

SCHEDULE

Enforcement

PART 2

Civil sanctions

Appeals

17.—(1) Any appeal under paragraph 16 must be made to the First-tier Tribunal.

(2) An appeal must be brought within 28 days of the date on which the final decision is received.

(3) Any compliance notice relating to the subject matter of the appeal is suspended pending an appeal.

(4) The Tribunal may, in relation to a compliance notice—

(a) withdraw the compliance notice;

(b) confirm the compliance notice;

(c) vary the compliance notice;

(d) take such steps as the enforcement authority could take in relation to the act or omission giving rise to the compliance notice;

(e) remit the decision whether to confirm the compliance notice, or any matter relating to that decision, to the enforcement authority.

(5) The Tribunal may, in relation to a civil penalty—

(a) allow the appeal and cancel the civil penalty;

(b) allow the appeal and reduce the amount of the civil penalty; or

(c) dismiss the appeal.

(6) An appeal—

(a) is to be a re-hearing of the enforcement authority's decision to impose a civil sanction; and

(b) may be determined having regard to matters of which the enforcement authority was unaware.

(7) Sub-paragraph (6)(a) has effect despite any provision of rules of court.