
STATUTORY INSTRUMENTS

2018 No. 800

The Offshore Environmental Civil Sanctions Regulations 2018

PART 3

Variable monetary penalties

Non-compliance penalties: power to impose where undertaking not complied with

18.—(1) This regulation applies where—

- (a) the Secretary of State accepts an undertaking from the person on whom the notice of intent was served; and
- (b) the person fails to comply with the undertaking.

(2) The Secretary of State may, by notice (a “non-compliance penalty notice”) served on the person, impose a non-compliance penalty on the person.

(3) A “non-compliance penalty” is a requirement to pay to the Secretary of State a penalty of an amount determined by the Secretary of State.

(4) The amount of any non-compliance penalty must not exceed £50,000.

(5) The non-compliance penalty notice must state the amount of the non-compliance penalty and include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) how payment may be made;
- (c) the period within which payment must be made;
- (d) rights of appeal; and
- (e) the consequences of non-payment.

(6) A person on whom a non-compliance penalty notice is served must pay to the Secretary of State the amount of the non-compliance penalty within the period of 28 days beginning with the day on which the non-compliance penalty notice is received.

(7) The Secretary of State may at any time withdraw a non-compliance penalty notice by giving notice in writing to the person on whom the non-compliance penalty notice was served.