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*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, PART 2. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

#### PRODUCER RESPONSIBILITY FOR DISPOSAL COSTS

#### PART 2

#### ENFORCEMENT

##### *General power*

- 11 The relevant national authority may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by regulations (“Part 1 regulations”) made by the authority under Part 1 of this Schedule.

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##### **Commencement Information**

- I1** [Sch. 5 para. 11](#) in force at 9.1.2022 for E.W.S., see [s. 147\(2\)\(a\)](#)  
**I2** [Sch. 5 para. 11](#) in force at 28.2.2022 for N.I. by [S.R. 2022/54](#), [art. 2\(1\)\(c\)](#)

##### *Powers to confer functions*

- 12 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Part).
- (2) Part 2 regulations may include provision—
- (a) conferring functions involving the exercise of discretion;
  - (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.
- (3) Part 2 regulations may include provision requiring an enforcement authority to issue guidance about the exercise of its functions.

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##### **Commencement Information**

- I3** [Sch. 5 para. 12](#) in force at 9.1.2022 for E.W.S., see [s. 147\(2\)\(a\)](#)  
**I4** [Sch. 5 para. 12](#) in force at 28.2.2022 for N.I. by [S.R. 2022/54](#), [art. 2\(1\)\(c\)](#)

##### *Monitoring compliance*

- 13 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with requirements imposed by Part 1 regulations.

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**Commencement Information**

- I5** Sch. 5 para. 13 in force at 9.1.2022 for E.W.S., see s. 147(2)(a)  
**I6** Sch. 5 para. 13 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(c)

*Records and information*

- 14 Part 2 regulations may include provision—
- (a) requiring persons on whom requirements are imposed by Part 1 regulations to keep records;
  - (b) requiring persons on whom requirements are imposed by Part 1 regulations to provide records or other information to an enforcement authority or (where the person is not an administrator) an administrator;
  - (c) requiring an enforcement authority to make reports or provide information to the relevant national authority.

**Commencement Information**

- I7** Sch. 5 para. 14 in force at 9.1.2022 for E.W.S., see s. 147(2)(a)  
**I8** Sch. 5 para. 14 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(c)

*Powers of entry etc*

- 15 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.
- (2) Part 2 regulations may include provision—
- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
  - (b) about applications for, and the execution of, warrants.
- (3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—
- (a) enter premises by force;
  - (b) enter a private dwelling without the consent of the occupier;
  - (c) search and seize material.

**Commencement Information**

- I9** Sch. 5 para. 15 in force at 9.1.2022 for E.W.S., see s. 147(2)(a)  
**I10** Sch. 5 para. 15 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(c)

*Sanctions*

- 16 (1) Part 2 regulations may include provision—
- (a) for, about or connected with the imposition of civil sanctions in respect of—
    - (i) failures to comply with Part 1 regulations or Part 2 regulations, or
    - (ii) the obstruction of or failure to assist an enforcement authority;
  - (b) for appeals against such sanctions.

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- (2) Part 2 regulations may include provision—
- (a) creating criminal offences punishable with a fine in respect of—
    - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
    - (ii) the obstruction of or failure to assist an enforcement authority;
  - (b) about such offences.
- (3) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (4) Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence,
  - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
  - (c) the relevant national authority may make provision for the imposition of sanctions under that Part.

**Commencement Information**

- I11** Sch. 5 para. 16 in force at 9.1.2022 for E.W.S., see s. 147(2)(a)
- I12** Sch. 5 para. 16 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(c)

*Charges and costs*

- 17 Part 2 regulations may include provision—
- (a) requiring persons on whom requirements are imposed by Part 1 regulations to pay charges, as a means of recovering costs incurred by an enforcement authority in performing its functions;
  - (b) authorising a court or tribunal dealing with any matter under Part 1 regulations or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions in relation to that matter.

**Commencement Information**

- I13** Sch. 5 para. 17 in force at 9.1.2022 for E.W.S., see s. 147(2)(a)
- I14** Sch. 5 para. 17 in force at 28.2.2022 for N.I. by S.R. 2022/54, art. 2(1)(c)

*Consultation requirements*

- 18 (1) Before making regulations under this Part of this Schedule the relevant national authority must consult any persons the authority considers appropriate.
- (2) The requirement in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

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**Commencement Information**

- I15** Sch. 5 para. 18 in force at 9.1.2022 for E.W.S., see **s. 147(2)(a)**  
**I16** Sch. 5 para. 18 in force at 28.2.2022 for N.I. by **S.R. 2022/54, art. 2(1)(c)**

**Changes to legislation:**

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