



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 1

PRODUCT SECURITY

CHAPTER 3

ENFORCEMENT

Monetary penalties

36 Monetary penalties

- (1) If the Secretary of State is satisfied on the balance of probabilities that a person has failed to comply with a relevant duty, the Secretary of State may give a penalty notice to the person.
- (2) A penalty notice is a notice under this section requiring the person to pay a penalty of a specified amount to the Secretary of State within a specified period.
- (3) A person may not be given more than one penalty notice in respect of a single relevant breach.
- (4) A penalty notice may not require a person to pay a penalty of an amount greater than the relevant maximum in respect of a single relevant breach.

For the relevant maximum, see section 38.
- (5) A penalty notice given in respect of a relevant breach may, in addition to requiring the person to pay a penalty of a specified amount (“the fixed penalty”), require the person to pay to the Secretary of State within a specified period a further daily penalty, of a

Status: This is the original version (as it was originally enacted).

specified amount not exceeding £20,000, for each day for which the relevant breach continues after the end of the period specified for payment of the fixed penalty.

- (6) The amount of each such daily penalty is to be disregarded for the purposes of subsection (4).
- (7) A penalty notice may not specify a period for paying a penalty that is less than 28 days beginning with the day on which the notice is given.
- (8) A penalty notice may be given to a person in respect of a relevant breach whether or not the person has been given an enforcement notice in respect of the relevant breach.
- (9) Any penalty received by the Secretary of State in accordance with this section is to be paid into the Consolidated Fund.
- (10) In this section—
 - “relevant breach” means a failure to comply with a relevant duty;
 - “relevant duty” means a duty imposed by or under Chapter 2;
 - “specified” means specified in the penalty notice.