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STATUTORY INSTRUMENTS

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**2016 No. 607**

**The Open Internet Access (EU Regulation) Regulations 2016**

**PART 6**

**APPEALS**

**Decisions of the Tribunal**

**28.**—(1) The Tribunal must dispose of an appeal under regulation 27 in accordance with this regulation.

(2) The Tribunal must decide the appeal on the merits and by reference to the grounds of appeal set out in the notice of appeal.

(3) The Tribunal's decision must include a decision as to what (if any) is the appropriate action for the decision-maker to take in relation to the subject-matter of the decision under appeal.

(4) The Tribunal may then remit the decision under appeal to the decision-maker with such directions (if any) as the Tribunal considers appropriate for giving effect to its decision.

(5) The Tribunal must not direct the decision-maker to take any action which the decision-maker would not otherwise have power to take in relation to the decision under appeal.

(6) The decision-maker must comply with every direction given under paragraph (4).

(7) In any document recording the decision of the Tribunal under this regulation, the Tribunal shall have regard to the need for excluding, so far as practicable, commercial information the disclosure of which would or might, in its opinion, significantly harm the legitimate business interests of any person to whom it relates.

(8) In this regulation the "decision-maker" means—

(a) OFCOM; or

(b) in the case of an appeal against—

(i) a direction, approval or consent given by a person other than OFCOM, or

(ii) the modification or withdrawal by that person of such a direction, approval or consent,

that other person.