

SCHEDULE

Civil Sanctions

PART 5

Administration and Appeals

Enforcement cost recovery notices

27.—(1) A regulator may serve a notice (an “enforcement cost recovery notice”) on a person on whom a relevant notice has been served requiring that person to pay the costs incurred by the regulator in relation to the imposition of the requirement imposed by the relevant notice up to the time of its imposition.

(2) In sub-paragraph (1), a “relevant notice” means a variable monetary penalty notice, compliance notice or stop notice.

(3) “Costs” include in particular—

- (a) investigation costs;
- (b) administration costs; and
- (c) costs of obtaining expert advice (including legal advice).

(4) The enforcement cost recovery notice must specify—

- (a) how payment may be made;
- (b) the amount required to be paid;
- (c) the period in which payment must be made, which must not be less than 28 days;
- (d) the grounds for imposing the notice;
- (e) the right of appeal; and
- (f) the consequences of a failure to comply with the notice in the specified period.

(5) The person on whom the notice is served may require the regulator to provide a detailed breakdown of the amount.

(6) The person required to pay costs is not liable to pay any costs shown by that person to have been unnecessarily incurred.