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## F<sup>1</sup> SCHEDULES

### [<sup>F1</sup>SCHEDULE 5A

#### PROCEDURE FOR APPEALS UNDER SECTION 11C

##### Textual Amendments

**F1** Sch. 5A inserted (10.11.2011) by [The Electricity and Gas \(Internal Markets\) Regulations 2011 \(S.I. 2011/2704\)](#), regs. 1(1), 43(9), [Sch. 6](#) (with reg. 44)

##### Modifications etc. (not altering text)

**C1** [Sch. 5A](#) applied (with modifications) (1.6.2022) by [Nuclear Energy \(Financing\) Act 2022 \(c. 15\)](#), s. [10\(2\)-\(4\)](#), [44\(2\)](#)

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

1. (1) An application for permission to bring an appeal may be made only by sending a notice to the [<sup>F2</sup>CMA] requesting the permission.
- (2) Only a person entitled under section 11C to bring the appeal if permission is granted may apply for permission.
- (3) Where the Authority publishes a decision to modify the conditions of any licence under section 11A(7), any application for permission to appeal is not to be made after the end of 20 working days beginning with the first working day after the day on which the decision is published.
- (4) An application for permission to appeal must be accompanied by all such information as may be required by appeal rules.
- (5) Appeal rules may require information contained in an application for permission to appeal to be verified by a statement of truth.
- (6) A person who applies for permission to bring an appeal in accordance with this paragraph is referred to in this Schedule as the appellant.
- (7) The appellant must send the Authority—
  - (a) a copy of the application for permission to appeal at the same time as it is sent to the [<sup>F3</sup>CMA]; and
  - (b) such other information as may be required by appeal rules.
- (8) The [<sup>F4</sup>CMA's] decision whether to grant permission to appeal is to be taken by an authorised member of the [<sup>F5</sup>CMA].
- (9) Before [<sup>F6</sup>the authorised member decides] whether to grant permission under this paragraph, [<sup>F7</sup>the Authority must be given] an opportunity of making representations or observations, in accordance with paragraph 3(2).

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- (10) The [<sup>F8</sup>CMA's] decision on an application for permission must be made—
- (a) where the Authority 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 after the day on which the application for permission was received.
- (11) 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; and
  - (c) conditions requiring that appeal to be considered together with other appeals (including appeals relating to different matters or decisions and appeals brought by different persons).
- (12) Where a decision is made to grant or to refuse an application for permission, [<sup>F9</sup>an authorised member of the CMA must] notify the decision, giving reasons—
- (a) to the appellant; and
  - (b) to the Authority.
- (13) A decision [<sup>F10</sup>of the CMA] under this paragraph must be published, in such manner [<sup>F11</sup>as an authorised member of the CMA] considers appropriate, as soon as reasonably practicable after it is made.
- (14) Section 11H(2) applies to the publication of a decision under sub-paragraph (13) as it does to the publication of a decision under section 11H.]

#### Textual Amendments

- F2** Word in Sch. 5A para. 1(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in Sch. 5A para. 1(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in Sch. 5A para. 1(8) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(b\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Word in Sch. 5A para. 1(8) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(b\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in Sch. 5A para. 1(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(c\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Words in Sch. 5A para. 1(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(c\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Word in Sch. 5A para. 1(10) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(d\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Words in Sch. 5A para. 1(12) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(e\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Words in Sch. 5A para. 1(13) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(f\)\(i\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F11** Words in Sch. 5A para. 1(13) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 44\(2\)\(f\)\(ii\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)