

Changes to legislation: The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 4 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE 26A

Variable monetary penalties (England)

Textual Amendments

- F1** Sch. 26A inserted (E.) (1.12.2023) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(England\) \(No. 2\) Regulations 2023 \(S.I. 2023/1046\)](#), reg. 1(1), **Sch.**

PART 1

Variable monetary penalties: procedure

Offering a third party undertaking

4.—(1) A person on whom a notice of intent is served may offer the Agency an undertaking as to action to be taken by that person (including the payment of a sum of money) to benefit any third party affected by the offence (a “third party undertaking”).

(2) The Agency may accept or reject such a third party undertaking.

(3) If the Agency accepts the third party undertaking, it must also take that undertaking into account in making a decision in relation to the imposition of a variable monetary penalty.]

Changes to legislation:

The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 4 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
- Sch. 9 Pt. 2 para. 1(2) words inserted by [S.I. 2023/1156 reg. 2\(3\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(b\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(7) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(v\)](#)
- Sch. 9 Pt. 2 para. 6(1) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(a\)](#)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(b\)](#)

- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(10\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(i\)](#)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(v\)](#)
- Sch. 9 Pt. 2 para. 2(1) words omitted by [S.I. 2023/1156 reg. 2\(4\)\(d\)](#)
- Sch. 9 Pt. 2 para. 7(4) words omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(c\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(e\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(f\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(7) words substituted by [S.I. 2023/1156 reg. 2\(7\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(5) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(b\)](#)
- Sch. 9 Pt. 2 para. 5(10) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(h\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by [S.I. 2023/1156 reg. 2\(10\)\(b\)](#)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iii\)](#)