
STATUTORY INSTRUMENTS

2022 No. 477

**The Russia (Sanctions) (EU Exit)
(Amendment) (No. 9) Regulations 2022**

PART 4

Enforcement

OFCOM: enforcement

11. After regulation 88 (monetary penalties) insert—

“OFCOM: power to impose monetary penalties

88A.—(1) OFCOM may impose a monetary penalty on a person if they are satisfied, on the balance of probabilities, that—

- (a) the person has failed to comply with a requirement that is imposed under regulation 54A (internet services), or
- (b) the person has failed to comply with an obligation that is imposed by or under regulation 77A (internet services: power to request information and produce documents).

(2) The amount of the penalty is to be such amount as OFCOM may determine, not exceeding £1,000,000.

(3) Any monetary penalty payable under this regulation is recoverable by OFCOM as a civil debt.

(4) Any monetary penalty received by OFCOM by virtue of this regulation must be paid into the Consolidated Fund.

OFCOM: monetary penalties: procedural rights

88B.—(1) Before imposing a monetary penalty on a person under regulation 88A, OFCOM must inform the person of their intention to do so.

(2) OFCOM must also—

- (a) explain the grounds for imposing the penalty,
- (b) specify the amount of the penalty,
- (c) explain that the person is entitled to make representations, and
- (d) specify the period within which any such representations must be made.

(3) If (having considered any representations), OFCOM decides to impose the penalty, OFCOM must inform the person of their decision.

(4) A person to which the decision relates may appeal to the Upper Tribunal against the decision.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (5) On an appeal under paragraph (4), the Upper Tribunal may—
 - (a) dismiss the appeal,
 - (b) quash OFCOM’s decision to impose the penalty, or
 - (b) uphold that decision but substitute a different amount for the amount determined by OFCOM.”.