



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY
POWERS AND FURTHER OFFENCES

Other civil enforcement measures

Fixed monetary penalties: criminal proceedings and conviction etc.

85.—(1) Regulations made under section 83(1) must secure that, in a case where a notice of intent referred to in section 84(2)(a) is served on a reservoir manager—

- (a) no criminal proceedings for the offence to which the notice relates may be instituted against the manager in respect of the act or omission to which the notice relates before the end of the period in which the manager may discharge liability for the fixed monetary penalty pursuant to section 84(2)(b),
- (b) the Department may not, before the end of that period, serve a stop notice or impose a variable monetary penalty on the manager in respect of that act or omission,
- (c) if the manager so discharges liability—
 - (i) the manager may not at any time be convicted of the offence in respect of that act or omission,
 - (ii) the Department may not serve a stop notice on the manager in respect of the act or omission.

- (2) Regulations made under section 83(1) must also secure that, in a case where a fixed monetary penalty is imposed on a reservoir manager—
- (a) the manager may not at any time be convicted of the offence in respect of the act or omission giving rise to the penalty,
 - (b) the Department may not serve a stop notice or impose a variable monetary penalty on the manager in respect of the act or omission giving rise to the penalty.