



2015 CHAPTER 8

PART 6

CIVIL ENFORCEMENT, EMERGENCY  
POWERS AND FURTHER OFFENCES

*Other civil enforcement measures*

**Variable monetary penalties: criminal proceedings and conviction**

**88.**—(1) Regulations made under section 86(1) must secure the result mentioned in subsection (2) where—

- (a) a variable monetary penalty is imposed on a reservoir manager,
- (b) an undertaking referred to in section 87(5) is accepted from a reservoir manager (whether or not a variable monetary penalty is also imposed).

(2) The result is that the reservoir manager may not at any time be convicted of the offence in respect of the act or omission giving rise to the variable monetary penalty or undertaking, except where the following applies—

- (a) an undertaking referred to in section 87(5) is accepted from the manager,
- (b) the manager fails to comply with the undertaking.

(3) Regulations under section 86(1) may, for the purposes of the circumstances referred to in paragraphs (a) and (b) of subsection (2), extend any period within which criminal proceedings may be instituted against the reservoir manager.