

SCHEDULE 2  
FURTHER PROVISION ABOUT CIVIL SANCTIONS UNDER PART 4 (MARINE LICENSING)

*Guidance as to use of civil sanctions*

- 9 (1) Where the Scottish Ministers make provision about the imposition of civil sanctions under section 46 or 48 the provision must secure the results in sub-paragraph (2).
- (2) The results are that—
- (a) the Scottish Ministers must publish guidance about their use of the sanction,
  - (b) in the case of guidance relating to a fixed monetary penalty or a variable monetary penalty, the guidance must contain the relevant information,
  - (c) the Scottish Ministers must revise the guidance where appropriate,
  - (d) the Scottish Ministers must consult such persons as the provision may specify before publishing any guidance or revised guidance,
  - (e) the Scottish Ministers must have regard to the guidance or the revised guidance in exercising their functions under Part 4.
- (3) In the case of guidance relating to a fixed monetary penalty, the relevant information referred to in sub-paragraph (2)(b) is information as to—
- (a) the circumstances in which the penalty is likely to be imposed,
  - (b) the circumstances in which it may not be imposed,
  - (c) the amount of the penalty,
  - (d) how liability for the penalty may be discharged and the effect of the discharge,
  - (e) rights to make representations and objections and rights of appeal.
- (4) In the case of guidance relating to a variable monetary penalty, the relevant information referred to in sub-paragraph (2)(b) is information as to—
- (a) the circumstances in which the penalty is likely to be imposed,
  - (b) the circumstances in which it may not be imposed,
  - (c) the matters likely to be taken into account by the Scottish Minister in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance), and
  - (d) rights to make representations and objections and rights of appeal.