



# Energy Act 2023

## 2023 CHAPTER 52

### PART 1

#### LICENSING OF CARBON DIOXIDE TRANSPORT AND STORAGE

### CHAPTER 1

#### LICENSING OF ACTIVITIES

##### *Appeal from decisions of the economic regulator*

## 22 Determination by CMA of appeal

- (1) This section applies to every appeal brought under [section 20](#).
- (2) In determining an appeal the CMA must have regard, to the same extent as is required of the economic regulator, to the matters to which the economic regulator must have regard—
  - (a) in the carrying out of its principal objectives under [section 1](#), and
  - (b) in the performance of its duties under that section.
- (3) In determining the appeal the CMA—
  - (a) may have regard to any matter to which the economic regulator was not able to have regard in relation to the decision which is the subject of the appeal, but
  - (b) must not, in the exercise of that power, have regard to any matter to which the economic regulator would not have been entitled to have regard in reaching its decision had it had the opportunity of doing so.
- (4) The CMA may allow the appeal 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 economic regulator failed properly to have regard to any matter mentioned in [subsection \(2\)](#);

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**Status:** Point in time view as at 26/12/2023.

**Changes to legislation:** There are currently no known outstanding effects for the Energy Act 2023, Section 22. (See end of Document for details)

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- (b) that the economic regulator failed to give the appropriate weight to any matter mentioned in [subsection \(2\)](#);
  - (c) that the decision was based, wholly or partly, on an error of fact;
  - (d) that the modifications fail to achieve, in whole or in part, the effect stated by the economic regulator by virtue of [section 13\(8\)\(b\)](#);
  - (e) that the decision was wrong in law.
- (5) To the extent that the CMA does not allow the appeal, it must confirm the decision appealed against.

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**Commencement Information**

**II** [S. 22](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

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