

Schedules

Schedule 2

Further provision about fixed monetary penalties under section 35

Guidance as to use of fixed monetary penalties

- 5.—(1) An order under section 35 must secure the results in sub-paragraph (2).
- (2) Those results are that—
- (a) the Department must publish guidance about its use of the fixed monetary penalty,
 - (b) the guidance must contain the relevant information,
 - (c) the Department must revise the guidance where appropriate,
 - (d) the Department must consult such persons as the order may specify before publishing any guidance or revised guidance, and
 - (e) the Department must have regard to the guidance or revised guidance in exercising its functions.
- (3) The relevant information referred to in sub-paragraph (2)(b) is information as to—
- (a) the circumstances in which the fixed monetary penalty is likely to be imposed,
 - (b) the circumstances in which it may not be imposed,
 - (c) the amount of the penalty,
 - (d) how liability for the penalty may be discharged and the effect of discharge, and
 - (e) rights to make representations and objections and rights of appeal.