

*Status: Point in time view as at 04/05/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013. (See end of Document for details)*

VALID FROM 28/11/2013

## SCHEDULE

(Section 21)

### FIXED PENALTY NOTICES

#### PART 1

##### PROCEDURE FOR FIXED PENALTY NOTICES

- 1 A fixed penalty notice may offer the opportunity for a person to pay a penalty of £200 (“the penalty”) within a period of 28 days beginning with the day in which the penalty notice is given.
- 2 A fixed penalty notice may also offer the opportunity for a person to pay a reduced penalty of £150 (“the discounted penalty”) if payment is made within a period of 14 days beginning with the day in which the penalty notice is given.
- 3 The Welsh Ministers may prescribe a different amount for the penalty or the discounted penalty.
- 4 Payment of the penalty or the discounted penalty may be made by posting a letter containing the amount of the penalty to the person described on the notice at the address so described. Payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.
- 5 Paragraph 4 does not prevent payment of the penalty being made by any other method.
- 6 If a food authority considers that a fixed penalty notice given to a person by an authorised officer acting on its behalf ought not to have been given, the food authority must give notice to that person withdrawing the fixed penalty notice.
- 7 If a fixed penalty notice is withdrawn—
  - (a) a food authority must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and
  - (b) no proceedings may be brought or continued against the person who received the notice for the offence in question.
- 8 In any proceedings, a certificate which—
  - (a) purports to be signed by or on behalf of the chief finance officer of a food authority, and
  - (b) states that payment of a penalty was or was not received by a date specified in the certificate,is evidence of the facts stated.

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## PART 2

### FORM AND CONTENT OF FIXED PENALTY NOTICES

- 9 A fixed penalty notice must give particulars of the circumstance alleged to constitute the offence as are necessary to explain why an offence has occurred.
- 10 A fixed penalty notice must also state—
- (a) the name and address of the authority on whose behalf the authorised officer was acting when the officer gave the notice;
  - (b) the amount of the penalty and the period for paying the penalty;
  - (c) the amount of the discounted penalty and the period for which the discount applies;
  - (d) the consequences of not paying the penalty before the end of the penalty payment period;
  - (e) the person to whom and the address at which the penalty or discounted penalty may be paid;
  - (f) by what method payment may be made;
  - (g) the person to whom and the address at which any representations relating to the notice may be made.
- 11 A fixed penalty notice must also—
- (a) inform the person to whom it is given of his or her right to be tried for the alleged offence, and
  - (b) explain how that right may be exercised.

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