

Status: Point in time view as at 30/09/2022.

Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 17

USE OF FOREST RISK COMMODITIES IN COMMERCIAL ACTIVITY

PART 2

ENFORCEMENT

General power

- 8 The Secretary of State may by regulations (“Part 2 regulations”) make provision about the enforcement of requirements imposed by or under Part 1 of this Schedule (“Part 1 requirements”).

Commencement Information

- I1** Sch. 17 para. 8 not in force at Royal Assent, see [s. 147\(3\)](#)
I2 [Sch. 17 para. 8](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518, reg. 3\(d\)](#)

Powers to confer functions

- 9 (1) Part 2 regulations may include provision conferring functions on one or more persons specified in the regulations (each of whom is an “enforcement authority” for the purposes of this Schedule).
- (2) Part 2 regulations may include provision—
- (a) conferring functions involving the exercise of discretion;
 - (b) for the functions of an enforcement authority to be exercised on its behalf by persons authorised in accordance with the regulations.
- (3) Part 2 regulations may include provision requiring an enforcement authority—
- (a) to issue guidance about the exercise of its functions;
 - (b) to consult with specified persons before issuing such guidance.

Commencement Information

- I3** Sch. 17 para. 9 not in force at Royal Assent, see [s. 147\(3\)](#)
I4 [Sch. 17 para. 9](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518, reg. 3\(d\)](#)

Monitoring compliance

- 10 Part 2 regulations may include provision conferring on an enforcement authority the function of monitoring compliance with Part 1 requirements.

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Commencement Information

- I5** Sch. 17 para. 10 not in force at Royal Assent, see [s. 147\(3\)](#)
I6 [Sch. 17 para. 10](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

Records and information

- 11 Part 2 regulations may include provision—
- (a) requiring persons on whom Part 1 requirements are imposed to keep records;
 - (b) requiring persons on whom Part 1 requirements are imposed to provide records or other information to an enforcement authority;
 - (c) requiring an enforcement authority to make reports or provide information to the Secretary of State.

Commencement Information

- I7** Sch. 17 para. 11 not in force at Royal Assent, see [s. 147\(3\)](#)
I8 [Sch. 17 para. 11](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

Powers of entry etc

- 12 (1) Part 2 regulations may include provision conferring on an enforcement authority powers of entry, inspection, examination, search and seizure.
- (2) Part 2 regulations may include provision—
- (a) for powers to be exercisable only under the authority of a warrant issued by a justice of the peace, sheriff, summary sheriff or lay magistrate;
 - (b) about applications for, and the execution of, warrants.
- (3) Part 2 regulations must secure that the authority of a warrant is required for the exercise of any powers conferred by the regulations to—
- (a) enter premises by force;
 - (b) enter a private dwelling without the consent of the occupier;
 - (c) search and seize material.

Commencement Information

- I9** Sch. 17 para. 12 not in force at Royal Assent, see [s. 147\(3\)](#)
I10 [Sch. 17 para. 12](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

Sanctions

- 13 (1) Part 2 regulations may include provision—
- (a) for, about or connected with the imposition of civil sanctions in respect of—
 - (i) failures to comply with Part 1 requirements or Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) for appeals against such sanctions.

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- (2) Part 2 regulations must include provision to ensure that in a case where—
- (a) a regulated person fails to comply with a requirement in paragraph 2(1) or (2) in relation to their use of a forest risk commodity or a product derived from a forest risk commodity, but
 - (b) an enforcement authority is satisfied that the regulated person took all reasonable steps to implement a due diligence system in relation to the commodity used by the person in that particular case,
- a civil sanction may not be imposed on the regulated person in respect of the failure to comply.
- (3) Part 2 regulations may include provision—
- (a) creating criminal offences punishable with a fine in respect of—
 - (i) failures to comply with civil sanctions imposed under Part 2 regulations, or
 - (ii) the obstruction of or failure to assist an enforcement authority;
 - (b) about such offences.
- (4) In this paragraph “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).

Commencement Information

I11 Sch. 17 para. 13 not in force at Royal Assent, see [s. 147\(3\)](#)

I12 [Sch. 17 para. 13](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

- 14 Part 2 regulations may include provision for the imposition of sanctions of that kind whether or not—
- (a) the conduct in respect of which the sanction is imposed constitutes an offence, or
 - (b) the enforcement authority is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008.

Commencement Information

I13 Sch. 17 para. 14 not in force at Royal Assent, see [s. 147\(3\)](#)

I14 [Sch. 17 para. 14](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

Commencement Information

I11 Sch. 17 para. 13 not in force at Royal Assent, see [s. 147\(3\)](#)

I12 [Sch. 17 para. 13](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

I13 Sch. 17 para. 14 not in force at Royal Assent, see [s. 147\(3\)](#)

I14 [Sch. 17 para. 14](#) in force at 30.9.2022 for specified purposes by [S.I. 2022/518](#), [reg. 3\(d\)](#)

Charges

- 15 Part 2 regulations may include provision—

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- (a) requiring persons on whom Part 1 requirements are imposed to pay to an enforcement authority charges, as a means of recovering costs incurred by that enforcement authority in performing its functions;
- (b) authorising a court or tribunal dealing with any matter relating to Part 1 requirements or Part 2 regulations to award to an enforcement authority costs incurred by it in performing its functions in relation to that matter.

Commencement Information

I15 Sch. 17 para. 15 not in force at Royal Assent, see [s. 147\(3\)](#)

I16 Sch. 17 para. 15 in force at 30.9.2022 for specified purposes by [S.I. 2022/518, reg. 3\(d\)](#)

Consultation requirement

- 16 (1) Before making Part 2 regulations the Secretary of State must consult any persons the Secretary of State considers appropriate.
- (2) The requirement to consult in sub-paragraph (1) may be met by consultation carried out before this paragraph comes into force.

Commencement Information

I17 Sch. 17 para. 16 not in force at Royal Assent, see [s. 147\(3\)](#)

I18 Sch. 17 para. 16 in force at 30.9.2022 for specified purposes by [S.I. 2022/518, reg. 3\(d\)](#)

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