
STATUTORY INSTRUMENTS

2018 No. 800

The Offshore Environmental Civil Sanctions Regulations 2018

PART 3

Variable monetary penalties

Variable monetary penalties: decision to impose and to accept or reject undertaking

14.—(1) After the end of the period referred to in regulation 12(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 on whom the notice of intent was served;
- (b) decide whether to accept or reject any undertaking offered by the person and, if the Secretary of State decides to accept an undertaking, take the undertaking into account in making the decision referred to in sub-paragraph (c); and
- (c) decide to do one of the following—
 - (i) not to impose a variable monetary penalty;
 - (ii) to impose a variable monetary penalty of the amount stated in the notice of intent;
 - (iii) to impose a variable monetary penalty of a lower amount.

(2) The Secretary of State may not impose a variable 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.

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

(4) If the Secretary of States decides to accept an undertaking from the person on whom the notice of intent was served, the Secretary of State must give notice in writing to the person.

(5) If the Secretary of State decides to impose a variable 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 15.

(6) A person on whom a final notice is served must pay to the Secretary of State the amount of the variable 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.