

Changes to legislation: Transport Act 2000, PART 2 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

[^{F1}SCHEDULE B1

ENFORCEMENT OF DUTIES UNDER SECTION 8 AND LICENCE CONDITIONS

Textual Amendments

- F1** Sch. B1 inserted (29.6.2021) by [Air Traffic Management and Unmanned Aircraft Act 2021 \(c. 12\)](#), ss. 10(7)(a), 21(3)-(7), [Sch. 5](#); S.I. 2021/748, reg. 2(b)

PART 2

APPEALS AGAINST ORDERS AND PENALTIES

Appeals against enforcement orders and urgent enforcement orders

- 17 (1) A licence holder may appeal to the Competition Appeal Tribunal (referred to in this Schedule as “the Tribunal”) against—
- (a) an enforcement order given to the licence holder, or
 - (b) an urgent enforcement order given to the licence holder that has been confirmed.
- (2) The appeal may be against one or more of the following—
- (a) the decision to give the order or, in the case of an urgent enforcement order, to confirm 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.
- (3) The making of an appeal under this paragraph against an enforcement order suspends the effect of the order until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.
- (4) The making of an appeal under this paragraph against an urgent enforcement order does not suspend the effect of the order, unless the Tribunal orders otherwise.

Appeals against modifications or revocations of existing orders

- 18 (1) A person may appeal to the Tribunal against—
- (a) a decision to modify or revoke an enforcement order, or
 - (b) a decision to modify or revoke an urgent enforcement order that has been confirmed.
- (2) An appeal under this paragraph may be made only by a person—
- (a) who is not the person to whom the order was given, but
 - (b) who appears to the Tribunal to have sufficient interest in the decision.

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- (3) The making of an appeal under this paragraph against a modification or revocation of an order suspends the modification or revocation until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

Appeals against penalties

- 19 (1) A licence holder may appeal to the Tribunal against a penalty imposed on the licence holder under paragraph 9 or 10.
- (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 licence holder appeals under this paragraph against a penalty, the CAA may not require the licence holder to pay the penalty until the appeal is decided or withdrawn.

Decisions on appeal

- 20 (1) The Tribunal may allow an appeal under paragraph 17, 18 or 19 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) It may—
- (a) confirm or set aside the order, modification, revocation or penalty;
 - (b) give the CAA any directions it considers appropriate, including directions about the time within which the CAA must act.
- (3) It may not direct the CAA to do anything that the CAA would not have the power to do apart from the direction.
- (4) When deciding an appeal under paragraph 17, 18 or 19 (including giving directions) the Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 2.

Further appeals

- 21 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Tribunal under paragraph 20, including a direction.
- (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.

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- (4) “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.]

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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](#)