

SCHEDULES

SCHEDULE 8

APPEALS

PART I

GENERAL

Interpretation

1 In this Schedule—

“the chairman” means a person appointed as chairman of a tribunal in accordance with paragraph 27(2)(a) of Schedule 7;

“the President” means the President of the Competition Commission Appeal Tribunals appointed under paragraph 4 of Schedule 7;

“rules” means rules made by the Secretary of State under section 48;

“specified” means specified in rules;

“tribunal” means an appeal tribunal constituted in accordance with paragraph 27 of Schedule 7.

General procedure

- 2 (1) An appeal to the Competition Commission must be made by sending a notice of appeal to the Commission within the specified period.
- (2) The notice of appeal must set out the grounds of appeal in sufficient detail to indicate—
- (a) under which provision of this Act the appeal is brought;
 - (b) to what extent (if any) the appellant contends that the decision against, or with respect to which, the appeal is brought was based on an error of fact or was wrong in law; and
 - (c) to what extent (if any) the appellant is appealing against the Director’s exercise of his discretion in making the disputed decision.
- (3) The tribunal may give an appellant leave to amend the grounds of appeal identified in the notice of appeal.

Decisions of the tribunal

- 3 (1) The tribunal must determine the appeal on the merits by reference to the grounds of appeal set out in the notice of appeal.
- (2) The tribunal may confirm or set aside the decision which is the subject of the appeal, or any part of it, and may—

Status: This is the original version (as it was originally enacted).

- (a) remit the matter to the Director,
 - (b) impose or revoke, or vary the amount of, a penalty,
 - (c) grant or cancel an individual exemption or vary any conditions or obligations imposed in relation to the exemption by the Director,
 - (d) give such directions, or take such other steps, as the Director could himself have given or taken, or
 - (e) make any other decision which the Director could himself have made.
 - (3) Any decision of the tribunal on an appeal has the same effect, and may be enforced in the same manner, as a decision of the Director.
 - (4) If the tribunal confirms the decision which is the subject of the appeal it may nevertheless set aside any finding of fact on which the decision was based.
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- (1) A decision of the tribunal may be taken by a majority.
 - (2) The decision must—
 - (a) state whether it was unanimous or taken by a majority; and
 - (b) be recorded in a document which—
 - (i) contains a statement of the reasons for the decision; and
 - (ii) is signed and dated by the chairman of the tribunal.
 - (3) When the tribunal is preparing the document mentioned in sub-paragraph (2)(b), section 56 is to apply to the tribunal as it applies to the Director.
 - (4) The President must make such arrangements for the publication of the tribunal's decision as he considers appropriate.