

SCHEDULES

SCHEDULE 1

CIVIL SANCTIONS

PART 6

GENERAL AND SUPPLEMENTAL

Guidance as to enforcement

- 21 (1) The Secretary of State must prepare and publish guidance as to—
- (a) the sanctions that may be imposed on a person who commits an offence under section 12;
 - (b) the action that the Secretary of State may take in relation to such a person;
 - (c) the circumstances in which the Secretary of State is likely to take any such action.
- (2) The guidance must include guidance about the Secretary of State's use of the power to impose a monetary penalty, with information as to—
- (a) the circumstances in which such a penalty may not be imposed;
 - (b) the amount of such a penalty;
 - (c) the matters likely to be taken into account by the Secretary of State in determining that amount (including, where relevant, any discounts for voluntary reporting of non-compliance);
 - (d) how liability for such a penalty may be discharged and the effect of discharge;
 - (e) rights to make representations and objections and rights of appeal in relation to such a penalty.
- (3) The guidance must include guidance about the Secretary of State's use of the power to serve a stop notice, with information as to—
- (a) the circumstances in which such a notice may not be served;
 - (b) rights of appeal in relation to such a notice.
- (4) The guidance must include guidance about the Secretary of State's use of the power to serve an enforcement cost recovery notice, with information as to—
- (a) the circumstances in which such a notice may not be served;
 - (b) the amount that a person may be required to pay;
 - (c) the matters likely to be taken into account by the Secretary of State in determining that amount;
 - (d) how liability for the costs to which the notice relates may be discharged and the effect of discharge;

Status: This is the original version (as it was originally enacted).

- (e) rights to make representations and objections and rights of appeal in relation to those costs.
- (5) The guidance must include guidance about the Secretary of State’s use of the power to accept an enforcement undertaking.
- (6) Where appropriate, the Secretary of State must revise guidance published under this paragraph and publish the revised guidance.
- (7) The Secretary of State must consult—
 - (a) the Welsh Ministers, the Scottish Ministers and the Northern Ireland department, and
 - (b) any other persons the Secretary of State considers appropriate, before publishing guidance or revised guidance under this paragraph.
- (8) The Secretary of State must have regard to the guidance or revised guidance published under this paragraph in exercising his or her functions under this Schedule.