



Genetic Technology (Precision Breeding) Act 2023

2023 CHAPTER 6

PART 4

ENFORCEMENT

Enforcement notices

33 Compliance notices

- (1) In this Act “compliance notice” means a notice requiring the person to whom it is issued to take specified steps within a specified period.
- (2) Regulations which provide for the issue of a compliance notice must secure—
 - (a) that a compliance notice may be issued only where the inspector issuing the notice is satisfied that the person to whom it is issued has committed or is committing a relevant breach,
 - (b) that the steps specified under subsection (1) are steps that the inspector considers will ensure that the relevant breach does not continue or recur, and
 - (c) that the period specified under subsection (1) is not less than 14 days beginning with the day on which the notice is received.
- (3) Sections 36 and 37 make further provision about compliance notices.
- (4) In this section “specified”, in relation to a compliance notice, means specified in the notice.

34 Stop notices

- (1) In this Act “stop notice” means a notice prohibiting the person to whom it is issued—
 - (a) from carrying on a specified activity, or
 - (b) from doing so until the person has taken specified steps.

- (2) Regulations which provide for the issue of a stop notice must secure—
- (a) that a stop notice may be issued to a person only where the inspector issuing the notice reasonably believes that the person to whom it is issued has committed or is likely to commit a relevant breach, and
 - (b) that the steps specified under subsection (1)(b) are steps that the inspector issuing the notice considers will ensure that the specified activity will be carried on in a way that does not involve the person committing a relevant breach.
- (3) Sections 36 and 37 make further provision about stop notices.
- (4) In this section “specified”, in relation to a stop notice, means specified in the notice.

35 Monetary penalty notices

- (1) In this Act “monetary penalty notice” means a notice requiring the person to whom it is issued to pay a sum specified in the notice (a “monetary penalty”) to the appropriate authority.
- (2) In this section “appropriate authority” means—
- (a) in relation to a Part 2 obligation, the Secretary of State;
 - (b) in relation to a Part 3 obligation, an enforcement authority.
- (3) Regulations which provide for the issue of a monetary penalty notice must secure that the Secretary of State or an inspector may issue a monetary penalty notice only where satisfied that the person to whom it is issued has committed a relevant breach.
- (4) Regulations which provide for the issue of a monetary penalty notice must require the notice to state—
- (a) how payment may be made,
 - (b) the period within which payment must be made, and
 - (c) the consequences of late payment or failure to pay.
- (5) Regulations which provide for the issue of a monetary penalty notice may make provision—
- (a) for the payment of interest on late payment;
 - (b) as to how any amounts payable by virtue of the regulations are to be recoverable.

36 Content of enforcement notices: further provision

- (1) Regulations which provide for the issue of an enforcement notice to a person must require the notice to state—
- (a) the grounds for issuing the notice,
 - (b) the person’s rights to require a review of or appeal against the notice, and
 - (c) the consequences of failure to comply with the notice.
- (2) The statement required by virtue of subsection (1)(a) must include information specifying—
- (a) the relevant obligation to which the relevant breach relates, and
 - (b) the matters which, in the opinion of the inspector or Secretary of State issuing the notice, constitute the failure to comply with that obligation.

- (3) Regulations which provide for the issue of an enforcement notice may provide for the variation or revocation of the notice—
- (a) by the Secretary of State, in the case of a monetary penalty notice issued by the Secretary of State;
 - (b) by an inspector, in any other case.

37 Enforcement notices: reviews and appeals

- (1) Regulations which provide for the issue of an enforcement notice to a person must—
- (a) secure that the person to whom it is issued may—
 - (i) require the Secretary of State to review the decision to issue the notice, and
 - (ii) if not satisfied with the outcome of any such review, appeal against that decision;
 - (b) secure that the grounds on which a review may be required or an appeal brought include the following—
 - (i) that the decision was based on an error of fact,
 - (ii) that the decision was wrong in law,
 - (iii) that any steps specified in the notice were unreasonable,
 - (iv) in the case of a stop notice, that the person to whom it was issued had not committed the relevant breach and would not have done so had the notice not been issued,
 - (v) in the case of a monetary penalty notice, that the amount of the penalty was unreasonable, and
 - (vi) that the decision was unreasonable for any other reason,
 - (c) make provision for such an appeal to be brought in the First-tier Tribunal, and
 - (d) make provision for suspending the operation of a compliance notice or monetary penalty notice where an appeal is brought under the regulations in relation to the notice pending the outcome of the appeal.
- (2) Regulations which provide for the issue of an enforcement notice may make provision as to—
- (a) the Secretary of State's functions on a review of a decision to issue an enforcement notice, or
 - (b) the powers of the First-tier Tribunal on an appeal by virtue of this section.