
STATUTORY INSTRUMENTS

2024 No. 680

The Management of Hedgerows (England) Regulations 2024

PART 4

Enforcement

Non-compliance penalty

11.—(1) If a person fails to comply with the requirements of a compliance notice or a restoration notice the Regulator may serve a notice on that person imposing a monetary penalty (“a non-compliance penalty”) in respect of the same offence.

(2) The Regulator may impose a non-compliance penalty in respect of an offence irrespective of whether a variable monetary penalty was also imposed in respect of that offence.

(3) The amount of the non-compliance penalty must be determined by the Regulator and must be a percentage of the estimated costs of fulfilling the remaining requirements of the compliance notice or restoration notice, as the case may be.

(4) The percentage referred to in paragraph (3) must be determined by the Regulator having regard to all the circumstances of the case and may be up to 100%.

(5) A notice served under paragraph (1) must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount to be paid to the Regulator;
- (c) how payment must be made;
- (d) the period in which payment must be made, which must not be less than 28 days;
- (e) the right of appeal;
- (f) the consequences of failure to make payment in the specified period;
- (g) any circumstances in which the Regulator may reduce the amount of the penalty.

(6) The person on whom the notice imposing the non-compliance penalty is served may appeal against it in writing before the end of the period specified by the Regulator in the notice which must not be less than 28 days.

(7) The grounds of appeal are—

- (a) that the decision to serve the notice was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unfair or unreasonable for any reason;
- (d) that the amount of the penalty was unreasonable;
- (e) any other reason.