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DRAFT STATUTORY INSTRUMENTS

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**2018 No.**

**The Offshore Environmental Civil Sanctions Regulations 2018**

**PART 2**

**Fixed monetary penalties**

**Fixed monetary penalties: decision to impose**

7.—(1) This regulation applies where the person on whom the notice of intent was served does not discharge the person's liability for the fixed monetary penalty in accordance with regulation 5(4).

(2) After the end of the period referred to in regulation 5(5) (period in which person may make representations and objections), the Secretary of State must—

- (a) consider any representations and objections made by the person; and
- (b) decide whether or not to impose the fixed monetary penalty.

(3) The Secretary of State may not impose a fixed monetary penalty on a person in relation to a FMP offence if the Secretary of State is satisfied that the person would not, by reason of any defence raised by the person, be liable to be convicted of the offence.

(4) If the Secretary of State decides not to impose the fixed monetary penalty, the Secretary of State must give notice in writing to the person on whom the notice of intent was served.

(5) If the Secretary of State decides to impose the fixed monetary penalty, the Secretary of State must serve on the person on whom the notice of intent was served a notice (a "final notice") that complies with regulation 8.

(6) A person on whom a final notice is served must pay to the Secretary of State the amount of the fixed monetary penalty within the period of 28 days beginning with the day on which the final notice is received.

(7) The Secretary of State may at any time withdraw a final notice by giving notice in writing to the person on whom the final notice was served.