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STATUTORY INSTRUMENTS

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**2018 No. 506**

**The Network and Information Systems Regulations 2018**

**PART 3**

**Operators of essential services**

**Revocation**

9.—(1) Even if a person satisfies the threshold mentioned in regulation 8(1)(b), a relevant competent authority may revoke the deemed designation of that person, by notice, if the authority concludes that an incident affecting the provision of that essential service by that person is not likely to have significant disruptive effects on the provision of the essential service.

(2) A competent authority may revoke a designation of a person under regulation 8(3), by notice, if the conditions mentioned in that regulation are no longer met by that person.

(3) Before revoking a deemed designation of a person under regulation 8(1), or a designation of a person under regulation 8(3), the competent authority must—

- (a) serve a notice in writing of proposed revocation on that person;
- (b) provide reasons for the proposed decision;
- (c) invite that person to submit any written representations about the proposed decision within such time period as may be specified by the competent authority; and
- (d) consider any representations submitted by the person under sub-paragraph (c) before a final decision is taken to revoke the designation.

(4) In order to arrive at the conclusion mentioned in paragraph (1), the competent authority must have regard to the factors mentioned in regulation 8(4).

(5) A competent authority may revoke a deemed designation under regulation 8(1), or a designation of a person under regulation 8(3), if the authority has received a request from another Member State to do so and the competent authority is in agreement that the designation of that person should be revoked.