

SUBSIDIARY LEGISLATION 549.72
DAILY FINES (ENVIRONMENT) REGULATIONS

13th February, 2018

LEGAL NOTICE 45 of 2018, as amended by Legal Notice 362 of 2022.

1. The title of these regulations is the Daily Fines (Environment) Regulations.

Citation.
Substituted by:
L.N. 362 of 2022.

2. In these regulations, unless the context otherwise requires:-

Interpretation.
Amended by:
L.N. 362 of 2022.

"the Act" means the Environment Protection Act;

Cap. 549.

"the competent authority" means the Environment and Resources Authority established under article 6 of the Act;

"day" or "days" means calendar days;

"order" means an order issued by the Authority in terms of the Act;

"person" means any person, whether natural or legal, corporate or incorporate, and includes any person acting on his own behalf or under the instructions of any other person;

"Tribunal" means the Environment and Planning Review Tribunal referred to in article 3 of the Environment and Planning Review Tribunal Act.

Cap. 551.

3. (1) Where the Authority issues an order in writing to a person in accordance with articles 76 and 78 of the Act in relation to an infringement carried out under the Schedule after the date of coming into force of these regulations, it shall also notify such person that he shall be liable to:

Penalties.
Amended by:
L.N. 362 of 2022.

(a) administrative penalty of one hundred euro (€100);
and

(b) a daily fine after fifteen (15) days from the date of notification of the order as established and set out in accordance with the Schedule..

(2) This fine shall be levied without prejudice to any other fine or other amount payable to the Authority in accordance with the provisions of the Act and shall be subject to a maximum fine of seventy-five thousand euro (€75,000):

Provided that if a fine falls due following the approval by

the Authority of a permit covering the offence in respect of which an order has been issued, only the accumulated daily fine or the regularisation fine, whichever is the higher, shall be imposed:

Provided further that if the existing offence remains uncovered by a regularisation environmental permit, the daily fine shall continue to accrue on the unregularised offence subject to the maximum fine of seventy-five thousand euro (€75,000)..

Concurrent offences and breach of the order.
Substituted by:
L.N. 362 of 2022.

4. Where a person is subject to separate daily fines for different offences related to the same activity or site, which fall under any part of the Schedule, the daily fines shall accrue separately and continue to run until the respective offence is addressed to the Authority's satisfaction. Illegalities in breach of existing orders shall be considered individually and additionally.

Appeal.
Substituted by:
L.N. 362 of 2022.

5. (1) Where the order has been appealed against in accordance with the provisions of article 76(9) of the Act, and the Order has been confirmed by the Tribunal or the Court of Appeal, as the case may be, the fine shall be due from such person with effect from the sixteenth (16) day following the date of first notification of the order in accordance with the provisions of the Act.

(2) Where the person served with the order submits an application for regularisation, upon the determination of such application, the fine due from such person under these regulations shall be with effect from the sixteenth (16) day following the date of the first notification of the order in accordance with the provisions of the Act.

Petitions submitted to the Environment and Planning Review Tribunal.
Added by:
L.N. 362 of 2022.

5A. The Environment and Planning Review Tribunal shall examine petitions submitted to it and it shall only accede to a petition in part or in whole when there are compelling reasons for it to do so, such as:

- (a) humanitarian reasons attenuating the circumstances relating to the commission of the scheduled offence; and
- (b) when the nature of the order is manifestly unjust and, or oppressive, and or manifestly disproportionate considering the nature and facts of the case.

Default of payment.
Amended by:
L.N. 362 of 2022.

6. Where a person fails to pay the fine within ninety (90) days from the request for payment by the Authority, the amount due shall be considered as a civil debt owed to the Authority.

Remedy.
Amended by:
L.N. 362 of 2022.

7. When the person subject to daily fine under these regulations remedies the matter subject to the daily penalty, the person should send formal written notice to the Authority without

delay, accompanied by any submissions and evidence as required by the Authority. The Authority shall verify and confirm in writing that the source of infringement has been remedied.

8. Whenever the Authority requests the submission of a Method Statement or any other document or submissions from the person subject to the daily penalty to explain the remedial actions that are to be undertaken to remedy the offences subject to the daily fine, the Authority shall temporarily stop the accruing daily fine until the Authority processes the documentation submitted, which daily fine shall resume accruing on the day a formal reply from the Authority is given or following any future date indicated in the formal reply given by the Authority unless the submissions fulfil the Authority's requirements.

Suspension of
fines.
Amended by:
L.N. 362 of 2022.

9. A daily fine shall cease, when the subject matter of the order giving reason for the issuance of such fine, under the Schedules to these regulations is removed or remedied to the satisfaction of the Authority according to the provisions of regulations 7 and 8, and after the Authority confirms this in writing to the person.

Cessation.
Amended by:
L.N. 362 of 2022.

10. All the revenue generated under these regulations shall be payable to the Authority as stipulated in the Act.

SCHEDULE

Substituted by:
L.N. 362 of 2022.

DAILY FINES SCHEDULE					
Offence	Running days after notification				
	0 - 15 days	16 - 50 days	51 - 180 days	181 - 365 days	366 days +
Activity without permit	nil	€15 per day	€35 per day	€75 per day	€150 per day
Activity without permit within protected site	nil	€20 per day	€40 per day	€80 per day	€160 per day

Breach of Permit/ Registration condition/Any other provision under any Regulations issued under the Act	nil	€10 per day	€20 per day	€30 per day	€50 per day
Failure to submit reports/data to the Competent Authority	nil	€5 per day	€10 per day	€30 per day	€50 per day

DAILY PENALTY SCHEDULE II

Deleted by Legal Notice 362 of 2022
