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## SCHEDULES

### [<sup>F1</sup>SCHEDULE A1

#### 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 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 appellants;
  - (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.

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*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 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

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- (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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**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](#)