

FOOD HYGIENE RATING (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 21 – Fixed penalties

39. **Section 21** enables an authorised officer of a food authority to issue a fixed penalty notice (FPN) to a person they have reason to believe has committed an offence under the Act. An authorised officer may offer that person the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty. If the fixed penalty is not paid, the food authority retains the power to prosecute. This section also introduces Schedule 1.
40. **Part 1** of Schedule 1 sets out the procedure for fixed penalty notices and the level of fixed penalties payable in respect of an offence under the Act. Paragraphs 1 and 2 provide that the FPN should be £200 to be paid in 28 days, with a discounted penalty of £150 if the FPN is paid within 14 days. The Welsh Ministers may make regulations to prescribe a different amount for the penalty or the discounted penalty.
41. **Part 2** of Schedule 1 makes provision in relation to the form and content of fixed penalty notices.