

LOCAL GOVERNMENT BYELAWS (WALES) ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13 – Amount of fixed penalty

51. **Section 13** provides for the level of fixed penalties payable in respect of a breach of byelaws that may be specified by the legislating authority. The section confers on the Welsh Ministers the power to make regulations specifying a range within which the amount of fixed penalty must fall. The exercise of this power is subject to the National Assembly for Wales negative resolution procedure.
52. Where a range has been specified, a legislating authority may choose to set an amount within that range. Where no range has been set, a legislating authority will have the freedom to set the penalty. Where the legislating authority does not specify a penalty for breach of a byelaw, the section provides for a default amount of £75. This section empowers the Welsh Ministers to make an order to change the default amount as necessary, so that the level remains in line with similar low-level offences. The Welsh Ministers' powers in this regard are subject to affirmative resolution by the National Assembly for Wales.