
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the biodiversity gain site register established under the Biodiversity Gain Site Register Regulations 2024 (“the Register Regulations”) and maintained by Natural England as the designated register operator under those Regulations.

Regulations 3 to 11 provide for the imposition of a financial penalty by the register operator where the register operator is satisfied, on the balance of probabilities, that false or misleading information has been or was supplied to it in connection with an application to register land in the biodiversity gain site register. Applications to register land in that register are provided for by regulation 7 of the Register Regulations. The amount of the penalty which may be imposed is £5000. The process for imposing a penalty includes an opportunity for objections to be made to the imposition of the penalty. Regulation 8 of these Regulations provides for appeals to the First-tier Tribunal against decisions to impose a penalty.

Regulation 12 and the Schedule set fees for applications under the Register Regulations. Regulation 12(3) provides for when and by whom they are payable.

Regulation 13 requires the Secretary of State to carry out periodic reviews of the regulatory provision contained in regulations 3 to 11, and for the publication of reports. “Regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.