SCHEDULES

SCHEDULE 1

PROPERTY ARRANGEMENTS SCHEMES

Review of determinations

10.—(1) Any person aggrieved by a determination of the Authority under this Schedule may apply to the Competition Appeal Tribunal for a review of the determination.

(2) Subject to sub-paragraph (3), no application under sub-paragraph (1) may be made after the end of the period of 7 days beginning with the day on which the determination is made.

(3) Where the Authority has made a property arrangements scheme, an application under sub-paragraph (1) may be made in respect of a determination relating to the scheme at any time before the end of the period of 7 days beginning with the day on which the scheme is made.

(4) On an application under sub-paragraph (1), the Competition Appeal Tribunal may—

(a) dismiss the application, or

(b) make an order substituting its own determination.

11.—(1) This paragraph applies where—

(a) the Competition Appeal Tribunal makes an order under paragraph 10(4)(b), and

(b) the Authority has not made a property arrangements scheme in relation to the property, rights or liabilities concerned.

(2) The Tribunal may include in the order provision requiring the Authority to make a property arrangements scheme in relation to that property, or those rights or liabilities.

(3) Where paragraph 4 applies because of provision under this paragraph, anything the Tribunal has determined shall be treated for the purposes of that paragraph as determined by the Authority.

12.—(1) This paragraph applies where—

(a) the Competition Appeal Tribunal makes an order under paragraph 10(4)(b),

(b) the Authority has made a property arrangements scheme in relation to the property, rights or liabilities concerned, and

(c) the scheme has not come into operation.

(2) Where the Tribunal's determination is that provision of the kind mentioned in paragraph 1(1) is not, in relation to the property, rights or liabilities concerned, necessary or expedient for implementation purposes, it may include in the order provision quashing the scheme.

(3) In any other case, the Tribunal may include in the order—

(a) provision for the scheme to have effect with such amendments with respect to any matter dealt with by the Authority's determination as it thinks fit, and

(b) to the extent that the Authority's determination dealt with any financial matter, provision requiring the Authority to redetermine the matter in accordance with the order and to amend the scheme accordingly.

13.—(1) This paragraph applies where—

(a) the Competition Appeal Tribunal makes an order under paragraph 10(4)(b),

(b) the Authority has made a property arrangements scheme in relation to the property, rights or liabilities concerned, and

(c) the scheme has come into operation.

(2) The Tribunal may include in the order such provision as it thinks fit for the purpose of doing justice between—

(a) the system operator,

(b) the relevant existing transmission licence holder, and

(c) any third party adversely affected by the scheme,

in the light of its determination.

(3) Without prejudice to the generality of sub-paragraph (2), the Tribunal may include in the order—

(a) provision for retransfer,

(b) provision for the surrender or extinction of rights, and

(c) provision for the payment of compensation.

14. An order under paragraph 10(4)(b) may include provision for the award of interest at such rate and for such period as the Competition Appeal Tribunal thinks fit.

15. Section 120(6) to (8) of the Enterprise Act 2002 (c. 40) (appeal with leave on point of law from decision of Competition Appeal Tribunal to Court of Appeal) shall apply in relation to decisions of the Tribunal under this Schedule as they apply in relation to decisions under that section.