

2023 No. 1045

ENVIRONMENTAL PROTECTION, ENGLAND

**The Environmental Civil Sanctions (England) (Amendment)
Order 2023**

Made - - - - - *26th September 2023*

Coming into force - - - - - *1st December 2023*

The Secretary of State, in exercise of the powers conferred by sections 36(1)(b) and 42 of the Regulatory Enforcement and Sanctions Act 2008(a) (“the 2008 Act”), makes this Order.

In accordance with section 60 of the 2008 Act, before making this Order, the Secretary of State has consulted—

- (a) the Environment Agency and Natural England, which are the regulators for the purposes of the Environmental Civil Sanctions (England) Order 2010(b);
- (b) such organisations as appear to the Secretary of State to be substantially affected by the proposals; and
- (c) such other bodies and persons as the Secretary of State considers appropriate.

The Secretary of State is satisfied, in accordance with section 66 of the 2008 Act, that the Environment Agency and Natural England will act in accordance with the principles referred to in section 5(2) of that Act in exercising the power conferred by this Order.

In accordance with section 61(1) of the 2008 Act, a draft of this Order has been laid before, and approved by resolution of, each House of Parliament.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Environmental Civil Sanctions (England) (Amendment) Order 2023 and comes into force on 1st December 2023.

(2) This Order extends to England and Wales but applies in relation to England only.

Amendments to the Environmental Civil Sanctions (England) Order 2010

2.—(1) The Environmental Civil Sanctions (England) Order 2010 is amended as follows.

(2) In paragraph 1 of Schedule 2(c), for sub-paragraph (5) substitute—

(a) 2008 c. 13. Section 42 was amended by S.I. 2015/664.
(b) S.I. 2010/1157.
(c) Paragraph 1 of Schedule 2 was amended by S.I. 2015/664.

“(5) In any event, in relation to an offence committed before 1st December 2023, the amount of a variable monetary penalty must not exceed £250,000.”.

26th September 2023

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmental Civil Sanctions (England) Order 2010 (S.I. 2010/1157) (“the 2010 Order”), which makes provision for the Environment Agency and Natural England to employ a range of civil sanctions in dealing with environmental offences.

This Order removes the cap of £250,000 on variable monetary penalties which may be imposed by the Environment Agency or Natural England in relation to the offences listed in Schedule 5 to the 2010 Order. The removal of the cap applies in relation to offences which take place in England on or after 1st December 2023.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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