Changes to legislation: *Civil Aviation Act 2012, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

Section 13

APPEALS AGAINST DETERMINATIONS

Appeals against determinations

1 (1) The following may appeal to the Competition Appeal Tribunal against a market power determination in respect of an airport area—

(a) a person who is the operator of the area at the time the determination is made, and

(b) any other person whose interests are materially affected by the determination.

(2) A person who is the subject of an operator determination may appeal to the Competition Appeal Tribunal against the determination.

(3) The making of an appeal under this paragraph in respect of a determination does not suspend the effect of the determination, unless the Competition Appeal Tribunal orders otherwise.

Commencement Information

I1 Sch. 1 para. 1 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Notice of appeal

2 (1) An appeal under paragraph 1 against a determination must be made by sending a notice of appeal to the Registrar of the Competition Appeal Tribunal.

(2) The notice must be received by the Registrar before the end of the period of 60 days beginning with the relevant day.

(3) In this paragraph "the relevant day" means the later of—

(a) the day on which the CAA publishes the notice of the determination, and

(b) the day on which the CAA publishes the reasons for the determination.

(4) Sub-paragraphs (1) and (2) have effect subject to provision in rules made under section 15 of the Enterprise Act 2002 (Tribunal rules) after this Schedule comes into force—

(a) as to the person to whom a notice of an appeal under paragraph 1 must be given;

(b) providing that such a notice must be received within a longer or shorter period beginning with the relevant day.

Changes to legislation: *Civil Aviation Act 2012, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I2 Sch. 1 para. 2 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Decisions on appeal

3 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1 only to the extent that it is satisfied that the market power determination or operator determination appealed against was wrong on one or more of the following grounds—

(a) that the determination was based on an error of fact;

(b) that the determination was wrong in law;

(c) that an error was made in the exercise of a discretion.

(2) It may—

(a) confirm or set aside all or part of the market power determination or operator determination;

(b) direct the CAA to make a further determination;

(c) give the CAA such other directions as it considers appropriate, including directions about the time within which the CAA must act.

(3) It may not direct the CAA to do anything that the CAA would not have power to do apart from the direction.

(4) The CAA must comply with directions under this paragraph.

(5) If the CAA fails to comply with a direction to make a further market power determination in respect of an airport area within the time specified by the Competition Appeal Tribunal, the Tribunal may make the determination.

(6) If the Competition Appeal Tribunal makes a market power determination under sub-paragraph (5)—

(a) the determination has effect as if made by the CAA, and

(b) section 8 applies in relation to the determination as if the references to the CAA were references to the Competition Appeal Tribunal.

(7) If the CAA fails to comply with a direction to make a further operator determination in respect of a person and an airport area within the time specified by the Competition Appeal Tribunal, the Tribunal may make the determination.

(8) If the Competition Appeal Tribunal makes an operator determination under sub-paragraph (7)—

(a) the determination has effect as if made by the CAA under section 10(1), and

(b) sections 10(2) and 11(1) to (3) and (5) apply in relation to the determination as if the references to the CAA were references to the Competition Appeal Tribunal.

Commencement Information

I3 Sch. 1 para. 3 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Changes to legislation: *Civil Aviation Act 2012, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Effect of suspending or setting aside market power determination

4 (1) This paragraph applies where—

(a) the CAA publishes a notice of a market power determination ("determination A") in respect of an airport area ("area Z"),

(b) the CAA subsequently publishes a notice of another market power determination ("determination B") in respect of all or part of area Z or in respect of an area that includes all or part of area Z,

(c) determination A ceases to have effect in respect of all or part of area Z by virtue of section 7(9) or (10), and

(d) there is subsequently an appeal under this Schedule against determination B.

(2) If the effect of determination B is suspended under paragraph 1(3), determination A has effect again during the period of suspension, unless the Competition Appeal Tribunal orders otherwise.

(3) If all or part of determination B is set aside at the end of a period of suspension, determination A continues to have effect after the end of the period of suspension, unless the Competition Appeal Tribunal orders otherwise.

(4) If all or part of determination B is set aside otherwise than at the end of a period of suspension, determination A has effect again from the setting aside, unless the Competition Appeal Tribunal orders otherwise.

(5) If the suspension or setting aside of determination B only affects part of area Z, or an area that includes part of area Z, the references in sub-paragraphs (2) to (4) to determination A are to be treated as references to that determination so far as it relates to that part of area Z.

(6) Sub-paragraphs (2) to (4) do not apply if determination B is suspended or set aside only so far as it relates to an area that does not include any part of area Z.

(7) Nothing in sub-paragraphs (3) to (5) affects the operation of section 7(9) or (10) where notice is published of a further market power determination in respect of all or part of area Z or in respect of an area that includes all or part of area Z.

Commencement Information

I4 Sch. 1 para. 4 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Appeals to Competition Appeal Tribunal: supplementary

5 (1) When deciding an appeal under paragraph 1 (including giving directions), making an order under paragraph 1 or 4 or making a market power determination or operator determination, the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 1.

(2) When deciding an appeal under paragraph 1 relating to a market power determination (including giving directions) or making such a determination, the Competition Appeal Tribunal must have regard to the notices, guidance, advice and information described in section 6(10).

Changes to legislation: *Civil Aviation Act 2012, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I5 Sch. 1 para. 5 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Further appeals

6 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 3 or 4(3) or (4), including a direction.

(2) An appeal under this paragraph against a decision relating to a market power determination may be brought by—

(a) a party to the proceedings before the Competition Appeal Tribunal, or

(b) a person whose interests are materially affected by the decision or direction.

(3) An appeal under this paragraph against a decision relating to an operator determination may be brought by a party to the proceedings before the Competition Appeal Tribunal.

(4) An appeal may not be brought under this paragraph without the permission of—

(a) the Competition Appeal Tribunal, or

(b) the appropriate court.

(5) "The appropriate court" means—

(a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, the Court of Appeal, or

(b) in the case of an appeal from proceedings in Scotland, the Court of Session.

Commencement Information

I6 Sch. 1 para. 6 in force at 6.4.2013 by S.I. 2013/589, **art. 2(1)-(3)**

Changes to legislation:
Civil Aviation Act 2012, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 61(12) inserted by 2024 c. 13 Sch. 29 para. 1(2)
- s. 63(3A) inserted by 2024 c. 13 Sch. 29 para. 1(3)
- s. 86(4)(a) word inserted by 2024 c. 13 Sch. 12 para. 6(4)(a)
- s. 86(4)(b) word inserted by 2024 c. 13 Sch. 12 para. 6(4)(b)
- s. 86(7)(b) word inserted by 2024 c. 13 Sch. 12 para. 6(5)