
DRAFT STATUTORY INSTRUMENTS

2015 No.

**The Aviation Security Act 1982
(Civil Penalties) Regulations 2015**

Appeals

7.—(1) A person (the “appellant”) may appeal to the court against a decision to require the person to pay a penalty under these Regulations.

(2) An appeal may be brought only if the appellant has given a notice of objection and the Secretary of State has—

- (a) reduced the penalty under regulation 6(3)(b),
- (b) increased the penalty under regulation 6(3)(c), or
- (c) determined not to alter the penalty under regulation 6(3)(d).

(3) An appeal must be brought within the period of 28 days beginning with the date on which the person is notified of the Secretary of State’s decision on the notice of objection under regulation 6(4).

(4) On appeal, the court may—

- (a) allow the appeal and cancel the penalty,
- (b) allow the appeal and reduce the penalty, or
- (c) dismiss the appeal.

(5) An appeal—

- (a) is to be a re-hearing of the Secretary of State’s decision to impose a penalty, and
- (b) may be determined having regard to matters of which the Secretary of State was unaware.

(6) Paragraph (5)(a) has effect despite any provision of rules of court.

(7) In this regulation, a reference to “the court” is a reference—

- (a) in England and Wales, to the county court,
- (b) in Scotland, to the sheriff, and
- (c) in Northern Ireland, to a county court.

(8) But—

- (a) the county court in England and Wales, or a county court in Northern Ireland, may transfer proceedings under this regulation to the High Court, and
- (b) the sheriff may transfer proceedings under this regulation to the Court of Session.