

SCHEDULE 4

Non-monetary Discretionary requirements: enforcement

Decision whether to impose a non-compliance penalty

5.—(1) After the end of the 28 day period for making representations and objections under paragraph 4, the Administrator shall decide whether to impose the non-compliance penalty with or without modifications.

(2) Without restricting the power under sub-paragraph (1), the Administrator may decide not to impose a non-compliance penalty if the Administrator considers that in all the circumstances of the case it would be inexpedient to do so.

(3) In making a decision under this paragraph the Administrator shall take into consideration any representations or objections made by the seller in accordance with paragraph 4.

(4) Where the Administrator decides to impose a non-compliance penalty it shall do so by serving by post a notice on the seller.

(5) A non-compliance penalty notice shall comply with paragraph 6.