
STATUTORY INSTRUMENTS

2018 No. 299

The Fulfilment Businesses (Approval Scheme) Regulations 2018

PART 4

PENALTIES

Penalty assessment

14.—(1) The Commissioners may assess a penalty where a person fails to comply with—

- (a) the requirements set out in regulation 4(2),
- (b) any condition or restriction to which an approval is subject, or
- (c) the obligations set out in Part 3.

(2) In this Part references to a “contravention” are to failing to comply with the requirements, conditions, restrictions or obligations mentioned in paragraph (1)(a) to (c).

(3) If the Commissioners assess a penalty they must give notice to the person who is liable for the penalty.

(4) A notice under paragraph (3) must state the contravention in respect of which the penalty is assessed.

(5) An assessment of a penalty under this Part may not be made later than one year after evidence of facts sufficient in the opinion of the Commissioners to indicate the contravention comes to their knowledge.

(6) Two or more contraventions may be treated by the Commissioners as a single contravention for the purposes of assessing a penalty under this Part.

Amount of penalty

15.—(1) The amount of the penalty is—

- (a) £500 for a contravention of the requirement imposed under regulation 4(2),
- (b) subject to paragraph (2), £500 for each month that a contravention referred to in subparagraph (a) continues,
- (c) £3,000 for each contravention of the obligations imposed under regulation 8, and
- (d) in all other cases, £500 for each contravention.

(2) The total amount of penalties under paragraph (1)(b) must not exceed £3,000.

Special reduction

16.—(1) If the Commissioners think it right because of special circumstances, they may reduce a penalty under this Part.

(2) In paragraph (1), “special circumstances” does not include inability to pay.

Reasonable excuse

17.—(1) Liability to a penalty does not arise under this Part if the person liable for the penalty satisfies the Commissioners or (on an appeal made to the appeal tribunal) the tribunal that there is a reasonable excuse for the contravention.

(2) For the purposes of paragraph (1), reliance on another person to do anything is not a reasonable excuse unless the person otherwise liable for the penalty took reasonable care to avoid the contravention.

(3) In this regulation “appeal tribunal” has the same meaning as in Chapter 2 of Part 1 of the Finance Act 1994⁽¹⁾.

Payment and recovery

18.—(1) A penalty payable under this Part must be paid before the end of the period of 30 days beginning with the day on which notification of the penalty is issued.

(2) A penalty under this Part is recoverable as a debt due to the Crown.

(1) 1994 c. 9.