OPERATION

1960 No. 2137

The Civil Aviation (Licensing) Regulations, 1960

Made - - - -	*21st November*, 1960
Laid before Parliament	*28th November*, 1960
Coming into Operation	*1st December*, 1960

The Minister of Aviation, in exercise of his powers under subsection (3) of section 1, subsections (1), (5) and (8) of section 2, and 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 to 11 and 14 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 17 thereof:—

Citation and Operation

1. These Regulations shall come into operation on the 1st day of December, 1960, and may be cited as the Civil Aviation (Licensing) Regulations, 1960.

Interpretation and Supplementary

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 Act" means the Civil Aviation (Licensing) Act, 1960;

"Charter service" means an air transport service (not being an exempted service) which is provided under a contract of hire giving—

(*a*) a single hirer the exclusive right to use the carrying capacity of the aircraft, or

(*b*) several hirers the right to use together the total carrying capacity of the aircraft for the carriage of ships' crews (including masters), their baggage and parts or equipment for ships;

"Class A licence" means a licence for an air transport service, other than a charter service, between places named in the licence;

"Class B licence" means a licence for a charter service between places named in the licence, not being a group charter service, but involving more than three flights in each direction between the same two places;

"Class C licence" means a licence for a charter service between places named in the licence, involving not more than three flights in each direction between the same two places;

"Class D licence" means a licence for a group charter service between places named in the licence, involving more than three flights in each direction between the same two places;

(**a**) 8 & 9 Eliz. 2. c. 38.
(**b**) 6 & 7 Eliz. 2. c. 66.
(**c**) S.I. 1960/1335 (Pt. III, p. 3307, of this vol.)
(**d**) 52 & 53 Vict. c. 63.

"Class E licence" means a licence for an air transport service which is not restricted to flights between places named in the licence;

"Class F licence" means a licence for a flight for any purpose, other than the provision of an air transport service, for which a licence is required by the Act;

"Exempted service" means a service provided solely by means of flights exempted by Regulation 3 of these Regulations from the requirement of a licence;

"Group charter service" means a charter service (not being an exempted service) in relation to which all the conditions of any one of the categories specified in the First Schedule hereto are complied with;

"Hearing" means a hearing at which oral evidence or argument may be heard, and "to hear" shall be construed accordingly;

"Licence" means an air service licence under section 2 of the Act;

"Official record", in relation to the Board, means a publication entitled "Civil Aviation Licensing Notices" and published by or on behalf of the Board;

"Party", in relation to a case before the Board, has the meaning assigned to it by paragraph (7) of Regulation 10 of these Regulations;

"Party", in relation to an appeal to the Minister, has the meaning assigned to it by paragraph (8) of Regulation 14 of these Regulations;

"Proposal" means such a proposal by the Board as is referred to in paragraph (1) of Regulation 6 of these Regulations.

(3) For the purposes of these Regulations, a document may be served on any person by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

(4) In computing any period of time specified in these Regulations by reference to hours the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded, and for that purpose any day which is a bank holiday under the Bank Holidays Act, 1871(a), in any part of the United Kingdom shall be treated as a bank holiday.

Exemption from the requirement of an air service licence

3.—(1) Paragraph (*b*) of subsection (2) of section 1 of the Act (which prohibits the use of aircraft on any flight for reward or in connection with any trade or business except under and in accordance with the terms of a licence) shall not apply to any flight—

(*a*) solely for the purpose of carrying passengers in a case where the flight is to begin and end at the same place;

(*b*) solely for one or more of the following purposes, that is to say—

(i) the provision of ambulance or rescue facilities, including medical, ambulance and other attendants;

(ii) the carriage of emergency food or medical supplies;

(iii) the carriage of any one or more of the following, that is to say, the operator of the aircraft, any bona fide servant of his, and any baggage or other property of the operator or any such servant;

(iv) the training or testing of persons in the performance of duties in connection with aircraft;

(a) 34 & 35 Vict. c. 17.

(v) the testing or demonstrating of the aircraft or of any apparatus, whether or not that apparatus is carried in the aircraft, or the testing or demonstrating of any manner of flying or of any arrangements in connection with flying or with the carriage of passengers or cargo by air ;

(vi) the dropping or projecting of material in the interests of agriculture, horticulture, forestry, or public health, or as a measure against oil-pollution ;

(vii) the taking of photographs or carrying out of a survey from the air ;

(*c*) solely for the carriage of cargo, or passengers with or without their baggage, or both cargo and passengers, in consequence of a person's exclusive right to use the carrying capacity of the aircraft on that flight, being—

(i) cargo all of which is consigned by that person and none of which is carried in pursuance of an agreement between that person and any other person made otherwise than as a term of a sale of the cargo in question ;

(ii) passengers none of whom is carried at a separate fare ;

(*d*) solely for carrying out the operator's obligations under a charter of the aircraft to any Government Department ;

(*e*) any flight to or from a place at which the aircraft neither takes up nor sets down passengers or cargo, being a flight made in the course of providing an air transport service authorised by a licence ;

(*f*) any positioning flight on which no passengers or cargo are carried, that is to say a flight solely to enable the aircraft to arrive at a place at which—

(i) the aircraft is to be used for a flight ; or

(ii) the aircraft is to be parked or stored ; or

(iii) the aircraft or any part of the aircraft or its equipment is to be modified, inspected, tested, overhauled or repaired, or any part of the aircraft or its equipment is to be replaced ;

(*g*) beginning in accordance with the terms of a licence, but ending otherwise than in accordance with such terms by reason of—

(i) an emergency occurring after the beginning of the flight ; or

(ii) compliance with the law of the United Kingdom or any country or territory in which the aircraft then is ; or

(iii) any other circumstance beyond the control of the operator and commander of the aircraft ;

(*h*) made in substitution for a flight which could lawfully have been made by an aircraft operated by another operator, but which, for reasons beyond the control of that other operator, was unfit for the flight ; and in such a case the operator of the aircraft shall as soon as may be provide the Board with particulars in writing of the flight and of the substitution.

(2) For the purposes of sub-paragraph (*c*) (ii) of paragraph (1) of this Regulation—

(*a*) any consideration wholly or partly in respect of or in connection with the carriage of a passenger shall be deemed to be a fare, irrespective of the person by or to whom it has been or is to be given ;

Provided that consideration for the exclusive right to use the passenger capacity of an aircraft shall be deemed not to be a fare; and

(*b*) a fare shall be deemed to be separate although it is for several journeys, or for a journey by a group of passengers which is less than the entire passenger capacity of the aircraft.

Applications for the grant of a licence

4.—(1) Subject to the provisions of paragraph (2) of this Regulation, and without prejudice to the provisions of Regulation 9, every application for the grant of a licence shall include the following particulars:—

(*a*) the name, address and business name (if any) of the applicant, and, in the case of an individual, the country of which he is a citizen;

(*b*) in the case of a body corporate, the country or territory in which it is incorporated and arrangements under which, and the citizenship of the persons by whom, it is substantially controlled;

(*c*) in the case of a partnership carrying on business in Scotland, the countries of which the partners are citizens;

(*d*) the number and the types of the aircraft previously operated by the applicant and the periods of time and geographical areas of his operations;

(*e*) the applicant's financial resources;

(*f*) the number and types of the aircraft and the equipment which the applicant intends to employ and his existing and proposed organisation and staffing arrangements;

(*g*) the provision made or proposed to be made by the applicant against any liability in respect of loss or damage to persons or property which may be incurred in connection with aircraft operated by him;

(*h*) the terms and conditions of employment of the applicant's servants, and, if particulars thereof have been furnished to the National Joint Council for Civil Air Transport, an indication to that effect;

(*i*) the class of licence applied for and the period for which it is to be in effect;

(*j*) except in the case of an application for the grant of a Class F licence—

(i) a concise indication of the existing or potential need or demand for the proposed service; and

(ii) if the applicant already holds an air service licence, particulars of any capital expenditure, financial commitment or commercial agreement, being particulars which the applicant wishes the Board to take into consideration under paragraph (*g*) of subsection (2) of section 2 of the Act; and

(*k*) (i) in the case of a Class A, Class B, Class C or Class D licence, the places of departure and destination of all flights to be made under the licence;

(ii) in the case of a licence for a group charter service, particulars showing compliance with each of the conditions of any one of the categories specified in the First Schedule hereto;

(iii) in the case of a Class E licence, the geographical area to which flights under the licence are to be limited;

(iv) in the case of a Class F licence, a general description of the purpose of the flights;

(v) any other limitations to which the licence is to be subject, including limitations as to the capacity, frequency or class of service or the classes or descriptions of passengers or cargo to be carried;

(vi) except in the case of a Class C licence for a group charter service, and in the case of a Class D licence, the tariff, if any, proposed or the manner in which it is to be determined, the class of service and the facilities to be provided;

(vii) the types of aircraft to be used;

(viii) in the case of a Class B, Class C or Class D licence, the name and address of the travel agent, organiser or other person, if any, (whether or not a charterer of the aircraft) who is to make available facilities for travel or the consignment of goods on the proposed service.

(2) If an applicant for the grant of a licence has previously furnished to the Board, in connection with another application by him, the particulars referred to in sub-paragraphs (*a*) to (*h*) of paragraph (1) of this Regulation, he shall not be obliged to repeat those particulars in the later application, but if he does not repeat those particulars he shall indicate whether or not those particulars apply unchanged to that application and in what respect, if any, they have changed or do not apply.

(3) Every application for the grant of a licence shall be made on a form supplied by the Board and shall be signed by or on behalf of the applicant. It shall be accompanied by the fee payable under these Regulations in respect of the application and by five copies of the application, which copies need not be signed:

Provided that the Board may, if they think fit, accept less than five copies of the application in any particular case.

(4) Subject to the provisions of paragraph (7) of this Regulation, every application for the grant of a Class A, Class B, Class E or Class F licence shall be received at the office of the Board not less than six months before the beginning of the period for which the licence is proposed to be in effect.

(5) Subject as aforesaid, every application for a Class D licence shall be received at the office of the Board—

(*a*) if it is an application in respect of an Area I, II or III Service, not less than three months before the beginning of the period for which it is proposed to be in effect;

(*b*) if it is an application in respect of an Area IV, V or VI Service, not less than 14 days before the beginning of the said period.

(6) Subject as aforesaid, every application for the grant of a Class C licence shall be received at the office of the Board not less than 72 hours before the beginning of such period.

(7) The Board may, if they think fit, consider an application for a licence notwithstanding that it has been received at their office otherwise than at the time provided in paragraph (4), (5) or (6) of this Regulation.

(8) The Board shall, as soon as may be after the receipt by them of an application for the grant of a licence accompanied by the prescribed fee, publish in their official record such particulars of the application as they think necessary for indicating the substance of the application, and shall make a copy of the application available at their office for inspection by any person at any reasonable time;

Provided that—

(*a*) the Board shall not publish particulars of any application for a Class C licence, or for a Class D licence for an Area IV, V or VI Service, unless within forty-eight hours after their receipt of the application they have served the applicant with notice of their intention so to do; and

(*b*) in the case of any licence other than a Class A or a Class E licence the Board may dispense with publication as aforesaid if they are satisfied that for reasons of urgency it is desirable to do so.

(9) If in the opinion of the Board an application for a licence relates to more than one service, the Board may direct that the application shall, for the purposes of these Regulations, be treated as being such number of separate applications as they may specify in the direction, and the application shall be treated accordingly.

(10) In this Regulation references to an Area Service shall be construed in accordance with paragraph 1 of the Second Schedule to these Regulations.

Applications for the revocation, suspension or variation of licences

5.—(1) Every application for the suspension of a licence shall state the period of the proposed suspension, and every application for the variation of a licence shall specify the variation proposed.

(2) Every application for the revocation, suspension or variation of a licence shall state the reasons advanced in support of the application.

(3) Every such application shall be made on a form supplied by the Board, and shall be signed by or on behalf of the applicant.

(4) Every such application shall be accompanied by the fee, if any, payable under these Regulations in respect of the application, and by five copies of the application, which copies need not be signed: provided that the Board may accept less than five copies of the application in any particular case. A signed copy of the application shall be served by the applicant on the holder of the licence within 24 hours after it has been received at the office of the Board unless the applicant is himself the holder of the licence.

(5) Paragraphs (4) to (8) of Regulation 4 of these Regulations shall apply in relation to an application for the revocation, suspension or variation of a licence as they apply in relation to an application for the grant of that licence:

Provided that in respect of an application—

(*a*) by the holder of a licence for its revocation or suspension; or

(*b*) by any person for a variation which, in the opinion of the Board, is unlikely to prejudice the interests of any persons of the categories specified in paragraph (3) of Regulation 10 of these Regulations,

the Board may

(i) consider the application notwithstanding that it has been received at their office at a later time than is otherwise required by this paragraph; and

(ii) dispense with publication of particulars of the application.

Revocation, suspension or variation of licences without application being made

6.—(1) If the Board propose to revoke, suspend or vary a licence, otherwise than in pursuance of an application made to them in that regard, they shall serve on the holder of the licence not less than twenty-one days notice of their intention to publish particulars of the proposal in their official record, together with their reasons for their proposal.

(2) The Board shall consider any representations which may be made to them by the holder of the licence before the expiration of the said notice.

(3) Upon the expiration of the said notice the Board shall publish particulars of the proposal in their official record, unless they have abandoned the proposal.

Objections and Representations

7.—(1) Every objection and representation relating to an application to the Board, or to a proposal of the Board to revoke, suspend or vary any licence, shall be made in writing signed by or on behalf of the person making it and shall be communicated in writing to the Board at their office, together with five copies, which need not be signed.

(2) In the case of an application or proposal particulars of which have been published in the Board's official record, the objection or representation shall be communicated to the Board within the period of twenty-one days beginning with the day of publication as aforesaid. The Board may, if they think fit, consider an objection or representation notwithstanding that it has been communicated to them otherwise than as aforesaid.

(3) The objection or representation shall clearly identify the application or proposal to which it relates and shall state concisely the grounds on which it is based, and whether the person making it wishes to be heard at a meeting of the Board.

(4) The person making the objection or representation shall within 24 hours after it has been communicated to the Board serve a copy of it on—

(*a*) the applicant;

(*b*) any other person who is the holder of the licence to which it relates: and

(*c*) any body which the Board are obliged by paragraph (1) of Regulation 8 of these Regulations to consult in respect of the application or proposal.

(5) Upon being served as aforesaid, the applicant shall, if so required in writing by the person making the objection or representation, serve him with a copy of the application.

Consultation by the Board

8.—(1) The Board shall not grant, revoke, suspend or vary any Class A or Class B licence for an air transport service to, from or within Scotland, Wales, Northern Ireland, any of the Channel Islands, or the Isle of Man except after consulting with the regional advisory committee for Scotland, Wales or Northern Ireland (provided for in Regulation 20 of these Regulations), the Channel Islands Air Advisory Council, or the Isle of Man Airports Board, whichever shall be appropriate in the circumstances:

Provided that consultation as aforesaid shall not be required in respect of any application for the variation of a licence, being an application of which the Board have not published particulars in their official record.

(2) If the Board have published particulars of an application for a licence in their official record, they shall not grant that licence except after consulting with the National Joint Council for Civil Air Transport with regard to the terms and conditions of employment of the applicant's servants.

Furnishing of information to the Board by persons making applications, objections or representations

9. The Board may require any person who has made an application, objection or representation to them under these Regulations to provide the Board with all such information or documents in his possession or control relevant to the application, objection or representation as may be specified in the requirement; and, whenever in their opinion, after consulting the said person, it is necessary and proper to do so, having regard in particular to the question whether the information is of a confidential nature, the Board may furnish particulars of any such information or copies of any such documents to any person who has a right to be heard by the Board in connection with the case to which the information or documents relate.

Hearings and decisions by the Board in connection with licences

10.—(1) Any applicant for the grant of a licence shall have a right to be heard by the Board at a meeting to consider his application unless the Board are obliged by subsection (3) of section 2 of the Act to refuse the application.

(2) Any holder of a licence shall have a right to be heard by the Board at a meeting of the Board to consider the revocation, suspension or variation of his licence.

(3) A person who has made an objection to or representation in respect of an application to or proposal of the Board in accordance with Regulation 7 of these Regulations, and who has indicated in the objection or representation that he wishes to be heard by the Board, shall, unless in the case of an application to the Board, they are obliged by subsection (3) of section 2 of the Act to refuse it, have a right to be heard by the Board at a meeting to consider the application or proposal, if he belongs to one or more of the following categories—

(*a*) the holder of any air service licence;

(*b*) an applicant for any air service licence whose application has not yet been determined by the Board, or having been so determined, is or may be the subject of an appeal to the Minister;

(*c*) the holder of an aerodrome licence;

(*d*) a person whose business includes the carriage of passengers, mails or other cargo for reward otherwise than by air and whose principal place of business is in the United Kingdom, any of the Channel Islands, or the Isle of Man;

(*e*) a Government Department or Minister of the Crown, including a Department or Minister of the Government of Northern Ireland, but not including the Minister of Aviation.

(4) Subject to the provisions of subsection (3) of section 2 of the Act, the Board shall not be required to determine any application without hearing the applicant, but, subject to paragraphs (1), (2) and (3) of this Regulation, they may dispense with a hearing whenever they think fit.

(5) A hearing shall not be held by the Board at any meeting to consider an application to or proposal of the Board unless they have served on all persons having a right to be heard at that meeting not less than fourteen days notice in writing of the date, time and place of the hearing, and the notice shall clearly identify the application or proposal to which it relates. A similar notice shall be published by the Board in their official record not less than seven days before the day of the hearing, and shall be exhibited in a public place for a like period.

(6) In addition to persons having a right to be heard, the Board may, if they think fit, hear any other person.

(7) Every person who belongs to one or more of the categories set forth in paragraph (3) of this Regulation and has a right to be heard by the Board in connection with any case shall, for the purposes of these Regulations, be deemed to be a party to that case.

(8) The Board may, if they think fit, and subject to the provisions of this Regulation, hear two or more cases together, but a party to one case shall not on that account be deemed to be a party to any other case.

(9) At a hearing by the Board every party to a case may appear in person or be represented by any other person whom he may have authorised to represent him, and may produce oral or written evidence, and examine any other party to that case and any witnesses produced by him.

(10) The Board shall give reasons for their decision—

(*a*) if any objections to the application have been considered by the Board;

(*b*) if the Board have held a hearing in connection with the application; or

(*c*) if the Board have refused the application, or have granted the application with a modification determined by the Board:

Provided that the Board shall not be required to disclose any information which they have received from the Minister in the course of consultation with him in accordance with subsection (3) of section 2 of the Act.

(11) The Board shall serve a copy of their decision on every party to the case as soon as may be and shall cause particulars of their decision to be published in their official record.

(12) The Board shall furnish a copy of the reasons for their decision to any person who so demands.

(13) If the Board are obliged by subsection (3) of section 2 of the Act to refuse an application, an indication to that effect shall be sufficient reason for their refusal.

(14) If the application in question contains the name and address of such persons as are referred to in sub-paragraph (*k*) (viii) of paragraph (1) of Regulation 4 of these Regulations, the Board shall serve all such persons, being persons resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man, with notice of their decision, clearly identifying the application to which it relates.

(15) All the proceedings at a hearing of the Board in connection with a licence or proposal shall be recorded by a shorthand writer, or, if the Board think fit, by some other means, and if any party to the case before the Board shall so require within the time allowed under these Regulations for appealing from the decision of the Board, or if an appeal is lodged in accordance with these Regulations, the Board shall cause a transcript of the record 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.

Further provisions as to procedure

11.—(1) The quorum of the Board shall, unless the Board shall otherwise decide in relation to a particular case or class of cases, be three members.

(2) Every hearing by the Board shall be held in public unless the Board shall otherwise decide in relation to the whole or part of a particular case.

(3) Subject to the provisions of the Act, the failure of the Board or of any person to give any notice or publish any particulars in the time or manner provided for in these Regulations or any other procedural irregularity shall not invalidate the action taken by the Board, but may be a ground of appeal to the Minister; and the Board may, and shall if they consider that any person may have been prejudiced, take such steps as they think fit before reaching their decision to cure the irregularity, whether by the giving of any notice or the taking of any step or otherwise.

(4) For the exercise of their advisory functions under section 4 of the Act the Board may hear such persons as they think fit, and in that event they shall cause reasonable notice of the intended date, time and place of the hearing to be published in their official record and to be served on such persons, if any, as they consider to be concerned with the subject on which they are to advise.

Conditions of licences

12. In granting or varying a licence the Board may impose conditions of any of the following descriptions:—

(*a*) as to any of the matters referred to in sub-paragraphs (*a*) to (*g*) of paragraph (1) of Regulation 4 of these Regulations;

(*b*) as to the places of departure and destination of any flight under the licence, or the geographical area of such flights, or the purpose thereof;

(*c*) as to the periods, seasons or times during or at which an air transport service may be provided under the licence, and the frequency or class of that service;

(*d*) as to the places at which or areas in which passengers or cargo may or must be taken up or set down on flights under the licence;

(*e*) as to the numbers of passengers and the weight or quantity of cargo that may be carried on any flight under the licence;

(*f*) as to the classes or descriptions of passengers or cargo that may be so carried, including in particular the nationality, place of residence and ultimate destination of the passengers, and the nationality or place of business of the consignor or consignee of the cargo;

(*g*) as to the incidence of expenses incurred by or in respect of passengers carried under the licence;

(*h*) as to the provision, preservation and production of certificates relating to the matters referred to in sub-paragraphs (*f*) and (*g*);

(*i*) as to the travel agents or other persons who may make available or offer facilities for carriage by air under the licence, the facilities they must provide, and the consideration they may receive from the passengers or from the holder of the licence;

(*j*) as to the arrangements to be made in respect of the service between the holder of the licence and—

(i) any other person holding a licence;

(ii) persons providing transport services otherwise than by air;

(*k*) as to connections between the air transport services to be provided under the licence, and transport services whether or not provided by air;

(*l*) as to the facilities and amenities to be provided by the holder of the licence in connection with the air transport service to which the licence relates;

(*m*) as to the advertising or publicity or booking arrangements relating to the said service;

(*n*) as to the production of the licence to any person reasonably requiring to examine it;

(*o*) as to the validity of the licence if the fees prescribed by Regulation 17 of these Regulations and the Second Schedule thereto are not paid in accordance with the prescribed provisions.

Provisions as to tariffs

13. The following exceptions and modifications are hereby prescribed for the purposes of subsection (5) of section 2 of the Act:—

(*a*) in the case of a Class A or Class B licence the Board may, if they think fit and with the consent of the Minister (which may be given generally or in respect of a particular case or class of cases) dispense wholly or in part with a provision as to the tariff to be charged;

(*b*) in the case of a Class C, Class D or Class E licence the Board may, if they think fit, dispense wholly or in part with a provision as to the tariff to be charged;

(*c*) in the case of a licence of any class the Board shall dispense with a provision as to the tariff to be charged in respect of the carriage of postal packets on behalf of the Postmaster-General within, from or to the British postal area or any British postal agency, or in respect of the carriage of postal packets otherwise than as aforesaid where charges are payable therefor to the Postmaster-General (whether as principal or agent); and for the purpose of this sub-paragraph the expressions "British postal agency", "British postal area" and "postal packet" shall have the same respective meanings as are assigned to them by subsection (1) of section 87 of the Post Office Act, 1953(a).

Appeals to the Minister

14.—(1) The holder of or applicant for the licence and any other party to the case before the Board shall have a right to appeal to the Minister in accordance with the provisions of this Regulation from any decision of the Board with respect to any licence or any application for a licence.

(2) An appeal to the Minister against a decision of the Board shall be made by written notice clearly identifying the case to which it relates and stating concisely the grounds on which the appeal is based.

(3) The notice shall be signed by or on behalf of the appellant and shall be received by the Minister within the period of twenty-one days beginning with the day of the publication of the decision of the Board in their official record.

(4) A copy of the notice of appeal shall be served by the appellant on the Board and on each of the parties to the case before the Board; and for this purpose any person having the right to appeal against a decision of the Board may require them to furnish him with the names and addresses of the other parties to the case before the Board.

(5) The Minister shall serve on the appellant and on each of the parties as aforesaid not less than twenty-one days notice of the date, time and place of the hearing of the appeal, and shall cause not less than seven days notice thereof to be published in the official record of the Board.

(a) 1 & 2 Eliz. 2. c. 36.

(6) The Minister shall appoint a Commissioner to hear each appeal, and the Commissioner shall hold the hearing in public unless he shall otherwise decide in relation to the whole or part of the case.

(7) The appellant and any person who was a party to the case before the Board, or who was heard by the Board in connection with that case, shall have a right to be heard by the Commissioner:

Provided that a party to a case who did not exercise his right to be heard by the Board shall not have a right to be heard by the Commissioner unless he has served on the Minister, the Board and all the other parties to the hearing at least ten days notice of his wish to be heard by the Commissioner, stating concisely his reasons for wishing to be heard, and has obtained the Minister's consent to his being heard.

(8) Any person heard by the Commissioner in connection with an appeal shall be deemed for the purposes of these Regulations to be a party to that appeal.

(9) The Commissioner may if he thinks fit hear two or more appeals together, but a party to one appeal shall not on that account be deemed to be a party to any other appeal.

(10) Any party to the appeal may appear in person or be represented by any other person whom he may have authorised to represent him.

(11) Any party to the appeal may produce to the Commissioner evidence additional to that before the Board, if he has served the Board and the other parties to the hearing before the Board with at least ten days notice of his intention to do so, setting forth the substance of the new evidence; and any witness giving new evidence before the Commissioner may be examined as to that new evidence by the other parties to the appeal.

(12) The Commissioner 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 all the parties to the appeal.

(13) The Board shall furnish the Commissioner with a transcript of the record of any relevant hearing by them.

(14) The Commissioner shall send to the Minister a report containing a summary of the proceedings at the hearing, his recommendation to the Minister as to the disposal of the appeal and as to the liability of the parties thereto in respect of the costs or expenses thereof, together with the reasons for his recommendations.

(15) The Minister shall consider the summary and recommendations of the Commissioner and shall make such order as he thinks fit as to the application or proposal which is the subject of the appeal, and in particular may order the Board to hear or rehear the whole or part of the case. If the Minister does not accept the recommendations of the Commissioner, in whole or in part, he shall give his reasons for not so doing.

(16) (*a*) In determining an appeal other than an appeal which has been heard by a Commissioner in Scotland the Minister may, if he thinks fit, order any of the parties to the appeal to pay to any other party thereto either a specified sum in respect of the costs incurred by him in connection with the appeal, or the taxed amount of those costs.

(*b*) Any costs required by an order under the foregoing sub-paragraph to be taxed may be taxed in the county court on such scale as may be directed by the order.

(*c*) Any sum payable by virtue of an order under sub-paragraph (*a*) of this paragraph shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court; and, subject to county court rules, an application for an order of the county court under this paragraph may be made *ex parte*.

(*d*) The powers of the county court under the foregoing provisions of this paragraph may be exercised by the Registrar.

(*e*) In relation to an appeal which has been heard by a Commissioner in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the appeal were parties to the submission, and any award of expenses by the Minister under this sub-paragraph may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.

(17) The Minister shall communicate his order (including his order as to costs, if any) and the reasons for it, if given, in writing to the Board together with a copy of the Commissioner's report. The Board shall—

(*a*) take such action as the Minister may have ordered them to take in respect of the licence or application therefor;

(*b*) serve a copy of the Minister's order on any such person as is referred to in sub-paragraph (*k*) (viii) of paragraph (1) of Regulation 4 of these Regulations, being a person resident or having a place of business in the United Kingdom, any of the Channel Islands or the Isle of Man; and

(*c*) cause the substance of the Minister's order to be published in their official record.

(18) The Minister shall serve on each of the parties to the appeal a copy of the Commissioner's report and of the Minister's order, and the reasons for it, if given, and shall cause copies of those documents to be available for purchase by any person at a reasonable price.

Continuation of expired licences

15. The periods respectively set forth in the following table are hereby prescribed for the purposes of subsection (8) of section 2 of the Act (which provides that in the circumstances therein set forth a licence shall not cease to be in force by reason of the expiry of the term for which it was granted):—

Term of licence	*Period Prescribed*
Not more than 6 months ...	half the term of the licence.
More than 6 months but not more than 12 months	4 months.
More than 12 months	6 months.

Transfer of licences

16.—(1) Subject to the provisions of this Regulation—

(*a*) If the sole holder of a licence (being an individual) shall die, the licence shall be treated from the time of his death as if it had then been granted to his legal personal representative;

(*b*) If in connection with the reconstruction of any body corporate or bodies corporate or the amalgamation of any bodies corporate the whole of the business of the holder of a licence (being a body corporate) or such part thereof as includes the provision of the air transport services or of flights for other purposes authorized by the licence, is

transferred or sold to another body corporate, the licence shall be treated, from the date of the transfer or sale of the whole or the relevant part of the business, as if it had been granted to that other body corporate.

(2) The person required by paragraph (1) of this Regulation to be treated as the holder of the licence may apply to the Board—

(*a*) If he is the legal personal representative of an individual licence holder who has died, for the transfer of the licence to any person entitled to a beneficial interest in the deceased's estate (including himself in his personal capacity if he is in that capacity entitled to such an interest), and

(*b*) in any other case, for the substitution of his own name in the licence for the name of the person by whom the licence was held.

(3) The application shall state the grounds on which it is based and shall be received at the office of the Board within the period of twenty-eight days beginning with the day on which the applicant first became entitled to make it; and if no application as aforesaid is made within that period, the licence shall cease at the expiration of that period to be treated as if granted to a person other than the person to whom it was granted.

(4) The application shall, for the purposes of these Regulations, be treated as if it were an application for the variation of the licence.

(5) The Board shall not, without the consent of the Minister, grant an application for the transfer of a licence to, or the substitution of the name of, any person who is not such a person as is described in subsection (7) of section 2 of the Act.

(6) For the purposes of this Regulation "legal personal representative" has the same meaning as is assigned to it by section 742 of the Merchant Shipping Act, 1894(a).

Fees

17. The provisions of the Second Schedule to these Regulations shall apply in respect of the fees payable to the Board in connection with air service licences and applications relating thereto.

Provision of information by holders of air service licences or of air operator's certificates

18. The Minister or the Board may require any person who is the holder of a licence or of an air operator's certificate to provide the Minister and the Board, or either of them, with such statistical, financial and other information as may be specified in the requirement with respect to that person's operations to which the licence or certificate relates; and any person on whom a requirement as aforesaid is served shall comply with it within the period specified in the requirement, if and to the extent that he has the required information in his possession or control.

Surrender of licences

19. If revocation or variation of a licence has taken effect, the Board may require any person who has the licence in his possession or control to surrender it to them for cancellation or variation, as the case may be.

(a) 57 & 58 Vict. c. 60.

Regional Advisory Committees

20.—(1) There shall be set up regional advisory committees for Scotland, Wales and Northern Ireland for the purpose of advising the Board on matters relating to their functions under the Act, with particular regard to the circumstances and requirements of Scotland, Wales and Northern Ireland respectively.

(2) Each such committee shall consist of not less than ten and not more than sixteen persons.

(3) The Minister shall, after consulting respectively with the Secretary of State for Scotland, the Minister for Welsh Affairs and the Minister of Commerce of Northern Ireland, appoint the members of the regional advisory committees for Scotland, Wales and Northern Ireland, together with a chairman for each Committee from among its members.

(4) A member of a regional advisory committee shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member.

(5) The Minister shall provide each of the regional advisory committees with such accommodation, equipment and assistance as appears to him to be necessary or expedient for the exercise of their functions.

(6) The Minister shall pay any travelling or other expenses which in his opinion are reasonably incurred by any person as a member of any of the aforesaid regional advisory committees.

Dated this 21st day of November, 1960.

Peter Thorneycroft,
Minister of Aviation.

We approve the making of Regulation 17 of these Regulations.

Dated this 21st day of November, 1960.

J. D. Gibson-Watt,
R. Chichester-Clark,
Lords Commissioners of
Her Majesty's Treasury.

FIRST SCHEDULE

Conditions of Group Charter Services

CATEGORY A—(Groups supported by voluntary contributions)

(i) The operator's reward for providing the service shall be raised entirely by voluntary contributions;

(ii) There shall be no minimum contribution;

(iii) The contributors shall include persons not to be carried on the service;

(iv) It shall not be a condition of being carried on the service that the passenger shall have made a contribution or given any other consideration; and

(v) Every passenger carried on the service shall be selected by the hirer of the aircraft for some reason additional to his request that he be carried.

CATEGORY B—(Spontaneous groups)

(i) All the passengers to be carried shall have made an arrangement with each other to share the cost of providing the operator's reward for the service;

(ii) The arrangement shall not have been the consequence of any advertisement or other communication made by or on behalf of the operator of the aircraft, the hirer of the aircraft, or the agent of either of them, being an advertisement or communication which could reasonably be construed as calculated or likely to invite or induce persons to travel under the arrangement;

(iii) The aggregate of the amounts paid by or on behalf of the passengers in respect of the service shall not exceed the amount of the operator's reward therefor.

CATEGORY C—(Affinity groups)

(i) Every passenger to be carried shall be a member of a single organised group which pursues a principal objective other than travel, and shall have been a member of that group for the period of six months preceding the flight, or shall be the spouse or dependent child of a person so qualified, or a parent of such a person living in the same household as that person;

(ii) The objective other than travel pursued by the group shall be sufficient to distinguish it from the general public;

(iii) The membership of the group shall not exceed twenty thousand persons; and

(iv) Advertisements and other communications, whether oral or written, for the purpose of inviting or inducing persons to engage on the journey shall be communicated only to members of the group, and only by members or officials of the group.

SECOND SCHEDULE

FEES

1. The Table referred to in this Schedule is as follows:—

1 Description of Licence	2 Application Fee	3 Fee for grant, variation, suspension or revocation	4 Annual Fee
Class A Licence for—	£ s. d.	£ s. d.	£ s. d.
Area I Service	25 0 0	25 0 0	40 0 0
Area II Service	50 0 0	50 0 0	80 0 0
Area III Service	100 0 0	200 0 0	160 0 0
Area IV Service	200 0 0	400 0 0	400 0 0
Area V Service	100 0 0	200 0 0	160 0 0
Area VI Service	200 0 0	400 0 0	400 0 0
Class C Licence if an application in respect thereof is not published by the Board	2 0 0	Nil	Nil
Any other Licence:—			
(*a*) for a restricted number of journeys	25 0 0	Nil	10 0 0
(*b*) for an unrestricted number of journeys	25 0 0	50 0 0	60 0 0

Standard Fees

2. Subject to the provisions of this Schedule, fees shall be payable to the Board as follows:—

(*a*) upon making an application for the grant of a licence the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence applied for;

(*b*) for the grant of a licence, the applicant shall pay, on the first day on which the licence authorises a flight, the fee specified in the third column of the Table opposite the description of the licence granted;

(*c*) upon making an application for variation of a licence (whether or not in respect of more than one particular) the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence as it would be if the application were granted;

(*d*) for the variation of a licence (whether or not in more than one particular) the applicant shall pay on the first day on which the variation comes into force, the fee specified in the third column of the Table opposite the description of the licence as varied;

(*e*) upon making an application for the revocation or suspension of a licence of which he is not the holder the applicant shall pay the fee specified in the second column of the Table opposite the description of the licence, taking into account any variations which may have been made, and if his application is granted he shall thereupon pay the fee specified in the third column of the Table opposite that description;

(*f*) the holder of a licence shall pay in respect thereof the annual fee specified in the fourth column of the Table opposite the description of the licence, taking into account any variations which may have been made; payment shall first become due upon the expiration of the period of one year after the first day on which the licence authorises a flight and each subsequent payment shall become due at intervals of one year after that date; each payment of an annual fee shall relate to the year following the day on which it becomes due, and, if the fee exceeds ten pounds, shall be reduced by one-twelfth for every month by which the unexpired portion of the term of the licence is less than one year;

(*g*) if a licence is suspended, the annual fee shall not become due so long as the suspension continues, but upon the ending of the suspension the holder of the licence shall pay that fee, reduced by one-twelfth for every month of suspension during the year to which the fee relates.

Variation of licences: Special provisions

3.—(1) The Board may reduce by such amount as they think fit the fee in respect of an application by the holder of a licence for its variation, and for the variation of the licence, if, in their opinion, it is proper to do so by reason of the disproportion between the amount of the fee and the benefit conferred by the variation.

(2) In a case where a licence is varied with effect in the course of a year to which an annual fee relates, the amount of the annual fee shall be adjusted proportionately so as to take account of any resulting variation in the description of the licence; and any additional annual fee shall be paid by the holder of the licence, or any refund of the annual fee shall be made to him (whichever shall be appropriate), on the date on which the variation comes into force.

(3) If the Board are of the opinion that an application for variation of a licence is in substance an application for a licence for a new service, they may, on varying the licence, direct that for the purpose of the annual fee, the licence is to be treated as if it were several licences of such number and description as they may specify in the direction.

(4) Where an application for variation of a licence relates solely to a provision as to the tariff to be charged the fee to be paid for that application shall be £2 0s. 0d. and, if no hearing has been held by the Board in connection with that application, no fee shall be payable for the variation.

Transitional Licences: Special provisions

4. When a licence is granted in pursuance of an Order made under subsection (6) of section 2 of the Act—

(*a*) the fees specified in the second and third columns of the Table shall not be payable:

(*b*) annual fees in respect of the licence shall be paid in accordance with the foregoing provisions of this Schedule, except that the first such payment shall become due on 30th March, 1961, and each subsequent payment shall become due at intervals of one year after that date.

Refund of Fees

5.—(1) Where an application for a licence or the variation, revocation or suspension thereof is withdrawn before a notice of a hearing in connection with such application has been published by the Board in their official record the Board may refund such part of the application fee as they think proper in the circumstances of the case.

(2) Where the Board are obliged by subsection (3) of section 2 of the Act to refuse an application for the grant of a licence they shall refund the whole of the application fee.

(3) Where a licence has been revoked or suspended the Board may refund such portion, if any, of the fees paid for the grant of the licence or of the annual fee as they think proper in the circumstances of the case:

Provided that no portion of a fee shall be refunded unless that fee exceeds ten pounds.

Definition of Area Services

6.—(1) For the purposes of this Schedule—

"Area I Service" means a service between places all of which are within the following territories:—

the United Kingdom,

any of the Channel Islands,

the Isle of Man;

"Area II Service" means a service, not being an Area I Service, between places all of which are within the following territories:—

the United Kingdom,

any of the Channel Islands,

the Isle of Man,

the Republic of Ireland,

Belgium,

Holland,

Luxembourg,

France, north of the rhumb lines successively joining the following points: 47° 00′ north latitude 02° 02′ west longitude, 47° 00′ north latitude 02° 00′ east longitude, 49° 28′ north latitude 06° 04′ east longitude,

Germany, west of the rhumb lines successively joining the following points: 49° 28′ north latitude 06° 04′ east longitude, 50° 43′ north latitude 08° 00′ east longitude, 53° 43′ north latitude and 08° 00′ east longitude,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

"Area III Service" means a service, not being an Area I or an Area II Service, between places all of which are within the following territories:—

the United Kingdom,

any of the Channel Islands,

the Isle of Man,

any of the Canary Islands,

any of the Madeira Islands,

Morocco,

Cyprus,

Iceland,

the area enclosed by the parallels of latitude 66° north and 34° north and the meridians of longitude 10° west and 30° east,

if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

"Area IV Service" means a service, not being an Area I, an Area II or an Area III Service, if any one of the places served is in the United Kingdom, any of the Channel Islands or the Isle of Man;

"Area V Service" means a service, between places within a circle having a diameter not exceeding 1,500 nautical miles, none of which is in the United Kingdom, any of the Channel Islands or the Isle of Man;

"Area VI Service" means a service, between places within a circle having a diameter exceeding 1,500 nautical miles, none of which is in the United Kingdom, any of the Channel Islands or the Isle of Man.

(2) The circle referred to in the preceding sub-paragraph shall have a radius of 12½° of latitude measured on Mercator's projection on the scale of latitude at the centre of the circle.

EXPLANATORY NOTE

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

These Regulations are made under the Civil Aviation (Licensing) Act, 1960, and include in particular provision for—

(*a*) the exemption of flights for certain purposes from the requirement of an air service licence under that Act (Regulation 3);

(*b*) the form and manner of applying for the grant, variation, suspension and revocation of a licence, and of making objections and representations in connection with such an application (Regulations 4, 5 and 7);

(*c*) consultation and hearings by the Air Transport Licensing Board; and generally as to their procedure (Regulations 8, 10 and 11);

(*d*) the conditions which the Board may include in a licence and the circumstances in which they may or shall dispense with a provision in a licence as to tariffs (Regulations 12 and 13);

(*e*) appeals to the Minister of Aviation from decisions of the Board (Regulation 14);

(*f*) the fees to be paid to the Board in connection with air service licences and applications relating thereto (Regulation 17 and the Second Schedule);

(*g*) the provision to the Minister and the Board of statistical, financial and other information by licence holders, and by the holders of air operator's certificates granted under any Order in Council made under section 8 of the Civil Aviation Act, 1949 (Regulation 18);

(*h*) the setting up of regional advisory committees for Scotland, Wales and Northern Ireland for the purpose of advising the Board (Regulation 20).