

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Environment (Wales) Act 2016, Cross Heading: Discretionary requirements: enforcement. (See end of Document for details)

PROSPECTIVE

## SCHEDULE 1 **E+W**

### CHARGES FOR CARRIER BAGS: CIVIL SANCTIONS

#### *Discretionary requirements: enforcement*

- 6 (1) If carrier bag regulations make provision under paragraph 4, they may confer on an administrator the power to require a person to pay a monetary penalty (a “non-compliance penalty”) to the administrator if the person fails to comply with a non-monetary discretionary requirement imposed on the person.
- (2) The regulations may—
- (a) specify the amount of the non-compliance penalty or provide for that amount to be determined in accordance with the regulations, or
  - (b) provide for the amount to be determined by the administrator or in some other way.
- (3) If carrier bag regulations make provision within sub-paragraph (2)(b), they must, in relation to each kind of failure for which a non-compliance penalty may be imposed—
- (a) specify the maximum penalty that may be imposed for a failure of that kind, or
  - (b) provide for that maximum to be determined in accordance with the regulations.
- (4) Carrier bag regulations that make provision under sub-paragraph (1) must secure that—
- (a) the non-compliance penalty is imposed by notice served by the administrator, and
  - (b) the person on whom it is imposed may appeal against that notice.
- (5) Provision pursuant to paragraph (b) of sub-paragraph (4) must secure that the grounds on which a person may appeal against a notice referred to in that paragraph include the following—
- (a) that the decision to serve the notice was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unfair or unreasonable for any reason (including, in a case where the amount of the non-compliance penalty was determined by the administrator, that the amount is unreasonable).

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