Financial Services (Banking Reform) Act 2013

2013 CHAPTER 33

PART 5

REGULATION OF PAYMENT SYSTEMS

Enforcement and appeals

76   Appeals: general

(1) A person who is affected by any of the following decisions of the Payment Systems Regulator may appeal against the decision—

    (a)   a decision to give a direction under section 54 (other than a general direction),

    (b)   a decision to impose a requirement under section 55 (other than a generally-imposed requirement),

    (c)   a decision to exercise its power under section 56, 57 or 58,

    (d)   a decision to impose a sanction.

(2) In subsection (1) the reference to imposing a sanction is a reference to—

    (a)   publishing details under section 72(1), or

    (b)   requiring the payment of a penalty under section 73.

(3) If the decision is a CAT-appealable decision, the appeal must be made to the Competition Appeal Tribunal in accordance with section 77.

(4) A "CAT-appealable decision" means—

    (a)   a decision to give a direction under section 54,

    (b)   a decision to impose a requirement under section 55, or

    (c)   a decision to publish details under section 72(1).

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(5) If the decision is a decision to impose a penalty on the person under section 73, the appeal must be made to the Competition Appeal Tribunal in accordance with section 78.

(6) If the decision is a CMA-appealable decision, the appeal must be made to the Competition and Markets Authority ("the CMA") in accordance with section 79.

(7) A "CMA-appealable decision" means—
   (a) a decision to impose a requirement under section 56,
   (b) a decision to vary an agreement under section 57, or
   (c) a decision to impose a requirement under section 58.

(8) The permission of the CMA is required for an appeal to be made in accordance with section 79.

(9) The CMA may refuse permission for an appeal only if—
   (a) the appeal is made for reasons that are trivial or vexatious, or
   (b) the appeal has no reasonable prospect of success.