



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Other civil enforcement measures

Variable monetary penalties

86.—(1) The Department may by regulations make provision about the imposition by it of variable monetary penalties on reservoir managers of controlled reservoirs in relation to offences under this Act.

(2) Before making regulations under subsection (1), the Department must consult in accordance with section 90.

(3) A “variable monetary penalty” is a requirement to pay to the Department a penalty of such amount as it may in each case determine (but not exceeding the maximum fine for which a person convicted of the offence concerned may be made liable on summary conviction).

(4) Regulations made under subsection (1)—

(a) must provide that variable monetary penalties—

(i) may be imposed only where the Department is satisfied beyond reasonable doubt that a reservoir manager has committed an offence under this Act,

(ii) may not be imposed on a reservoir manager on more than one occasion in relation to the same act or omission,

- (iii) are to be imposed by notice served on the reservoir manager concerned,
- (b) may provide that variable monetary penalties may be imposed in addition to any requirement referred to in section 67(2) or 71(2).