

## Schedules

### Schedule 2

Further provision about fixed monetary penalties under section 35

#### *Appeals*

- 3.—**(1) An order under section 35 may not provide for the making of an appeal other than to a tribunal created under a statutory provision.
- (2) In sub-paragraph (1) “tribunal” does not include an ordinary court of law.
- (3) An order under section 35 which makes provision for an appeal in relation to the imposition of any requirement or service of any notice may include—
- (a) provision suspending the requirement or notice pending determination of the appeal;
  - (b) provision as to the powers of the tribunal to which the appeal is made;
  - (c) provision as to how any sum payable in pursuance of a decision of that tribunal is to be recoverable.
- (4) The provision referred to in sub-paragraph (3)(b) includes provision conferring on the tribunal to which the appeal is made power—
- (a) to withdraw the requirement or notice;
  - (b) to confirm the requirement or notice;
  - (c) to take such steps as the Department could take in relation to the act giving rise to the requirement or notice;
  - (d) to remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the Department;
  - (e) to award costs.