

SCHEDULES

SCHEDULE 1

CIVIL SANCTIONS

PART 4

ENFORCEMENT COST RECOVERY NOTICES

Imposition of enforcement cost recovery notices

- 11 (1) The Secretary of State may serve an enforcement cost recovery notice on a person on whom—
- (a) a monetary penalty has been imposed, or
 - (b) a stop notice has been served.
- (2) For the purposes of this Schedule an “enforcement cost recovery notice” is a notice requiring the person to pay to the Secretary of State the costs incurred by the Secretary of State in relation to the monetary penalty or stop notice up to the time when it was imposed or served.
- (3) In sub-paragraph (2) “costs” includes (in particular)—
- (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).

Information to be included in enforcement cost recovery notices

- 12 (1) An enforcement cost recovery notice must specify the amount to be paid and must include information as to—
- (a) the grounds for serving the notice;
 - (b) how payment may be made;
 - (c) the period within which payment is to be made;
 - (d) any early payment discounts or late payment penalties;
 - (e) rights of appeal;
 - (f) the consequences of non-payment.

The period referred to in paragraph (c) must be at least 28 days.

- (2) A person required by an enforcement cost recovery notice to pay an amount to the Secretary of State may require the Secretary of State to provide a detailed breakdown of that amount.

Status: This is the original version (as it was originally enacted).

Appeals

- 13 (1) A person served with an enforcement cost recovery notice may appeal against the decision to serve it on the ground—
- (a) that the decision was based on an error of fact,
 - (b) that the decision was wrong in law,
 - (c) that the decision was unreasonable, or
 - (d) that any of the costs to which the notice relates were unreasonably incurred or unreasonable in amount,
- or on any other grounds that are prescribed.
- (2) An appeal under sub-paragraph (1) is to the First-tier Tribunal.