



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

Appeals

59 Price control decisions

- (1) A person affected by a price control decision may appeal against it by sending a notice of appeal to OFCOM within the period of two months beginning with the day on which the decision is published.
- (2) The notice of appeal must set out the grounds of appeal in sufficient detail to indicate the error (or errors) which the appellants contend OFCOM made.
- (3) OFCOM must refer any appeal made in accordance with this section (and with rules made under section 60) to the Competition Commission (“the Commission”) as soon as reasonably practicable after it is made.
- (4) The making of an appeal against a decision does not suspend the effect of the decision.
- (5) The Commission must determine an appeal before the end of—
 - (a) the period of 4 months beginning with the day on which OFCOM refer the appeal to it, or
 - (b) if the decision appealed against is not an initial price control decision and the Commission considers that the circumstances of the case are exceptional, the period of 6 months beginning with that day.

If paragraph (b) applies, the Commission must, before the end of the period mentioned in paragraph (a), publish its reasons for considering that the circumstances of the case are exceptional.

- (6) On determining the appeal, the Commission must—
 - (a) dismiss the appeal,

Status: This is the original version (as it was originally enacted).

- (b) allow the appeal and make its own decision on the subject matter of the appeal, or
 - (c) quash the whole or part of the price control decision to which the appeal relates.
- (7) The Commission may allow the appeal, or quash the whole or part of the price control decision to which the appeal relates, only if it considers that OFCOM made a material error.
- (8) If the Commission quashes the whole or part of a price control decision, it may refer the matter back to OFCOM with a direction to reconsider and make a new decision in accordance with its ruling.
- (9) The Commission may not direct OFCOM to take any action that they would not otherwise have the power to take in relation to the decision.
- (10) OFCOM must give effect to any decision of the Commission under subsection (6)(b) as soon as is reasonably practicable after it is made.
- (11) The Commission may investigate any matter or do any other thing for the purpose of making a decision under subsection (6)(b) or (c).
- (12) Any decision made by the Commission under subsection (6) other than one relating to an initial price control decision is a qualifying decision for the purposes of section 57.
- (13) In this section—
 - a “price control decision” means—
 - (a) a decision of OFCOM as to the tariffs that are to be used as mentioned in section 36(4) (designated USP condition: tariffs), or
 - (b) a decision of OFCOM (other than under Part 2 of Schedule 3) as to prices that may be charged for the giving of access under an access condition, and
 - an “initial price control decision” means—
 - (a) the first decision of OFCOM within paragraph (a) of the definition of “price control decision”, or
 - (b) the first decision of OFCOM within paragraph (b) of that definition.