
STATUTORY INSTRUMENTS

2017 No. 1312

**The Environmental Protection
(Microbeads) (England) Regulations 2017**

PART 4

Guidance

Guidance

10.—(1) The regulator must publish guidance about its use of civil sanctions under these Regulations in relation to an offence under regulation 3.

(2) In the case of guidance relating to a variable monetary penalty, compliance notice or stop notice, the guidance must contain the relevant information set out in paragraph (3).

(3) The relevant information referred to in paragraph (2) is information as to—

- (a) the circumstances in which the requirement or notice is likely to be imposed;
- (b) the circumstances in which it may not be imposed;
- (c) rights to make representations and objections and rights of appeal; and
- (d) in the case of a variable monetary penalty, the matters likely to be taken into account by the regulator in determining the amount of the penalty (including any discounts for voluntary reporting by any person of that person's non-compliance).

(4) The regulator must revise the guidance where appropriate.

(5) The regulator must consult such persons as it considers appropriate before publishing any guidance or revised guidance under this regulation.

(6) The regulator must have regard to the guidance or revised guidance in exercising its functions.

Additional guidance

11.—(1) Guidance under section 64 of the Regulatory Enforcement and Sanctions Act 2008 relating to the use of non-compliance penalties and enforcement recovery costs must (in addition to the matters specified in section 64(2)) specify—

- (a) the circumstances in which they may not be imposed;
- (b) matters to be taken into account in determining the amount involved; and
- (c) rights of appeal.

(2) In this regulation, “non-compliance penalty” has the meaning given by paragraph 24(1) of the Schedule.