
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 383

The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015

PART 3

Administration and Enforcement

Appeals

- 7.—(1) This article applies to any appeal under this Order.
- (2) An appeal is to the Scottish Land Court⁽¹⁾.
- (3) An appeal shall be in such form as may be prescribed from time to time by the Scottish Land Court.
- (4) In any appeal where the commission of an offence is an issue requiring determination, SEPA must prove the offence according to the balance of probabilities.
- (5) The Scottish Land Court may determine a case, or any part of a case, on the basis of written submissions and without a hearing where—
- (a) both parties agree; or
 - (b) subject to paragraph (6), the Court considers that it can justly determine the matter without a hearing.
- (6) Where paragraph (5)(b) applies, the Court must not determine the appeal without a hearing without first giving the parties notice of its intention to do so, and an opportunity to make written representations as to whether there should be a hearing.

⁽¹⁾ The Scottish Land Court was established by section 3 of the Small Landholders (Scotland) Act 1911, and continued in being under section 1 of the Scottish Land Court Act 1993 (c.45).