
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008. It permits the Environment Agency, as regulator, to impose civil sanctions in relation to the offences specified in Schedule 5 to the Order.

The civil sanctions are fixed monetary penalties, variable monetary penalties, compliance notices, restoration notices and stop notices, and enforcement undertakings (article 3).

The Order makes provision for the procedure relating to fixed monetary penalties (Schedule 1), variable monetary penalties, compliance notices, restoration notices and third party undertakings (Schedule 2), stop notices (Schedule 3) and enforcement undertakings (Schedule 4).

It permits the regulator to serve a non-compliance notice imposing a penalty in the event of non-compliance with a compliance notice, restoration notice or third party undertaking (article 7).

Under article 8 the regulator may serve an enforcement cost recovery notice in relation to investigation and administration costs incurred by the regulator, and the costs of the regulator in obtaining expert advice.

Article 10 sets out the appeal mechanism. Appeals are to the First-tier Tribunal.

Articles 11 to 13 provide that guidance must be prepared and consulted on relating to the use of civil sanctions, and article 14 provides for publication of information on enforcement action taken by the regulator.

An impact assessment has been prepared for this Order. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.