

SCHEDULES

SCHEDULE 2

APPEALS UNDER SECTIONS 24 AND 25

PART 3

AUTOMATIC SUSPENSION OF CONDITION OF NEW LICENCE OR MODIFICATION

Automatic suspension of condition of new licence including exception for certain financial arrangements

- 6 (1) Sub-paragraph (2) applies where—
- (a) the CAA decides to grant a licence under section 15,
 - (b) an application is made for permission to appeal under section 24 against the CAA’s decision to include a relevant financial arrangements condition in the licence, and
 - (c) the relevant financial arrangements condition would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with the day on which notice of the decision was published in accordance with section 15 (“the 10 week period”).
- (2) The relevant financial arrangements condition does not have effect during the 10 week period.
- (3) Sub-paragraph (4) applies where—
- (a) the CAA decides to grant a licence under section 15, and
 - (b) the Competition Commission grants an application for permission to appeal under section 24 against the CAA’s decision to include a relevant financial arrangements condition in the licence.
- (4) The relevant financial arrangements condition does not have effect until the appeal against the decision is determined or withdrawn (or, if there is more than one appeal against the decision, until all of the appeals are determined or withdrawn).
- (5) In this paragraph, “relevant financial arrangements condition” means a condition that is subject to an exception (however expressed) relating to, or operating by reference to, financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before section 3 came into force.
- (6) For the purposes of this paragraph, financial arrangements entered into after section 3 came into force but pursuant to other financial arrangements entered into by the holder of the licence, or a person connected to the holder of the licence, before that time are to be treated as entered into before that time.

Status: This is the original version (as it was originally enacted).

Automatic suspension of modification of existing licence involving exception for certain financial arrangements

- 7 (1) Sub-paragraph (2) applies where—
- (a) the CAA decides under section 22 to modify a licence by adding a relevant financial arrangements condition,
 - (b) an application is made for permission to appeal under section 25 against the decision, and
 - (c) the condition would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with the day on which notice of the decision was published in accordance with section 22 (“the 10 week period”).
- (2) The relevant financial arrangements condition does not have effect during the 10 week period.
- (3) Sub-paragraph (4) applies where—
- (a) the CAA decides under section 22 to modify a licence by adding a relevant financial arrangements condition, and
 - (b) the Competition Commission grants permission to appeal against the decision.
- (4) The relevant financial arrangements condition does not have effect until the appeal against the decision is determined or withdrawn (or, if there is more than one appeal against the decision, until all of the appeals are determined or withdrawn).
- (5) In this paragraph, “relevant financial arrangements condition” has the same meaning as in paragraph 6.
- 8 (1) Sub-paragraph (2) applies where—
- (a) the CAA decides under section 22 to modify a licence condition,
 - (b) the decision is subject to the restrictions in section 23,
 - (c) an application is made for permission to appeal under section 25 against the decision, and
 - (d) the licence modification that is the subject of the decision would have effect, but for this paragraph, before the end of the period of 10 weeks beginning with the day on which notice of the decision was published in accordance with section 22 (“the 10 week period”).
- (2) The licence modification does not have effect during the 10 week period.
- (3) Sub-paragraph (4) applies where—
- (a) the CAA decides under section 22 to modify a licence condition,
 - (b) the decision is subject to the restrictions in section 23, and
 - (c) the Competition Commission grants permission to appeal against the decision.
- (4) The licence modification does not have effect until the appeal against the decision is determined or withdrawn (or, if there is more than one appeal against the decision, until all of the appeals are determined or withdrawn).