
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Vehicle Emissions Trading Schemes Order 2023

Part 7

Appeals

Appeal against decisions of the administrator

108.—(1) A participant in the Trading Schemes or an SPV manufacturer may appeal to the First-tier tribunal against a decision of the administrator to which this Part applies, on the ground that—

- (a) the decision was based on an error of fact;
- (b) the decision was wrong in law;
- (c) in the case of a financial penalty, that the amount of the penalty is unreasonable;
- (d) in the case of a non-financial penalty, that the nature of the penalty is unreasonable; or
- (e) that the decision was wrong or unreasonable for any other reason.

(2) The First-tier tribunal may confirm the administrator's decision, cancel it or substitute its own decision.

(3) Until any appeal made under this article against a decision mentioned in article 107(a) to (h) has been finally determined or withdrawn, no civil penalty may be imposed under Part 6 in relation to the decision.

(4) Until any appeal made under this article against a decision to impose a civil penalty under Part 6 has been finally determined or withdrawn, the civil penalty is suspended.

(5) If the outcome of an appeal made under this Part is that the administrator incorrectly treated a participant in the Trading Schemes or an SPV manufacturer as being, or as not being, entitled to an allowance or a credit, the administrator must take appropriate steps to correct the position in the registry.