



Regulatory Reform (Scotland) Act 2014

2014 asp 3

PART 3

ENVIRONMENTAL REGULATION

CHAPTER 2

SEPA'S POWERS OF ENFORCEMENT

Operation of penalties and cost recovery

30 **Costs recovery**

- (1) Provision under section 23 may include provision for SEPA to require a person on whom a variable monetary penalty is imposed to pay the costs incurred by SEPA in relation to the imposition of the penalty up to the time of its imposition.
- (2) Where such provision is included, it must secure that—
 - (a) a requirement to pay the costs is imposed by notice,
 - (b) the notice specifies the amount required to be paid,
 - (c) SEPA may be required to provide a detailed breakdown of the amount,
 - (d) the person required to pay costs may appeal against—
 - (i) the decision of SEPA to impose the requirement,
 - (ii) the decision of SEPA as to the amount of the costs (including that some or all of the costs were unnecessarily incurred),
 - (e) SEPA is required to publish guidance about how it will exercise the power conferred by the provision.
- (3) In subsection (1), the references to costs include in particular—
 - (a) investigation costs,
 - (b) administration costs,
 - (c) costs of obtaining expert advice (including legal advice).

Status: *This is the original version (as it was originally enacted).*

- (4) Subsections (1)(b) and (c) and (2) of section 29 apply to costs required to be paid by virtue of subsection (1) of this section as they apply to a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty.