

SCHEDULES

SCHEDULE 2

ENFORCEMENT OF AIRSPACE CHANGE DIRECTIONS AND CONNECTED APPEALS

PART 2

APPEALS

Appeals against enforcement orders

- 13 (1) A person may appeal to the Tribunal against—
- (a) an enforcement order given to the person;
 - (b) a modification of an enforcement order given to the person.
- (2) The appeal may be against one or more of the following—
- (a) the decision to give the order;
 - (b) the decision as to the steps specified in the order;
 - (c) the decision as to the period allowed for taking those steps;
 - (d) the decision to modify the order.
- (3) The making of an appeal under this paragraph suspends the effect of the order or the modification (as the case may be) until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

Appeals against penalties

- 14 (1) A person may appeal to the Tribunal against a penalty imposed on the person under paragraph 4.
- (2) The appeal may be against one or more of the following—
- (a) the decision to impose the penalty;
 - (b) the decision as to the amount of the penalty;
 - (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, the decision as to the period during which the daily amounts accumulate;
 - (d) the decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

Decisions on appeal

- 15 (1) The Tribunal may allow an appeal under paragraph 13 or 14 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—
- (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that an error was made in the exercise of a discretion.
- (2) If the Tribunal allows an appeal under paragraph 13, the Tribunal may set aside or confirm the enforcement order or the modification (as the case may be).
- (3) If the Tribunal does not allow an appeal under paragraph 13, the Tribunal must confirm the enforcement order or the modification (as the case may be).
- (4) If the Tribunal allows an appeal under paragraph 14, the Tribunal may—
- (a) set aside or confirm the penalty;
 - (b) vary the amount of the penalty;
 - (c) vary a period referred to in paragraph 14(2)(c) or (d).
- (5) If the Tribunal does not allow an appeal under paragraph 14, the Tribunal must confirm the penalty.

Further appeals

- 16 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Tribunal under paragraph 15.
- (2) An appeal under this paragraph may be brought by a party to the proceedings before the Tribunal.
- (3) An appeal may not be brought without the permission of—
- (a) the Tribunal, or
 - (b) the appropriate court.
- (4) In this paragraph “the appropriate court”—
- (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;
 - (b) in the case of an appeal from proceedings in Scotland, means the Court of Session.