

SCHEDULES

SCHEDULE 20

Section 284

ENFORCEMENT UNDERTAKINGS

Procedure

- 1 (1) The Secretary of State must publish a procedure for entering into enforcement undertakings.
- (2) The Secretary of State may revise the procedure (and must publish any revised procedure).
- (3) The Secretary of State must consult any persons the Secretary of State considers appropriate before publishing or revising the procedure.

Variation of terms

- 2 The terms of an enforcement undertaking (including, in particular, the action specified under it and the period so specified within which the action must be taken) may be varied if both parties agree in writing.

Compliance certificates

- 3 (1) Where the Secretary of State is satisfied that an enforcement undertaking has been complied with, the Secretary of State must issue a certificate to that effect (referred to in this Schedule as a “compliance certificate”).
- (2) A person may at any time apply to the Secretary of State for a compliance certificate.
- (3) The Secretary of State may specify in what form an application under [sub-paragraph \(2\)](#) must be made and what information (if any) must accompany it.
- (4) Where an application is made under [sub-paragraph \(2\)](#), the Secretary of State must give the applicant notice in writing of the Secretary of State’s decision on the application within 14 days beginning with the day after the day on which the application is received.

Inaccurate, incomplete or misleading information

- 4 Where the Secretary of State is satisfied that a person who has given an enforcement undertaking has provided inaccurate, misleading or incomplete information in relation to the undertaking, the Secretary of State may treat the person as having failed to comply with the undertaking (and, if the Secretary of State decides so to treat the person, must by notice revoke any compliance certificate given to the person in respect of the enforcement undertaking).

Status: This is the original version (as it was originally enacted).

Appeal against decision under [paragraph 3](#) or [4](#)

- 5 (1) An appeal lies to the First-tier Tribunal against a decision of the Secretary of State to refuse an application for a compliance certificate or, in reliance on [paragraph 4](#), to treat the person as having failed to comply with an enforcement undertaking.
- (2) The grounds for appeal are that the decision is—
- (a) based on an error of fact,
 - (b) wrong in law,
 - (c) unfair or unreasonable, or
 - (d) wrong for any other reason.
- (3) On an appeal under this paragraph, the First-tier Tribunal may—
- (a) confirm the Secretary of State’s decision or direct that it is not to have effect;
 - (b) award costs or, in Scotland, expenses.