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STATUTORY INSTRUMENTS

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**2018 No. 800**

The Offshore Environmental Civil Sanctions Regulations 2018

**PART 2**

Fixed monetary penalties

**Fixed monetary penalties: duty to serve notice of intent**

5.—(1) This regulation applies where the Secretary of State proposes to impose a fixed monetary penalty on a person in relation to an act or omission constituting a FMP offence.

(2) Before imposing a fixed monetary penalty, the Secretary of State must first serve on the person a notice of what is proposed (a “notice of intent”) that complies with regulation 6.

(3) But no notice of intent may be served if—

- (a) the Secretary of State has previously imposed a fixed or variable monetary penalty on the person in relation to an offence constituted by the act or omission;
- (b) the person has discharged liability to a fixed monetary penalty in relation to an offence constituted by the act or omission under regulation 5(4);
- (c) the act or omission constituted a breach of a term or condition of a relevant permit and the permit has been revoked because of the breach; or
- (d) criminal proceedings have been instituted in relation to an offence constituted by the act or omission.

(4) The person on whom the notice of intent is served may discharge the person's liability for the fixed monetary penalty by paying two-thirds of the amount of the fixed monetary penalty to the Secretary of State within the period of 28 days beginning with the day on which the notice of intent is received.

(5) The person on whom the notice of intent is served may make written representations and objections to the Secretary of State in relation to the proposed imposition of the fixed monetary penalty within the period of 28 days beginning with the day on which the notice of intent is received.

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**Commencement Information**

**II** [Reg. 5](#) in force at 1.10.2018, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Offshore Environmental Civil Sanctions Regulations 2018, Section 5.