

## SCHEDULE

### Civil Sanctions

## PART 5

### Administration and Appeals

#### Withdrawing or amending a notice

- 26.** A regulator may at any time in writing—
- (a) withdraw a notice imposing a variable monetary penalty or a notice imposing a non-compliance penalty, or reduce the amount specified in the notice; or
  - (b) withdraw a compliance notice or stop notice, or amend the steps specified, in order to reduce the amount of work necessary to comply with the notice.

#### Enforcement cost recovery notices

**27.—**(1) A regulator may serve a notice (an “enforcement cost recovery notice”) on a person on whom a relevant notice has been served requiring that person to pay the costs incurred by the regulator in relation to the imposition of the requirement imposed by the relevant notice up to the time of its imposition.

(2) In sub-paragraph (1), a “relevant notice” means a variable monetary penalty notice, compliance notice or stop notice.

- (3) “Costs” include in particular—
- (a) investigation costs;
  - (b) administration costs; and
  - (c) costs of obtaining expert advice (including legal advice).

- (4) The enforcement cost recovery notice must specify—
- (a) how payment may be made;
  - (b) the amount required to be paid;
  - (c) the period in which payment must be made, which must not be less than 28 days;
  - (d) the grounds for imposing the notice;
  - (e) the right of appeal; and
  - (f) the consequences of a failure to comply with the notice in the specified period.

(5) The person on whom the notice is served may require the regulator to provide a detailed breakdown of the amount.

(6) The person required to pay costs is not liable to pay any costs shown by that person to have been unnecessarily incurred.

#### Appeals against enforcement cost recovery notices

- 28.** The person required to pay costs may appeal—
- (a) against the decision of the regulator to impose the requirement to pay costs;
  - (b) against the decision of the regulator as to the amount of those costs;
  - (c) for any other reason.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020 ISBN 978-0-11-119620-5

### **Power to recover payments**

**29.** A regulator may recover any variable monetary penalty or non-compliance penalty imposed under this Schedule, on the order of a court, as if payable under a court order.

### **Appeals: general provisions**

**30.**—(1) An appeal under paragraph 7, 11, 13, 15, 21, 25 or 28 of this Schedule is to the First-tier Tribunal.

(2) All notices (other than stop notices) are suspended pending the determination or withdrawal of the appeal.

(3) The First-tier Tribunal may, in relation to the imposition of a requirement or service of a notice under this Schedule—

- (a) withdraw the requirement or notice;
- (b) confirm the requirement or notice;
- (c) vary the requirement or notice;
- (d) take such steps as the regulator could have taken in relation to the act or omission giving rise to the requirement or notice; or
- (e) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the regulator.