

*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, Paragraph 9. (See end of Document for details)

PROSPECTIVE

## SCHEDULE 1

### CHARGES FOR CARRIER BAGS: CIVIL SANCTIONS

#### *Costs recovery*

- 9 (1) If carrier bag regulations make provision under paragraph 4, they may confer on an administrator the power by notice to require a person on whom a discretionary requirement is imposed to pay the costs incurred by the administrator in relation to the imposition of the discretionary requirement up to the time of its imposition.
- (2) In sub-paragraph (1), the reference to costs includes (among other things)—
- (a) investigation costs;
  - (b) administration costs;
  - (c) costs of obtaining expert advice (including legal advice).
- (3) Carrier bag regulations that make provision under this paragraph must secure that, in any case where a notice requiring payment of costs is served—
- (a) the notice specifies the amount required to be paid;
  - (b) the administrator may be required to provide a detailed breakdown of that amount;
  - (c) the person required to pay costs is not liable to pay any costs shown by the person to have been unnecessarily incurred;
  - (d) the person required to pay costs may appeal against—
    - (i) the decision of the administrator to impose the requirement to pay costs;
    - (ii) the decision of the administrator as to the amount of those costs.
- (4) Provision under this paragraph may include the provision referred to in paragraph 8(1)(b) and (c) and (2).

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