

SCHEDULE 6

Discretionary requirements: amounts and procedure

PART 2

Discretionary requirements: procedure

Notice of intent

2.—(1) Where an administrator proposes to impose a discretionary requirement on a seller, the administrator must serve a notice of intent on that seller.

(2) But an administrator may not serve a notice of intent on a seller in relation to a breach where—

- (a) a fixed monetary penalty has been imposed on the seller in relation to the same breach; or
- (b) the seller has discharged liability to a fixed monetary penalty in relation that breach pursuant to paragraph 3(1) of Schedule 5.

(3) The notice of intent must—

- (a) if the administrator proposes to impose a non-monetary discretionary requirement—
 - (i) specify the steps that the administrator proposes the seller be required to take;
 - (ii) specify the time period within which the administrator proposes that those steps are to be taken;
- (b) if the administrator proposes to impose a variable monetary penalty, specify the amount of penalty proposed;
- (c) include information as to—
 - (i) the grounds for the proposal to impose the discretionary requirement;
 - (ii) the right to make representations and objections;
 - (iii) the 28-day period within which representations and objections may be made;
 - (iv) the circumstances in which the administrator may not impose the discretionary requirements;
 - (v) in the case of a variable monetary penalty, methods of payment.