



Postal Services Act 2000

2000 CHAPTER 26

PART II

LICENCES FOR POSTAL SERVICES

Financial penalties

36 Appeals.

- (1) This section applies if a licence holder on whom a penalty is imposed under section 30 is aggrieved by—
 - (a) the imposition of the penalty,
 - (b) the amount of the penalty, or
 - (c) the date by which the penalty is required to be paid or (as the case may be) the different dates by which portions of the penalty are required to be paid.
- (2) The licence holder may apply to the court.
- (3) If a copy of the notice under section 32(3) was served on the licence holder, the application to the court shall, subject to subsection (4), be made within the period of 42 days starting with the day on which the copy was served on the licence holder.
- (4) If the application relates to a decision of the Commission on an application by a licence holder under section 32(5), the application to the court shall be made within the period of 42 days starting with the day on which the licence holder is notified of the decision.
- (5) On an application under this section, the court may—
 - (a) quash the penalty,
 - (b) substitute a penalty of such lesser amount as the court considers appropriate, or
 - (c) in a case falling within subsection (1)(c), substitute for the date or dates imposed by the Commission an alternative date or dates,if it considers it appropriate to do so and is satisfied of one or more of the grounds mentioned in subsection (6).

Status: Point in time view as at 26/03/2001. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, Section 36. (See end of Document for details)

- (6) The grounds are—
- (a) that the imposition of the penalty was not within the powers of the Commission under section 30,
 - (b) that any of the requirements of section 32 or 33 have not been complied with in relation to the imposition of the penalty and the interests of the licence holder have been substantially prejudiced by the non-compliance,
 - (c) that it was unreasonable of the Commission to require the penalty to be paid by the date concerned or (as the case may be) to require portions of it to be paid by the dates concerned.
- (7) Where an application has been made under this section, the penalty shall not be required to be paid until the application has been determined, withdrawn or otherwise dealt with.
- (8) Where the court substitutes a penalty of a lesser amount it may require the payment of interest on the substituted penalty at such rate, and from such date, as it considers appropriate.
- (9) Where the court specifies as a date by which the penalty, or a portion of the penalty, is to be paid a date before the determination of the application under this section it may require the payment of interest on the penalty, or portion, from that date at such rate as it considers appropriate.
- (10) Except as provided by this section, the validity of a penalty shall not be questioned in any legal proceedings.
- (11) In this section “the court” means—
- (a) in relation to England and Wales or Northern Ireland, the High Court, and
 - (b) in relation to Scotland, the Court of Session.

Status:

Point in time view as at 26/03/2001. This version of this provision has been superseded.

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