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STATUTORY INSTRUMENTS

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**2017 No. 1200**

**ENVIRONMENTAL PROTECTION**

**The Control of Mercury (Enforcement) Regulations 2017**

*Made - - - - 4th December 2017*

*Laid before Parliament 5th December 2017*

*Coming into force in accordance with regulation*

**THE CONTROL OF MERCURY  
(ENFORCEMENT) REGULATIONS 2017**

PART 1

Introductory

1. Citation and application
2. Commencement
3. Interpretation
4. Definitions relating to offshore installations
5. “Enforcing authority”
6. Designation of competent authority

PART 2

Civil enforcement in England and Wales

7. Application of this Part
8. Enforcement notices
9. Action by authority to ensure compliance with enforcement notices
10. Civil penalties
11. Further provision about civil penalties
12. Civil penalties: late payment interest
13. Recovery of enforcement costs
14. Enforcement costs: late payment interest
15. Further provision about appeals
16. Multiple enforcement
17. Publication of civil enforcement
18. Civil proceedings

*Status: This is the original version (as it was originally made).*

### PART 3

#### Enforcement specific to Northern Ireland

19. Application of this Part and interpretation
20. Enforcement notices
21. Action by DAERA to ensure compliance with enforcement notices
22. Recovery of enforcement costs
23. Late payment interest
24. Further provision about appeals

### PART 4

#### Enforcement specific to Scotland

25. Application of this Part
26. Enforcement notices
27. Action by SEPA to ensure compliance with enforcement notices
28. Recovery of enforcement costs
29. Late payment interest
30. Further provision about appeals
31. Enforcement by the courts
32. Monetary penalties, costs recovery and enforcement undertakings

### PART 5

#### Further provision about enforcement

33. Imports and exports: assistance by customs officials
34. Information sharing
35. Information notices
36. Further provision about giving notices
37. Authorising imports
38. Notification of new mercury-added products and manufacturing processes

### PART 6

#### Offshore installations: assistance by Secretary of State

39. Offshore installations: assistance by Secretary of State
40. Admissibility etc.

### PART 7

#### Criminal enforcement

41. Offences in respect of laws relating to mercury, enforcement notices and information
42. Limitation of regulation 41 offences in England and Wales only
43. Offences relating to customs officials
44. Offences relating to inspections of offshore installations
45. Proceedings: partnerships etc.
46. Offences by bodies corporate etc.
47. Offences: penalties

## PART 8

### Amendments and revocation

48. Amendment to section 41 of the Environment Act 1995
  49. Amendment to the Control of Major Accident Hazards Regulations 2015
  50. Amendment to the Environment (Northern Ireland) Order 2002
  51. Revocation of the Mercury Export and Data (Enforcement) Regulations 2010
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#### SCHEDULE 1 — Laws relating to mercury

1. The provisions of the Mercury Regulation are— Provision Subject matter...
2. The reference to an authorised waste management establishment in the...

#### SCHEDULE 2 — Definitions relating to offshore installations

1. “Offshore installation”
2. “Offshore area”
3. “English offshore area”
4. “Scottish offshore area”

#### SCHEDULE 3 — Provisions relating to appeals in Scotland

##### PART 1 — Appeals procedure

1. A person (the “appellant”) who wishes to appeal under regulation...
2. The relevant documents are— (a) a written statement of the...
3. The notice of appeal must be given in accordance with...
4. The appellant may withdraw a notice of appeal by—
5. The Scottish Ministers may, in a particular case, allow a...
6. SEPA must, within 14 days of receipt of the notice...
7. Notice given under paragraph 6 must— (a) describe the subject...
8. SEPA must, within 14 days of giving notice under paragraph...
9. If an appeal is withdrawn, SEPA must give notice of...
10. SEPA may make written representations about the appeal to the...
11. Any representations by SEPA must be given to the Scottish...
12. The Scottish Ministers may, in a particular case, allow SEPA’s...
13. SEPA must, at the same time as giving the representations...
14. The appellant may make further written representations relating to SEPA’s...
15. The Scottish Ministers may, in a particular case, allow the...
16. The appellant must, at the same time as giving the...
17. The Scottish Ministers must— (a) give to the appellant and...
18. The Scottish Ministers may require exchanges of written representations between...

##### PART 2 — Public hearings

19. Before determining an appeal under regulation 26(8) or 28(11), the...
20. A hearing must be held wholly or partly in private...
21. Where the Scottish Ministers cause a hearing to be held,...
22. If the Scottish Ministers, the appellant and SEPA agree, the...
23. Where any part of a hearing is to be held...
24. The Scottish Ministers may vary the date fixed for the...
25. If the Scottish Ministers vary the date under 24, they...
26. The persons entitled to be heard at a hearing are—...

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27. Nothing in paragraph 26 prevents the appointed person from allowing...
28. The appointed person must cause notice of the time and...
29. The appointed person may do one or any combination of...
30. But the appointed person must not require any person to...
31. A person who is required to give evidence at a...
32. The expenses are to be treated as part of the...
33. The Scottish Ministers or the appointed person may make an...
34. The order may specify the person or persons by whom...
35. The Scottish Ministers or the appointed person may treat as...
36. In paragraph 35(a), “the standard amount” means an amount, if...
37. Where the Scottish Ministers or the appointed person make an...
38. The amount certified is a debt due by that person...
39. After the conclusion of a hearing of an appointed person,...
40. The report must include the conclusions and recommendations of the...  
PART 3 — Determination of appeals
41. The Scottish Ministers must— (a) give written notice to the...
42. At the same time as giving notice under paragraph 41,...

Explanatory Note