

## SCHEDULE 5

Regulation 4(4)

### Other consequential amendments

#### **Customs and Excise Management Act 1979 (c.2)**

1. In section 141 of the Customs and Excise Management Act 1979 (forfeiture of ships, etc, used in connection with goods liable to forfeiture)(1), in subsection (3), for “level 5 on the standard scale” substitute “£20,000”.

#### **Magistrates’ Courts Act 1980 (c.43)**

2. In section 32 of the Magistrates’ Courts Act 1980 (penalties on summary conviction for offences triable either way), after subsection (9) insert—

“(10) Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates’ court) makes provision that affects the application of this section.”

#### **Criminal Justice Act 1982 (c.48)**

3. In section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences), after subsection (3) insert—

“(4) Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates’ court) makes provision that affects the application of this section.”

#### **Representation of the People Act 1983 (c.2)**

4.—(1) In section 87 of the Representation of the People Act 1983 (court’s power to require information from election agent or sub-agent)(2), in subsection (3), omit the words from “not exceeding” to the end of the subsection.

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under section 87 that are made before these Regulations come into force.

#### **Road Traffic Offenders Act 1988 (c.53)**

5. In section 53 of the Road Traffic Offenders Act 1988 (amount of fixed penalty)(3), in subsection (1)(b), at the end insert “or, where there is no such maximum amount, the amount corresponding to level 4 on the standard scale for summary offences”.

#### **Housing Act 1996 (c.52)**

6. In section 50J of the Housing Act 1996 (amount of fixed penalty)(4), in subsection (1), after “maximum amount” insert “(if any)”.

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(1) In section 141(3), the reference to “level 5 on the standard scale” was substituted for the reference to “£500” by virtue of sections 38 and 46 of the Criminal Justice Act 1982 (c.48).

(2) Section 87(3) was amended by the Representation of the People Act 1985 (c.50), section 24 and Schedule 4, paragraph 31.

(3) Section 53 was substituted by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 102.

(4) Section 50J was inserted by the Housing (Wales) Measure 2011 (nawm 5), section 59.

**Financial Services and Markets Act 2000 (c.8)**

7. In section 24 of the Financial Services and Markets Act 2000 (making of false claims to be authorised), omit subsection (4).

**Care Standards Act 2000 (c.14)**

8. In section 30ZB of the Care Standards Act 2000 (penalty notices: supplementary provision)(5), in subsection (2)(b), at the end insert “or, where there is no such maximum amount, that it does not exceed the amount corresponding to level 4 on the standard scale for summary offences”.

**Political Parties, Elections and Referendums Act 2000 (c.41)**

9. In Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (civil sanctions)(6), in paragraph 1(6), after “maximum amount” insert “(if any)”.

**Criminal Justice Act 2003 (c.44)**

10.—(1) Section 23A of the Criminal Justice Act 2003 (financial penalties) (7) is amended as follows.

(2) In subsection (3), after “any offence” insert “(other than one to which subsection (4A) applies)”.

(3) After subsection (4) insert—

“(4A) In the case of an offence for which a person is liable on summary conviction to a fine of an unlimited amount, the amount that may be prescribed must not exceed the amount for the time being specified in subsection (3)(b).”

**Wireless Telegraphy Act 2006 (c.36)**

11. In Schedule 4 to the Wireless Telegraphy Act 2006 (fixed penalties), in paragraph 2(2), after “in question” insert “or, where there is no maximum fine, 50 per cent. of the amount corresponding to level 4 on the standard scale for summary offences”.

**Regulatory Enforcement and Sanctions Act 2008 (c.13)**

12.—(1) The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

(2) In section 39 (fixed monetary penalties), in subsection (4), after “maximum amount” insert “(if any)”.

(3) In section 42 (variable monetary penalties), in subsection (6), after “maximum amount” insert “(if any)”.

**Health and Social Care Act 2008 (c.14)**

13. In section 87 of the Health and Social Care Act 2008 (penalty notices: supplementary provision), in subsection (2)(b), at the end insert “or, where there is no such maximum amount, £50,000.”

(5) Section 30ZB was inserted by the Health and Social Care Act 2008 (c.14), section 95 and Schedule 5, paragraph 25.

(6) Schedule 19C was inserted by the Political Parties and Elections Act 2009 (c.12), section 3(2) and Schedule 2.

(7) Section 23A was inserted by the Police and Justice Act 2006 (c.48), section 17(4).

### **Housing and Regeneration Act 2008 (c.17)**

14. In section 229 of the Housing and Regeneration Act 2008 (amount of penalty), in subsection (1), after “maximum amount” insert “(if any)”.

### **Marine and Coastal Access Act 2009 (c.23)**

15. In section 93 of the Marine and Coastal Access Act 2009 (fixed monetary penalties), in subsection (4), after “maximum amount” insert “(if any)”.

### **Children and Families (Wales) Measure 2010 (nawm 1)**

16. In section 48 of the Children and Families (Wales) Measure 2010 (penalty notices: supplementary provision), in subsection (2)(b)—

- (a) in the English language text, at the end insert “or, where there is no such maximum amount, that it does not exceed the amount corresponding to level 4 on the standard scale for summary offences”;
- (b) in the Welsh language text, at the end insert “neu, pan na fo mwyafswm o’r fath, nad yw’n fwy na’r swm sy’n cyfateb i lefel 4 ar y raddfa safonol ar gyfer tramgwyddau diannod”.

### **European Parliamentary Elections Regulations 2004 (S.I. 2004/293)**

17.—(1) In regulation 56 of the European Parliamentary Elections Regulations 2004 (court’s power to require information from election agent or sub-agent of individual candidate), in paragraph (3), omit the words from “not exceeding” to the end of the paragraph.

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under article 56 that are made before these Regulations come into force.

### **National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236)**

18.—(1) In article 59 of the National Assembly for Wales (Representation of the People) Order 2007 (court’s power to require information from election agent or sub-agent), in paragraph (3), omit the words from “not exceeding” to the end of the paragraph.

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under article 59 that are made before these Regulations come into force.

### **Environmental Civil Sanctions (England) Order 2010 (S.I. 2010/1157)**

19. In Schedule 2 to the Environmental Civil Sanctions (England) Order 2010 (variable monetary penalties, compliance notices, restoration notices and third party undertakings), in paragraph 1(4), after “maximum amount” insert “(if any)”.

### **Environmental Civil Sanctions (Wales) Order 2010 (S.I. 2010/1821)**

20. In Schedule 2 to the Environmental Civil Sanctions (Wales) Order 2010 (variable monetary penalties, compliance notices, restoration notices and third party undertakings), in paragraph 1(4)—

- (a) in the English language text, after “maximum amount” insert “(if any)”;
- (b) in the Welsh language text, after “uchafswm” insert “(os oes un)”.

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

**Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917)**

**21.**—(1) In article 46 of the Police and Crime Commissioner Elections Order 2012 (court’s power to require information from election agent or sub-agent)—

- (a) in paragraph (3), omit the words from “not exceeding” to the end of the paragraph;
- (b) omit paragraph (4).

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under article 46 that are made before these Regulations come into force.