



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 1

### REGULATION OF SOCIAL CARE SERVICES

#### CHAPTER 5

##### OFFENCES AND PENALTIES

#### 52      **Penalty notices**

- (1) The Welsh Ministers may give a penalty notice to a person if they are satisfied that the person has committed a prescribed offence.
- (2) Only offences under sections 47, 48 or 49 or under regulations made under section 45 or 46 may be so prescribed.
- (3) A penalty notice is a notice offering the person the opportunity of discharging any liability to conviction for the offence to which the notice relates by payment to the Welsh Ministers of a sum specified in the notice in accordance with the terms of the notice.
- (4) Where a person is given a penalty notice, proceedings for the offence to which the notice relates may not be brought before the end of such period as may be specified in the notice.
- (5) If a person who is given a penalty notice pays the sum specified in the notice in accordance with the terms of the notice, the person cannot be convicted of the offence to which the notice relates.
- (6) The Welsh Ministers may by regulations make provision—
  - (a) as to the form and content of penalty notices;

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**Status:** This is the original version (as it was originally enacted).

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- (b) as to the sum payable under a penalty notice and the time within which it is to be paid (including provision permitting a different sum to be payable in relation to different offences and according to the time by which it is paid);
  - (c) determining the ways in which a sum may be paid;
  - (d) as to the records to be kept in relation to penalty notices;
  - (e) about the circumstances in which a penalty notice may be withdrawn, including provision about—
    - (i) the repayment of any sum paid before a notice is withdrawn, and
    - (ii) the circumstances in which proceedings for an offence may not be brought despite the withdrawal of a notice.
- (7) Regulations under subsection (6)(b) may not make provision for a sum to be payable under a penalty notice which exceeds two and a half times level 4 on the standard scale.