

## [F1]SCHEDULE 4A

### Civil sanctions

#### Textual Amendments

- F1** Sch. 4A inserted (29.10.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/1089\)](#), reg. 1, **Sch.**

## PART 4

### Non-compliance penalties

#### Non-compliance penalties

**29.**—(1) The appropriate authority may serve a notice on a person imposing a monetary penalty (a “non-compliance penalty”) if that person fails to comply with—

- (a) a compliance notice, restoration notice or third party undertaking, irrespective of whether a variable monetary penalty was also imposed; or
- (b) an enforcement undertaking.

(2) The amount of the non-compliance penalty must be determined by the appropriate authority, and must be a percentage of the costs of fulfilling the remaining requirements of the compliance notice, restoration notice, third party undertaking or enforcement undertaking.

(3) The percentage must be determined by the appropriate authority having regard to all the circumstances of the case and may, if appropriate, be 100%.

(4) The notice must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount to be paid;
- (c) how payment must be made;
- (d) the period in which payment must be made, which must not be less than 28 days beginning with the day on which the notice is served;
- (e) rights of appeal;
- (f) the consequences of failure to comply with the notice; and
- (g) any circumstances in which the appropriate authority may reduce the amount of the penalty.

(5) If the requirements of the compliance notice, restoration notice, third party undertaking or enforcement undertaking are fulfilled before the time specified for payment of the non-compliance penalty, the penalty is not payable.

(6) Following expiry of the specified payment period, the appropriate authority may recover the non-compliance penalty as if payable under an order of the court.

(7) A non-compliance penalty paid to the appropriate authority under this paragraph must be paid into the Consolidated Fund.

**Changes to legislation:** There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, Non-compliance penalties. (See end of Document for details)

## Appeals

**30.**—(1) The person on whom the notice imposing the non-compliance penalty is served may appeal against it.

(2) The grounds of appeal are—

- (a) that the decision to serve the notice was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unfair or unreasonable for any reason;
- (d) that the amount of the penalty is unreasonable;
- (e) that the decision was wrong for another reason.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, Non-compliance penalties.