

STATUTORY INSTRUMENTS

2018 No. 506

The Network and Information Systems Regulations 2018

PART 5

Enforcement and penalties

[^{F1}Appeal by an OES or RDSP to the First-tier Tribunal

19A.—(1) An OES may appeal to the First-tier Tribunal against one or more of the following decisions of the designated competent authority for the OES on one or more of the grounds specified in paragraph (3)—

- (a) a decision under regulation 8(3) to designate that person as an OES;
- (b) a decision under regulation 9(1) or (2) to revoke the designation of that OES;
- (c) a decision under regulation 17(1) to serve an enforcement notice on that OES;
- (d) a decision under regulation 18(3A) to serve a penalty notice on that OES.

(2) A RDSP may appeal to the First-Tier Tribunal against one or both of the following decisions of the Information Commissioner on one or more of the grounds specified in paragraph (3)—

- (a) a decision under regulation 17(2) to serve an enforcement notice on that RDSP;
- (b) a decision under regulation 18(3B) to serve a penalty notice on that RDSP.

(3) The grounds of appeal referred to in paragraphs (1) and (2) are—

- (a) that the decision was based on a material error as to the facts;
- (b) that any of the procedural requirements under these Regulations in relation to the decision have not been complied with and the interests of the OES or RDSP have been substantially prejudiced by the non-compliance;
- (c) that the decision was wrong in law;
- (d) that there was some other material irrationality, including unreasonableness or lack of proportionality, which has substantially prejudiced the interests of the OES or RDSP.]

Textual Amendments

F1 Regs. 19A-A20 inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), 16 (with reg. 21)

Changes to legislation:

There are currently no known outstanding effects for the The Network and Information Systems Regulations 2018, Section 19A.