



Civil Aviation Act 1971

1971 CHAPTER 75

PART II

REGULATION OF CIVIL AVIATION

Regulation of carriage by air for reward

24 Supplementary provisions relating to air transport licensing

- (1) Regulations may make provision as to the circumstances in which an air transport licence shall or may be transferred or treated as if granted to a person other than the person to whom it was granted.
- (2) If the Secretary of State considers that it may be expedient for him to give guidance or different guidance to the Authority in pursuance of section 3(2) of this Act and that until he has decided whether to do so the Authority ought not to perform one or more of the functions conferred on it by section 22 or 23 of this Act, he may give the Authority a direction requiring that in any case or class of case specified in the direction the Authority shall not perform any of those functions which is so specified until the Secretary of State cancels the direction; and if the Authority considers that it may be expedient for the Secretary of State to give such guidance or different guidance and that until he has decided whether to do so the Authority ought not to perform one or more of the functions aforesaid, the Authority may request the Secretary of State to consider whether to give such guidance or different guidance and may postpone the performance of the function in question in any case or class of case until such time as the Secretary of State may determine.
- (3) Where the Authority takes a decision to grant, refuse to grant, vary, suspend or revoke a licence it shall be the duty of the Authority, subject to the following subsection, to furnish a statement of its reasons for the decision to the applicant for the licence or, as the case may be, to the holder or former holder of it and to any other person who in accordance with regulations has entered an objection in the case or requested such a statement, so however that no statement of reasons need be furnished in pursuance of this subsection in a case in which no such objection has been entered and no such

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request has been made and the decision is taken in pursuance of, and is in the terms requested in, an application for the grant of a licence or an application by the holder of a licence for the variation, suspension or revocation of it.

- (4) If the Authority has reason to believe that the furnishing of a statement of reasons in pursuance of the preceding subsection might be contrary to the interests of national security or might affect adversely the relations of the United Kingdom with any other country or territory, it shall be the duty of the Authority to give notice of the case to the Secretary of State and, if he so directs, to refrain from furnishing the statement in question or to exclude from the statement such matter as is specified in the direction; and the Authority may refrain from furnishing a statement of reasons in pursuance of the preceding subsection to a person who is an applicant for or holder or former holder of a licence or has in accordance with regulations entered an objection in the case or requested such a statement (hereafter in this subsection referred to as a "relevant person") or may exclude matter from a statement furnished in pursuance of that subsection to a relevant person if the Authority 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 its disclosure to him, is unwarranted.
- (5) The Authority may publish in such manner as it thinks fit particulars of, and of its reasons for, any decision taken by it with respect to a licence or an application for a licence.
- (6) The Secretary of State shall make regulations—
- (a) conferring on persons of prescribed descriptions a right to appeal to the Secretary of State from any decision of the Authority with respect to or to an application for a licence;
 - (b) authorising the Secretary of State on such an appeal to direct the Authority to reverse or vary the decision in question and in consequence to do or refrain from doing such other things as may be specified in the direction; and
 - (c) containing such provisions as the Secretary of State thinks fit with respect to such an appeal, which (without prejudice to the generality of the preceding provisions of this paragraph) may include provisions as to—
 - (i) the time within which an appeal must be brought,
 - (ii) the persons in addition to the appellant who are to be parties to an appeal, and
 - (iii) the liability of any of the parties in respect of costs or expenses incurred in connection with an appeal;

and the Secretary of State shall, when considering whether to give a direction in pursuance of regulations made by virtue of paragraph (b) of this subsection and when considering the terms of any such direction, have regard in particular to the duties imposed on the Authority by section 3 of this Act.

- (7) A person who, for the purpose of obtaining for himself or another person either a licence or a variation of a licence or the cancellation of the suspension of a licence, knowingly or recklessly furnishes to the Authority or the Secretary of State any information which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £400 and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.