



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.

Status: This is the original version (as it was originally enacted).

- (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.