

## SCHEDULE 2

### Variable monetary penalties etc.

#### CHAPTER 1

##### Variable Monetary Penalties

###### **Costs recovery notices**

**9.**—(1) SEPA may serve a notice on a person on whom a variable monetary penalty has been imposed, requiring that person to pay the costs incurred by SEPA in relation to the imposition of the penalty up to the time of its imposition (a “costs recovery notice”).

(2) In this paragraph, “costs” include in particular—

- (a) investigation costs (including the costs of monitoring the environment to determine the harm caused by the relevant offence to which the penalty relates);
- (b) administration costs; and
- (c) costs of obtaining expert advice (including legal advice).

(3) The costs recovery notice must specify—

- (a) the amount required to be paid;
- (b) how payment may be made;
- (c) the period within which payment must be made;
- (d) that SEPA may be required to provide a detailed breakdown of the amount (unless such a breakdown is provided by SEPA with the notice itself);
- (e) the rights of appeal; and
- (f) consequences of non-payment.

(4) The person on whom the notice is served may require SEPA to provide a detailed breakdown of the amount required to be paid (unless such a breakdown has already been provided).

(5) SEPA must take such steps as are reasonable to ensure that the detailed breakdown is sent to the person requesting it within a period of 21 days from the date of the request.