

SCHEDULES

SCHEDULE 13

Section 90

APPEALS AGAINST PENALTIES

Appeals against penalties

- 1 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under section 86 or 87.
- (2) The appeal may be against one or more of the following—
 - (a) a decision to impose the penalty;
 - (b) a decision as to the amount of the penalty;
 - (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
 - (d) a decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

Decisions on appeal

- 2 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 1 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—
 - (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that an error was made in the exercise of a discretion.
- (2) It may—
 - (a) confirm or set aside the notice or penalty;
 - (b) give the CAA such directions as it considers appropriate, including directions about the time within which the CAA must act.
- (3) It may not direct the CAA to do anything that the CAA would not have power to do apart from the direction.
- (4) The CAA must comply with directions under this paragraph.
- (5) When deciding an appeal under paragraph 1 (including giving directions), the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 4 of the Civil Aviation Act 1982.

Further appeals

- 3 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 2, including a direction.

Status: This is the original version (as it was originally enacted).

- (2) An appeal under this paragraph may be brought by a party to the proceedings before the Competition Appeal Tribunal.
- (3) An appeal may not be brought under this paragraph without the permission of—
 - (a) the Competition Appeal Tribunal, or
 - (b) the appropriate court.
- (4) “The appropriate court” means—
 - (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, the Court of Appeal, or
 - (b) in the case of an appeal from proceedings in Scotland, the Court of Session.