
STATUTORY INSTRUMENTS

1998 No. 1731

The Environmental Assessment (Forestry) Regulations 1998

Enforcement notices

16.—(1) Where it appears to the Commissioners that a person is carrying out or has carried out work in relation to a relevant project –

- (a) without consent, where consent is required by regulation 3, or
- (b) in breach of a condition subject to which consent has been granted in relation to that relevant project,

the Commissioners may serve an enforcement notice on that person.

(2) An enforcement notice may require that the person on whom it is served shall take such one or more of the following measures as appear to the Commissioners to be suitable in the circumstances, namely –

- (a) apply to the Commissioners for consent;
- (b) discontinue work in relation to the relevant project;
- (c) restore the land to its condition before any work in relation to the relevant project was carried out;
- (d) carry out on the land any works or operations, specified in the enforcement notice, which in the opinion of the Commissioners are reasonably necessary to secure compliance with any condition subject to which consent was granted or to remove or alleviate any injury to the environment which has been caused by the relevant project.

(3) An enforcement notice shall specify the period during which any of the measures mentioned in paragraph (2)(a), (c) or (d) is to be taken and may specify different periods for different measures.

(4) Either:—

- (a) an enforcement notice served by virtue of paragraph (1)(a) above shall include or be accompanied by a written statement of the Commissioners' reasons for being of the opinion that the project is a relevant project; or
- (b) the Commissioners shall serve such a written statement on the person on whom the enforcement notice was served as soon as practicable after serving the enforcement notice.

(5) Either:—

- (a) an enforcement notice shall include or be accompanied by a notice explaining how, to whom and within what period an appeal may be brought and whether the requirements of the enforcement notice will be stayed or, in Scotland, suspended while an appeal is pending; or
- (b) the Commissioners shall serve such a notice on the person on whom the enforcement notice was served as soon as practicable after serving the enforcement notice.

(6) The Commissioners may, at any time –

- (a) by a further notice served on the person on whom the enforcement notice was served, vary an enforcement notice; and
- (b) withdraw an enforcement notice.

- (7) An enforcement notice may be served on any person –
 - (a) by delivering it to him personally;
 - (b) by leaving it for him at his last known place of abode or business; or
 - (c) by sending it through the post addressed to him at his last known place of abode or business;
- (8) An enforcement notice may –
 - (a) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
 - (b) in the case of a partnership, be served on a partner or person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.