

## SCHEDULE

### Civil sanctions

## PART 1

### Compliance notices

#### **Imposition of a compliance notice**

1.—(1) The Secretary of State may by notice (a “compliance notice”) impose on any Union importer in relation to any conduct falling within regulation 15(a)-(g), requirements to ensure that the conduct does not continue or recur.

(2) Before issuing a compliance notice under paragraph (1), the Secretary of State must be satisfied on the balance of probabilities that a Union importer has engaged in conduct falling within regulation 15(a)-(g).

(3) A compliance notice may specify the period or periods within which the requirements referred to in paragraph (1) must be met.

(4) The Secretary of State may at any time in writing—

- (a) withdraw a compliance notice; or
- (b) amend the requirements contained in a compliance notice.

#### **Provisional notices**

2.—(1) Where the Secretary of State considers that it is appropriate to issue a compliance notice under paragraph 1(1), the Secretary of State must first by notice (a “provisional notice”) inform the relevant Union importer of the—

- (a) grounds for the proposed compliance notice;
- (b) requirements that the compliance notice would contain; and the
- (c) Union importer’s right to make representations to the Secretary of State under paragraph (2).

(2) A Union importer may within 28 days beginning on the day a provisional notice issued under paragraph (1) is served make written representations to the Secretary of State in relation to the proposed imposition of a compliance notice.

#### **Compliance notices**

3.—(1) Where the Secretary of State has—

- (a) issued a provisional notice under paragraph 2(1); and
- (b) the period referred to in paragraph 2(2) has expired,

the Secretary of State may issue a compliance notice to the relevant Union importer.

(2) A compliance notice issued under paragraph (1) must inform the relevant Union importer of—

- (a) the Secretary of State’s position in respect of any written representations made by the Union importer under paragraph 2(2);
- (b) the grounds for the compliance notice, which must have been contained in the provisional notice issued under paragraph 2(1);
- (c) the requirements of the compliance notice;

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- (d) the period or periods within which the requirements specified in the compliance notice must be met;
  - (e) the Union importer's right to appeal under paragraph (3); and
  - (f) the consequences of failing to comply with a compliance notice.
- (3) A Union importer which has been issued a compliance notice under paragraph (1) may, within 28 days beginning on the day that that compliance notice is served, apply to the Secretary of State for a review of the compliance notice on the following grounds—
- (a) the issuing of a compliance notice was based on a material error of fact;
  - (b) the issuing of a compliance notice is wrong in law; or
  - (c) the requirements that are specified in the compliance notice are unreasonable.
- (4) On an application for a review of the compliance notice under paragraph (3), the Secretary of State must decide whether to vary, revoke or uphold the compliance notice.