SCHEDULE 2

Civil sanctions

PART 8

Guidance and publicity

Guidance as to use of civil sanctions

27.—(1) The management authority must publish guidance about its use of civil sanctions.

(2) The management authority must revise and update the guidance where appropriate.

(3) The management authority must have regard to the guidance or revised and updated guidance in exercising its functions.

(4) In the case of guidance about compliance notices, stop notices, variable monetary penalties and non-compliance penalties, the guidance must contain information as to—

(a) the circumstances in which the civil sanction is likely to be imposed;

(b) the circumstances in which it is not likely to be imposed.

(5) In the case of guidance about variable monetary penalties and non-compliance penalties, the guidance must contain information as to—

(a) the matters likely to be taken into account by the management authority in determining the amount of the penalty (including voluntary reporting by a person of their own non-compliance);

(b) the rights to make representations and the rights of appeal.

(6) In the case of guidance about enforcement undertakings, the guidance must contain information as to—

(a) the circumstances in which the management authority is likely to accept an enforcement undertaking;

(b) the circumstances in which the management authority is not likely to accept an enforcement undertaking.

Consultation on guidance

28. The management authority must consult such persons as it considers appropriate before publishing any guidance or revised or updated guidance.

Publication of enforcement action

29.—(1) The management authority must from time to time publish—

(a) the cases in which civil sanctions have been imposed;

(b) where the civil sanction is a compliance notice, stop notice or variable monetary penalty, the cases in which a third party undertaking has been accepted;

(c) the cases in which an enforcement undertaking has been given.

(2) In sub-paragraph (1)(a), the reference to cases in which civil sanctions have been imposed does not include cases where the sanction has been imposed but overturned on appeal.

(3) This paragraph does not apply in cases where the management authority considers that publication would be inappropriate.