
STATUTORY INSTRUMENTS

2018 No. 1275

The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

PART 4

Enforcement powers and related provisions

Enforcement costs recovery notice **E+W+S**

14.—(1) An enforcement authority may, by way of serving a written notice on a person on whom a non-compliance penalty notice has been served, require the person to pay to the authority a sum equal to or less than the costs incurred by the authority in relation to the issuing of a non-compliance notice up to the time of its issue.

(2) An enforcement authority must provide a detailed breakdown of the costs specified in the notice if requested to do so by the person on whom such a notice is served.

(3) A request for a detailed breakdown of the costs specified in the notice must be made within 14 days of the date of the notice.

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

- (a) the name and address of the enforcement authority to which the sum must be paid;
- (b) the name and address of the person on whom the notice is served;
- (c) the period within which the sum must be paid, which must not expire before—
 - (i) the period within which an appeal may be brought under regulation 15 [^{F1}or 16 as the case may be];
 - (ii) the enforcement authority has provided a breakdown of the costs, unless—
 - (aa) the person in question has indicated to the enforcement authority that they do not require the detailed breakdown in question;
 - (bb) the period referred to in paragraph (3) has expired;
- (d) 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 failure to comply with the notice.

(5) Subject to regulations 15 [^{F2}and 16], the person on whom a notice is served must comply with the notice.

(6) A notice served under this regulation is referred to in these Regulations as an enforcement costs recovery notice.

(7) In this regulation, “costs” means reasonably and necessarily incurred—

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. *Skip to:* E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018, Section 14. (See end of Document for details)

- (a) investigation costs;
- (b) administration costs;
- (c) costs of obtaining expert advice (including legal advice).

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Words in reg. 14(4)(c)(i) substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **12(9)(a)**
- F2** Words in reg. 14(5) substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **12(9)(b)**

Enforcement costs recovery notice **N.I.**

14.—(1) An enforcement authority may, by way of serving a written notice on a person on whom a non-compliance penalty notice has been served, require the person to pay to the authority a sum equal to or less than the costs incurred by the authority in relation to the issuing of a non-compliance notice up to the time of its issue.

(2) An enforcement authority must provide a detailed breakdown of the costs specified in the notice if requested to do so by the person on whom such a notice is served.

(3) A request for a detailed breakdown of the costs specified in the notice must be made within 14 days of the date of the notice.

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

- (a) the name and address of the enforcement authority to which the sum must be paid;
- (b) the name and address of the person on whom the notice is served;
- (c) the period within which the sum must be paid, which must not expire before—
 - (i) the period within which an appeal may be brought under regulation ^{F3}... 17;
 - (ii) the enforcement authority has provided a breakdown of the costs, unless—
 - (aa) the person in question has indicated to the enforcement authority that they do not require the detailed breakdown in question;
 - (bb) the period referred to in paragraph (3) has expired;
- (d) 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 failure to comply with the notice.

(5) Subject to [^{F4}regulation] 17, the person on whom a notice is served must comply with the notice.

(6) A notice served under this regulation is referred to in these Regulations as an enforcement costs recovery notice.

(7) In this regulation, “costs” means reasonably and necessarily incurred—

- (a) investigation costs;

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018, Section 14. (See end of Document for details)

- (b) administration costs;
- (c) costs of obtaining expert advice (including legal advice).

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F3** Words in [reg. 14\(4\)\(c\)\(i\)](#) omitted (N.I.) (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **15(8)(a)**
- F4** Word in [reg. 14\(5\)](#) substituted (N.I.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **15(8)(b)**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018, Section 14.