

## SCHEDULES

### SCHEDULE 1

#### MONETARY PENALTY NOTICES

#### PART 1

#### MONETARY PENALTY NOTICES

##### *Appeals in relation to monetary penalty notices*

- 8 (1) A person on whom a monetary penalty notice is served may appeal to the First-tier Tribunal against—
- (a) the monetary penalty notice or any provision of it, or
  - (b) any refusal of a request by the person to serve a notice of variation or cancellation in relation to the monetary penalty notice.
- (2) Where there is an appeal under sub-paragraph (1)(a) in relation to a monetary penalty notice or any provision of it, any requirement in the notice or (as the case may be) provision which does not relate to the imposition of an enforcement obligation need not be complied with until the appeal is withdrawn or finally determined.
- (3) Sub-paragraphs (4) to (6) apply in relation to an appeal under sub-paragraph (1)(a).
- (4) The First-tier Tribunal must allow the appeal or substitute such other monetary penalty notice as could have been served by the Commissioner if the Tribunal considers—
- (a) that the notice to which the appeal relates is not in accordance with the law, or
  - (b) to the extent that the notice involved an exercise of discretion by the Commissioner, that the Commissioner ought to have exercised the discretion differently.
- (5) In any other case, the First-tier Tribunal must dismiss the appeal.
- (6) The First-tier Tribunal may review any determination of fact on which the notice was based.
- (7) Sub-paragraphs (8) to (10) apply in relation to an appeal under sub-paragraph (1)(b).
- (8) The First-tier Tribunal must direct the Commissioner to serve, on such terms as the Tribunal considers appropriate, a notice of variation or cancellation in relation to the monetary penalty notice if the Tribunal considers that the monetary penalty notice ought to be varied or cancelled on those terms.
- (9) In any other case, the First-tier Tribunal must dismiss the appeal.
- (10) The First-tier Tribunal may review any determination of fact on which the refusal to serve the notice of variation or cancellation was based.