

SCHEDULE 1

Regulation 3(3)

Monetary penalties

1. If the supervisory body is satisfied that a trust service provider has contravened or is contravening Chapter III of the eIDAS Regulation, the supervisory body may issue a trust service provider with a fixed monetary penalty notice in respect of such contravention.
2. The amount of a fixed monetary penalty under these Regulations is £1000.
3. Before serving a fixed monetary penalty notice, the supervisory body must serve the trust service provider with a notice of intent.
4. The notice of intent must—
 - (a) state the name and address of the trust service provider;
 - (b) state the nature of the contravention;
 - (c) indicate the amount of the fixed monetary penalty;
 - (d) include a statement informing the trust service provider of the opportunity to discharge liability for the fixed monetary penalty notice;
 - (e) indicate the date on which the supervisory body proposes to serve the fixed monetary penalty notice; and
 - (f) inform the trust service provider that it may make written representations in relation to the proposal to serve a fixed monetary penalty notice within a period of 21 days beginning with the date of service of the notice of intent.
5. A trust service provider may discharge liability for the fixed monetary penalty if it pays to the supervisory body the amount of £800 within a period of 21 days beginning with the date of receipt of the notice of intent.
6. The supervisory body may not serve a fixed monetary penalty notice until the expiry of a period of 21 days beginning with the date of service of the notice of intent.
7. The fixed monetary penalty notice must state—
 - (a) the name and address of the trust service provider;
 - (b) details of the notice of intent served on the trust service provider;
 - (c) whether there have been any written representations;
 - (d) details of any early payment discounts;
 - (e) the grounds on which the supervisory body imposes the fixed monetary penalty;
 - (f) the date by which the fixed monetary penalty is to be paid; and
 - (g) details of, including the time limit for, the trust service provider's right of appeal against the imposition of the fixed monetary penalty.
8. A trust service provider on whom a fixed monetary penalty is served may appeal to the Tribunal against the issue of the fixed monetary penalty notice.
9. Any sum received by the supervisory body by virtue of this Schedule must be paid into the Consolidated Fund.
10. In England and Wales and Northern Ireland, the fixed monetary penalty is recoverable—
 - (a) if a county court so orders, under an order of that court;
 - (b) if the High Court so orders, under an order of that court.

Status: Point in time view as at 22/07/2016.

Changes to legislation: There are currently no known outstanding effects for the The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016, SCHEDULE 1. (See end of Document for details)

11. In Scotland, the penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

Status:

Point in time view as at 22/07/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016, SCHEDULE 1.