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STATUTORY INSTRUMENTS

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**2017 No. 1200**

**The Control of Mercury (Enforcement) Regulations 2017**

**PART 2**

Civil enforcement in England and Wales

**Further provision about civil penalties**

- 11.**—(1) An enforcing authority must not give a civil penalty notice to a person unless—
- (a) the enforcing authority has given a notice (a “notice of intent”) to the person stating that it proposes to give a civil penalty notice to the person, and
  - (b) the period for representations referred to in paragraph (6) has expired.
- (2) A notice of intent must state—
- (a) the matters constituting the failure to comply with the relevant provision in question or the enforcement notice or information notice,
  - (b) the maximum amount of the civil penalty,
  - (c) that the civil penalty will be payable within a period specified in the civil penalty notice, which must not be less than 28 days beginning with the day on which the civil penalty notice is given,
  - (d) that there is a right to make representations against the notice of intent and how that right may be exercised (see paragraphs (3) to (6)), and
  - (e) that the enforcing authority has power to vary the amount of civil penalty referred to in the notice.
- (3) A person to whom a notice of intent is given may make representations to the enforcing authority about the proposal to give a civil penalty notice to the person.
- (4) The right to make representations includes (but is not limited to) the right to make representations about the amount of civil penalty which the enforcing authority has power to determine under regulation 10(5).
- (5) The representations must be in writing.
- (6) The representations must be given to the enforcing authority within a period of 28 days beginning with the day on which the notice of intent was given.
- (7) An enforcing authority may withdraw a notice of intent by informing the person to whom it was given in writing.
- (8) An enforcing authority must pay any civil penalty and interest under regulation 12 into the Consolidated Fund.

**Changes to legislation:**

There are currently no known outstanding effects for the The Control of Mercury (Enforcement) Regulations 2017, Section 11.