



Employment Act 2002

2002 CHAPTER 22

PART 1

STATUTORY LEAVE AND PAY

CHAPTER 1

PATERNITY AND ADOPTION

Administration and enforcement: pay

11 Penalties: failures to comply

- (1) Where a person—
 - (a) fails to produce any document or record, provide any information or make any return, in accordance with regulations under section 8, or
 - (b) fails to provide any information or document in accordance with regulations under section 10,he shall be liable to the penalties mentioned in subsection (2) below (subject to subsection (4)).
- (2) The penalties are—
 - (a) a penalty not exceeding £300, and
 - (b) if the failure continues after a penalty is imposed under paragraph (a), a further penalty or penalties not exceeding £60 for each day on which the failure continues after the day on which the penalty under that paragraph was imposed (but excluding any day for which a penalty under this paragraph has already been imposed).
- (3) Where a person fails to keep records in accordance with regulations under section 8, he shall be liable to a penalty not exceeding £3,000.

Changes to legislation: Employment Act 2002, Section 11 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Subject to subsection (5), no penalty shall be imposed under subsection (2) or (3) at any time after the failure concerned has been remedied.
- (5) Subsection (4) does not apply to the imposition of a penalty under subsection (2)(a) in respect of a failure within subsection (1)(a).
- (6) Where, in the case of any employee, an employer refuses or repeatedly fails to make payments of [^{F1}statutory paternity pay,] statutory adoption pay^{F2}, statutory shared parental pay or statutory parental bereavement pay] in accordance with any regulations under section 8, the employer shall be liable to a penalty not exceeding £3,000.
- (7) Section 118(2) of the Taxes Management Act 1970 (c. 9) (extra time for compliance etc) shall apply for the purposes of subsections (1), (3) and (6) as it applies for the purposes of that Act.
- (8) Schedule 1 to this Act (penalties: procedure and appeals) has effect in relation to penalties under this section.

Textual Amendments

- F1** Words in s. 11(6) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 7 para. 54\(a\)](#); S.I. 2014/1640, art. 7(cc) (with art. 16)
- F2** Words in s. 11(6) substituted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\), s. 2\(2\), Sch. para. 39](#); S.I. 2020/45, reg. 2

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Changes and effects yet to be applied to :

- s. 11(6) words substituted by [2023 c. 20 Sch. para. 39](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3)(e) and word inserted by [2023 c. 20 Sch. para. 36\(4\)\(c\)](#)
- s. 15(2)(bb) word omitted by [2023 c. 20 Sch. para. 43\(a\)](#)
- s. 15(2)(bc) inserted by [2023 c. 20 Sch. para. 43\(b\)](#)