

## SCHEDULES

### SCHEDULE 2

#### APPEALS UNDER SECTIONS 24 AND 25

##### PART 5

##### APPEALS

###### *Remitting decision to CAA*

- 21 (1) This paragraph applies where the Competition Commission decides to remit a matter that is the subject of an appeal to the CAA for reconsideration and decision.
- (2) Where, on reconsidering the matter, the CAA decides to modify a licence, the notice under section 22(6) in respect of the modification may, with the agreement of the holder of the licence, specify a date falling—
- (a) before the end of the period of 6 weeks beginning with the date on which the notice is published, but
  - (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.
- (3) Where, on reconsidering the matter, the CAA considers it appropriate to modify a licence by adding or altering a price cap condition in respect of goods and services—
- (a) sub-paragraph (4) applies if the highest charges that would be permitted by the new or altered price cap condition (disregarding sub-paragraphs (4) and (6)) (“the proposed maximum charges”) are lower than charges imposed by the holder of the licence in respect of such goods and services during all or part of the appeal period, and
  - (b) sub-paragraph (6) applies if the proposed maximum charges are higher than charges imposed by the holder of the licence in respect of such goods and services during all or part of that period.
- (4) Where this sub-paragraph applies, the CAA may modify the licence so that it includes such price cap conditions as the CAA considers appropriate with a view to putting the holder of the licence in the position that it would have been in if, during the appeal period, it had imposed such lower charges as the CAA considers appropriate.
- (5) The reference in sub-paragraph (4) to lower charges does not include charges of less than the proposed maximum charges.
- (6) Where this sub-paragraph applies, the CAA may modify the licence so that it includes such price cap conditions as the CAA considers appropriate with a view to putting the holder of the licence in the position that it would have been in if, during the appeal period, it had imposed such higher charges as the CAA considers appropriate.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The reference in sub-paragraph (6) to higher charges does not include charges of more than the proposed maximum charges.
- (8) For the purposes of this paragraph a licence condition is a price cap condition to the extent that it regulates prices by providing that the amount, or the maximum amount, that may be charged is an amount specified in, or determined in accordance with, the condition.
- (9) In this paragraph “appeal period” has the same meaning as in section 28.