
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 81

**The Marine Licensing (Civil Sanctions)
Order (Northern Ireland) 2011**

PART 5

General provisions

Appeals – further provisions

28.—(1) Any appeal under this Order is to the Appeals Commission, and except as otherwise provided for in this Order, shall be determined in accordance with Articles 292 and 293 (Procedure of the Water Appeals Commission) of the Water and Sewerage Services (Northern Ireland) Order 2006.

(2) Notice of appeal against the imposition of either a fixed monetary penalty or a variable monetary penalty must be accompanied by either—

- (a) the final notice;
- (b) any relevant correspondence;
- (c) all documents upon which the appellant wishes to rely; and
- (d) such forms and other relevant information as may be required by the procedures of the Appeals Commission.

(3) Notice of appeal against the imposition of a cost recovery notice, served under Article 22 must be accompanied by a copy of the cost recovery notice and the information detailed in subparagraphs (b) to (d) of paragraph (4).

(4) Before determining any appeal the Appeals Commission shall, if either the appellant or the enforcement authority so desires, afford to each of them an opportunity of appearing before and being heard by the Appeals Commission.

(5) In any appeal the burden of proof is on the enforcement authority, and—

- (a) if the appeal involves an alleged commission of an offence the enforcement authority must prove the commission of the offence beyond reasonable doubt; and
- (b) the Appeals Commission must determine the burden and standard of proof in any other case.

(6) A notice which is the subject of an appeal, and any requirement in such a notice, is suspended pending determination of that appeal.

(7) The Appeals Commission may, in respect of an appeal under Article 12 quash or confirm the requirement or notice;

(8) The Appeals Commission may, in respect of an appeal under Article 20 or 22 quash, confirm or vary the requirement or notice.