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SCHEDULES

SCHEDULE 2

APPEALS UNDER SECTIONS 24 AND 25

PART 5

APPEALS

Substituting CAA's decision

- 22 (1) This paragraph applies where the [^{F1}Competition and Markets Authority] decides to substitute its own decision for a decision of the CAA that is the subject of an appeal.
- (2) Section 23 applies to the [^{F1}Competition and Markets Authority] as it applies to the CAA.
- (3) The [^{F2}decision of the Competition and Markets Authority] has effect as if made by the CAA, except that—
- (a) section 22(6) does not apply, and
 - (b) an appeal may not be brought against it under this Chapter.
- (4) Any modification of a licence effected by the [^{F3}decision of the Competition and Markets Authority] takes effect from the date specified by [^{F4}the Competition and Markets Authority].
- (5) The [^{F5}Competition and Markets Authority] may, with the agreement of the holder of the licence, specify a date falling—
- (a) before the date on which the order containing its decision 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.
- (6) Where the [^{F5}Competition and Markets Authority] considers it appropriate to modify the licence by adding or altering a price cap condition in respect of goods and services—
- (a) sub-paragraph (7) applies if the highest charges that would be permitted by the new or altered price cap condition (disregarding sub-paragraphs (7) and (9)) (“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 (9) applies if the proposed 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.

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- (7) Where this sub-paragraph applies, the [^{F6} decision of the Competition and Markets Authority] may modify the licence so that it includes such price cap conditions as the [^{F7} Competition and Markets Authority] 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 [^{F7} Competition and Markets Authority] considers appropriate.
- (8) The reference in sub-paragraph (7) to lower charges does not include charges of less than the proposed maximum charges.
- (9) Where this sub-paragraph applies, the [^{F8} decision of the Competition and Markets Authority] may modify the licence so that it includes such price cap conditions as the [^{F9} Competition and Markets Authority] 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 [^{F9} Competition and Markets Authority] considers appropriate.
- (10) The reference in sub-paragraph (9) to higher charges does not include charges of more than the proposed maximum charges.
- (11) In this paragraph—
“appeal period” has the same meaning as in section 28;
“price cap condition” has the same meaning as in paragraph 21.

Textual Amendments

- F1** Words in Sch. 2 para. 22(1)(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 2 para. 22(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in Sch. 2 para. 22(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(c\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Words in Sch. 2 para. 22(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(c\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in Sch. 2 para. 22(5)(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in Sch. 2 para. 22(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(e\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in Sch. 2 para. 22(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(e\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in Sch. 2 para. 22(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(f\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in Sch. 2 para. 22(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 148\(22\)\(f\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I1** Sch. 2 para. 22 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\(5\)](#)