
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No.

The Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015

PART 2

Fixed monetary penalties

Imposition of a fixed monetary penalty

7.—(1) The Department must after the end of the period for making representations and objections decide whether to impose the fixed monetary penalty.

(2) In making the decision in accordance with paragraph (1) the Department must consider any representations or objections received.

(3) The Department must decide not to impose a fixed monetary penalty on a person where it is satisfied that the person would not, by reason of any defence, be liable to be convicted of the offence in relation to which the penalty is proposed.

(4) Where the Department decides to impose a fixed monetary penalty on a person, it must serve a final notice in writing on that person.

(5) The final notice must include information as to—

- (a) the grounds for imposing the fixed monetary penalty;
- (b) the Department's response to any representations and objections received;
- (c) the amount of the fixed monetary penalty;
- (d) how payment may be made;
- (e) the period within which payment must be made;
- (f) the effect of Article 8 (Discount for early payment);
- (g) the effect of Article 9 (Payment dates and late payment penalties);
- (h) right of appeal; and
- (i) the consequences of non-payment.

(6) This Article does not apply where a person has discharged liability under Article 5.