

Environmental Update

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- ▶ **Enforcement:** Sharp rise in level of fines, which should *'reflect the extent to which the offender fell below the required standard. The fine should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence.'*
- ▶ **Legal Privilege & Investigation Reports:** Legal Privilege protects advice given by lawyers from disclosure – instruct lawyers at an early stage. Limit circulation and dissemination of the accident report in order to avoid the waiver of privilege. Keep separate files of privileged and non-privileged documents to avoid inadvertent disclosure.
- ▶ **Interviews under caution:** Preparation is key. Seek legal advice. Can choose not to attend and submit written statement.
- ▶ **Streamlined Energy Carbon Reporting (SECR):** Comes into force 1 April 2019. Prior preparation is required. Will apply to quoted and unquoted UK companies and LLPs with a turnover of £36m that consume more than 40,000 kilowatt hours of energy in a financial reporting year. Dovetails with ending of Carbon Reduction Commitment.
- ▶ **Japanese Knotweed:** Landowners are entitled to sue if this enters their property from a neighbouring piece of land held by another party. This need not have caused economic damage to provide grounds for legal action.
- ▶ **Environmental Principles and Governance Bill:** A 25 year plan outlines how the Government intend to enhance protection of the environment. A new governance body will be created to shape environmental law and policy post Brexit.