

SCHEDULE 2

FIXED PENALTY NOTICES

PART 1

PROCEDURE FOR FIXED PENALTY NOTICES

1. A fixed penalty notice may offer the opportunity for a person to pay a penalty of £200 (“the penalty”) within a period of 28 days beginning with the day in which the penalty notice is given.

2. A fixed penalty notice may also offer the opportunity for a person to pay a reduced penalty of £150 (“the discounted penalty”) if payment is made within a period of 14 days beginning with the day in which the penalty notice is given.

3. Payment of the penalty or the discounted penalty may be made by posting a letter containing the amount of the penalty to the person described on the notice at the address so described. Payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.

4. Paragraph 3 does not prevent payment of the penalty being made by any other method.

5. If a food authority considers that a fixed penalty notice given to a person by an authorised officer acting on its behalf ought not to have been given, the food authority must give notice to that person withdrawing the fixed penalty notice.

6. If a fixed penalty notice is withdrawn—

- (a) a food authority must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and
- (b) no proceedings may be brought or continued against the person who received the notice for the offence in question.

7. In any proceedings, a certificate which—

- (a) purports to be signed by or on behalf of the chief finance officer of a food authority, and
- (b) states that payment of a penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.