
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 383

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

PART 3

Administration and Enforcement

Powers of the Court

8.—(1) On an appeal under paragraph 8(1) of Schedule 1 (fixed monetary penalties) the Court may quash or confirm the penalty.

(2) On an appeal under paragraph 7(1) (variable monetary penalties), 10(1) (costs recovery notices) or 15(1) (non-compliance penalties) of Schedule 2, the Court may do one or more of the following:—

- (a) quash, confirm or vary the penalty, requirement or notice (in whole or in part);
- (b) take such steps as SEPA could take under this Order in relation to the act or omission giving rise to the penalty, requirement or notice; or
- (c) remit the matter, or any aspect of it, to SEPA for further consideration.

(3) On an appeal under paragraph 6(1) of Schedule 3 (certificates of non-compliance), the Court may quash or confirm the certificate.

(4) Subject to paragraphs (5) and (6), on an appeal under this Order the Scottish Land Court may not make an order in respect of expenses.

(5) The Court may make an order awarding expenses for the court fees paid or payable.

(6) The Court may make an order in respect of expenses where the Court considers that a party or their representatives has acted unreasonably in bringing, defending or conducting the proceedings.