
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No.

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

PART 3

Appeals

Appeals against a fixed monetary penalty

11.—(1) A person on whom a fixed monetary penalty has been imposed may appeal against the decision to impose it on the grounds specified in paragraph (2).

(2) The grounds for appeal are—

- (a) that the decision is based on an error in fact;
- (b) that the decision is based on an error in law;
- (c) that the decision was unreasonable; and
- (d) any other reason permitted by the Appeals Commission.

Appeals body

12. An appeal under this Part is to the Appeals Commission, and except as otherwise provided for in this Order, must be determined in accordance with Article 293 (Procedures of the Water Appeals Commission) of the Water and Sewerage Services (Northern Ireland) Order 2006.

Appeals procedures

13.—(1) An appeal must—

- (a) be made by notice in writing containing the information specified in paragraph (2);
- (b) be accompanied by the documents specified in paragraph (3); and
- (c) be received by the Appeals Commission within 28 days from the day upon which the final notice is served.

(2) A notice of appeal must contain—

- (a) the name, address (including any e-mail address) and telephone number of the appellant and any agent acting for the appellant; and
- (b) a statement of the grounds of appeal.

(3) A notice of appeal must be accompanied by—

- (a) the final notice;
- (b) any relevant correspondence;
- (c) all documents upon which the appellant wishes to rely;

- (d) such forms and other relevant information as may be required by the procedures of the Appeals Commission; and
 - (e) a list of all the documents accompanying the notice of appeal detailing the dates of those documents.
- (4) Before determining any appeal the Appeals Commission must, if either the appellant or the Department so desires, afford to each of them an opportunity of appearing before and being heard by the Appeals Commission.
- (5) In an appeal where the commission of an offence is an issue requiring determination, the Department must prove the commission of the offence beyond reasonable doubt and in any other case the Appeals Commission must determine the standard of proof.
- (6) A final notice which is the subject of an appeal is suspended pending the determination of that appeal.
- (7) The Appeals Commission may in respect of an appeal under Article 11 quash, confirm or vary the decision to impose the fixed monetary penalty.