

## [<sup>F1</sup>SCHEDULE 3

Regulation 15

### Appeal against Secretary of State decisions under regulation 15

**F1** Schs. 3, 4 inserted (6.4.2013) by [The Operation of Air Services in the Community \(Pricing etc.\) Regulations 2013 \(S.I. 2013/486\)](#), regs. 1, **37(7)**

1. Subject to paragraphs 3 and 4, an applicant may appeal to a county court from any determination of the Secretary of State under regulation 15 as to whether one of the conditions set out in Article 13(3)(b) of the EU Regulation is fulfilled.
2. If the court is satisfied that on the evidence submitted to the Secretary of State, the Secretary of State's determination was wrong, the court may reverse the Secretary of State's determination and the Secretary of State must give effect to the court's determination.
3. If the appellant resides or has a registered or principal office in Scotland the appeal may be made to the sheriff court within whose sheriffdom the appellant resides or, as the case may be, has a registered or principal office and the appeal must be brought within 21 days from the date of the Secretary of State's determination, or within such further period as the sheriff may allow.
4. If the appellant resides or has a registered or principal office in Northern Ireland the appeal may be made to the county court held under the County Courts (Northern Ireland) Order 1980 for the division in which the appellant resides or, as the case may be, has a registered or principal office.
5. For the purposes of any provision relating to the time within which an appeal may be brought, the Secretary of State's determination is deemed to have been taken on the date on which the Secretary of State furnished a statement of the reasons for the determination to the applicant for an approval for operation of an aircraft under a wet lease agreement.]

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Operation of Air Services in the Community Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**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\(b\)](#)