

SCHEDULE

Civil sanctions

PART 2

Non-compliance penalties

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

- (a) issued a compliance notice under paragraph 3(1); and
- (b) within the period specified at paragraph 3(2)(d) the Union importer has failed to comply with the requirements specified in the compliance notice; and—
 - (i) the period referred to in paragraph 3(3) has expired and no application for review under that paragraph has been made; or
 - (ii) an application for review has been made under paragraph 3(3) and the Secretary of State has upheld the compliance notice,

the Secretary of State may serve a notice on the Union importer imposing a monetary penalty (a “non-compliance penalty”).

(2) The amount of any individual non-compliance penalty may not exceed £25,000.

(3) The Secretary of State shall publish guidance concerning the basis on which the amount of a non-compliance penalty will be determined.

(4) The Secretary of State must have regard to the guidance published under [F¹sub-paragraph] (3) when determining the amount of a non-compliance penalty.

(5) A notice served under [F²sub-paragraph] (1) must include the following information—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the amount to be paid;
- (c) how payment must be made;
- (d) the period, which shall be no less than 28 days, within which payment must be made;
- (e) the Union importer's rights of appeal;
- (f) the consequences of failure to make payment in the specified period;
- (g) any actions which the Union importer might take which the Secretary of State may consider appropriate to reduce the amount of the penalty.

(6) If the requirements of the compliance notice with which the Union importer has failed to comply are fulfilled before the end of the period specified within which payment of the non-compliance penalty must be made, the penalty is not payable.

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

- (a) withdraw a non-compliance penalty; or
- (b) reduce the amount of a non-compliance penalty.

(8) Where the Secretary of State has—

- (a) imposed a non-compliance penalty under [F³sub-paragraph (1)];
- (b) the period specified in [F⁴sub-paragraph] (5)(d) has expired; and
- (c) payment has not been made,

Changes to legislation: There are currently no known outstanding effects for the The Conflict Minerals (Compliance) (Northern Ireland) (EU Exit) Regulations 2020, PART 2. (See end of Document for details)

the Secretary of State may impose an additional non-compliance penalty in respect of the same failure to comply with a compliance notice.

(9) There is no limit to the number of non-compliance penalties that the Secretary of State may impose.

(10) The Secretary of State may recover a non-compliance penalty imposed under [F5sub-paragraph] (1) as if payable under order of the court.

Textual Amendments

- F1** Word in Sch. para. 4(4) substituted (8.3.2021) by [The Conflict Minerals \(Compliance\) \(Northern Ireland\) \(EU Exit\) \(Amendment\) Regulations 2021 \(S.I. 2021/145\)](#), regs. 1(1), **7(a)(iv)**
- F2** Word in Sch. para. 4(5) substituted (8.3.2021) by [The Conflict Minerals \(Compliance\) \(Northern Ireland\) \(EU Exit\) \(Amendment\) Regulations 2021 \(S.I. 2021/145\)](#), regs. 1(1), **7(a)(iv)**
- F3** Words in Sch. para. 4(8)(a) substituted (8.3.2021) by [The Conflict Minerals \(Compliance\) \(Northern Ireland\) \(EU Exit\) \(Amendment\) Regulations 2021 \(S.I. 2021/145\)](#), regs. 1(1), **7(c)**
- F4** Word in Sch. para. 4(8)(b) substituted (8.3.2021) by [The Conflict Minerals \(Compliance\) \(Northern Ireland\) \(EU Exit\) \(Amendment\) Regulations 2021 \(S.I. 2021/145\)](#), regs. 1(1), **7(a)(iv)**
- F5** Word in Sch. para. 4(10) substituted (8.3.2021) by [The Conflict Minerals \(Compliance\) \(Northern Ireland\) \(EU Exit\) \(Amendment\) Regulations 2021 \(S.I. 2021/145\)](#), regs. 1(1), **7(a)(iv)**

Commencement Information

- I1** Sch. para. 4 in force at 1.1.2021, see reg. 1(1)

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