STATUTORY INSTRUMENTS

2018 No. 800

The Offshore Environmental Civil Sanctions Regulations 2018

PART 3

Variable monetary penalties

Non-compliance penalties: power to impose where undertaking not complied with

18.—(1) This regulation applies where—

(a) the Secretary of State accepts an undertaking from the person on whom the notice of intent was served; and

(b) the person fails to comply with the undertaking.

(2) The Secretary of State may, by notice (a "non-compliance penalty notice") served on the person, impose a non-compliance penalty on the person.

(3) A "non-compliance penalty" is a requirement to pay to the Secretary of State a penalty of an amount determined by the Secretary of State.

(4) The amount of any non-compliance penalty must not exceed £50,000.

(5) The non-compliance penalty notice must state the amount of the non-compliance penalty and include information as to—

(a) the grounds for imposing the non-compliance penalty;

(b) how payment may be made;

(c) the period within which payment must be made;

(d) rights of appeal; and

(e) the consequences of non-payment.

(6) A person on whom a non-compliance penalty notice is served must pay to the Secretary of State the amount of the non-compliance penalty within the period of 28 days beginning with the day on which the non-compliance penalty notice is received.

(7) The Secretary of State may at any time withdraw a non-compliance penalty notice by giving notice in writing to the person on whom the non-compliance penalty notice was served.