

SCHEDULE 2

Variable monetary penalties etc.

CHAPTER 1

Variable Monetary Penalties

Power to impose variable monetary penalties

1.—(1) SEPA may by notice impose a variable monetary penalty on a person in relation to a relevant offence.

(2) Before doing so SEPA must be satisfied on the balance of probabilities that the person has committed the offence to which the penalty relates.

(3) A “variable monetary penalty” is, subject to sub-paragraph (4), a requirement to pay SEPA a penalty of such an amount as SEPA may in each case determine.

(4) SEPA may not impose a variable monetary penalty that exceeds the following maximum amounts—

- (a) in the case mentioned in sub-paragraph (5), the maximum amount of the fine that may be imposed on summary conviction in such a case; and
- (b) in any other case, £40,000.

(5) The case is one where the offence in respect of which the variable monetary penalty is imposed is—

- (a) triable summarily (whether or not it is also triable on indictment); and
- (b) is punishable on summary conviction by a fine (whether or not it is also punishable by a term of imprisonment).