



Department
for Business
Innovation & Skills

1 Victoria Street
London
SW1H 0ET

Mr Richard Kimblin
Barrister
UKELA
Number 5 Chambers
Fountain Court
Steelhouse Lane
Birmingham B4 6DR

T +44 (0) 20 7215 5000
E enquiries@bis.gov.uk

www.gov.uk/bis
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Dear Mr Kimblin

Announcement on the use of civil sanctions powers, 8 November 2012

Thank you for your letter of 20 December 2012 on behalf of UKELA regarding the Government's policy on the use of civil sanctions. Please accept my sincere apologies for the delay in replying.

I have noted your comments with interest. When considering policy on the future use of civil sanction powers made under the Regulatory Enforcement and Sanctions Act 2008 (the RES Act) I and my Ministerial colleagues carefully considered the range of safeguards provided for by the RES Act and the current operation of the civil sanctions system. We also considered the range of possible circumstances in which powers to make sanctions available to regulators might and should be used and how these powers might operate in practice. Following this consideration we made clear the Government's policy approach in the announcement you mention.

As you will be aware, an Order under the RES Act provides the Environment Agency and Natural England in England with powers to impose civil sanctions in relation to a wide range of environmental and animal health offences, with a similar Order providing the Environment Agency with powers in Wales. I can confirm that the policy set out recently applies to new orders made under the Act and that we have no current plans to amend these existing orders.

I hope that you find this reply useful.

Michael Fallon

THE RT HON MICHAEL FALLON MP
Minister of State for Business and Enterprise

cc The Rt Hon. Oliver Lewin MP, Minister of State, Cabinet Office