

SCHEDULES

SCHEDULE 10

REGULATION OF OPERATORS OF DOMINANT AIRPORTS: TRANSITIONAL PROVISION

PART 1

REGULATION

Designation and de-designation during interim period

- 5 (1) During the interim period, an order may not be made designating an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order.
- (2) Section 40A(1) of the 1986 Act and Article 31A(1) of the 1994 Order (duty to designate airports in specified circumstances) do not require an order designating an airport for those purposes to be made during the interim period.
- (3) During the interim period, an order designating an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order—
- (a) must be revoked if the CAA makes, and publishes a notice of, a determination that the market power test is not met in relation to the designated airport (subject to sub-paragraph (4)), and
 - (b) may not otherwise be revoked.
- (4) During the interim period, such an order must not be revoked—
- (a) during the period in which a person may appeal to the Competition Appeal Tribunal against the determination,
 - (b) at a time when the effect of the determination is suspended or the Secretary of State or the Department of the Environment in Northern Ireland considers that it may be suspended, or
 - (c) if all or part of the determination has been set aside or quashed.
- (5) Where—
- (a) a request is made during the interim period for an order revoking the designation of an airport for the purposes of section 40 of the 1986 Act or Article 31 of the 1994 Order, and
 - (b) the Secretary of State or the Department of the Environment in Northern Ireland does not make the order, or decide not to make the order, before the end of that period,
- the request is to be treated after the end of the interim period as a request to the CAA for a market power determination in respect of the airport area consisting of the whole of the airport.
- (6) In this paragraph, references to an airport are to an airport as defined in the 1986 Act or the 1994 Order, except in the expressions “airport area” and “dominant airport”.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012,
Cross Heading: Designation and de-designation during interim period. (See end of Document for details)

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Commencement Information

II Sch. 10 para. 5 in force at 6.4.2013 by S.I. 2013/589, art. 2(1)-(3)

Changes to legislation:

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