

SCHEDULE 3

Civil sanctions

PART 8

Guidance and publicity

Guidance as to use of civil sanctions

- 35.**—(1) The regulator must publish guidance about its use of civil sanctions.
- (2) The regulator must revise and update the guidance where appropriate.
- (3) The regulator 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 regulator in determining the amount of the penalty (including voluntary reporting by a person of the person's 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 regulator is likely to accept an enforcement undertaking; and
 - (b) the circumstances in which the regulator is not likely to accept an enforcement undertaking.

Commencement Information

II Sch. 3 para. 35 in force at 1.12.2019, see art. 1(1)

Consultation on guidance

- 36.** The regulator 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.

Commencement Information

I2 Sch. 3 para. 36 in force at 1.12.2019, see art. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, PART 8. (See end of Document for details)

Publication of enforcement action

37.—(1) The regulator must publish annually—

- (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 regulator considers that publication would be inappropriate.

Commencement Information

I3 Sch. 3 para. 37 in force at 1.12.2019, see art. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Invasive Alien Species (Enforcement and Permitting) Order 2019, PART 8.