SCHEDULES

SCHEDULE 1

CIVIL SANCTIONS

PART 2

STOP NOTICES

Imposition of stop notices

5 (1) Where sub-paragraph (2) or (3) applies, the Secretary of State may serve on a person a notice (a "stop notice")—

(a) prohibiting the person from carrying on an activity specified in the notice, or

(b) prohibiting the person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice.

(2) This sub-paragraph applies where—

(a) the person is carrying on the activity, and

(b) the Secretary of State reasonably believes that the activity as carried on by the person involves or is likely to involve the person committing an offence under section 12.

(3) This sub-paragraph applies where—

(a) the person is likely to carry on the activity, and

(b) the Secretary of State reasonably believes that the activity as carried on by the person will involve or will be likely to involve the person committing an offence under section 12.

(4) Steps referred to in sub-paragraph (1)(b) must be steps to secure that the activity is carried on or (as the case may be) will be carried on in a way that does not involve the person acting as mentioned in sub-paragraph (2)(b) or (3)(b).

Information to be included in stop notices

6 A stop notice must include information as to—

(a) the grounds for serving the notice;

(b) rights of appeal;

(c) the consequences of not complying with the notice.

Completion certificates

7 (1) This paragraph applies where a person is served with a stop notice prohibiting the person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice.

(2) Where the Secretary of State is satisfied that the person has taken the specified steps, the Secretary of State must issue a certificate to that effect (a "completion certificate").

(3) The person served with the stop notice may at any time apply for a completion certificate.

(4) Where a completion certificate is issued, the stop notice to which it relates ceases to have effect.

Appeals

8 (1) A person served with a stop notice may appeal against the decision to serve it on the ground—

(a) that the decision was based on an error of fact,

(b) that the decision was wrong in law,

(c) that the decision was unreasonable,

(d) that any step specified under paragraph 5(1)(b) is unreasonable, or

(e) that the person has not acted as mentioned in paragraph 5(2)(b) or (3)(b) and would not have done so even if the stop notice had not been served,

or on any other grounds that are prescribed.

(2) Where paragraph 7 applies and a decision is made not to issue a completion certificate, the person served with the stop notice may appeal against the decision on the ground that—

(a) it was based on an error of fact,

(b) it was wrong in law, or

(c) it was unfair or unreasonable,

or on any other grounds that are prescribed.

(3) An appeal under sub-paragraph (1) or (2) is to the First-tier Tribunal.

Offence of failure to comply with stop notice

9 (1) A person served with a stop notice who does not comply with it commits an offence.

(2) A person who commits an offence under this paragraph is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding six months or a fine (or both);

(b) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both).