1961 No. 145

CIVIL AVIATION

The Civil Aviation (Licensing) (Amendment) Regulations, 1961

Made - - - -	*24th January*, 1961
Laid before Parliament	*27th January*, 1961
Coming into Operation	*30th January*, 1961

The Minister of Aviation, in exercise of his powers under subsections (1) and (2) of section 5 of the Civil Aviation (Licensing) Act, 1960(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations, after consultation with the Council on Tribunals in respect of Regulations 4, 5, and 6 thereof in accordance with section 8 of the Tribunals and Inquiries Act, 1958(b), as applied to the Air Transport Licensing Board by the Tribunals and Inquiries (Air Transport Licensing Board) Order, 1960(c), and with the approval of the Treasury of Regulation 7 thereof :—

Citation and Operation

1. These Regulations shall come into operation on the 30th day of January, 1961, and may be cited as the Civil Aviation (Licensing) (Amendment) Regulations, 1961.

Interpretation

2.—(1) The Interpretation Act, 1889(d), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations, unless the context otherwise requires, "the principal Regulations" means the Civil Aviation (Licensing) Regulations, 1960(e).

Amendment of Regulation 4 (1) : *applications for the grant of a licence*

3. There shall be added to paragraph (1) (*k*) (ii) of Regulation 4 of the principal Regulations immediately after the word "compliance" the words "or intended compliance".

Amendment of Regulation 10 (1): *hearings by the Board*

4. There shall be added to paragraph (1) of Regulation 10 of the principal Regulations the words "revocation, suspension or variation" immediately after the word "grant" in the first line thereof.

Provision for representations by Island Governments

5. The provisions set forth in the Schedule hereto shall be added to the principal Regulations as Regulation 21 thereof.

Amendment of Regulation 14 (15): *appeals to the Minister*

6. There shall be added to paragraph (15) of Regulation 14 of the principal Regulations, immediately after the word "shall" in the second line thereof, the words "subject to the provisions of paragraph (9) of Regulation 21 of these Regulations".

(a) 8 & 9 Eliz. 2. c. 38. (b) 6 & 7 Eliz. 2. c. 66. (c) S.I. 1960/1335 (1960 III, p. 3307).
(d) 52 & 53 Vict. c. 63. (e) S.I. 1960/2137 (1960 I, p. 579).

Amendment of Second Schedule: fees

7. The following amendments shall be made in the Second Schedule to the principal Regulations:

(*a*) there shall be added to paragraph 3 (1), at the end thereof, the words "applied for or granted as the case may be";

(*b*) there shall be added to paragraph 5 (2) the words "or variation" immediately after the word "grant" in the second line thereof.

Dated this 24th day of January, 1961.

Peter Thorneycroft,
Minister of Aviation.

We approve the making of Regulation 7 of these Regulations.

Dated this 24th day of January, 1961.

John Hill,
P. E. O. Bryan,
Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

Representations by the Government of the Isle of Man or by the States of Jersey or Guernsey

21.—(1) The Government of the Isle of Man or the States of Jersey or Guernsey may make representations to the Minister as respects any decision of the Board with respect to any licence or any application for a licence; and the body making the representations is hereinafter in this Regulation referred to as "the Island Government".

(2) If representations as aforesaid are received by the Minister in writing within the period of thirty days beginning with the day of the publication of the decision of the Board in their official record, the Minister shall serve each party to the case before the Board with—

(*a*) a copy of the representations;

(*b*) a notice that the Minister proposes to consider the representations in pursuance of this Regulation; and

(*c*) a notice that the Minister will also consider any rejoinder by any of the parties to the case before the Board which he may receive within the period of twenty-one days beginning with the day on which the notice is served, being a rejoinder of which a copy has been served by the party making it on the Island Government and on the other parties to the case before the Board.

(3) The Minister may, if he thinks fit, invite the Board to amplify or explain the reasons for their decision of the case. Any amplification or explanation of their reasons which the Board may furnish shall be in writing, and a copy of it shall be served by the Board on the Island Government and on all the parties to the case before the Board.

(4) The Board shall furnish the Minister and the Island Government with a transcript of the record of any hearings by them in connection with the case and shall cause a transcript as aforesaid to be made available for purchase by any person at a reasonable price:

Provided that a transcript of the record of proceedings conducted otherwise than in public shall only be required to be made available for purchase by any party to the case.

(5) The Minister shall, unless, after considering the representations of the Island Government and any rejoinders made by the parties to the case before the Board, he is satisfied that it is unnecessary so to do, invite each of the parties to the case before the Board and representatives of the Island Government to consult with such person as he may, subject to the provisions of paragraph (8) of this Regulation, appoint for the purpose (hereinafter referred to as "the appointed person") as to the representations and rejoinders made in pursuance of this Regulation; and all of the persons who attend the consultation shall be present together throughout the consultation and, if the appointed person thinks fit, any consultation may relate to two or more decisions of the Board.

(6) Any party to the case before the Board who attends the consultation may appear in person or be represented by any other person whom he may have authorised to represent him.

(7) The appointed person shall send to the Minister a summary of the proceedings at the consultation, together with his recommendation to the Minister as to the action which the Minister should take.

(8) If an appeal has been made in accordance with the provisions of Regulation 14 of these Regulations against the decision of the Board to which the representations of the Island Government relate, the appointed person, if the Island Government and the parties to the case before the Board so agree, may be the same person as the Commissioner appointed by the Minister under paragraph (6) of Regulation 14 of these Regulations.

(9) If an appeal as aforesaid has been made, the Minister shall, before making an order under paragraph (15) of that Regulation, consider the representations of the Island Government, any rejoinders made by the parties to the case before the Board, and the summary and recommendation of the appointed person, if any, together with the summary and recommendations which he has received from the Commissioner in pursuance of that Regulation.

(10) If an appeal as aforesaid has not been made, the Minister shall consider the representations of the Island Government, any rejoinders made by the parties to the case before the Board, and the summary and recommendations of the appointed person, if any, and shall make such order as he thinks fit as to the application or proposal which is the subject of the representations.

(11) If the Minister does not accept the recommendations of the appointed person, in whole or in part, he shall give his reasons for not so doing.

(12) The Minister shall inform the Island Government of his decision.

(13) Paragraphs (17) and (18) of Regulation 14 of these Regulations shall apply to an order of the Minister under this Regulation as they apply to an order of the Minister under Regulation 14, but as if the references to the Commissioner's report were references to the report of the appointed person, and the reference to the parties to the appeal was a reference to the parties to the case before the Board.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Civil Aviation (Licensing) Regulations, 1960, by adding thereto provision for the making of representations to the Minister by the Government of the Isle of Man or by the States of Jersey or Guernsey as respects decisions of the Air Transport Licensing Board regarding air service licences. They also make certain minor corrections and amendments in the principal Regulations.