



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 2

SEPA'S POWERS OF ENFORCEMENT

Variable monetary penalties

23 Variable monetary penalties

- (1) The Scottish Ministers may by order make provision for or about the imposition by SEPA of a variable monetary penalty on a person in relation to a relevant offence.
- (2) Provision under subsection (1) must provide that a variable monetary penalty—
 - (a) may be imposed on a person only where SEPA is satisfied on the balance of probabilities that the person has committed the offence to which the penalty relates,
 - (b) is to be imposed by notice, and
 - (c) may not be imposed on a person in relation to an offence constituted by an act or omission if a variable monetary penalty has already been imposed on that person in respect of the same offence constituted by the same act or omission.
- (3) For the purposes of this Chapter, a “variable monetary penalty” is, subject to subsection (4), a requirement to pay SEPA a penalty of such amount as SEPA may in each case determine.
- (4) SEPA may not in any case impose a variable monetary penalty that exceeds the maximum amount specified in an order made under subsection (1) in relation to that case.
- (5) The maximum amount that may be so specified is—
 - (a) in the case mentioned in subsection (6), the maximum amount of the fine that may be imposed on summary conviction in such a case,

Status: This is the original version (as it was originally enacted).

- (b) in any other case, £40,000.
- (6) The case is one where the offence in respect of which the variable monetary penalty is imposed—
- (a) is triable summarily (whether or not it is also triable on indictment), and
 - (b) is punishable on summary conviction by a fine (whether or not it is also punishable by a term of imprisonment).
- (7) The Scottish Ministers may by order substitute another sum for the one for the time being mentioned in subsection (5)(b).