
STATUTORY INSTRUMENTS

2018 No. 1275

**The Quality Schemes (Agricultural
Products and Foodstuffs) Regulations 2018**

PART 4

Enforcement powers and related provisions

Non-compliance penalty notice

13.—(1) Where a person—

- (a) fails to comply with a compliance notice,
- (b) has obstructed an authorised officer acting pursuant to regulations 10 or 11, or
- (c) has failed to comply with a requirement of an authorised officer acting pursuant to regulation 11(1)(d), 11(1)(i) or 11(2),

an enforcement authority may, by way of serving a written notice on the person, impose a requirement to pay to that enforcement authority such sum as the authority may specify in respect of that act or omission.

(2) The enforcement authority may determine—

- (a) the amount payable, which must not exceed £40,000, and
- (b) whether any discount is offered in relation to early payment and, if so—
 - (i) the amount of any discount, and
 - (ii) the time within which the penalty must be paid to take advantage of the discount.

(3) A notice served under paragraph (1) must contain the following—

- (a) the name and address of the enforcement authority to which the penalty must be paid;
- (b) the name and address of the person on whom the notice is served;
- (c) the grounds for serving the notice;
- (d) the amount of the penalty;
- (e) the period within which the penalty must be paid, which must not expire before the period within which an appeal may be brought under regulation 15, 16 or, as the case may be, 17;
- (f) whether any discount is offered for early payment, and if so—
 - (i) the amount of the discount;
 - (ii) the period within which the penalty must be paid to take advantage of the discount;
- (g) information as to—
 - (i) the rights of appeal;
 - (ii) the scope for suspension of a notice pending appeal;
 - (iii) the consequences of an appeal;

(iv) the consequences of failing to comply with the notice.

(4) Subject to regulations 15 to 17, the person on whom the notice is served must comply with the notice.

(5) If the requirements of the compliance notice are met before the payment period set out in the non-compliance penalty notice expires, liability to pay the non-compliance penalty is discharged.

(6) A notice served under this regulation is referred to in these Regulations as a non-compliance penalty notice.