

## SCHEDULES

### SCHEDULE 3

#### Compliance notices and stop notices

### PART 2

#### Stop notices

##### Stop notices

5.—(1) The food authority may serve a stop notice on any person in accordance with this Part in relation to an offence under these Regulations.

(2) A “stop notice” is a notice prohibiting a person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice.

(3) A stop notice may only be served in a case where—

- (a) the person is carrying on the activity; and
- (b) the food authority reasonably believes that the activity as carried on by that person involves or is likely to involve the commission of an offence under these Regulations.

##### Contents of a stop notice

6. A stop notice must include information as to—

- (a) the grounds for serving the stop notice;
- (b) the steps the person must take to comply with the stop notice;
- (c) rights of appeal; and
- (d) the consequences of non-compliance.

##### Appeals

7.—(1) The person on whom a stop notice is served may appeal against the decision to serve it.

(2) The grounds of appeal are—

- (a) that the decision was based on an error of fact;
- (b) the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that any step specified in the notice is unreasonable;
- (e) that the person has not committed the offence and would not have committed it had the stop notice not been served;
- (f) that the person would not, by reason of any defence, have been liable to be convicted of the offence had the stop notice not been served.

### **Completion certificates**

**8.**—(1) Where, after service of a stop notice, the food authority is satisfied that the person has taken the steps specified in the notice, the food authority must issue a certificate to that effect (a “completion certificate”).

(2) The stop notice ceases to have effect on the issue of a completion certificate.

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

(4) The food authority must make a decision as to whether to issue a completion certificate within 14 days of such an application.

(5) The person on whom the stop notice was served may appeal against a decision not to issue a completion certificate on the grounds that—

- (a) the decision was based on an error of fact;
- (b) the decision was wrong in law;
- (c) the decision was unfair or unreasonable.

### **Compensation**

**9.**—(1) A food authority must compensate a person for loss suffered as the result of the service of the stop notice or the refusal of a completion certificate if that person has suffered loss as a result of the notice or refusal and—

- (a) a stop notice is subsequently withdrawn or amended by the food authority because the decision to serve it was unreasonable or any step specified in the notice was unreasonable;
- (b) the person successfully appeals against the stop notice and the court finds that the service of the notice was unreasonable; or
- (c) the person successfully appeals against the refusal of a completion certificate and the court finds that the refusal was unreasonable.

(2) A person may appeal against a decision not to award compensation or the amount of compensation—

- (a) on the grounds that the food authority's decision was unreasonable;
- (b) on the grounds that the amount offered was based on incorrect facts;
- (c) for any other substantial reason.

### **Offences**

**10.** Where a person on whom a stop notice is served does not comply with it within the time limit specified in the notice, the person is guilty of an offence and liable to a fine.

**Changes to legislation:**

There are currently no known outstanding effects for the The Novel Foods (England) Regulations 2018, PART 2.