
STATUTORY INSTRUMENTS

2021 No. 534

The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021

PART 6

Enforcement

Penalty notices

53.—(1) Where a Regulator considers that a person is liable to a civil penalty under any of articles 55 to 63 the Regulator may impose a civil penalty on the person.

(2) A civil penalty is imposed on a person by giving a notice (a “penalty notice”) to the person.

(3) Where the civil penalty to which the person is liable consists of a non-escalating penalty only, or where the civil penalty consists of both a non-escalating penalty and a daily penalty but the Regulator decides not to impose a daily penalty, the penalty notice must set out—

- (a) the grounds for liability,
- (b) the amount of the non-escalating penalty and, where relevant, how the amount is calculated,
- (c) the date by which the non-escalating penalty must be paid, which must not be less than 28 days after the day on which the notice is given,
- (d) the person to whom payment must be made, which must be either the Regulator or the appropriate national authority,
- (e) how payment may be made, and
- (f) information about rights of appeal.

(4) Where the civil penalty to which the person is liable consists of both a non-escalating penalty and a daily penalty and the Regulator considers that it may wish to impose a daily penalty, the Regulator must, before giving a penalty notice to the person, first give a notice (an “initial notice”) to the person.

(5) The initial notice must set out—

- (a) the grounds for liability,
- (b) the maximum amount of the non-escalating penalty that may be imposed,
- (c) that the daily penalty that may be imposed begins to accrue on the day on which the initial notice is given, and
- (d) the maximum daily rate of the daily penalty and the maximum amount of the daily penalty that may be imposed.

(6) Where, after an initial notice is given to a person, the Regulator considers that the total amount of the daily penalty to which the person is liable can be calculated, including where the daily penalty reaches its maximum amount, the Regulator may give a penalty notice to the person.

(7) The penalty notice must set out—

- (a) the grounds for liability,
 - (b) the amount of the civil penalty, including how the amount is calculated, which may include—
 - (i) a non-escalating penalty, and
 - (ii) a daily penalty,
 - (c) the date by which the civil penalty must be paid, which must not be less than 28 days after the day on which the notice is given,
 - (d) the person to whom payment must be made, which must be either the Regulator or the appropriate national authority,
 - (e) how payment may be made, and
 - (f) information about rights of appeal.
- (8) The person to whom a penalty notice is given must pay the civil penalty set out in the notice to the person set out in the notice on or before the date specified in the notice.
- (9) A civil penalty imposed by a penalty notice is recoverable by the Regulator as a civil debt.
- (10) A Regulator must, as soon as reasonably practicable—
- (a) inform the appropriate national authority of a penalty notice given by the Regulator, and
 - (b) pay all sums received or recovered under a penalty notice to the appropriate national authority.
- (11) In this article—
- “appropriate national authority” means—
- (a) in the case of a penalty notice given by the chief inspector, the Department of Agriculture, Environment and Rural Affairs,
 - (b) in the case of a penalty notice given by SEPA, the Scottish Ministers,
 - (c) in the case of a penalty notice given by NRW, the Welsh Ministers,
 - (d) in any other case, the Secretary of State,
- “daily penalty” means a daily penalty set out in articles 55(2)(b), 56(2)(b), 57(2)(b), 58(2)(b), 60(2)(b) or 61(2)(b),
- “non-escalating penalty” means a civil penalty under articles 55 to 63 that is not a daily penalty.
- (12) This article is subject to article 54.

Commencement Information

II Art. 53 in force at 26.5.2021, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation (Carbon Offsetting and Reduction Scheme for International Aviation) Order 2021, Section 53.