

UNIFORM NETWORK CODE – GENERAL TERMS

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4.5.1 A Core Customer may appeal a decision of a DSC Committee subject to and in accordance with this paragraph 4.5.

4.5.2 The grounds on which a decision of a DSC Committee may be appealed are:

(a) that the decision is not in accordance with a provision of this Section D or the DSC; or

(a) that the decision is not consistent with the DSC Objectives.

4.5.3 A Core Customer appealing a decision of a DSC Committee must give notice to the Secretary of the appeal, within 10 Business Days after the publication of the decision, specifying the decision in question and the grounds (as provided in paragraph 4.5.2) on which the appeal is made.

4.5.4 Where notice of appeal of a decision is given in accordance with paragraph 4.5.3:

(a) the Secretary shall send the notice to the relevant DSC Committee, the CDSP and each other Core Customer, and place the appeal on the agenda of the next meeting of the UNC Committee;

(a) any Core Customer may, within five Business Days after the notice of appeal was sent under paragraph (a), send to the UNC Committee representations in respect of the matter;

(b) the UNC Committee may request further information from the CDSP, the DSC Committee or any Core Customer in connection with the appeal;

(c) the UNC Committee shall decide the matter, by reference to the grounds of appeal in paragraph 4.5.2 (and consistent with the provisions of the DSC in

respect of the decision in question), in one of the following ways:

- (i) by upholding the decision of the DSC Committee;
- (ii) by making a different decision in substitution for the DSC Committee's decision; and
- (iii) by remitting the matter to the DSC Committee for a further decision with such guidance or instruction as the UNC Committee shall decide; and

(d) the UNC Committee shall at the same time (and regardless of which decision it makes within paragraph (d)) decide whether in its opinion the matter subject to appeal affects or may affect competition between Parties or any class of Parties, results or may result in a breach of a Relevant Licence Provision, or otherwise affects or may affect the interests of consumers, in each case to a material extent (the "**further appeal criteria**").

4.5.5 Subject to paragraphs 4.5.6, 4.5.7 and 4.5.8, the decision of the UNC Committee in respect of the appeal is final and binding.

4.5.6 Where, following the decision of the UNC Committee in respect of an appeal:

- (a) a Core Customer considers that the grounds of appeal in paragraph 4.5.2 are met in respect of the UNC Committee's decision under paragraph 4.5.4(d); and
- (a) the UNC Committee decided that any of the further appeal criteria in paragraph 4.5.5(e) were met,

the Core Customer may, within five Business Days after the publication of the UNC Committee's decision, appeal to the Authority the UNC Committee's decision to the Secretary, by notice given to the Secretary setting out the basis on which it considers the grounds of appeal in paragraph 4.5.2 are met.

4.5.7 Where a Core Customer gives notice of appeal of the UNC Committee's decision, the matter shall be referred to the Authority as follows:

- (a) the Secretary shall send to the Authority a statement of the decision subject to appeal together with relevant papers which were considered by the UNC Committee in reaching its decision;
- (b) any Core Customer may, within five Business Days after the statement in paragraph (a) is published, send to the Authority representations in respect of the matter; and
- (c) the Authority is requested to determine the matter, by reference to the grounds of appeal in paragraph 4.5.2, in one of the following ways:
 - (i) by upholding the decision of the UNC Committee;
 - (ii) by making a different decision in substitution for the UNC Committee's decision; or
 - (iii) by remitting the matter to the UNC Committee for a further decision with such guidance or instruction as the Authority shall decide.

- 4.5.8 The decision of the Authority in respect of an appeal is final and binding.
- 4.5.9 Until the UNC Committee or (if its decision is appealed to the Authority) the Authority makes a determination in respect of an appeal, the decision of the DSC Committee stands; but where a decision is appealed the DSC Committee shall make a separate decision (under paragraph 4.3.1(b)) as to whether the CDSP is to act on the decision pending the decision of the UNC Committee and (where applicable) the decision of the Authority.
- 4.5.10 The provisions of this paragraph 4.5 for appeal of a decision of a DSC Committee are without prejudice to the ability of a Core Customer to assert that a purported decision of a DSC Committee is outside its scope of authority pursuant to this Section D and the DSC and so is without effect.