



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 1

PRODUCT SECURITY

CHAPTER 3

ENFORCEMENT

Enforcement notices

35 Appeals against decisions under section 34

- (1) A person may appeal to the First-tier Tribunal (“the Tribunal”) against—
 - (a) a decision not to award compensation to the person under section 34, or
 - (b) the amount of compensation awarded to the person under that section.
- (2) An appeal under this section is to be brought before the end of the period of 28 days beginning with the day on which the person is notified in accordance with section 34(7)(b).
- (3) On an appeal under this section against a decision not to award compensation under section 34, the Tribunal—
 - (a) if it is satisfied that the ground in subsection (6)(a) or the ground in subsection (6)(b) applies, may quash the decision;
 - (b) if it is not so satisfied, must confirm the decision.
- (4) If the Tribunal quashes a decision under subsection (3)(a), the Tribunal may—
 - (a) direct the Secretary of State to pay compensation of an amount determined by the Tribunal, or

Status: This is the original version (as it was originally enacted).

- (b) refer the matter back to the Secretary of State with a direction to reconsider and make a new decision in accordance with its ruling.
- (5) On an appeal under this section against the amount of compensation awarded under section 34, the Tribunal—
- (a) if it is satisfied that any of the grounds in subsection (6) applies, may—
 - (i) vary the amount of compensation awarded, or
 - (ii) refer the matter back to the Secretary of State with a direction to reconsider and make a new decision in accordance with its ruling;
 - (b) if it is not so satisfied, must confirm the amount of compensation awarded.
- (6) The grounds referred to in subsections (3)(a) and (5)(a) are—
- (a) that the decision appealed against was based, wholly or partly, on an error of fact;
 - (b) that the decision appealed against was wrong in law;
 - (c) that the amount of compensation awarded was unfair or unreasonable for any other reason.
- (7) In determining an appeal under this section, the Tribunal may—
- (a) review any determination of fact on which the decision appealed against was based;
 - (b) take into account evidence which was not available to the Secretary of State.
- (8) The Tribunal may not direct the Secretary of State under this section to pay any compensation which the Secretary of State would not otherwise be liable to pay under section 34(2).