



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

Appeals

57 Decisions by OFCOM to impose regulatory conditions, penalties etc

- (1) For the purposes of this section a “qualifying decision” means—
 - (a) a decision to impose or modify a regulatory condition,
 - (b) a decision to give, modify or withdraw a direction, consent or approval that falls within paragraph 2 of Schedule 6,
 - (c) a decision to impose a penalty, or give or modify a direction, under any provision of Schedule 4, 7 or 8,
 - (d) a decision to give or modify a direction under section 89A or 116(2A) of the Postal Services Act 2000 (schemes as to terms and conditions for provision of postal services, and the Postcode Address File), or
 - (e) a decision to give a direction under section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (enforcement of requirements to give information to the National Consumer Council).
- (2) A person affected by a qualifying decision may appeal against it to the Competition Appeal Tribunal (“the CAT”).
- (3) The means of making an appeal is by sending the CAT a notice of appeal in accordance with rules made under section 15 of the Enterprise Act 2002.
- (4) The notice of appeal must be sent within the period specified, in relation to the decision appealed against, in those rules.
- (5) In determining an appeal under this section the CAT must apply the same principles as would be applied by a court on an application for judicial review.

Status: This is the original version (as it was originally enacted).

- (6) The CAT must either—
 - (a) dismiss the appeal, or
 - (b) quash the whole or part of the qualifying decision to which the appeal relates.
- (7) If the CAT quashes the whole or part of a qualifying decision, it may refer the matter back to the person who made the decision with a direction to reconsider and make a new decision in accordance with its ruling.
- (8) The CAT may not direct the person who made the decision to take any action that the person would not otherwise have the power to take in relation to the decision.
- (9) Except in the case of a decision to impose a penalty, or give or modify a direction, under Schedule 4, 7 or 8, the effect of a qualifying decision is not suspended by the making of an appeal against the decision under this section.