
STATUTORY INSTRUMENTS

2017 No. 1200

The Control of Mercury (Enforcement) Regulations 2017

PART 2

Civil enforcement in England and Wales

Recovery of enforcement costs

13.—(1) An enforcing authority may give a costs recovery notice to a person if any of conditions A to C are met.

(2) A costs recovery notice is a notice requiring the person to pay the enforcing authority's costs.

(3) Condition A is that the enforcing authority has given the person an enforcement notice.

(4) Condition B is that the enforcing authority has taken action to ensure compliance with an enforcement notice under regulation 9.

(5) Condition C is that the enforcing authority has given the person a civil penalty notice.

(6) In paragraph (2), the reference to costs is a reference—

(a) if condition A is met, to any costs relating to preparing and giving the enforcement notice,

(b) if condition B is met, to any costs relating to the action taken, and

(c) if condition C is met, to any costs relating to preparing and giving the civil penalty notice,

and includes a reference to the costs of any related investigation or expert advice (including legal advice).

(7) The costs must be paid by the person within the period (the "payment period") of 28 days beginning with the day on which the costs recovery notice is given.

(8) The costs recovery notice must state—

(a) the amount of the costs which must be paid,

(b) in general terms, how those costs have arisen,

(c) the payment period,

(d) how payment must be made,

(e) the consequences of failing to make payment within the payment period (see paragraph (9)), and

(f) that there is a right to appeal against the costs recovery notice and how that right may be exercised.

(9) Following the payment period, the enforcing authority may recover the costs referred to in the costs recovery notice and any related interest under regulation 14—

(a) as a civil debt, or

(b) on the order of the court, as if payable under a court order.

(10) An enforcing authority may withdraw a costs recovery notice given by it by informing the person to whom it was given in writing.

(11) A person to whom a costs recovery notice is given may appeal to the First-tier Tribunal against it on one or more of the following grounds—

- (a) that the decision to give the costs recovery notice was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the amount of the costs is unreasonable;
- (d) that the decision was unreasonable for any other reason;
- (e) any other ground.