**Regulatory Enforcement and Sanctions Act 2008, Section 50**

**Environmental Civil Sanctions (England) Order 2010, Regulation 3(4) & Schedule 4**

**Enforcement Undertaking Offer Form**

**How to complete this form:** Please complete Parts 1, 2, 3 and Schedule 1 of this form and sign the declaration in Part 4.

**Guidance:** Sections 5.8 to 5.16 of our Enforcement Guidance[[1]](#footnote-1) outlines what restoration we expect following illegal harm to the natural environment, and Section 6 of Annex 2[[2]](#footnote-2) explains our criteria for accepting and rejecting Enforcement Undertaking offers.

**Further assistance:** We may provide you with a modest amount of advice and guidance when making your offer. However, we will not enter into long negotiations on the content, as this is a matter for you. If you require any help or assistance with completing this form and/or wish to discuss your offer before submitting it, please contact your local land management or wildlife management adviser, or alternatively contact our enquiries service on 0300 060 3900 or email enforcement@naturalengland.org.uk

**Our standards:** We will normally aim to assess your offer within 28 calendar days of receipt, but may take longer if your offer requires expert technical and/or legal assessment.

**Important:** Natural England can accept or reject your offer.

**Part 1 - Proposer**

**This Enforcement Undertaking is being offered by:**

|  |  |
| --- | --- |
| **Name, position, address and other contact details** |  |
| **Organisation type** (e.g. individual, partnership, company etc) |  |
| **Company registration number** (if applicable) |  |

**Part 2 – Type of offer (please tick the appropriate box)**

|  |  |  |
| --- | --- | --- |
| **Proactive** | For example, where you are self-reporting a suspected offence |  |
| **Reactive** | For example, where we have notified you that we intend taking criminal or civil action against you for this alleged offence |  |

**Part 3 – Description of incident which constitutes the alleged offence(s) for which this offer is being made:**

|  |  |
| --- | --- |
| **Date(s) of alleged offence** |  |
| Location of alleged offence(s) (please specify national grid reference, if possible) |  |
| Do you have a licence or other permission to undertake the operation that gave rise to the alleged offence(s)? If so, please specify |  |
| In your own words describe what happened |  |
| What impact did the alleged offence(s) have on the environment (specify what species, habitats or geological features were damaged, and describe the extent and severity of the damage) |  |
| Were any third parties (e.g. local residents or businesses) affected by the alleged offence(s)? If so, how?What attempts have you made to remedy this? |  |

**Part 4 – Declaration**

**Important:** This declaration must be read and signed by either the private individual concerned, owner (if a sole trader), main partner (if a partnership), properly authorised company officer (if a body corporate) or, for any other business type, any person who is authorised to act on behalf of the organisation.

* I understand that making this offer does not constitute an admission of guilt for any alleged offence(s) to which it relates.
* I understand that you may reject this offer and I do not have a right of appeal against your reasonable decision.
* I understand that unless I fail to comply with it, if you accept my offer of an Enforcement Undertaking as shown in Schedule 1, I may not at any time be convicted of the alleged offence(s) to which this offer relates or have a Fixed Monetary Penalty, Variable Monetary Penalty, Compliance Notice, Restoration Notice or Stop Notice imposed on me.
* I understand that if I fail to comply with the Enforcement Undertaking or any part of it, I may be prosecuted for the alleged offence(s) or have a Variable Monetary Penalty, Compliance Notice or Restoration Notice imposed on me.
* I understand that I may be required to provide you with sufficient information to determine that the Enforcement Undertaking has been complied with.
* I understand that if at any time I am found to have given inaccurate, misleading or incomplete information in relation to this Enforcement Undertaking, it will be rejected or if previously accepted, I will be regarded as not having complied with it and any completion certificate will be revoked.
* I understand that if this Enforcement Undertaking offer is accepted, Natural England may publish it in whatever manner it sees fit.
* I understand that this Enforcement Undertaking will remain in force until such a time as Natural England has issued me with a completion certificate or I have been notified in writing that I have failed to comply with it.
* I understand that Natural England’s acceptance of this Enforcement Undertaking does not affect its power to investigate a contravention arisingfrom future conduct or pursue a criminal prosecution, or to lay charges or exercise other civil or regulatory powers, for matters not expressly dealt with by this Undertaking.
* I understand that this Enforcement Undertaking can be amended if both sides agree to do so.

**Date ………………………………….... Full Name………………..…..………………………....**

**Signed …..……………………….…… Position ………………………..………………………**

**Part 5 – Submitting your offer**

This pro-forma is not prescribed by law and you may submit your offer in an alternative written form. However, it would help us to assess your offer more promptly if it is made using this form. Please submit your offer to your local land management or wildlife management officer by sending it to:

🖃 **By post**: Enforcement and Appeals Team, Natural England, Worcestershire County Hall, Spetchley Road, Worcester, WR5 2NP

🖂 **By email**: enforcement@naturalengland.org.uk

**Part 6 – Accepting or rejecting the offer (for Natural England’s use only)**

|  |
| --- |
| Natural England has reasonable grounds to suspect that you have committed the following relevant offence and hereby accepts this Enforcement Undertaking in relation to that offence:[Please specify legislation, section/regulation number and brief particulars]ORNatural England has considered your offer in accordance with our published guidance and hereby rejects your offer for the reasons detailed below:[Please specify why the offer has been rejected] |

**Date………………………………………. Name……………………………………………………**

**Signed…………………………………… Position…………………………………………………**

**SCHEDULE 1 – ENFORCEMENT UNDERTAKING OFFER**

|  |
| --- |
| **Describe the action(s) you will take to restore the damage you have caused:***[Describe each action in detail. Include completion dates, monitoring measures, indicators of success, who will carry out each action (yourself or named contractors), and cost estimates]* |
| **Describe the action(s) you will take to ensure future compliance:***[Describe each action in detail. Include completion dates, monitoring measures, and cost estimates]* |
| **If relevant describe how you intend to compensate persons affected by the offence:***[Describe sums of money that will be paid or other actions that will be taken]* |
| **If relevant, specify your contribution towards Natural England’s costs:***[Consider whether you will pay all or a contribution to Natural England’s costs; necessarily incurred until the time this offer may be accepted; and/or necessarily incurred for subsequent compliance monitoring and discharge of this Enforcement Undertaking]* |

1. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf> [↑](#footnote-ref-2)