

SCHEDULE 3

Regulation 3

Fines expressed as proportions

Part 1

Highways Act 1980 (c.66)

1. In section 137ZA of the Highways Act 1980 (power to order offender to remove obstruction)(1), in subsection (3), for “one-twentieth of that level” substitute “one-twentieth of the greater of £5,000 or level 4 on the standard scale”.

Civil Aviation Act 1982 (c.16)

2.—(1) The Civil Aviation Act 1982 is amended as follows.

(2) In section 78 (regulation of noise and vibration from aircraft)(2), in subsection (9)(ii), for “10% of level 5 on the standard scale” substitute “10% of the greater of £5,000 or level 4 on the standard scale”.

(3) In section 78B (direction to establish, amend or revoke penalty scheme)(3), in subsection (5) (b) for “10% of level 5 on the standard scale” substitute “10% of the greater of £5,000 or level 4 on the standard scale”.

Companies Act 1985 (c.6)

3. In section 444 of the Companies Act 1985 (power to obtain information as to those interested in shares etc)(4), in subsection (4)(b)(i), for “one-fiftieth of the statutory maximum” substitute “one-fiftieth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

Building Societies Act 1986 (c.53)

4. In Schedule 11 to the Building Societies Act 1986 (auditors: appointment etc)—

(a) in paragraph 4(10)(b), for “one tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”;

(b) in paragraph 7(8)(b), for “one tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

Aviation and Maritime Security Act 1990 (c.31)

5.—(1) The Aviation and Maritime Security Act 1990 is amended as follows.

(2) In section 21 (power to impose restrictions in relation to ships), in subsection (9), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(1) Section 137ZA was inserted by the Countryside and Rights of Way Act 2000 (c.37), section 64.

(2) Section 78(9) was amended by the Civil Aviation Act 2006 (c.34), section 2(3).

(3) Section 78B was inserted by the Civil Aviation Act 2006 (c.34), section 3.

(4) Section 444(4) was inserted by the Companies Act 2006 (c.40), section 1124 and Schedule 3, paragraph 1(2).

Status: This is the original version (as it was originally made).

(3) In section 22 (power to require harbour authorities to promote searches in harbour areas), in subsection (9), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In section 23 (power to require other persons to promote searches), in subsection (4), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(5) In section 24 (general power to direct measures to be taken for purposes to which Part 3 applies), in subsection (9), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(6) In section 31 (offences relating to enforcement notices), in subsection (2), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

Environmental Protection Act 1990 (c.43)

6.—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 59 (powers to require removal of waste unlawfully deposited), in subsection (5), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(3) In section 78M (offences of not complying with a remediation notice)(5), in subsection (3), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In section 80 (summary proceedings for statutory nuisances), in subsection (5), for “one-tenth of that level” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(5) In section 82 (summary proceedings by persons aggrieved by statutory nuisances), in subsection (8), for “one-tenth of that level” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(6) In section 118 (offences), in subsection (9), for “one-fifth of level 5 on the standard scale” substitute “one-fifth of the greater of £5,000 or level 4 on the standard scale”.

Friendly Societies Act 1992 (c.40)

7.—(1) The Friendly Societies Act 1992 is amended as follows.

(2) In section 62 (powers to obtain information and documents etc), in subsection (9)(b) for “one tenth of that level” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(3) In section 78 (laying and furnishing of accounts and reports), in subsection (5)(b) for “one-tenth of that level” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In Schedule 14 (auditors: appointment, tenure, qualifications and remuneration)—

(a) in paragraph 8(3)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”;

(b) in paragraph 9(5), for “one-tenth of that level” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”;

(c) in paragraph 12(5)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”;

(5) Section 78M was inserted by the Environment Act 1995 (c.25), section 57.

- (d) in paragraph 15(2)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27)

8. In the Companies (Audit, Investigations and Community Enterprise) Act 2004(6), in section 45(12), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

Companies Act 2006 (c.46)

9.—(1) The Companies Act 2006 is amended as follows.

(2) In section 63 (exempt company: restriction on amendment of articles), in subsection (3), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(3) In section 64 (power to direct change of name in case of company ceasing to be entitled to exemption), in subsection (6), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In section 156 (direction requiring company to make appointment), in subsection (7), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(5) In section 162 (register of directors), in subsection (7), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(6) In section 165 (register of directors’ residential addresses), in subsection (5), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(7) In section 167 (duty to notify registrar of changes), in subsection (5), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(8) In section 246 (putting the address on the public record), in subsection (6), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(9) In section 272 (direction requiring public company to appoint secretary), in subsection (7), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(10) In section 275 (duty to keep register of secretaries), in subsection (7), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(11) In section 276 (duty to notify registrar of changes), in subsection (4), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(12) In section 438 (public companies: offence of failure to lay accounts and reports), in subsection (4), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(13) In section 451 (default in filing accounts and reports: offences), in subsection (4), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(6) Section 45(12) was substituted (with section 45(11)) by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), article 2(1) and Schedule 1, paragraph 231(5).

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

(14) In section 517 (notice to registrar of registration of auditor), in subsection (3)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(15) In section 557 (offence of failure to make return), in subsection (2)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(16) In section 597 (copy of report to be delivered to registrar), in subsection (4)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(17) In section 707 (return to registrar of purchase of own shares), in subsection (7)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(18) In section 728 (treasury shares: notice of disposal), in subsection (5)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(19) In section 858 (failure to deliver annual return)—

(a) in subsection (2), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”;

(b) in subsection (5), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(20) In section 980 (further provision about notices given under section 979), in subsection (8)(b)(i), for “one-fiftieth of the statutory maximum” substitute “one-fiftieth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(21) In section 984 (further provision about rights conferred by section 983), in subsection (7)(b), for “one-fiftieth of the statutory maximum” substitute “one-fiftieth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(22) In section 1033 (company’s name on restoration), in subsection (7), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(23) In section 1093 (registrar’s notice to resolve inconsistency on the register), in subsection (4), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(24) In section 1213 (effect of ineligibility), in subsection (7)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(25) In section 1215 (effect of lack of independence), in subsection (6)(b), for “one-tenth of the statutory maximum” substitute “one-tenth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(26) In section 1248 (Secretary of State’s power to require second audit of a company), in subsection (8)(b), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

10.—(1) The Channel Tunnel (Security) Order 1994 is amended as follows.

(2) In article 13 (power to impose restrictions in relation to Channel Tunnel trains), in paragraph (9), for “one tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(3) In article 14 (power to require the Concessionaires to promote searches in the tunnel system), in paragraph (10), for “one tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In article 15 (power to require other persons to promote searches), in paragraph (10), for “one tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(5) In article 16 (general power to direct measures to be taken for purposes to which Part 3 applies), in paragraph (9), for “one tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(6) In article 23 (offences relating to enforcement notices), in paragraph (2), for “one tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

Railway Administration Order Rules 2001 (S.I. 2001/3352)

11. In the Railway Administration Order Rules 2001, in rule 5.5 (abstract of receipts and payments)—

- (a) in paragraph (4), for “one fifth of the statutory maximum” substitute “one-fifth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”;
- (b) in that paragraph, for “one-fiftieth of the statutory maximum” substitute “one-fiftieth of the greater of those amounts”;
- (c) omit paragraph (5).

PPP Administration Order Rules 2007 (S.I. 2007/3141)

12. In the PPP Administration Order Rules 2007, in rule 35 (abstract of receipts and payments), in paragraph (4)—

- (a) for “one fifth of the statutory maximum” substitute “one-fifth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”;
- (b) for “one-fiftieth of the statutory maximum” substitute “one-fiftieth of the greater of those amounts”.

Overseas Companies Regulations 2009 (S.I. 2009/1801)

13.—(1) The Overseas Companies Regulations 2009 are amended as follows.

(2) In regulation 29 (penalty for non-compliance), in paragraph (2)(b), for “one tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(3) In regulation 35 (penalty for non-compliance), in paragraph (3), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In regulation 50 (penalty for non-compliance), in paragraph (3), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(5) In regulation 72 (penalties for non-compliance), in paragraph (4)(b), for “one-fiftieth of the statutory maximum” substitute “one-fiftieth of the greater of £5,000 or the amount corresponding to level 4 on the standard scale for summary offences”.

(6) In regulation 74 (offence of failure to give notice), in paragraph (2)(b), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 (S.I. 2009/1804)

14.—(1) The Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 are amended as follows.

(2) In regulation 18 (requirements for register of members), in the modified section 162(7) of the Companies Act 2006, for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(3) In regulation 19 (members’ residential addresses: protection from disclosure), in the modified section 246(6) of the Companies Act 2006, for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(4) In regulation 31 (an LLP’s annual return), in the modified section 858 of the Companies Act 2006—

- (a) in subsection (2), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”;
- (b) in subsection (5), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(5) In regulation 58 (supplementary provisions), in the modified section 1033(7) of the Companies Act 2006, for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

(6) In regulation 67 (correction or removal of material on the register), in the modified section 1093(4) of the Companies Act 2006, for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.

Part 2

Public Health (Control of Disease) Act 1984 (c.22)

15.—(1) Section 45F of the Public Health (Control of Disease) Act 1984 (health protection regulations: supplementary)(7) is amended as follows.

(2) Omit subsection (5)(c).

(3) After subsection (5) insert—

“(5A) Health protection regulations that create an offence punishable with a fine and a further fine for each day on which the default continues after conviction may not provide for the further fine to exceed an amount equal to 2% of the greater of £5,000 or level 4 on the standard scale.”

Environmental Protection Act 1990 (c.43)

16.—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 140 (power to prohibit or restrict the importation etc of injurious substances or articles), in subsection (10), for the words from “exceeding one-tenth of the level” to the end of the subsection substitute

“—

- (a) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or

(7) Section 45F was inserted by the Health and Social Care Act 2008 (c.14), section 129.

(b) if there is no maximum penalty for the original offence, exceeding one-tenth of the greater of £5,000 or level 4 on the standard scale.”

(3) In section 141 (power to prohibit or restrict the importation or exportation of waste), in subsection (5)(g), for the words from “exceeding one-tenth of the level” to the end of the paragraph substitute

“—

(i) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or

(ii) if there is no maximum penalty for the original offence, exceeding one-tenth of the greater of £5,000 or level 4 on the standard scale.”

Companies Act 2006 (c.46)

17. In section 1054 of the Companies Act 2006 (offences), in subsection (3)(b), for “one-tenth of level 5 on the standard scale” substitute “one-tenth of the greater of £5,000 or level 4 on the standard scale”.