



# Regulatory Enforcement and Sanctions Act 2008

## 2008 CHAPTER 13

### PART 3

#### CIVIL SANCTIONS

##### *Stop notices*

#### **47 Stop notices: procedure**

- (1) Provision under section 46 must secure the results in subsection (2) in a case where a stop notice is served.
- (2) Those results are that—
  - (a) the stop notice must comply with subsection (3),
  - (b) the person on whom it is served may appeal against the decision to serve it,
  - (c) where, after service of the notice, the regulator is satisfied that the person has taken the steps specified in the notice, the regulator must issue a certificate to that effect (a “completion certificate”),
  - (d) the notice ceases to have effect on the issue of a completion certificate,
  - (e) the person on whom the notice is served may at any time apply for a completion certificate,
  - (f) the regulator must make a decision as to whether to issue a completion certificate within 14 days of such an application, and
  - (g) the person on whom the notice is served may appeal against a decision not to issue a completion certificate.
- (3) To comply with this subsection a stop notice must include information as to—
  - (a) the grounds for serving the notice,
  - (b) rights of appeal, and
  - (c) the consequences of non-compliance.

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*Status: Point in time view as at 01/10/2008.*

**Changes to legislation:** Regulatory Enforcement and Sanctions Act 2008, Section 47 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (4) Provision pursuant to subsection (2)(b) must secure that the grounds on which a person may appeal against a decision of the regulator to serve a stop notice include the following—
- (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unreasonable;
  - (d) that any step specified in the notice is unreasonable;
  - (e) that the person has not committed the relevant offence and would not have committed it had the stop notice not been served;
  - (f) that the person would not, by reason of any defence, have been liable to be convicted of the relevant offence had the stop notice not been served.
- (5) Provision pursuant to subsection (2)(g) must secure that the grounds on which a person may appeal against a decision of the regulator not to issue a completion certificate include the following—
- (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unfair or unreasonable.

**Status:**

Point in time view as at 01/10/2008.

**Changes to legislation:**

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