

SCHEDULE 3

Civil sanctions

PART 8

Guidance and publicity

Guidance as to use of civil sanctions

- 35.**—(1) The regulator must publish guidance about its use of civil sanctions.
- (2) The regulator must revise and update the guidance where appropriate.
- (3) The regulator must have regard to the guidance or revised and updated guidance in exercising its functions.
- (4) In the case of guidance about compliance notices, restoration notices, fixed monetary penalties, variable monetary penalties, stop notices and non-compliance penalties, the guidance must contain information as to—
- (a) the circumstances in which the civil sanction is likely to be imposed;
 - (b) the circumstances in which it is not likely to be imposed;
 - (c) where relevant, rights to make representations and objections;
 - (d) rights of appeal; and
 - (e) in the case of guidance about variable monetary penalties and non-compliance penalties, the matters likely to be taken into account by the regulator in determining the amount of the penalty (including voluntary reporting by a person of the person's own non-compliance).
- (5) In the case of guidance about enforcement undertakings, the guidance must contain information as to—
- (a) the circumstances in which the regulator is likely to accept an enforcement undertaking; and
 - (b) the circumstances in which the regulator is not likely to accept an enforcement undertaking.