



# 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*

## **23 CMA's powers on allowing appeal**

- (1) This section applies where the CMA allows an appeal to any extent.
- (2) If the appeal is in relation to a price control decision, the CMA must do one or more of the following—
  - (a) quash the decision (to the extent that the appeal is allowed);
  - (b) remit the matter back to the economic regulator for reconsideration and determination in accordance with any directions given by the CMA;
  - (c) substitute the CMA's decision for that of the economic regulator (to the extent that the appeal is allowed) and give any directions to the economic regulator or any other party to the appeal.
- (3) If the appeal is in relation to any other decision, the CMA must do one or both of the following—
  - (a) quash the decision (to the extent that the appeal is allowed);
  - (b) remit the matter back to the economic regulator for reconsideration and determination in accordance with any directions given by the CMA.
- (4) A direction under [subsection \(2\)](#) or (3) must not require a person to do anything that the person would not have power to do (apart from the direction).

---

*Status: Point in time view as at 26/12/2023.*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 23. (See end of Document for details)*

---

- (5) A person to whom a direction is given under that subsection must comply with it.
- (6) A direction given under that subsection to a person other than the economic regulator is enforceable as if it were an order of the High Court or (in Scotland) an order of the Court of Session.
- (7) For the purposes of this section a decision is a “price control decision”, in relation to the modification of a condition of a licence, if the purpose of the condition is, in the CMA’s opinion, to limit or control the charges on, or the revenue of, the holder of the licence.
- (8) In determining for the purposes of [subsection \(7\)](#) what the purpose of a condition is, the condition may be assessed on its own or in combination with any other conditions of the licence.
- (9) In this section and [section 24](#) any reference to a party to an appeal is to be read in accordance with [Schedule 2](#).

---

**Commencement Information**

**II** [S. 23](#) in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

**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 23.