

SCHEDULE 5

Administrative penalties

Grounds for appeal

- 5.—(1) A person on whom a penalty is imposed may appeal to the court against—
- (a) the imposition or nature of the penalty;
 - (b) the amount or amounts of the penalty; or
 - (c) the date by which the penalty is required to be paid or (as the case may be) the different dates by which portions of the penalty are required to be paid.
- (2) An appeal must be brought within the period of 28 days starting with the day on which the notice under paragraph 3 was served on the person concerned.
- (3) However, if the appeal relates to a decision of the CMA following an application under paragraph 3(4), the appeal must be brought within the period of 28 days starting with the day on which the person concerned is notified of the CMA's decision under paragraph 3(5).
- (4) If an appeal is brought under sub-paragraph (1)—
- (a) the penalty is not required to be paid until the appeal has been determined, withdrawn or otherwise dealt with; and
 - (b) the CMA may agree to reduce the amount or amounts of the penalty in settlement of the appeal.
- (5) In paragraph (4), a reference to an appeal brought under sub-paragraph (1) also includes any relevant subsequent appeal of a court decision in relation to the penalty.