

SCHEDULE 3

Civil sanctions

PART 3

Enforcement undertakings

Non-compliance with an enforcement undertaking

29.—(1) If a person does not comply with an enforcement undertaking, the regulator may, in the case of an offence committed under Part 2 of this Order —

- (a) serve a compliance notice, restoration notice, variable monetary penalty, stop notice or non-compliance penalty; or
- (b) bring criminal proceedings.

(2) If a person has complied partly but not fully with an undertaking, that partial compliance must be taken into account in the imposition of any criminal or other sanction on the person.

(3) Criminal proceedings for offences to which an enforcement undertaking relates may be instituted at any time up to 6 months from the date on which the regulator notifies the person that the person has failed to comply with that undertaking.

[^{F1}(4) The provisions in paragraphs 30(2) to (7) and 31 apply to non-compliance penalties served pursuant to this paragraph as they apply to such penalties served pursuant to paragraph 30(1).

(5) For the purposes of sub-paragraph (4), the references to “compliance notice, restoration notice or third party undertaking” in paragraph 30(2) and (5) are to be read as a reference to “enforcement undertaking”]

Textual Amendments

- F1** Sch. 3 para. 29(4)(5) inserted (E.W.) (31.12.2020) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(ii), **9(5)**

Commencement Information

- II** Sch. 3 para. 29 in force at 1.12.2019, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, Paragraph 29.