

Fitness Criteria for the Grant and Retention of an Operating, Air Transport or Route Licence

1. It is a requirement of Regulation 6 of the Operation of Air Services in the Community Regulations 2009 (SI 2009/41) that an applicant for or holder of an Operating Licence granted by the CAA is first not an undischarged bankrupt and secondly is otherwise of good repute. Sections 65(2) and 66(3) of the Civil Aviation Act 1982 provides that the CAA shall refuse to grant, or shall take action against an Air Transport Licence, including a Route Licence, if it is not satisfied that the applicant is, having regard to his and his employees experience in the field of aviation and his and their past activities generally and, where the applicant is a body corporate, the experience in the field of aviation and the past activities generally of the persons appearing to the CAA to control that body, a fit person to operate aircraft under the authority of the licence.
2. The CAA will have regard to a range of factors when assessing a person's good repute or fitness. These may include the business history of the persons concerned, any previous relationship with the CAA, whether such persons have been subject to bankruptcy proceedings or are, have been or are currently subject to any investigation which has, or may, lead them to be disqualified as a director or subject to any sanction as to their suitability as a company post holder. However, the most important criteria that may affect their reputation will be the person's honesty and integrity, together with their competence and capability.
3. The CAA shall propose to suspend or revoke an Operating, Air Transport or Route Licence if those owning or controlling an air carrier knowingly or recklessly furnish false information to it.
4. If the CAA reaches a preliminary view that it should take action against a Licence holder, or is considering refusing a licence, on grounds of good repute or fitness, the CAA will issue a written proposal to refuse the application, or suspend and/or revoke where a licence is already in force, setting out its reasons in full. The Licence holder will be entitled to make representations in response and will be offered a hearing at which to do so. If after hearing the Licence holder's case the CAA then refuses, suspends or revokes a licence on grounds of good repute or fitness, the Licence holder has a right to appeal to the Secretary of State for Transport.

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