

SCHEDULES

SCHEDULE 3

MONETARY PENALTIES: PROCEDURE, APPEALS AND RECOVERY ETC

Procedure

- 2 (1) Before imposing a monetary penalty on the provider under that section, the OfS must notify the provider of its intention to do so.
- (2) The notice must—
 - (a) specify the proposed amount of the penalty,
 - (b) specify the OfS’s reasons for proposing to impose the penalty,
 - (c) specify the period during which the provider may make representations about the proposal (“the specified period”), and
 - (d) specify the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The OfS must have regard to any representations made by the provider during the specified period in deciding whether to impose a monetary penalty on it.
- (5) Having decided whether or not to impose a monetary penalty, the OfS must notify the provider of its decision.
- (6) Where the decision is to impose a monetary penalty, the notice must specify—
 - (a) the amount of the penalty, and
 - (b) the period within which the penalty must be paid or the periods within which different portions of the penalty must be paid.
- (7) The notice must also contain information as to—
 - (a) the grounds for imposing the penalty,
 - (b) how payment may be made,
 - (c) rights of appeal,
 - (d) the period within which an appeal may be made, and
 - (e) the consequences of non-payment.
- (8) The requirement to pay the penalty is suspended at any time when—
 - (a) an appeal under paragraph 3(1)(a) or (b), or a further appeal, could be brought in respect of the penalty, or
 - (b) such an appeal is pending.
- (9) But that does not prevent the requirement to pay taking effect if the provider notifies the OfS that it does not intend to appeal.