

SCHEDULE 3

Discretionary requirements

PART 1

Imposition of discretionary requirements and procedure

Notice of intent

3.—(1) Where the Administrator proposes to impose one or more discretionary requirements on a seller, the Administrator shall serve by post a notice of intent on that seller.

(2) If the Administrator proposes to impose a non-monetary discretionary requirement, the notice of intent shall—

- (a) specify the steps that the Administrator requires the seller to take;
- (b) include information as to—
 - (i) the grounds for the proposal to require those steps to be taken;
 - (ii) the time period within which the Administrator requires those steps to be completed;
 - (iii) the right to make representations and objections conferred by paragraph 4;
 - (iv) the 28 day period within which representations and objections may be made.

(3) If the Administrator proposes to impose a variable monetary penalty, the notice of intent shall—

- (a) specify the amount of the penalty proposed;
- (b) include information as to—
 - (i) the grounds for the proposal to impose a variable monetary penalty;
 - (ii) the right to make representations and objections conferred by paragraph 4;
 - (iii) the circumstances in which the Administrator may not impose a variable monetary penalty;
 - (iv) the 28 day period within which representations and objections may be made.