
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 279

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

PART 3

Appeals

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.