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**Changes to legislation:** Communications Act 2003, Cross Heading: Appeals against decisions relating to competition test is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 11

#### APPROVAL, IMPOSITION AND MODIFICATION OF NETWORKING ARRANGEMENTS

*[<sup>F1</sup> Appeals against decisions relating to competition test*

##### Textual Amendments

**F1** Sch. 11 para. 6A inserted (31.12.2020) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), reg. 1(1), [Sch. 1 para. 11\(7\)](#) (as amended by [S.I. 2020/1343](#), regs. 1(1), [23\(5\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- 9 (1) A person holding a regional Channel 3 licence may appeal to the Tribunal against the following decisions by OFCOM—
- (a) a decision on how to dispose of an application for the approval of arrangements or modifications;
  - (b) a decision to impose arrangements or to modify imposed arrangements; or
  - (c) a decision to propose modifications following a review under section 293.
- (2) An appeal can be made only by sending the Tribunal a notice of appeal within the period specified, in relation to the decision appealed against, in Tribunal rules.
- (3) The notice of appeal must set out the grounds of appeal.
- (4) The only grounds on which an appeal may be brought are—
- (a) that OFCOM have wrongly decided that a competition test is or is not satisfied in relation to arrangements or modifications submitted to them for approval;
  - (b) that a competition test is not satisfied in the case of arrangements proposed by OFCOM;
  - (c) that provisions contained in arrangements proposed by OFCOM for satisfying a competition test are not required for that purpose;
  - (d) that the requirement to satisfy a competition test should be discharged in a different manner from that in which it would be satisfied in accordance with arrangements proposed by OFCOM.
- (5) In sub-paragraph (4) “arrangements proposed by OFCOM” means—
- (a) arrangements or modified arrangements as they will have effect after giving effect to changes proposed by OFCOM in giving a conditional approval;
  - (b) arrangements imposed by them;
  - (c) imposed arrangements as modified by them;
  - (d) arrangements as modified by proposals made by OFCOM following a review under section 293.

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- (6) The holder of a regional Channel 3 licence is not required by the conditions of his licence to take steps for giving effect to a decision of OFCOM at any time when an appeal under this Schedule against that decision is pending.]

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**Commencement Information**

**II** Sch. 11 para. 9 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)