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## STATUTORY INSTRUMENTS

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# 2009 No. 209

## The Payment Services Regulations 2009

### PART 8

#### ACCESS TO PAYMENT SYSTEMS

##### *Miscellaneous*

##### **Appeal to the Competition Appeal Tribunal**

**106.**—(1) A person may appeal to the Competition Appeal Tribunal **(1)** from a decision by the OFT to give a direction under regulation 104(1) to that person or to impose a penalty under regulation 105 on that person.

(2) In determining an appeal under paragraph (1) the Competition Appeal Tribunal shall apply the same principles as would be applied by a court on an application for judicial review.

(3) Sections 14 (constitution of tribunal) and 15 (tribunal rules) of the Enterprise Act 2002 apply in respect of appeals to the Competition Appeal Tribunal under paragraph (1) as they apply in respect of appeals to the Competition Appeal Tribunal under that Act.

##### **Disclosure of information by OFT**

**107.** Subject to regulation 119(2) and (3), Part 9 of the Enterprise Act 2002 (information) applies in respect of information which comes to the OFT by virtue of these Regulations as it applies in respect of information which is specified information for the purposes of Part 9.

##### **Defamation**

**108.** For the purposes of the law relating to defamation, absolute privilege attaches to any decision made or notice given by the OFT in the exercise of any of its functions under this Part.

##### **Guidance**

**109.**—(1) The OFT may give guidance consisting of such information and advice as it considers appropriate with respect to the exercise of its functions under this Part.

(2) The OFT may—

- (a) publish its guidance;
- (b) if it gives guidance in response to a request made by any person, make a reasonable charge for that guidance.

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**(1)** Established under section 12 of the Enterprise Act 2002 (c.40).