



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Enforcement

87 Penalty notices: supplementary provision

- (1) Regulations may make—
- (a) provision as to the form and content of penalty notices,
 - (b) provision as to the monetary amount of the penalty and the time by which it is to be paid,
 - (c) provision determining the methods by which penalties may be paid,
 - (d) provision as to the records to be kept in relation to penalty notices,
 - (e) provision for or in connection with the withdrawal, in prescribed circumstances, of a penalty notice, including—
 - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
 - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates,
 - (f) provision for a certificate—
 - (i) purporting to be signed by or on behalf of a prescribed person, and
 - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate,to be received in evidence of the matters so stated,

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 87. (See end of Document for details)

- (g) provision as to the action to be taken if a penalty is not paid in accordance with a penalty notice, and
 - (h) such other provision in relation to penalties or penalty notices as the Secretary of State thinks necessary or expedient.
- (2) Regulations under subsection (1)(b)—
- (a) may make provision for penalties of different amounts to be payable in different cases, including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid, but
 - (b) must secure that the amount of any penalty payable in respect of any offence does not exceed one half of the maximum amount of the fine to which a person committing the offence would be liable on summary conviction [^{F1}or, where there is no such maximum amount, £50,000].
- (3) In this section—
- “penalty” means a penalty under a penalty notice;
 - “penalty notice” has the meaning given by section 86(3).

Textual Amendments

- F1** Words in s. 87(2)(b) inserted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 5 para. 13** (with reg. 5(1))
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Commencement Information

- I1** S. 87 partly in force; S. 87 in force for specified purposes at Royal Assent, see s. 170
- I2** S. 87 in force at 1.4.2009 in so far as not already in force by [S.I. 2009/462](#), art. 2(1), **Sch. 1 para. 28**

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 87.