
Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Paragraph 35. (See end of Document for details)

SCHEDULES

SCHEDULE 2

APPEALS UNDER SECTIONS 24 AND 25

PART 6

GENERAL

Interpretation

35 (1) In this Schedule—

“appeal” means an appeal under section 24 or 25;

“appeal rules” means rules under paragraph 31;

“the appropriate court” means—

(a) in relation to England and Wales and Northern Ireland, the High Court, and

(b) in relation to Scotland, the Court of Session;

[^{F1}“authorised member of the Competition and Markets Authority—

(a) in relation to a power exercisable in connection with an appeal or application or direction in respect of which a group has been constituted by the chair of the Competition and Markets Authority under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the Competition and Markets Authority to exercise that power;

(b) in relation to a power exercisable in connection with an application for permission to bring an appeal, or otherwise in connection with an appeal or application or direction in respect of which a group has not been so constituted by the chair of the Competition and Markets Authority, means—

(i) any member of the CMA Board who is also a member of the CMA panel, or

(ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question;]

^{F2} ...

^{F3} ...

[^{F4} “ CMA Board ” and “ CMA panel ” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;]

“intervener”, in relation to an appeal, means a person who has been granted permission to intervene in the appeal and who has not withdrawn from the appeal (but see paragraph 32(8));

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“statement of truth”, in relation to the production of a statement or in relation to information provided by a person, means a statement that the person producing that statement or providing that information believes the facts contained in the statement or the information to be true.

- (2) References in this Schedule to a party to an application are to—
- (a) the applicant, or
 - (b) the CAA.
- (3) References in this Schedule to a party to an appeal are to—
- (a) the appellant,
 - (b) an intervener, or
 - (c) the CAA.
- (4) For the purposes of this Schedule and sections 28 and 29, a person has a qualifying interest in a decision that is the subject of an appeal or an application under this Schedule for permission to appeal if—
- (a) the person has been granted permission to appeal against the decision and has not withdrawn the appeal,
 - (b) the person has applied for permission to appeal against the decision and the application has not been withdrawn or refused,
 - (c) the person has been granted permission to intervene in an appeal against the decision and the appeal has not been withdrawn,
 - (d) the person has applied for permission to intervene in an appeal against the decision and the application has not been withdrawn or refused, or
 - (e) the person has applied for a direction under this Schedule suspending the effect of the decision, the application has not been withdrawn or refused and any direction made in response to the application has not been withdrawn.

Textual Amendments

- F1** Words in Sch. 2 para. 35(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 2 para. 35(1) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in Sch. 2 para. 35(1) omitted (1.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in Sch. 2 para. 35(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(33\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I1** Sch. 2 para. 35 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

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