
STATUTORY INSTRUMENTS

2018 No. 800

The Offshore Environmental Civil Sanctions Regulations 2018

PART 3

Variable monetary penalties

Variable monetary penalties: appeals

16.—(1) A person on whom a final notice is served may appeal to the Tribunal in relation to the decision to impose the variable monetary penalty on any of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the amount of the variable monetary penalty is unreasonable;
- (d) that the decision was unreasonable for any other reason;
- (e) any other reason.

(2) In any appeal where the commission of an offence is an issue requiring determination, the relevant enforcement authority must prove that offence according to the same burden and standard of proof as in a criminal prosecution.

(3) In any other case the Tribunal must determine the standard of proof.

(4) Where an appeal is made in relation to a decision to impose a variable monetary penalty, the variable monetary penalty is suspended until a decision is made by the Tribunal in respect of the appeal.

(5) On an appeal, the Tribunal may do any of the following—

- (a) confirm the amount of the variable monetary penalty;
- (b) reduce the amount of the variable monetary penalty;
- (c) set aside the decision to impose the variable monetary penalty;
- (d) award costs.