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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Paragraph 3. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### APPEALS AGAINST DETERMINATIONS

##### *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 subparagraph (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 subparagraph (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.

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**Commencement Information**

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

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