

SCHEDULES

SCHEDULE 2

PENALTIES: SUPPLEMENTARY

Penalty proceedings before Commissioners

- 4 (1) An appeal against the determination of a penalty in proceedings under paragraph 3 lies to the High Court or, in Scotland, the Court of Session as the Court of Exchequer in Scotland—
- (a) by any party on a question of law, and
 - (b) by the defendant (or, in Scotland, the defender) against the amount of the penalty.
- (2) On any such appeal the court may—
- (a) if it appears that no penalty has been incurred, set the determination aside,
 - (b) if the amount determined appears to be appropriate, confirm the determination,
 - (c) if the amount determined appears to be excessive, reduce it to such other amount (including nil) as the court considers appropriate, or
 - (d) if the amount determined appears to be insufficient, increase it to such amount not exceeding the permitted maximum as the court considers appropriate.