
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No.

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

PART 4

Guidance and publication of enforcement action

Guidance as to the use of a fixed monetary penalty

- 14.**—(1) The Department must publish guidance about its use of the fixed monetary penalty.
- (2) The guidance must contain information as to—
- (a) the circumstances in which the fixed monetary penalty is likely to be imposed;
 - (b) the circumstances in which it may not be imposed;
 - (c) the amount of the penalty;
 - (d) how liability for the penalty may be discharged and the effect of the discharge;
 - (e) right to make representations and objections; and
 - (f) right of appeal.
- (3) The Department must revise the guidance where appropriate and publish any revised guidance.
- (4) The Department must consult such persons as it considers appropriate before publishing any guidance or revised guidance under this Article.
- (5) The Department must have regard to the guidance or revised guidance in exercising its functions.

Publication of enforcement action

- 15.**—(1) The Department must from time to time publish reports specifying—
- (a) the cases in which a fixed monetary penalty has been imposed; and
 - (b) the cases in which liability to the penalty has been discharged pursuant to Article 5.
- (2) In paragraph (1) the reference to cases in which a fixed monetary penalty has been imposed does not include cases where the fixed monetary penalty has been imposed but overturned on appeal.
- (3) Paragraph (1) does not apply in cases where the Department considers that it would be inappropriate to specify the information referred to in that paragraph.