
STATUTORY INSTRUMENTS

2005 No. 14

The Information Tribunal (Enforcement Appeals) Rules 2005

Reply by Commissioner

- 8.—(1) The Commissioner shall take the steps specified in paragraph (2) below—
- (a) where he receives a copy of a notice of appeal under rule 6(1)(b) above, within 21 days of the date of that receipt, and
 - (b) where he receives a copy of a notice of appeal under rule 6(3)(a) above, within such time, not exceeding 21 days from the date of that receipt, as the Tribunal may allow.
- (2) The steps are that the Commissioner must—
- (a) send to the Tribunal a copy of the notice relating to the disputed decision, and
 - (b) send to the Tribunal and the appellant a written reply acknowledging service upon him of the notice of appeal, and stating—
 - (i) whether or not he intends to oppose the appeal and, if so,
 - (ii) the grounds upon which he relies in opposing the appeal.
- (3) Before the expiry of the period referred to in paragraph (1) above which applies to the case, the Commissioner may apply to the Tribunal for an extension of that period, showing cause why, by reason of special circumstances, it would be just and right to do so, and the Tribunal may grant such extension as it considers appropriate.
- (4) Where the appellant's notice of appeal has stated that he is not likely to wish a hearing to be held, the Commissioner shall in his reply inform the Tribunal and the appellant whether he considers that a hearing is likely to be desirable.
- (5) Where an appeal is brought under section 48(1) of the 1998 Act, section 57(2) of the 2000 Act or section 57(2) of the 2000 Act as applied, as modified, by regulation 18 of the 2004 Regulations in relation to an information notice, the Commissioner may include in his reply a statement of representations as to why it might be necessary in the interests of justice for the appeal to be heard and determined otherwise than by the chairman sitting alone as provided by rule 21(2) below.
- (6) A reply under this rule may include a request for an early determination of the appeal and the reasons for that request.