



Genetic Technology (Precision Breeding) Act 2023

2023 CHAPTER 6

PART 4

ENFORCEMENT

Costs

38 Costs

- (1) Regulations may make provision for an appropriate authority, by notice (a “costs notice”) to require a person to pay the costs incurred by the authority in relation to an enforcement notice up to the time of its issue.
- (2) In this section, “appropriate authority”, in relation to an enforcement notice, 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) In subsection (1), “costs” includes, in particular—
 - (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).
- (4) Regulations which provide for the issue of a costs notice to a person must secure that—
 - (a) the notice specifies the amount required to be paid,
 - (b) the person to whom the notice is issued may require the person issuing it to provide a detailed breakdown of the amount,
 - (c) the person to whom the costs notice is issued is not liable to pay any costs which that person shows to have been unnecessarily incurred,
 - (d) the person to whom the notice is issued may—
 - (i) require the Secretary of State to review a relevant decision, and

Changes to legislation: There are currently no known outstanding effects for the Genetic Technology (Precision Breeding) Act 2023, Section 38. (See end of Document for details)

- (ii) if not satisfied with the outcome of any such review, appeal against that decision, and
- (e) the grounds on which a review may be required or an appeal brought include—
 - (i) in the case of a decision as to the amount of the costs, that the amount includes any amount referable to any costs unnecessarily incurred,
 - (ii) that the decision was based on an error of fact,
 - (iii) that the decision was wrong in law, and
 - (iv) that the decision was unreasonable for any other reason.
- (5) Regulations which provide for the issue of a costs notice to a person must also make provision—
 - (a) for an appeal under the regulations to be brought in the First-tier Tribunal, and
 - (b) for suspending the operation of a costs notice where an appeal is brought under the regulations pending the outcome of the appeal.
- (6) In subsection (4), “relevant decision”, in relation to a costs notice, means—
 - (a) the decision to issue the notice, or
 - (b) the decision as to the amount of the costs.
- (7) Regulations which provide for the issue of a costs 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.
- (8) Regulations under this section are subject to the affirmative procedure.

Commencement Information

II S. 38 in force at Royal Assent for specified purposes, see **s. 48(3)(a)**

Changes to legislation:

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