

SCHEDULES

SCHEDULE 20

RAIL VEHICLE ACCESSIBILITY: COMPLIANCE

Penalties: appeals

- 12 (1) A person may appeal to the court against a penalty on the ground that—
- (a) the person is not liable to the penalty;
 - (b) the amount of the penalty is too high.
- (2) The court may—
- (a) allow the appeal and cancel the penalty;
 - (b) allow the appeal and reduce the amount of the penalty;
 - (c) dismiss the appeal.
- (3) An appeal under this section is a re-hearing of the Secretary of State’s decision and is to be determined having regard to—
- (a) any code of practice under paragraph 10 which has effect at the time of the appeal;
 - (b) any other matter which the court thinks is relevant (whether or not the Secretary of State was aware of it).
- (4) An appeal may be brought under this section whether or not—
- (a) the person has given notice of objection under paragraph 11(3);
 - (b) the penalty has been reduced under paragraph 11(5).
- (5) In this section “the court” is—
- (a) in England and Wales, a county court;
 - (b) in Scotland, the sheriff.
- (6) The sheriff may transfer the proceedings to the Court of Session.
- (7) If the sheriff makes a determination under sub-paragraph (2), a party to the proceedings may appeal against the determination on a point of law to—
- (a) the Sheriff Principal, or
 - (b) the Court of Session.