

SCHEDULES

SCHEDULE 2

PROCEDURE FOR APPEALS UNDER SECTION 20

Suspension of decision

- 2 (1) The CMA may direct that, pending the determination of an appeal against a decision of the economic regulator—
 - (a) the decision is not to have effect, or
 - (b) the decision is not to have effect to such extent as may be specified in the direction.
- (2) The power to give a direction under this paragraph is exercisable only where—
 - (a) an application for its exercise has been made by the appellant at the same time that the appellant made an application (in accordance with [paragraph 1](#)) for permission to bring an appeal against a decision of the economic regulator;
 - (b) the economic regulator has been given an opportunity of making representations or observations, in accordance with [paragraph 3\(2\)](#);
 - (c) a person bringing the appeal who falls within [section 20\(2\)\(a\)](#) or (b) would incur significant costs if the decision were to have effect before the determination of the appeal, and
 - (d) the balance of convenience does not otherwise require effect to be given to the decision pending that determination.
- (3) The CMA's decision on an application for a direction under this paragraph must be made—
 - (a) where the economic regulator makes representations or observations in accordance with [paragraph 3\(2\)](#) 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 following the day on which the application under [sub-paragraph \(2\)\(a\)](#) is received.
- (4) The appellant must send the economic regulator a copy of the application for a direction under this paragraph at the same time as it is sent to the CMA.
- (5) The CMA's decision whether to give a direction is to be taken by an authorised member of the CMA.
- (6) A direction under this paragraph must be—
 - (a) given by an authorised member of the CMA, and
 - (b) published, in such manner as an authorised member of the CMA considers appropriate, as soon as reasonably practicable after it is given.

*Changes to legislation: There are currently no known outstanding effects
for the Energy Act 2023, Paragraph 2. (See end of Document for details)*

(7) Section [25\(2\)](#) applies to the publication of a direction under [sub-paragraph \(6\)](#) as it does to the publication of a decision under [section 25](#).

Commencement Information

II Sch. 2 para. 2 in force at 26.12.2023, see [s. 334\(3\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2023, Paragraph 2.