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**Changes to legislation:** There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Cross Heading: Application for permission to bring appeal. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### PROCEDURE FOR APPEALS TO THE CMA

##### *Application for permission to bring appeal*

- 3 (1) An application for permission to bring an appeal may be made only by sending a notice to the CMA requesting the permission.
- (2) An application for permission to appeal must be accompanied by all such information as may be required by appeal rules.
- (3) Appeal rules may require information contained in an application for permission to appeal to be verified by a statement of truth.
- (4) A person who applies for permission to bring an appeal in accordance with this paragraph is referred to in this Schedule as the appellant.
- (5) The appellant must send the Payment Systems Regulator—
- (a) a copy of the application for permission to appeal at the same time as it is sent to the CMA, and
  - (b) such other information as may be required by appeal rules.
- (6) The CMA's decision whether to grant permission to appeal is to be taken by an authorised member of the CMA.
- (7) Before the authorised member decides whether to grant permission under this paragraph, the Payment Systems Regulator must be given an opportunity of making representations or observations, in accordance with paragraph 5(2).
- (8) The CMA's decision on an application for permission must be made—
- (a) where the Payment Systems Regulator makes representations or observations in accordance with paragraph 5(2), before the end of 10 working days beginning with the first working day after the day on which those representations or observations are received;
  - (b) in any other case, before the end of 14 working days beginning with the first working day after the day on which the application for permission was received.
- (9) The grant of permission may be made subject to conditions, which may include—
- (a) conditions which limit the matters that are to be considered on the appeal in question;
  - (b) conditions for the purpose of expediting the determination of the appeal;
  - (c) conditions requiring the appeal to be considered together with other appeals (including appeals relating to different matters or decisions and appeals brought by different persons).

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- (10) Where a decision is made to grant or to refuse an application for permission, an authorised member of the CMA must notify the decision, giving reasons, to the following persons—
- (a) the appellant, and
  - (b) the Payment Systems Regulator.
- (11) A decision of the CMA under this paragraph must be published, in such manner as an authorised member of the CMA considers appropriate, as soon as reasonably practicable after it is made.
- (12) The CMA may exclude from publication under sub-paragraph (11) any information which it is satisfied is—
- (a) commercial information, the disclosure of which would, or might in the CMA's opinion, significantly harm the legitimate business interests of an undertaking to which it relates, or
  - (b) information relating to the private affairs of an individual, the disclosure of which would, or might in the CMA's opinion, significantly harm the individual's interests.

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**Commencement Information**

**II** Sch. 5 para. 3 in force at 1.3.2014 by S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1

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