
STATUTORY INSTRUMENTS

2018 No. 230

The Public Regulated Service (Galileo) Regulations 2018

PART 3

Enforcement

Enforcement action

7.—(1) If the compliance authority considers that a person is in breach of regulation 4 or a licence condition, the compliance authority may serve—

- (a) a compliance notice on that person in accordance with regulation 8, or
- (b) directions on that person in accordance with regulation 10(1).

(2) If the compliance authority is satisfied that a person is in breach of regulation 4 or a licence condition, the compliance authority may do one or more of the following—

- (a) apply for an order against that person in accordance with regulation 12;
- (b) apply for an order for forfeiture in accordance with regulation 13;
- (c) revoke, suspend or vary any licence held by that person.

Compliance notice

8. A compliance notice—

- (a) must state that the compliance authority considers that the person is in breach of regulation 4 or a licence condition,
- (b) must set out the reasons why the compliance authority is of that view, and
- (c) must state that the person may make representations in writing to the compliance authority on the matters set out in the notice within a period of 14 days beginning with the date on which the notice was served.

Enforcement notice

9.—(1) If written representations are made within the period specified under regulation 8(c), the compliance authority must consider the representations and may decide—

- (a) to revoke the compliance notice and serve notice of such revocation on the person on whom the compliance notice has been served, or
- (b) to serve an enforcement notice on such person.

(2) The enforcement notice must set out the reasons why the compliance authority considers the person is in breach of regulation 4 or a licence condition.

(3) The enforcement notice must specify a date by which the person to whom the notice is given must—

- (a) cease any activity in breach of regulation 4,

- (b) comply with a licence condition, or
- (c) submit a proposal to ensure compliance with these Regulations.

(4) Where a person submits a proposal in accordance with paragraph (3)(c), the compliance authority must consider the proposal and, if the authority agrees with the proposal, the authority may set a date by which the proposal is to be implemented.

(5) If the compliance authority disagrees with the proposal, it must set out the measures or any additional measures required for compliance and set a date by which the measures must be implemented.

(6) If the compliance authority is satisfied that compliance measures have been implemented and the enforcement notice has been complied with, it may—

- (a) revoke the enforcement notice and give notice of the revocation to the person on whom the enforcement notice was served, or
- (b) specify additional requirements to ensure continued compliance.

Power of directions

10.—(1) The compliance authority may serve on a person such directions as appear to the compliance authority necessary to secure one or more of the following—

- (a) the cessation of any activity in breach of regulation 4;
- (b) compliance with a licence condition;
- (c) compliance with these Regulations.

(2) A person on whom directions are served must comply with the directions.

(3) The compliance authority may revoke directions served under paragraph (1) by serving a notice of the revocation on the person.

Enforcing compliance

11. If the compliance authority is satisfied that a person—

- (a) has not made any written representations, within the period set out in regulation 8(c), in response to a compliance notice served under regulation 7(1)(a),
- (b) continues to be in breach of regulation 4 after the date set in an enforcement notice issued in accordance with regulation 9(3)(a),
- (c) continues to be in breach of a licence condition after the date set in an enforcement notice issued in accordance with regulation 9(3)(b),
- (d) has not submitted a proposal in response to an enforcement notice issued under regulation 9(3)(c),
- (e) has not implemented a proposal with which the compliance authority has agreed under regulation 9(4),
- (f) has not complied with the measures set out under regulation 9(5) or additional requirements specified under regulation 9(6)(b), or
- (g) has not complied with a direction given by the compliance authority under regulation 10(1),

the compliance authority may take any action as set out in regulation 7(2).

Court order

12.—(1) In England and Wales or Northern Ireland, the compliance authority may apply for specific performance, an injunction, an interim injunction or other interim remedy—

- (a) in the county court, or
- (b) in the High Court.

(2) In Scotland, the compliance authority may apply for specific implement, an interdict, an interim interdict or other interim order—

- (a) to the sheriff, or
- (b) in the Court of Session.

Forfeiture

13.—(1) The compliance authority may apply for an order for forfeiture of a PRS product or document containing classified PRS information if it is satisfied that a breach of regulation 4 or a licence condition is taking place in relation to such product or document.

(2) An application may be made—

- (a) in England and Wales or Northern Ireland—

- (i) in the county court, or
 - (ii) in the High Court;

- (b) in Scotland, to the sheriff or summary sheriff.

(3) Where the compliance authority applies for a court order under regulation 12, the compliance authority may, in the same proceedings, make an application in accordance with this regulation to the court in which application is made under regulation 12.

(4) On an application in accordance with this regulation, the court may make an order for the forfeiture of any PRS product or document containing classified PRS information if it is satisfied that there has been a breach of regulation 4 or a licence condition in relation to such product or information.

(5) Where a PRS product or document containing classified PRS information is forfeited in accordance with this regulation, it may be destroyed in accordance with such directions as the court may give or dealt with in such other way as the court considers appropriate.

Service of documents

14.—(1) Any document required to be served on a person by virtue of these Regulations may be so served—

- (a) by delivering it to that person or leaving it at the proper address of that person, by sending it by post to that person at that address, or by sending it to that person by fax or other electronic means, or
- (b) if the person is a company, partnership, limited liability partnership or unincorporated association, by serving it in accordance with sub-paragraph (a) above on an official of that body.

(2) For the purposes of paragraph (1), and for the purposes of section 7 of the Interpretation Act 1978(1) (which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served is the person's last known address except that in the case of service on—

(1) 1978 c.30.

- (a) a company, it is the address of the registered or principal office of the company, or any place of business of the company,
 - (b) a partnership, it is the principal office of the partnership, or any place of business of the partnership,
 - (c) a limited liability partnership, it is the registered office of the limited liability partnership, and
 - (d) an unincorporated association, it is the principal office of the association, or any place where the association carries out its activities.
- (3) For the purposes of paragraph (2), the principal office of a company registered outside the United Kingdom or of a partnership or unincorporated association carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Where a document is to be served by the compliance authority on a person by fax or other electronic means, the person must previously have indicated in writing to the compliance authority—
- (a) that the person is willing to accept service by fax or other electronic means, and
 - (b) the fax number, email address or other electronic identification to which the document must be sent.
- (5) Where a document is served by electronic means, the party serving the document need not in addition send or deliver a hard copy.
- (6) A document sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given at 9 am on the working day immediately following the day on which it was sent.
- (7) In this regulation—
- (a) “fax” means the making of a facsimile copy of a document by the transmission of electronic signals;
 - (b) “working day” means a day other than—
 - (i) Saturday or Sunday,
 - (ii) Christmas Day or Good Friday, or
 - (iii) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in any part of the United Kingdom.