
STATUTORY INSTRUMENTS

2016 No. 1154

The Environmental Permitting
(England and Wales) Regulations 2016

PART 4

Enforcement and offences

Penalties and enforcement undertakings

39.—(1) Subject to paragraph (2), a person guilty of an offence under regulation 38(1), (2) or (3) is liable—

- (a) on summary conviction to a fine or imprisonment for a term not exceeding 12 months, or to both;
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or to both.

(2) A person guilty of offence under regulation 38(1), (2) or (3) in respect of a flood risk activity is liable—

- (a) on summary conviction to a fine or imprisonment for a term not exceeding 12 months, or to both;
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or both.

(3) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003⁽¹⁾, paragraphs (1)(a) and (2)(a) have effect as if for “12 months” there were substituted “6 months”.

(4) A person guilty of an offence under regulation 38(4) is liable—

- (a) on summary conviction to a fine;
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.

(5) An establishment or undertaking guilty of an offence under regulation 38(5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Schedule 26 (enforcement undertakings) has effect.

(1) 2003 c. 44. The power to create penalties in section 2 of, and paragraph 25 of Schedule 1 to, the Pollution Prevention and Control Act 1999 (c. 24) is modified pending the commencement of section 154(1) of the Criminal Justice Act 2003 by section 105 of the Clean Neighbourhoods and Environment Act 2005 (c. 16), as amended by section 88(1) of the Climate Change Act 2008 (c. 27).