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SCHEDULES

[^{F1}SCHEDULE A1

Section 19F

APPEALS UNDER SECTION 19A

Textual Amendments

- F1** Sch. A1 inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), ss. 9(4), 21(3)-(7), [Sch. 4](#); S.I. 2021/748, reg. 2(a)

PART 1

PERMISSION TO APPEAL

Application for permission to appeal

- 1 (1) An application to the CMA for permission to appeal under section 19A may not be made after the end of the period of six weeks beginning with the day on which the CAA published the decision notice.
- (2) In this Schedule “the decision notice” means the notice published under section 11A of the decision that is the subject of the application for permission to appeal under section 19A.
- (3) The applicant must send a copy of the application to the CAA.
- (4) The CAA must—
- (a) publish the application;
 - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).
- (5) Those persons are—
- (a) the holder of the licence that is the subject of the application;
 - (b) any other person with a qualifying interest in the decision that is the subject of the application;
 - (c) any owners or operators of aircraft that the CAA considers appropriate;
 - (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Determination of application for permission to appeal

- 2 (1) The decision of the CMA on an application for permission to appeal is to be taken by an authorised member of the CMA.

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- (2) The authorised member must take the decision before the end of the period of ten weeks beginning with the day on which the CAA published the decision notice.
- (3) The authorised member may grant permission to appeal subject to conditions.
- (4) The conditions may, in particular, include—
 - (a) conditions which limit the matters that are to be considered on the appeal;
 - (b) conditions for the purpose of expediting the determination of the appeal;
 - (c) conditions requiring the appeal to be considered together with other appeals, including appeals relating to different matters or decisions and appeals brought by different persons.
- (5) An authorised member of the CMA who grants permission to appeal against a decision that relates entirely or partly to a matter remitted to the CAA following an earlier appeal under section 19A must grant permission subject to conditions excluding the consideration of—
 - (a) matters that were considered as part of the earlier appeal, and
 - (b) matters that could have been raised by the applicant or a relevant connected person as part of the earlier appeal,unless the member considers that there are compelling reasons not to do so.
- (6) In sub-paragraph (5) “relevant connected person”, in relation to an applicant, means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the CMA.
- (7) An authorised member of the CMA must—
 - (a) publish the decision on an application for permission to appeal and the reasons for the decision;
 - (b) send a copy of the decision and the reasons to the persons listed in sub-paragraph (8).
- (8) Those persons are—
 - (a) the holder of the licence that is the subject of the application;
 - (b) if the application was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the application;
 - (d) any owners or operators of aircraft that the authorised member considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;
 - (f) the CAA.
- (9) An authorised member of the CMA may exclude from publication under sub-paragraph (7) any information that the member is satisfied is—
 - (a) commercial information the disclosure of which would or might, in the opinion of the member, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the member, significantly harm the individual's interests.

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Time limit for CAA to make representations

- 3
- (1) This paragraph applies where the CAA wishes to make representations to the CMA in relation to an application under paragraph 1 for permission to appeal against a decision.
 - (2) The CAA must make representations in writing before the end of the period of eight weeks beginning with the day on which the CAA published the decision notice.
 - (3) The CAA must send a copy of its representations to—
 - (a) the holder of the licence that is the subject of the application;
 - (b) if the application was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the application;
 - (d) any owners or operators of aircraft that the CAA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

PART 2

INTERVENTION IN APPEAL

Application for permission to intervene in appeal

- 4
- (1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for permission to intervene in the appeal may be made to the CMA by another person who would be entitled to appeal against the decision.
 - (2) An application for permission to intervene—
 - (a) may be made before the end of the period of one week beginning with the day of publication of the CMA's decision to grant permission to appeal against the decision;
 - (b) may be made after the end of that period only with the leave of an authorised member of the CMA.
 - (3) The applicant must send a copy of the application to the CAA.
 - (4) The CAA must—
 - (a) publish the application;
 - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).
 - (5) The persons are—
 - (a) the holder of the licence that is the subject of the appeal;
 - (b) any other person with a qualifying interest in the decision that is the subject of the appeal;
 - (c) any owners or operators of aircraft that the CAA considers appropriate;
 - (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

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Determination of application for permission to intervene

- 5 (1) The decision of the CMA on an application for permission to intervene is to be taken by an authorised member of the CMA.
- (2) An authorised member of the CMA may grant permission to intervene in an appeal only if the member is satisfied that allowing the applicant to intervene is necessary or desirable for the proper resolution of the appeal.
- (3) The authorised member—
- (a) may grant permission to intervene for the purposes of supporting or opposing an appeal;
 - (b) must make any permission to intervene for the purpose of supporting an appeal subject to conditions preventing the intervener from putting forward new grounds of appeal;
 - (c) may make permission to intervene subject to other conditions, including conditions which limit the matters that may be raised by the intervener.
- (4) An authorised member of the CMA must—
- (a) publish the decision on an application for permission to intervene and the reasons for the decision;
 - (b) send a copy of the decision and reasons to the persons listed in subparagraph (5).
- (5) Those persons are—
- (a) the holder of the licence that is the subject of the appeal;
 - (b) if the application was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal;
 - (d) any owners or operators of aircraft that the authorised member considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;
 - (f) the CAA.
- (6) An authorised member of the CMA may exclude from publication under subparagraph (4) any information that the member is satisfied is—
- (a) commercial information the disclosure of which would or might, in the opinion of the member, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the member, significantly harm the individual's interests.

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PART 3

APPLICATION FOR SUSPENSION OF MODIFICATION

Application for direction suspending licence modification

- 6 (1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for a direction suspending the effect of the decision may be made to the CMA—
- (a) by the person who applied for permission to appeal, or
 - (b) by another person who would be entitled to appeal against the decision.
- (2) An application for a direction may be made at any time before the determination of the appeal.
- (3) The applicant must send a copy of the application to the CAA.
- (4) The CAA must—
- (a) publish the application;
 - (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).
- (5) Those persons are—
- (a) the holder of the licence that is the subject of the application;
 - (b) any other person with a qualifying interest in the decision that is the subject of the application;
 - (c) any owners or operators of aircraft that the CAA considers appropriate;
 - (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Effect of early application for direction suspending licence modification

- 7 (1) This paragraph applies if—
- (a) an application is made under paragraph 6 for a direction suspending the effect of a decision under section 11(1) to modify a licence condition,
 - (b) the application is made before the end of the period of six weeks beginning with the day on which the CAA published the decision notice, and
 - (c) the modification would have effect, but for this paragraph, before the end of the period of ten weeks beginning with that day (“the ten-week period”).
- (2) The modification does not have effect during the ten-week period.
- (3) The decision of the CMA on the application under paragraph 6 must be taken before the end of the ten-week period.

Direction following application under paragraph 6

- 8 (1) The functions of the CMA in relation to an application under paragraph 6 for a direction are to be carried out by an authorised member of the CMA.
- (2) An authorised member of the CMA may give a direction suspending the effect of a decision under section 11(1) to include a condition in a licence only if—

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- (a) the applicant for the direction would incur significant costs if the licence condition were to have effect from the date specified in the decision, and
 - (b) the balance of convenience does not otherwise require the licence condition to have effect from that date.
- (3) If the authorised member gives a direction suspending the effect of the decision, the licence condition does not have effect or ceases to have effect—
- (a) to the extent specified in the direction, and
 - (b) for the period specified or described in the direction.
- (4) An authorised member of the CMA may by notice vary or withdraw a direction under this paragraph if the authorised member considers it appropriate to do so having regard to the costs and the balance of convenience referred to in sub-paragraph (2).

Publication of decisions about directions

- 9 (1) An authorised member of the CMA must—
- (a) publish a decision on an application under paragraph 6 for a direction and the reasons for the decision;
 - (b) send a copy of the decision and reasons to the persons listed in sub-paragraph (4).
- (2) Where paragraph 7 applies, the requirements of sub-paragraph (1) must be complied with before the end of the ten-week period referred to in that paragraph.
- (3) An authorised member of the CMA must—
- (a) publish any notice varying or withdrawing a direction under paragraph 8 and the reasons for the variation or withdrawal;
 - (b) send a copy of the notice and reasons to the persons listed in sub-paragraph (4).
- (4) Those persons are—
- (a) the holder of the licence that is the subject of the application or direction;
 - (b) if the application for the direction was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the application or appeal;
 - (d) any owners or operators of aircraft that the authorised member considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;
 - (f) the CAA.

Time limit for CAA to make representations

- 10 (1) This paragraph applies where the CAA wishes to make representations to the CMA in relation to an application under paragraph 6 for a direction.
- (2) In a case to which paragraph 7 applies, the CAA must make the representations in writing before the end of the period of eight weeks beginning with the day on which the CAA published the decision notice.
- (3) In any other case—

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- (a) an authorised member of the CMA must specify a reasonable period for making representations;
 - (b) the CAA must make the representations in writing before the end of that period.
- (4) In all cases, the CAA must send a copy of its representations to—
- (a) the holder of the licence that is the subject of the application;
 - (b) if the application was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the application;
 - (d) any owners or operators of aircraft that the CAA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

PART 4

DETERMINATION OF APPEALS

Determination of appeal by group

- 11 (1) A group constituted by the chair of the CMA, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, for the purpose of carrying out functions of the CMA with respect to an appeal under section 19A must consist of three members of the CMA panel.
- (2) A decision of the group is effective only if—
- (a) all of the members are present when it is made, and
 - (b) at least two members of the group are in favour of the decision.

Representations made by the CAA

- 12 (1) This paragraph applies where an application for permission has been granted and the CAA makes representations to the CMA for the purposes of the appeal under section 19A.
- (2) The CAA must send a copy of its representations to—
- (a) the holder of the licence that is the subject of the appeal;
 - (b) if the appeal was brought by someone other than the licence holder, the appellant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal;
 - (d) any owners or operators of aircraft that the CAA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Matters that may be disregarded

- 13 (1) The CMA may disregard matters raised by the CAA if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined

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within the period allowed under section 19D, unless they are matters contained in representations made to the CMA—

- (a) in accordance with paragraph 10, or
 - (b) before the end of the period of 12 weeks beginning with the day on which the decision notice was published.
- (2) The CMA may disregard matters raised by the appellant if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless the matters were raised by the appellant—
- (a) at the time of the application under paragraph 1 for permission to appeal, or
 - (b) in an application under paragraph 6 for a direction.
- (3) The CMA may disregard matters raised by an intervener if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless the matters were raised by the intervener—
- (a) at the time of the application for permission to intervene under paragraph 4, or
 - (b) in an application under paragraph 6 for a direction.

Remitting decision to CAA

- 14 (1) This paragraph applies where the CMA decides to remit a matter that is the subject of an appeal under section 19A to the CAA for reconsideration and decision.
- (2) Where, on reconsidering the matter, the CAA decides to modify a licence, the notice under section 11A(5) in respect of the modification may, with the agreement of the licence holder, specify a date falling—
- (a) before the end of the period of six weeks beginning with the date on which the notice is published, but
 - (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.

Substituting the CAA's decision

- 15 (1) This paragraph applies where the CMA decides to substitute its own decision for a decision of the CAA that is the subject of an appeal under section 19A.
- (2) The decision of the CMA has effect as if made by the CAA except that—
- (a) section 11A(5) does not apply;
 - (b) an appeal may not be brought against it under section 19A.
- (3) Any modification of a licence effected by the CMA takes effect from the date specified by the CMA.
- (4) The CMA may, with the agreement of the licence holder, specify a date falling—
- (a) before the date on which the order containing its decision is published, but
 - (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.

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PART 5

GENERAL

Consideration of new matters

- 16 (1) This paragraph applies to—
- (a) an authorised member of the CMA with the function of determining an application for permission to appeal under section 19A;
 - (b) a group with the function of determining an appeal under that section.
- (2) The member or group must not have regard to any matter, information or evidence raised or provided by the CAA if it was not considered by the CAA in making the decision that is the subject of the application or the appeal, unless the member or group considers that—
- (a) the CAA could not reasonably have been expected to consider the matter, information or evidence when making that decision, and
 - (b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (3) The member or group must not have regard to any matter, information or evidence raised or provided by a person other than the CAA if it was not considered by the CAA in making the decision that is the subject of the application or appeal, unless the member or group considers that—
- (a) the person or a relevant connected person could not reasonably have raised the matter with the CAA, or provided the information or evidence to the CAA, during the period in which the CAA was making that decision, and
 - (b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (4) Where the member or group has regard to any matter, information or evidence in reliance on sub-paragraph (2) or (3), those sub-paragraphs do not prevent the member or group having regard to further matters, information or evidence raised or provided in response to it if the member or group considers that the further matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (5) In sub-paragraph (3) “relevant connected person”, in relation to a person who raises or provides a matter, information or evidence, means a person who was connected to that person at any time during the period in which the CAA was making the decision that is the subject of the application or appeal.
- (6) References in this paragraph to the period in which the CAA was making a decision are to the period—
- (a) beginning with the publication of a notice under section 11A(1) proposing to make the modification, and
 - (b) ending with the publication of a notice under section 11A(5) in relation to that modification.

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Production of documents

- 17 (1) The CMA may by notice require a person to produce to it documents specified or described in the notice that are in the person's custody or under the person's control.
- (2) In this paragraph “document” means anything in which information is recorded.
- (3) The notice may require the production of documents—
- (a) at a time and place specified in the notice;
 - (b) in a form and manner specified in the notice.
- (4) The notice may not require a person to produce documents that the person could not be compelled to provide in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.
- (5) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

Oral hearings

- 18 (1) For the purposes of this Schedule the following persons may hold an oral hearing and take evidence on oath—
- (a) an authorised member of the CMA considering an application under paragraph 1 for permission to appeal;
 - (b) an authorised member of the CMA considering an application under paragraph 4 for permission to intervene;
 - (c) an authorised member of the CMA considering an application under paragraph 6 for a direction;
 - (d) a group with the function of determining an appeal under section 19A.
- (2) In the course of holding such a hearing and taking such evidence, a person or group described in sub-paragraph (1) may administer oaths.
- (3) An authorised member of the CMA may by notice require a person—
- (a) to attend at a time and place specified in the notice, and
 - (b) at that time and place, to give evidence to a member or group described in sub-paragraph (1).
- (4) At an oral hearing, the member or group conducting the hearing may require the following persons to give evidence or to make representations—
- (a) the applicant, the appellant or any intervener (if present);
 - (b) a person attending a hearing as a representative of the applicant, the appellant, an intervener or the CAA.
- (5) Subject to sub-paragraph (6), a person who gives oral evidence at the hearing may be cross-examined by or on behalf of—
- (a) the appellant;
 - (b) an intervener;
 - (c) the CAA.
- (6) Such a person may be cross-examined by or on behalf of an intervener only with the leave of the member or group conducting the hearing.

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- (7) If the applicant, the appellant, an intervener or a representative of any such person or the CAA is not present at a hearing—
 - (a) there is no requirement to give notice to that person under sub-paragraph (3);
 - (b) the member or group conducting the hearing may determine the application or appeal without hearing that person's evidence or representations.
- (8) A person may not be required under this paragraph to give evidence that the person could not be compelled to give in civil proceedings before the High Court or, in Scotland, the Court of Session.
- (9) Where a person is required under this paragraph to attend at a place more than 16 kilometres from the person's place of residence, an authorised member of the CMA must arrange for the person to be paid the necessary expenses of attendance.
- (10) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

Written evidence

- 19 (1) The CMA may by notice require a person to produce a written statement with respect to a matter specified in the notice—
 - (a) to an authorised member of the CMA considering an application under paragraph 1 for permission to appeal;
 - (b) to an authorised member of the CMA considering an application under paragraph 4 for permission to intervene;
 - (c) to an authorised member of the CMA considering an application under paragraph 6 for a direction;
 - (d) to a group with the function of determining an appeal under section 19A.
- (2) The notice may require the written statement—
 - (a) to be produced at the time and place specified in the notice;
 - (b) to be verified by a statement of truth.
- (3) Where a notice requires a written statement to be verified by a statement of truth, the written statement may be disregarded unless it is so verified.
- (4) A person may not be required under this paragraph to produce a written statement about a matter if the person could not be compelled to give evidence about that matter in civil proceedings before the High Court or, in Scotland, the Court of Session.
- (5) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

Expert advice

- 20 Where permission to appeal is granted under paragraph 2, the CMA may commission expert advice with respect to any matter raised by—
 - (a) the appellant,
 - (b) an intervener, or
 - (c) the CAA.

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Enforcement of requirements in relation to evidence etc

- 21 (1) This paragraph applies where a person—
- (a) fails to comply with a notice under paragraph 17, 18 or 19,
 - (b) fails to comply with any other requirement imposed under paragraph 17, 18 or 19,
 - (c) in complying with a notice under paragraph 19, makes a statement that is false or misleading in a material respect, or
 - (d) in providing information verified by a statement of truth required by appeal rules under paragraph 23, provides information that is false or misleading in a material respect.
- (2) An authorised member of the CMA may certify to the appropriate court—
- (a) the failure,
 - (b) the fact that the person has made a false or misleading statement in circumstances described in sub-paragraph (1)(c), or
 - (c) the fact that the person has provided false or misleading information in circumstances described in sub-paragraph (1)(d).
- (3) The appropriate court may inquire into a certified failure or act and, if it does so, must hear—
- (a) any witness against the person;
 - (b) any witness on behalf of the person;
 - (c) any statement in the person's defence.
- (4) The appropriate court may punish the person as if the person had been guilty of contempt of court if it is satisfied that—
- (a) the certified failure or act took place, and
 - (b) the person did not have a reasonable excuse for the failure or act.
- (5) Where the person is a body corporate, the appropriate court may punish any director or other officer of that body, either instead or as well as punishing the body.
- (6) In this paragraph—
- “the appropriate court”—
- (a) in relation to England and Wales and Northern Ireland, means the High Court;
 - (b) in relation to Scotland, means the Court of Session;
- “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Withdrawal of applications and appeals

- 22 (1) An application under paragraph 1 for permission to appeal may be withdrawn only with the consent of the CMA.
- (2) After an application for permission to appeal is granted, the appeal may be withdrawn only with the consent of the CMA.
- (3) An application under paragraph 4 for permission to intervene may be withdrawn only with the consent of the CMA.

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- (4) After an application for permission to intervene is granted, the intervener may withdraw from the appeal only with the consent of the CMA.
- (5) For the purposes of sub-paragraphs (1) to (4), the consent of the CMA may be given by an authorised member of the CMA.
- (6) Where the CMA has consented, the person wishing to withdraw the application or appeal, or withdraw as an intervener, may give notice of withdrawal to the CMA.
- (7) An application under paragraph 6 for a direction suspending the effect of a decision may be withdrawn at any time by giving notice of withdrawal to the CMA.
- (8) Withdrawal of an application under this Schedule or of an appeal, or as an intervener in an appeal, has effect when the notice of withdrawal is given to the CMA.
- (9) A person giving notice of withdrawal to the CMA must send a copy of the notice to the CAA.
- (10) The CAA must—
 - (a) publish the notice;
 - (b) send a copy of it to the persons listed in sub-paragraph (11) (other than the person who gave the notice).
- (11) Those persons are—
 - (a) the holder of the licence that is the subject of the application or appeal;
 - (b) any other person with a qualifying interest in the decision that is the subject of the application or appeal;
 - (c) any owners or operators of aircraft that the CAA considers appropriate;
 - (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Appeal Rules

- 23
- (1) The CMA Board may make rules regulating the conduct and disposal of appeals.
 - (2) The rules may include provision supplementing the provisions of this Schedule in relation to any application, notice, hearing or requirement for which this Schedule provides.
 - (3) The rules may, in particular, include—
 - (a) provision requiring an application to be accompanied by information specified in the rules;
 - (b) provision requiring such information to be verified by a statement of truth;
 - (c) provision requiring an applicant to provide the CAA with information specified in the rules;
 - (d) provision imposing time limits or other restrictions on the taking of evidence at an oral hearing;
 - (e) provision imposing time limits or other restrictions on the making of representations or observations at such a hearing.
 - (4) The rules may make different provision for different purposes.
 - (5) Before making rules under this paragraph the CMA Board must consult any persons that it considers appropriate.

Changes to legislation: Transport Act 2000, SCHEDULE A1 is up to date with all changes known to be in force on or before 20 April 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

- (6) The CMA Board must publish the rules made under this paragraph.

Costs

- 24 (1) Where an application under this Schedule or an appeal is withdrawn, an authorised member of the CMA may make any order that the member thinks fit requiring the parties to the application or appeal to make payments to each other and to the CMA in respect of costs incurred in connection with the application or appeal.
- (2) A group that determines an appeal must make an order requiring the payment to the CMA of the costs incurred by the CMA in connection with the appeal.
- (3) Subject to sub-paragraph (4), an order under sub-paragraph (2) must require those costs to be paid—
- (a) where the appeal is allowed in full, by the CAA;
 - (b) where the appeal is dismissed in full, by the appellant;
 - (c) where the appeal is allowed in part, by the appellant and the CAA in such proportions as the group considers appropriate.
- (4) The order may require an intervener in the appeal to pay such proportion of those costs (if any) as the group considers appropriate.
- (5) A group that determines an appeal may make any order that it thinks fit requiring one party to the appeal to make payments to another in respect of costs reasonably incurred by the other party in connection with the appeal.
- (6) A person who is required to make a payment by an order under this paragraph must comply with the order before the end of the period of 28 days beginning with the day after the making of the order.
- (7) If that person does not do so, the unpaid balance carries interest at a rate specified in the order or determined in accordance with it.
- (8) In this paragraph, references to an intervener in an appeal, and to a party to an appeal, include a person who was granted permission to intervene in an appeal and subsequently withdrew from the appeal.

Secretary of State's power to modify time limits

- 25 The Secretary of State may by regulations modify any period of time specified in this Schedule.

Publication etc

- 26 Where the CAA, the CMA or an authorised member of the CMA is required by this Schedule to publish something or send a copy of something and this Schedule does not specify a time for doing so, it must be published or sent as soon as practicable.

Interpretation

- 27 (1) In this Schedule—
- “appeal” means an appeal under section 19A;
 - “authorised member of the CMA” has the meaning given in sub-paragraph (2);

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“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;

“prescribed aerodrome” has the meaning given in section 19A(3);

“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) In this Schedule “authorised member of the CMA”—
- (a) in relation to a power exercisable in connection with an appeal, application or direction in respect of which a group has been constituted by the chair of the CMA 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 CMA to exercise that power; and
 - (b) in relation to a power exercisable in connection with an appeal, application or direction in respect of which a group has not been so constituted by the chair of the CMA, 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.
- (3) For the purposes of this Schedule and sections 19D and 19E, a person has a qualifying interest in a decision that is the subject of an appeal or an application under this Schedule 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 paragraph 6, the application has not been withdrawn or refused and any direction made in response to the application has not been withdrawn.]

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)