
STATUTORY INSTRUMENTS

2017 No. 1200

The Control of Mercury (Enforcement) Regulations 2017

PART 3

Enforcement specific to Northern Ireland

Enforcement notices

- 20.**—(1) DAERA may give a person an enforcement notice if condition A or B is met.
- (2) An enforcement notice is a notice requiring the person to take action (including to stop doing any thing).
- (3) Condition A is that DAERA is of the opinion that the person has failed or is failing to comply with a relevant provision or provisions.
- (4) Condition B is that DAERA is of the opinion that the person is likely to fail to comply with a relevant provision or provisions.
- (5) The action which DAERA may require the person to take is any one or more of the following—
- (a) action to ensure compliance with the relevant provision or provisions in question;
 - (b) action to remediate any environmental damage attributable to the non-compliance in question;
 - (c) action to remove or mitigate any risk of non-compliance with the relevant provision or provisions in question.
- (6) An enforcement notice must state—
- (a) the matters constituting the failure or likelihood of failure,
 - (b) the action which must be taken under paragraph (5),
 - (c) the period (the “compliance period”) within which the action must be taken,
 - (d) that there is a right to appeal against the enforcement notice and how that right may be exercised, and
 - (e) the consequences of failing to comply with the enforcement notice (see regulation 21 which relates to action to ensure compliance).
- (7) DAERA may withdraw an enforcement notice by informing the person to whom it was given in writing.
- (8) A person to whom an enforcement notice is given may appeal to the appeals commission against it on one or more of the following grounds—
- (a) that the decision to give the enforcement notice was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) that the nature of what is required by the enforcement notice is unreasonable;
 - (d) that the decision was unreasonable for any other reason;

(e) any other ground.