
STATUTORY INSTRUMENTS

2015 No. 668

The Nitrate Pollution Prevention Regulations 2015

PART 10

Enforcement

Offence and penalty

41.—(1) A person who breaches a provision of these Regulations commits an offence.

(2) A person guilty of an offence under this regulation is liable—

- (a) on summary conviction, to a fine, or
- (b) on conviction on indictment, to a fine.

(3) Where a body corporate is guilty of an offence under this regulation, and the offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of a body corporate, or
- (b) a person who was purporting to act in such a capacity,

that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) In paragraph (3), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Civil sanctions

42.—(1) The Agency may impose a fixed monetary penalty, variable monetary penalty, restoration notice, compliance notice or stop notice, or may accept an enforcement undertaking, in relation to an offence under regulation 41, as if it were an offence in relation to which the sanction in question was specified in Schedule 5 to the Environmental Civil Sanctions (England) Order 2010(1).

(2) An expression used in paragraph (1) and in that Order has the same meaning in that paragraph as it has in that Order.

(3) The provisions of that Order relating to the sanctions referred to in paragraph (1) apply as if they were provisions of these Regulations.

Enforcement

43. The Agency has the function of enforcing these Regulations.