

## SCHEDULE

### Civil sanctions

## PART 7

### Guidance and publicity

#### **Guidance as to use of civil sanctions**

**26.**—(1) The Secretary of State must publish guidance about the use of civil sanctions under these Regulations.

(2) The Secretary of State must revise and update the guidance where appropriate.

(3) The Secretary of State must have regard to the guidance or revised and updated guidance in exercising functions under these Regulations.

(4) In the case of guidance about compliance notices, stop notices, variable monetary penalties and non-compliance penalties, the guidance must contain information as to—

- (a) the circumstances in which the civil sanction is likely to be imposed; and
- (b) the circumstances in which it is not likely to be imposed.

(5) In the case of guidance about variable monetary penalties and non-compliance penalties, the guidance must contain information about—

- (a) the matters likely to be taken into account by the Secretary of State in determining the amount of penalty (including voluntary reporting by a person of their own non-compliance); and
- (b) rights to make representations and objections and rights of appeal.

(6) In the case of guidance about enforcement undertakings, the guidance must contain information as to—

- (a) the circumstances in which the Secretary of State is likely to accept an enforcement undertaking; and
- (b) the circumstances in which the Secretary of State is not likely to accept an enforcement undertaking.

#### **Consultation on guidance**

**27.** The Secretary of State must consult such persons as the Secretary of State considers appropriate before publishing any guidance or revised guidance.

#### **Publication of enforcement action**

**28.**—(1) The Secretary of State must from time to time publish—

- (a) the cases in which civil sanctions have been imposed;
- (b) where the civil sanction is a compliance notice, stop notice or variable monetary penalty, the cases in which a third party undertaking has been accepted;
- (c) cases in which an enforcement undertaking has been accepted.

(2) In sub-paragraph (1)(a), the reference to cases in which civil sanctions have been imposed does not include cases where a sanction has been imposed but overturned on appeal.

**Status:** *This is the original version (as it was originally made).*

(3) This paragraph does not apply in cases where the Secretary of State considers publication would be inappropriate.