



Environment Act 2021

2021 CHAPTER 30

PART 1

ENVIRONMENTAL GOVERNANCE

CHAPTER 2

THE OFFICE FOR ENVIRONMENTAL PROTECTION

The OEP's enforcement functions

36 Decision notices

- (1) The OEP may give a decision notice to a public authority if—
 - (a) the OEP is satisfied, on the balance of probabilities, that the authority has failed to comply with environmental law, and
 - (b) it considers that the failure is serious.
- (2) A decision notice is a notice that—
 - (a) describes a failure of a public authority to comply with environmental law,
 - (b) explains why the OEP considers that the failure is serious, and
 - (c) sets out the steps the OEP considers the authority should take in relation to the failure (which may include steps designed to remedy, mitigate or prevent reoccurrence of the failure).
- (3) The recipient of a decision notice must respond in writing to that notice by—
 - (a) the end of the 2 month period beginning with the day on which the notice was given, or
 - (b) such later date as may be specified in the notice.
- (4) The written response to a decision notice must set out—
 - (a) whether the recipient agrees that the failure described in the notice occurred,

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- (b) whether the recipient intends to take the steps set out in the notice, and
 - (c) what other steps (if any) the recipient intends to take in relation to the failure described in the notice.
- (5) The OEP—
- (a) may not give a decision notice to a public authority unless it has first given at least one information notice relating to the failure of the authority to comply with environmental law that is described in the decision notice;
 - (b) may withdraw a decision notice.