
Changes to legislation: Gas Act 1986, Cross Heading: Suspension of decision is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 4A

PROCEDURE FOR APPEALS UNDER SECTION 23B

Textual Amendments

- F1** Sch. 4A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), 41(8), [Sch. 5](#) (with reg. 42)

Suspension of decision

2. (1) The [^{F2}CMA] may direct that, pending the determination of an appeal against a decision of the Authority—
- (a) the decision is not to have effect; or
 - (b) the decision is not to have effect to such extent as may be specified in the direction.
- (2) The power to give a direction under this paragraph is exercisable only where—
- (a) an application for its exercise has been made by the appellant at the same time that the appellant made an application in accordance with paragraph 1(3) for permission to bring an appeal against a decision of the Authority;
 - (b) [^{F3}the Authority has been given] an opportunity of making representations or observations, in accordance with paragraph 3(2);
 - (c) the relevant licence holder, the licence holder or consumers whose interests are materially affected mentioned in section 23B(2) (as the case may be) would incur significant costs if the decision were to have effect before the determination of the appeal; and
 - (d) the balance of convenience does not otherwise require effect to be given to the decision pending that determination.
- (3) The [^{F4}CMA's] decision on an application for a direction under this paragraph must be made—
- (a) where the Authority makes representations or observations in accordance with paragraph 3(2), before the end of 10 working days beginning with the first working day after the day on which those representations or observations are received;
 - (b) in any other case, before the end of 14 working days beginning with the first working day following the day on which the application under subparagraph (2)(a) is received.
- (4) The appellant must send the Authority a copy of the application for a direction under this paragraph at the same time as it is sent to the [^{F5}CMA] .

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- (5) The [^{F6}CMA's] decision whether to give a direction is to be taken by an authorised member of the [^{F7}CMA] .
- (6) A direction under this paragraph must be—
- (a) given by an authorised member of the [^{F8}CMA] ; and
 - (b) published, in such manner as [^{F9}an authorised member of the CMA] considers appropriate, as soon as reasonably practicable after it is given.
- (7) Section 23G(2) applies to the publication of a direction under sub-paragraph (6) as it does to the publication of a decision under section 23G.]

Textual Amendments

- F2** Word in Sch. 4A para. 2(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in Sch. 4A para. 2(2)(b) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in Sch. 4A para. 2(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(c)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in Sch. 4A para. 2(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(d)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Word in Sch. 4A para. 2(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(e)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Word in Sch. 4A para. 2(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(e)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Word in Sch. 4A para. 2(6)(a) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(f)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in Sch. 4A para. 2(6)(b) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 29(3)(f)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(e) and word inserted by [2023 c. 52 s. 185\(3\)](#)
- s. 5(1)(ca) inserted by [2023 c. 52 s. 168\(2\)\(b\)](#)
- s. 5(10A) inserted by [2023 c. 52 s. 168\(2\)\(c\)](#)
- s. 5(11A)(11B) inserted by [2023 c. 52 s. 185\(4\)](#)
- s. 7B(5FA) inserted by [2023 c. 52 s. 185\(13\)](#)
- s. 7AC inserted by [2023 c. 52 s. 185\(6\)](#)
- s. 8AA(11B) inserted by [2023 c. 52 s. 185\(14\)](#)
- s. 15A inserted by [1992 c. 43 s. 17](#)
- s. 23D(2)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(c\)\(iii\)](#)
- s. 27(1ZA)(aa) inserted by S.I. 2019/93, Sch. 1 para. 2(2)(b) (as substituted) by [S.I. 2019/1245 reg. 17](#) (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. 27B(1)(a)(vii) and word inserted by [S.I. 2024/706 reg. 2\(8\)\(b\)](#)
- s. 28(8A) inserted by [2023 c. 52 Sch. 14 para. 3\(3\)](#)
- s. 36A(11) inserted by [2024 c. 13 Sch. 29 para. 8](#)
- s. 41E(6)(d) and word inserted by [2013 c. 32 s. 138\(4\)\(f\)\(ii\)](#)
- s. 41EB(7) inserted by [2024 c. 13 Sch. 30 para. 8\(5\)](#)
- Sch. 4B para. 9B and cross-heading inserted by [2023 c. 52 Sch. 14 para. 4](#)
- Sch. 4B para. 3A and cross-heading inserted by [S.I. 2024/706 reg. 2\(11\)\(b\)](#)