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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Copyright (Regulation of Relevant  
Licensing Bodies) Regulations 2014**

**PART 3**

**Information and financial penalties**

**Secretary of State's powers to request information**

**9.**—(1) The Secretary of State may serve notice on any relevant licensing body requiring it to supply to the Secretary of State for any purpose related to its licensing activity such information as may be specified or described in the notice, and to supply it at a time and place and in a form and manner so specified.

(2) A relevant licensing body shall supply the Secretary of State with information requested under paragraph (1) within 14 days of receipt of the request.

(3) The Secretary of State may, for a purpose described in paragraph (1), copy any document or information provided.

(4) Any reference in this regulation to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form.

**Financial penalties**

**10.**—(1) The Secretary of State may impose a financial penalty on a relevant licensing body or a relevant person if the Secretary of State is satisfied that the relevant licensing body has failed to comply with its obligations under—

(a) regulation 4(3) (adoption of an approved code of practice), 5(4) (compliance with an imposed code of practice) or 7(5) (compliance with determination of the licensing code ombudsman); or

(b) regulation 4(1) (notification of code of practice), 6(4) (supply of information to code reviewer), 7(4) (supply of information to licensing code ombudsman) or 9(2) (supply of information in accordance with a requirement imposed by the Secretary of State).

(2) Any financial penalty imposed under paragraph (1)(a) shall not exceed £50,000.

(3) Any financial penalty imposed under paragraphs (1)(b) or (2), may comprise—

(a) a sum equivalent to level 5 on the standard scale; together with

(b) a daily default fine equivalent to one tenth of level 5 on the standard scale for each day until the required action is taken,

but the financial penalty shall not exceed £50,000 in total.

### **Imposition of a financial penalty: main procedural requirements**

**11.**—(1) As soon as practicable after imposing a financial penalty, the Secretary of State must give notice of the financial penalty.

- (2) The notice of the financial penalty must state —
  - (a) that the Secretary of State has imposed a financial penalty on the relevant licensing body or a relevant person,
  - (b) the amount of the financial penalty,
  - (c) the acts or omissions which the Secretary of State considers constitute the contravention,
  - (d) any other facts which the Secretary of State considers justify the imposition of a financial penalty; and
  - (e) the period (not less than 28 days from the date of service of the notice on the relevant licensing body or relevant person) within which the financial penalty is to be paid.
- (3) A notice under this regulation must be given by—
  - (a) serving a copy of the notice on the relevant licensing body and any relevant person upon whom a financial penalty is imposed, and
  - (b) publishing the notice in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.

### **Appeals**

**12.**—(1) If a relevant licensing body is aggrieved by the imposition of a code of practice or by the imposition or amount of a financial penalty, the relevant licensing body may appeal to the First-tier Tribunal.

(2) If a relevant person is aggrieved by the imposition or amount of a financial penalty, the relevant person may appeal to the First-tier Tribunal.

(3) On an appeal under this regulation, the First-tier Tribunal may make such order as it considers appropriate.

(4) Where the appeal is against the imposition of a code of practice, the code shall continue in force until the First-tier Tribunal has determined the appeal.

(5) Where an appeal has been made under this regulation, the financial penalty may not be required to be paid until the appeal has been determined, withdrawn or otherwise dealt with.

### **Calculating time**

**13.** If the time specified in these Regulations for doing any act ends on a day other than a working day, the act is done in time if it is done on the next working day.