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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Emissions Performance Standard Regulations 2015**

**PART 3**

**Monitoring and Enforcement in England**

**Enforcement by the High Court**

**19.**—(1) Subject to paragraph (2), if an operator fails to comply with a relevant obligation, the Environment Agency may certify that non-compliance in writing to the High Court.

(2) The Environment Agency may not certify non-compliance to the High Court if—

- (a) the time for an appeal relating to the relevant obligation has not elapsed; or
- (b) any appeal relating to the relevant obligation has not been determined.

(3) In paragraph (1), “a relevant obligation” means any obligation included in—

- (a) an information notice;
- (b) an enforcement notice; or
- (c) a civil penalty notice.

(4) If the High Court is satisfied that the operator has failed without reasonable excuse to comply with a relevant obligation, the court may deal with the operator as if the operator were in contempt.