



Case Reference: EA-2023-0469  
Neutral Citation Number: [2024] UKFTT 86 (GRC)

First-tier Tribunal  
General Regulatory Chamber  
Information Rights

Before

TRIBUNAL JUDGE BUCKLEY

Between

M HANDS

and

THE INFORMATION COMMISSIONER

Appellant

Respondent

JUDGE BUCKLEY

Sitting in Chambers  
on 16 January 2024

DECISION

1. The appeal is struck out.

REASONS

2. The appeal is brought against a decision of the Scottish Information Commissioner in relation to the Freedom on Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004.
3. The Registrar made case management directions on 18 December 2023 which gave the appellant the opportunity, by no later than 8 January 2024, to state the legislation on which they rely to say that this tribunal has jurisdiction or to make representations as to why the appeal should not be struck out. No representations or any response has been received.
4. The First-tier Tribunal has no jurisdiction to hear an appeal against a decision of the Scottish Information Commissioner. Under section 56 FOISA an appeal against a decision of the Scottish Information Commissioner must be made to the Court of Session. This is stated in the decision notice against which the appellant is attempting to appeal.
5. The appellant was given the opportunity to make representations on why the appeal should not be struck out for want of jurisdiction but did not make any representations. Accordingly, I do not know whether the appellant would wish to pursue proceedings in the Court of Session. The expenses regime in the Court of Session is very different to the costs regime in the information rights tribunal. For those reasons it is not appropriate to exercise the tribunal's power under rule 5(3)(k)(i) to transfer the proceedings to the Court of Session.
6. On that basis the appeal is struck out under rule 8(2)(a) because the tribunal has no jurisdiction to hear the appeal.

Signed Sophie Buckley

Judge of the First-tier Tribunal

Date: 25 January 2024