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## SCHEDULES

### SCHEDULE 2

#### APPEALS UNDER SECTIONS 24 AND 25

#### PART 6

#### GENERAL

##### *Costs*

- 32 (1) Where an application under this Schedule or an appeal is withdrawn, an authorised member of the [<sup>F1</sup>Competition and Markets Authority] may make such order as the member thinks fit requiring the parties to the application or appeal to make payments to each other and to [<sup>F2</sup>the Competition and Markets Authority] in respect of costs incurred in connection with the application or appeal.
- (2) A group that determines an appeal must make an order requiring the payment to the [<sup>F3</sup>Competition and Markets Authority] of the costs incurred by [<sup>F4</sup>the Competition and Markets Authority] in connection with the appeal.
- (3) An order under sub-paragraph (2) must require those costs to be paid—
- (a) where the appeal is allowed in full, by the CAA,
  - (b) where the appeal is dismissed in full, by the appellant, and
  - (c) where the appeal is allowed in part, by the appellant and the CAA in such proportions as the [<sup>F5</sup>group] considers appropriate,
- subject to sub-paragraph (4).
- (4) The order may require an intervener in the appeal to pay such proportion of those costs (if any) as the [<sup>F5</sup>group] considers appropriate.
- (5) A group that determines an appeal may make such order as it thinks fit requiring one party to the appeal to make payments to another in respect of costs reasonably incurred by the other party in connection with the appeal.
- (6) A person who is required to make a payment by an order under this paragraph must comply with the order before the end of the period of 28 days beginning with the day after the making of the order.
- (7) If that person does not do so, the unpaid balance carries interest at a rate specified in the order or determined in accordance with the order.
- (8) In this paragraph, references to an intervener in an appeal, and to a party to an appeal, include a person who was granted permission to intervene in the appeal and subsequently withdrew from the appeal.

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### Textual Amendments

- F1** Words in Sch. 2 para. 32(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(a\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 2 para. 32(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(a\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in Sch. 2 para. 32(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(b\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in Sch. 2 para. 32(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(b\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in Sch. 2 para. 32(3)(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(31\)\(c\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

### Commencement Information

- I1** Sch. 2 para. 32 in force at 6.4.2013 by [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

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

- Act power to amend conferred by [2024 c. 13 s. 138\(2\)-\(7\)](#)

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

- s. 61(12) inserted by [2024 c. 13 Sch. 29 para. 1\(2\)](#)
- s. 63(3A) inserted by [2024 c. 13 Sch. 29 para. 1\(3\)](#)
- s. 86(4)(a) word inserted by [2024 c. 13 Sch. 12 para. 6\(4\)\(a\)](#)
- s. 86(4)(b) word inserted by [2024 c. 13 Sch. 12 para. 6\(4\)\(b\)](#)
- s. 86(7)(b) word inserted by [2024 c. 13 Sch. 12 para. 6\(5\)](#)