



Genetic Technology (Precision Breeding) Act 2023

2023 CHAPTER 6

PART 4

ENFORCEMENT

Enforcement of relevant breaches: general provisions

31 Meaning of “relevant breach” etc

- (1) In this Act “relevant breach”, in relation to a person, means a failure by the person to comply with a relevant obligation, but—
 - (a) in relation to an inspector appointed under section 19, means a failure to comply with a Part 2 obligation;
 - (b) in relation to an inspector appointed under regulations under section 28, means a failure to comply with a Part 3 obligation.
- (2) In this Part—
 - (a) “inspector” means an inspector appointed under section 19 or under regulations under section 28;
 - (b) “relevant obligation” means a Part 2 obligation or a Part 3 obligation.
- (3) Regulations may make provision for—
 - (a) persons to be treated as having failed to comply with a Part 3 obligation in circumstances corresponding or similar to those in which section 20 of the Food Safety Act 1990 provides for persons to be guilty of an offence under that section;
 - (b) a failure to comply with a Part 3 obligation not to be regarded as a relevant breach in circumstances corresponding or similar to those in which sections 21 and 22 of the Food Safety Act 1990 provide for defences to offences under that Act.

Changes to legislation: There are currently no known outstanding effects for the Genetic Technology (Precision Breeding) Act 2023, Part 4. (See end of Document for details)

(4) Regulations under subsection (3) are subject to the affirmative procedure.

Commencement Information

I1 S. 31 in force at Royal Assent for specified purposes, see [s. 48\(3\)\(a\)](#)

32 Enforcement

- (1) Regulations may make provision for—
- (a) an inspector to issue either of the following—
 - (i) a compliance notice (see section 33);
 - (ii) a stop notice (see section 34);
 - (b) the Secretary of State or an inspector to issue a monetary penalty notice (see section 35);
- to a person in relation to a relevant breach.

(2) Regulations may provide for a requirement imposed by a stop notice to be enforceable, on the application of the Secretary of State, by injunction.

This does not affect the enforcement of the requirement (or power to make provision for its enforcement) in any other way (whether by monetary penalty notice or otherwise).

- (3) In this Act “enforcement notice” means—
- (a) a compliance notice,
 - (b) a stop notice, or
 - (c) a monetary penalty notice.
- (4) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I2 S. 32 in force at Royal Assent for specified purposes, see [s. 48\(3\)\(a\)](#)

Enforcement notices

33 Compliance notices

(1) In this Act “compliance notice” means a notice requiring the person to whom it is issued to take specified steps within a specified period.

- (2) Regulations which provide for the issue of a compliance notice must secure—
- (a) that a compliance notice may be issued only where the inspector issuing the notice is satisfied that the person to whom it is issued has committed or is committing a relevant breach,
 - (b) that the steps specified under subsection (1) are steps that the inspector considers will ensure that the relevant breach does not continue or recur, and
 - (c) that the period specified under subsection (1) is not less than 14 days beginning with the day on which the notice is received.

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- (3) Sections 36 and 37 make further provision about compliance notices.
- (4) In this section “specified”, in relation to a compliance notice, means specified in the notice.

Commencement Information

I3 S. 33 in force at Royal Assent for specified purposes, see s. 48(3)(a)

34 Stop notices

- (1) In this Act “stop notice” means a notice prohibiting the person to whom it is issued—
 - (a) from carrying on a specified activity, or
 - (b) from doing so until the person has taken specified steps.
- (2) Regulations which provide for the issue of a stop notice must secure—
 - (a) that a stop notice may be issued to a person only where the inspector issuing the notice reasonably believes that the person to whom it is issued has committed or is likely to commit a relevant breach, and
 - (b) that the steps specified under subsection (1)(b) are steps that the inspector issuing the notice considers will ensure that the specified activity will be carried on in a way that does not involve the person committing a relevant breach.
- (3) Sections 36 and 37 make further provision about stop notices.
- (4) In this section “specified”, in relation to a stop notice, means specified in the notice.

Commencement Information

I4 S. 34 in force at Royal Assent for specified purposes, see s. 48(3)(a)

35 Monetary penalty notices

- (1) In this Act “monetary penalty notice” means a notice requiring the person to whom it is issued to pay a sum specified in the notice (a “monetary penalty”) to the appropriate authority.
- (2) In this section “appropriate authority” means—
 - (a) in relation to a Part 2 obligation, the Secretary of State;
 - (b) in relation to a Part 3 obligation, an enforcement authority.
- (3) Regulations which provide for the issue of a monetary penalty notice must secure that the Secretary of State or an inspector may issue a monetary penalty notice only where satisfied that the person to whom it is issued has committed a relevant breach.
- (4) Regulations which provide for the issue of a monetary penalty notice must require the notice to state—
 - (a) how payment may be made,
 - (b) the period within which payment must be made, and
 - (c) the consequences of late payment or failure to pay.

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- (5) Regulations which provide for the issue of a monetary penalty notice may make provision—
- (a) for the payment of interest on late payment;
 - (b) as to how any amounts payable by virtue of the regulations are to be recoverable.

Commencement Information

I5 S. 35 in force at Royal Assent for specified purposes, see [s. 48\(3\)\(a\)](#)

36 Content of enforcement notices: further provision

- (1) Regulations which provide for the issue of an enforcement notice to a person must require the notice to state—
- (a) the grounds for issuing the notice,
 - (b) the person’s rights to require a review of or appeal against the notice, and
 - (c) the consequences of failure to comply with the notice.
- (2) The statement required by virtue of subsection (1)(a) must include information specifying—
- (a) the relevant obligation to which the relevant breach relates, and
 - (b) the matters which, in the opinion of the inspector or Secretary of State issuing the notice, constitute the failure to comply with that obligation.
- (3) Regulations which provide for the issue of an enforcement notice may provide for the variation or revocation of the notice—
- (a) by the Secretary of State, in the case of a monetary penalty notice issued by the Secretary of State;
 - (b) by an inspector, in any other case.

Commencement Information

I6 S. 36 in force at Royal Assent for specified purposes, see [s. 48\(3\)\(a\)](#)

37 Enforcement notices: reviews and appeals

- (1) Regulations which provide for the issue of an enforcement notice to a person must—
- (a) secure that the person to whom it is issued may—
 - (i) require the Secretary of State to review the decision to issue the notice, and
 - (ii) if not satisfied with the outcome of any such review, appeal against that decision;
 - (b) secure that the grounds on which a review may be required or an appeal brought include the following—
 - (i) that the decision was based on an error of fact,
 - (ii) that the decision was wrong in law,
 - (iii) that any steps specified in the notice were unreasonable,

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- (iv) in the case of a stop notice, that the person to whom it was issued had not committed the relevant breach and would not have done so had the notice not been issued,
 - (v) in the case of a monetary penalty notice, that the amount of the penalty was unreasonable, and
 - (vi) that the decision was unreasonable for any other reason,
 - (c) make provision for such an appeal to be brought in the First-tier Tribunal, and
 - (d) make provision for suspending the operation of a compliance notice or monetary penalty notice where an appeal is brought under the regulations in relation to the notice pending the outcome of the appeal.
- (2) Regulations which provide for the issue of an enforcement notice may make provision as to—
- (a) the Secretary of State’s functions on a review of a decision to issue an enforcement notice, or
 - (b) the powers of the First-tier Tribunal on an appeal by virtue of this section.

Commencement Information

I7 S. 37 in force at Royal Assent for specified purposes, see [s. 48\(3\)\(a\)](#)

Costs

38 Costs

- (1) Regulations may make provision for an appropriate authority, by notice (a “costs notice”) to require a person to pay the costs incurred by the authority in relation to an enforcement notice up to the time of its issue.
- (2) In this section, “appropriate authority”, in relation to an enforcement notice, means—
- (a) in relation to a Part 2 obligation, the Secretary of State;
 - (b) in relation to a Part 3 obligation, an enforcement authority.
- (3) In subsection (1), “costs” includes, in particular—
- (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).
- (4) Regulations which provide for the issue of a costs notice to a person must secure that—
- (a) the notice specifies the amount required to be paid,
 - (b) the person to whom the notice is issued may require the person issuing it to provide a detailed breakdown of the amount,
 - (c) the person to whom the costs notice is issued is not liable to pay any costs which that person shows to have been unnecessarily incurred,
 - (d) the person to whom the notice is issued may—
 - (i) require the Secretary of State to review a relevant decision, and
 - (ii) if not satisfied with the outcome of any such review, appeal against that decision, and
 - (e) the grounds on which a review may be required or an appeal brought include—

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- (i) in the case of a decision as to the amount of the costs, that the amount includes any amount referable to any costs unnecessarily incurred,
 - (ii) that the decision was based on an error of fact,
 - (iii) that the decision was wrong in law, and
 - (iv) that the decision was unreasonable for any other reason.
- (5) Regulations which provide for the issue of a costs notice to a person must also make provision—
 - (a) for an appeal under the regulations to be brought in the First-tier Tribunal, and
 - (b) for suspending the operation of a costs notice where an appeal is brought under the regulations pending the outcome of the appeal.
- (6) In subsection (4), “relevant decision”, in relation to a costs notice, means—
 - (a) the decision to issue the notice, or
 - (b) the decision as to the amount of the costs.
- (7) Regulations which provide for the issue of a costs notice may make provision—
 - (a) for the payment of interest on late payment;
 - (b) as to how any amounts payable by virtue of the regulations are to be recoverable.
- (8) Regulations under this section are subject to the affirmative procedure.

Commencement Information

18 S. 38 in force at Royal Assent for specified purposes, see [s. 48\(3\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Genetic Technology (Precision Breeding) Act 2023, Part 4.