



# Forensic Science Regulator Act 2021

## 2021 CHAPTER 14

### 8 Appeals

- (1) A person served with a compliance notice under section 6 may appeal to the First-tier Tribunal against the decision to serve the notice.
- (2) The grounds for an appeal under subsection (1) are that—
  - (a) the decision was based on an error of fact;
  - (b) the decision was wrong in law;
  - (c) the decision was unreasonable;
  - (d) any step or prohibition specified in the notice is unreasonable.
- (3) On an appeal under subsection (1) the First-tier Tribunal may—
  - (a) confirm the notice;
  - (b) cancel the notice;
  - (c) vary the notice;
  - (d) remit to the Regulator the decision whether to confirm, cancel or vary the notice.
- (4) A person given notice under section 6(8) of the variation of a compliance notice may appeal to the First-tier Tribunal against the decision to vary the compliance notice.
- (5) The grounds for an appeal under subsection (4) are that—
  - (a) the decision was based on an error of fact;
  - (b) the decision was wrong in law;
  - (c) the decision was unreasonable;
  - (d) any step or prohibition specified in the compliance notice as a result of the variation is unreasonable.
- (6) On an appeal under subsection (4) the First-tier Tribunal may—
  - (a) confirm the decision to vary the compliance notice, in whole or in part;
  - (b) quash that decision, in whole or in part;
  - (c) vary the compliance notice in a different way;
  - (d) remit to the Regulator the decision whether to vary the compliance notice.

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*Changes to legislation: There are currently no known outstanding effects for the Forensic Science Regulator Act 2021, Section 8. (See end of Document for details)*

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- (7) A person served with a compliance notice under section 6 may appeal to the First-tier Tribunal against a decision not to issue a completion certificate under section 7 relating to that notice.
- (8) The grounds for an appeal under subsection (7) are the grounds mentioned in subsection (2)(a) to (c).
- (9) On an appeal under subsection (7) the First-tier Tribunal may—
- (a) confirm the decision not to issue a completion certificate;
  - (b) require the Regulator to issue a certificate;
  - (c) remit to the Regulator the decision whether to issue a certificate.
- (10) Where a person has brought an appeal under subsection (1), (4) or (7), the First-tier Tribunal may suspend any requirement or prohibition specified in the compliance notice until the appeal is determined, withdrawn or abandoned.
- (11) Where an appeal is or may be made to the Upper Tribunal in relation to a decision of the First-tier Tribunal under this section, the Upper Tribunal may suspend any requirement or prohibition specified in the compliance notice until the appeal is determined, withdrawn or abandoned.

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**Commencement Information**

**II** S. 8 in force at 2.10.2023 by S.I. 2023/1049, reg. 2(c)

**Changes to legislation:**

There are currently no known outstanding effects for the Forensic Science Regulator Act 2021, Section 8.