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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 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,

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- (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—
- (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;

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- (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—
- (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.]

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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](#)