

[^{F1}SCHEDULE 4A

Civil sanctions

Textual Amendments

- F1** Sch. 4A inserted (15.12.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1303\)](#), reg. 1, [Sch.](#)

PART 8

Guidance and publicity

Guidance as to the use of civil sanctions

- 34.**—(1) The appropriate authority must publish guidance about its use of civil sanctions.
- (2) The appropriate authority must revise and update guidance where appropriate.
- (3) The appropriate authority must have regard to the guidance or revised and updated guidance in exercising its functions.
- (4) In the case of guidance about compliance notices, restoration notices, fixed monetary penalties, variable monetary penalties, stop notices and non-compliance penalties, the guidance must contain information as to—
- (a) the circumstances in which the civil sanction is likely to be imposed,
 - (b) the circumstances in which it is not likely to be imposed,
 - (c) where relevant, rights to make representations and objections,
 - (d) rights of appeal, and
 - (e) in the case of guidance about variable monetary penalties and non-compliance penalties, the matters likely to be taken into account by the appropriate authority in determining the amount of the penalty (including voluntary reporting by a person of their own non-compliance).
- (5) In the case of guidance about enforcement undertakings, the guidance must contain information as to—
- (a) the circumstances in which the appropriate authority is likely to accept an enforcement undertaking, and
 - (b) the circumstances in which the appropriate authority is not likely to accept an enforcement undertaking.

Consultation on guidance

- 35.** The appropriate authority must consult such persons as it considers appropriate before publishing—
- (a) any guidance, or
 - (b) any significant revisions or updates to guidance which has already been published.

Publication of enforcement action

- 36.**—(1) The appropriate authority must publish annually—

Changes to legislation: *There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 8. (See end of Document for details)*

- (a) the cases in which civil sanctions have been imposed;
 - (b) where the civil sanction is a compliance notice, a restoration notice or variable monetary penalty, the cases in which a third party undertaking has been accepted;
 - (c) the cases in which an enforcement undertaking has been accepted.
- (2) In sub-paragraph (1)(a), the reference to cases in which civil sanctions have been imposed does not include cases where a sanction has been imposed but overturned on appeal.
- (3) This paragraph does not apply in cases where the appropriate authority considers that publication would be inappropriate.]

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 8.