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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**The Marine Licensing (Notices Appeals) Regulations 2011**

**Appeals – further provisions**

**5.—**(1) In any appeal the burden of proof is on the licensing authority or enforcement authority (as appropriate), and—

- (a) where a question to be decided on the appeal is whether an offence has been committed, the authority must prove the commission of the offence beyond reasonable doubt;
- (b) in respect of any other issue to be decided on the appeal, the First-tier Tribunal is to determine the standard of proof.

(2) The First-tier Tribunal may—

- (a) withdraw the notice or any requirement contained in it;
- (b) confirm the notice or any requirement contained in it;
- (c) vary the notice or any requirement contained in it;
- (d) take such steps as the licensing authority or enforcement authority (as appropriate) could take in relation to the act or omission giving rise to the notice; or
- (e) remit the decision whether to confirm the notice, or any matter relating to that decision, to the licensing authority or enforcement authority (as appropriate).

(3) Where a notice revoking a marine licence is withdrawn under paragraph (2), the licence is to be treated as never having been revoked by that notice.