment) to be an operating licence granted by the CAA under the EC Regulation.

Marginal Citations

M1 OJ L 240, 24.8.1992, p. 1.

Competent licensing authority in relation to operating licences

5. The CAA is the competent licensing authority for the United Kingdom for the purposes of Articles 3 to 11, 14 and 15(3) of the EC Regulation.

Proof of good repute etc.

6. For the purpose of ensuring that an applicant for or holder of an operating licence granted by the CAA complies with Article 4(i) and 7 of the EC Regulation, the CAA may require proof that the person who continuously and effectively manages that undertaking—

- (a) is not an undischarged bankrupt, and
- (b) is otherwise of good repute.

Suspension and revocation

7.—(1) The CAA may revoke or suspend an operating licence that it has granted.

(2) The CAA may exercise its powers under paragraph (1) only after notifying the licence holder of its intention to do so and after due consideration of the case and any representations made by the licence holder.

Date of revocation or suspension of an operating licence

8.—(1) Where the CAA revokes or suspends an operating licence that it has granted—

- (a) on the application of the holder, or

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- (b) in consequence of a request made by the Commission under Article 15(3) of the EC Regulation,

unless otherwise specified by the CAA the revocation or suspension has effect on and from the day after the date on which the holder is notified of the decision.

(2) In all other cases a revocation or suspension does not take effect before the expiry of the 14-day period specified in paragraph 3 of Schedule 2.

(3) If an appeal in accordance with regulation 9(1) is brought within the 14-day period specified in paragraph 3 of Schedule 2, the revocation or suspension does not take effect before the determination or abandonment of the appeal.

Appeal to the Secretary of State

9.—(1) Where the CAA—

- (a) refuses to grant an operating licence, or
- (b) decides to revoke or suspend a licence that it has granted,

the applicant for or the holder of the licence may appeal to the Secretary of State.

(2) Paragraph (1) does not apply if the reason for the CAA's decision is a request by the Commission under Article 15(3) of the EC Regulation.

(3) If the CAA decides that the holder of a licence that it has granted has not implemented corrective measures specified in a request made by the Commission under Article 15(3) the licence holder may appeal to the Secretary of State.

(4) The provisions of Schedule 2 apply to any appeal.

Restriction on carriage of passengers by an air carrier

10.—(1) Where this paragraph applies a Community air carrier must not carry by air on a flight a passenger for remuneration or hire.

(2) Paragraph (1) applies where a person has made accommodation for carriage on that flight available to that passenger in circumstances where that person is obliged to but does not hold a licence required by the Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995 ^{M2}.

Marginal Citations

M2 S.I. 1995/1054, as amended by S.I. 1997/2912, S.I. 2003/1741 and S.I. 2007/2999.

Offences relating to operating licences

11.—(1) It is an offence for a person knowingly or recklessly to carry by air passengers, mail or cargo for remuneration or hire without an appropriate operating licence granted by the CAA in circumstances where such a licence is required by the EC Regulation.

(2) For the purposes of determining whether an offence has been committed under paragraph (1), it is immaterial that such carriage occurred outside the United Kingdom if when it occurred the person—

- (a) was a United Kingdom national,
- (b) was a body incorporated under the law of any part of the United Kingdom, or
- (c) was a person (other than a United Kingdom national or such a body) maintaining a place of business in the United Kingdom.

12. A Community air carrier is guilty of an offence if it knowingly or recklessly carries by air any passenger in breach of regulation 10.

13. It is an offence for a person knowingly or recklessly to provide information that is false in a material particular, for the purpose of—

- (a) obtaining an operating licence for that person,
- (b) procuring an operating licence for another person, or
- (c) maintaining an operating licence.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 5(1) reg. 5 renumbered as reg. 5(1) by [S.I. 2018/1392 Sch. 1 para. 4\(a\)](#)
- reg. 5(1) words substituted by [S.I. 2018/1392 Sch. 1 para. 4\(b\)](#)
- reg. 5(2) inserted by [S.I. 2018/1392 Sch. 1 para. 4\(c\)](#)
- reg. 17(2A) inserted by [S.I. 2018/1392 Sch. 1 para. 9\(b\)](#)