



Data Protection Act 1984

1984 CHAPTER 35

PART II

REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX

Appeals

13 Rights of appeal

- (1) A person may appeal to the Tribunal against—
 - (a) any refusal by the Registrar of an application by that person for registration or for the alteration of registered particulars;
 - (b) any enforcement notice, de-registration notice or transfer prohibition notice with which that person has been served.
- (2) Where a notification that an application has been refused contains a statement by the Registrar in accordance with section 7(7) above, then, whether or not the applicant appeals under paragraph (a) of subsection (1) above, he may appeal against the Registrar's decision to include that statement in the notification.
- (3) Where any such notice as is mentioned in paragraph (b) of subsection (1) above contains a statement by the Registrar in accordance with section 10(7), 11(5) or 12(7) above, then, whether or not the person served with the notice appeals under that paragraph, he may appeal against the Registrar's decision to include that statement in the notice or against the effect of the inclusion of the statement as respects any part of the notice.
- (4) Schedule 3 to this Act shall have effect in relation to appeals under this section and to the proceedings of the Tribunal in respect of any such appeal.

14 Determination of appeals

- (1) If on an appeal under section 13(1) above the Tribunal considers—

Status: This is the original version (as it was originally enacted).

- (a) that the refusal or notice against which the appeal is brought is not in accordance with the law ; or
 - (b) to the extent that the refusal or notice involved an exercise of discretion by the Registrar, that he ought to have exercised his discretion differently,

the Tribunal shall allow the appeal or substitute such other decision or notice as could have been made or served by the Registrar ; and in any other case the Tribunal shall dismiss the appeal.
- (2) The Tribunal may review any determination of fact on which the refusal or notice in question was based.
- (3) On an appeal under subsection (2) of section 13 above the Tribunal may direct that the notification of the refusal shall be treated as if it did not contain any such statement as is mentioned in that subsection.
- (4) On an appeal under subsection (3) of section 13 above the Tribunal may direct that the notice in question shall have effect as if it did not contain any such statement as is mentioned in that subsection or that the inclusion of the statement shall not have effect in relation to any part of the notice and may make such modifications in the notice as may be required for giving effect to the direction.
- (5) Any party to an appeal to the Tribunal may appeal from the decision of the Tribunal on a point of law to the appropriate court; and that court shall be—
 - (a) the High Court of Justice in England if the address of the person who was the appellant before the Tribunal is in England or Wales ;
 - (b) the Court of Session if that address is in Scotland; and
 - (c) the High Court of Justice in Northern Ireland if that address is in Northern Ireland.
- (6) In subsection (5) above references to the address of the appellant before the Tribunal are to his address as included or proposed for inclusion in the register.