



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 2

#### CHILD MINDING AND DAY CARE FOR CHILDREN

##### *Offences, criminal proceedings and fixed penalties*

#### **48 Penalty notices: supplementary provisions**

- (1) The Welsh Ministers may by regulations make provision about any of the following—
- (a) the form and content of penalty notices;
  - (b) the monetary amount of the penalty and the time by which it is to be paid;
  - (c) determination of the methods by which penalties may be paid;
  - (d) the records to be kept in relation to penalty notices;
  - (e) the withdrawal, in prescribed circumstances, of a penalty notice, including—
    - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
    - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates;
  - (f) certificates to be received in evidence—
    - (i) purporting to be signed by or on behalf of a prescribed person, and
    - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate;
  - (g) action to be taken if a penalty is not paid in accordance with a penalty notice;
  - (h) anything else in relation to penalties or penalty notices as the Welsh Ministers think necessary or expedient.
- (2) Regulations under subsection (1)(b)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) may make provision for penalties of different amounts to be payable in different cases, including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid, but
  - (b) must secure that the amount of any penalty payable in respect of any offence does not exceed one half of the maximum amount of the fine to which a person committing the offence would be liable on summary conviction.
- (3) In this section—
- “penalty” means a penalty under a penalty notice;
  - “penalty notice” has the meaning given by section 47.