



# Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014

## 2014 CHAPTER 4

### PART 1

#### REGISTRATION OF CONSULTANT LOBBYISTS

##### *Civil penalties*

VALID FROM 01/04/2015

#### **14 Civil penalties**

- (1) The Registrar may impose a civil penalty on a person (in accordance with sections 15 to 18) if the Registrar is satisfied that the person's conduct amounts to an offence under any of subsections (1) to (4) of section 12.
- (2) For this purpose—
  - (a) section 12(5) (defence of due diligence) is to be ignored, and
  - (b) a person's conduct includes a failure to act.

VALID FROM 01/04/2015

#### **15 Notice of intention to impose civil penalty**

- (1) Before imposing a civil penalty on a person, the Registrar must serve on that person a notice stating that the Registrar proposes to impose the penalty.

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**Changes to legislation:** There are currently no known outstanding effects for the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, Cross Heading: Civil penalties. (See end of Document for details)

- (2) The notice must—
  - (a) set out the conduct on which the proposal to impose the penalty is based,
  - (b) set out the reasons why the Registrar is satisfied that the person has engaged in that conduct,
  - (c) state the amount of the proposed penalty, and
  - (d) inform the person that the person may, within a period specified in the notice, make written representations in relation to the proposal.
- (3) The Registrar must not impose the penalty before the end of the period specified under subsection (2)(d).
- (4) The Registrar must consider any written representations received before the end of that period.

## 16 Imposition of penalty

- (1) If the Registrar decides to impose a civil penalty, the Registrar must serve on the person a notice to that effect (a “penalty notice”).
- (2) The notice must—
  - (a) set out the conduct on which the decision to impose the penalty is based,
  - (b) set out the reasons why the Registrar is satisfied that the person has engaged in that conduct,
  - (c) state the amount of the penalty,
  - (d) specify the period within which and the form in which the penalty must be paid, and
  - (e) contain particulars of the right to appeal under section 17.
- (3) The amount specified in a penalty notice must not exceed £7,500.
- (4) Regulations may amend subsection (3) by substituting a different maximum figure.
- (5) The period specified under subsection (2)(d) must not end before the end of the period within which an appeal under section 17 can be brought.
- (6) The person must pay the amount before the end of that period (but this is subject to section 17(2)).
- (7) Where a penalty notice has been served on a person, the Registrar may vary or cancel it by serving written notice to that effect on the person.

### Commencement Information

**II** S. 16 partly in force; s. 16(4) in force for certain purposes at Royal Assent, see s. 45(3)(a)

## 17 Right to appeal against imposition of civil penalty

- (1) A person on whom a penalty notice has been served may appeal to the Tribunal against—
  - (a) the decision to impose the penalty;
  - (b) if the penalty notice has been varied, the decision to vary it;

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- (c) the amount of the penalty.
- (2) If an appeal is brought under this section, the person is not required to pay the penalty until the date on which the appeal is finally determined or withdrawn.
- (3) Regulations may make provision for and in connection with the determination of appeals under this section.

#### **Commencement Information**

**12** S. 17 partly in force; s. 17(3) in force for certain purposes at Royal Assent, see s. 45(3)(a)

VALID FROM 01/04/2015

### **18 Civil penalties and criminal proceedings**

- (1) The Registrar may not impose a civil penalty on a person in respect of any conduct—
  - (a) at any time after criminal proceedings for an offence under this Part have been instituted against the person in respect of that conduct and before those proceedings have been concluded, or
  - (b) after the person has been convicted of an offence under this Part in respect of that conduct.
- (2) If the Registrar has imposed a civil penalty on a person in respect of any conduct, the person may not be convicted of an offence under this Part in respect of that conduct.

VALID FROM 01/04/2015

### **19 Enforcement**

- (1) An amount payable to the Registrar as a civil penalty may be recovered by the Registrar as a debt.
- (2) In proceedings for the enforcement of a civil penalty no question may be raised as to—
  - (a) liability to the imposition of the penalty, or
  - (b) the amount of the penalty.
- (3) The Registrar must pay into the Consolidated Fund any sums received by virtue of a penalty notice.

### **20 Further provision about civil penalties**

- Regulations may make further provision about civil penalties; and in particular may—
- (a) specify circumstances in which a penalty may not be imposed;
  - (b) specify steps that the Registrar must take before imposing a penalty;
  - (c) set a minimum for the period which must be specified under section 15(2)(d) or 16(2)(d);

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- (d) require other matters to be specified in a notice under either of those sections;
- (e) specify a maximum period that may elapse between the service of a notice under section 15 and the service of a penalty notice under section 16;
- (f) provide for the reviewing of a decision to impose a penalty;
- (g) make provision about the variation or cancellation under section 16(7) of penalty notices;
- (h) impose duties on the Registrar about the keeping of accounts and other records in relation to penalties;
- (i) allow for the charging of interest, or an additional penalty, if a penalty is paid late.

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**Commencement Information**

**I3** S. 20 partly in force; s. 20 in force for certain purposes at Royal Assent, see s. 45(3)(a)

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