

## SCHEDULE 2

### FURTHER PROVISION ABOUT CIVIL SANCTIONS UNDER PART 4 (MARINE LICENSING)

#### *Recovery of expenses*

- 6 (1) Provision under section 48 may include provision for the Scottish Ministers, by notice, to require a person on whom a variable monetary penalty is imposed to pay the expenses incurred by the Scottish Ministers in relation to the imposition of the penalty up to the time of its imposition.
- (2) In sub-paragraph (1), the reference to expenses includes in particular—
- (a) investigation expenses,
  - (b) administration expenses,
  - (c) the expenses of obtaining expert advice (including legal advice).
- (3) Provision under this paragraph must secure that, in any case where a notice requiring payment of expenses is served—
- (a) the notice specifies the amount required to be paid,
  - (b) the Scottish Ministers may be required to provide a detailed breakdown of that amount,
  - (c) the person required to pay the expenses is not liable to pay any expenses shown by the person to have been unnecessarily incurred,
  - (d) the person required to pay the expenses may appeal against—
    - (i) the decision of the Scottish Ministers to impose the requirement to pay expenses,
    - (ii) the decision of the Scottish Ministers as to the amount of the expenses.
- (4) Provision under this paragraph may include the provision referred to in paragraph 5(b) and (c).
- (5) Provision under this paragraph must secure that the Scottish Ministers are required to publish guidance about how they will exercise the power conferred by the provision.