
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 81

**The Marine Licensing (Civil Sanctions)
Order (Northern Ireland) 2011**

PART 4

Guidance and publication of enforcement action

Guidance as to use of civil sanctions

- 23.**—(1) The enforcement authority must publish guidance about its use of civil sanctions.
- (2) The guidance must contain information as to—
- (a) the circumstances in which a civil sanction is likely to be imposed;
 - (b) the circumstances in which it may not be imposed;
 - (c) in relation to a fixed monetary penalty—
 - (i) the amount of the penalty; and
 - (ii) how liability for the penalty may be discharged and the effect of discharge;
 - (d) in relation to a variable monetary penalty, the matters likely to be taken into account by the enforcement authority in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance);
 - (e) rights to make representations and objections; and
 - (f) rights of appeal.
- (3) The enforcement authority must revise the guidance where appropriate.
- (4) The enforcement authority must consult such persons as it considers appropriate before publishing any guidance or revised guidance.
- (5) The enforcement authority must have regard to the guidance or revised guidance in exercising its functions.

Guidance as to requirement to pay costs

- 24.** The enforcement authority must publish guidance about how it will exercise the power conferred by Article 21.

Publication of enforcement action

- 25.**—(1) The enforcement authority must from time to time publish reports specifying—
- (a) the cases in which a civil sanction has been imposed (but this does not include cases where the sanction has been imposed but overturned on appeal);
 - (b) where the civil sanction is a fixed monetary penalty, the cases in which liability to the penalty has been discharged in accordance with Article 6; and

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- (c) where the civil sanction is a variable monetary penalty, the cases in which an undertaking referred to in Article 16 is accepted from such a person.
- (2) Paragraph (1) does not apply in cases where the appropriate licensing authority considers that it would be inappropriate to specify the information referred to in that paragraph.