

This Statutory Instrument supersedes the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Disapplication of Section 85(1), Fines Expressed as Proportions and Consequential Amendments) Regulations 2014 laid on the 9th June 2014 and subsequently withdrawn and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under sections 85(13) and 149(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

CRIMINAL LAW, ENGLAND AND WALES

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015

Made - - - - *****

Coming into force in accordance with regulation 1(1)

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with sections 85(13) and 149(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(1).

The Secretary of State, in exercise of the powers conferred by sections 85(5) to (8), (10) and (11) and 149(1) and (2) of that Act, makes the following Regulations.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales only.

(3) In these Regulations, “the 2012 Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Disapplication of section 85(1) of the 2012 Act and alternative provision

2.—(1) Section 85(1) of the 2012 Act does not apply in relation to the offences specified in Schedule 1.

(2) Schedule 2 contains amendments to make provision for those offences to be punishable on summary conviction by a fine or maximum fine of an amount specified or described.

Fines or maximum fines expressed as proportions

3.—(1) Part 1 of Schedule 3 contains amendments to provide for certain offences punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however that amount is expressed) to be punishable on summary conviction by a fine or maximum fine of that proportion of an amount specified or described.

(2) Part 2 of Schedule 3 contains amendments to provide for powers which can be exercised to create an offence punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however that amount is expressed) to be exercisable to create an offence punishable on summary conviction by a fine or maximum fine of that proportion of an amount specified or described.

Consequential amendments

4.—(1) Part 1 of Schedule 4 contains amendments (consequential on section 85(1) of the 2012 Act) to legislation which expresses the fine or maximum fine for an offence punishable on summary conviction as a numerical amount of £5,000 or more.

(2) Part 2 of Schedule 4 contains amendments (consequential on section 85(2) of the 2012 Act) to legislation which confers power to create offences punishable on summary conviction and expresses the fine or maximum fine which may be imposed for an offence so created as a numerical amount of £5,000 or more.

(3) Part 3 of Schedule 4 contains amendments which are consequential on the provision made by Parts 1 and 2 of that Schedule.

(4) Schedule 5 contains other amendments consequential on section 85 of the 2012 Act.

Transitional and saving provision

5.—(1) These Regulations do not affect—

- (a) fines for offences committed before these Regulations come into force,
- (b) the operation of restrictions on fines that may be imposed on a person aged under 18, or
- (c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment.

(2) An amendment made by Part 2 of Schedule 3 or Part 2 of Schedule 4 does not authorise the alteration of a fine or maximum fine that applies in respect of an offence that is, immediately before these Regulations come into force, contained in an instrument made under the legislation amended (whether or not the instrument is in force).

Signed by the authority of the Secretary of State

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Regulation 2(1)

Disapplication of section 85(1) of the 2012 Act

Customs and Excise Management Act 1979 (c.2)

1. An offence under section 24(5) (contraventions relating to the control of movement of goods by pipe-line etc).
2. An offence under section 50(2) (unshipping goods etc with intent to defraud).
3. An offence under section 50(3) (importing goods in contravention of prohibitions or restrictions etc).
4. An offence under section 53(8) (shipping of dutiable or restricted goods before delivery of entry outwards etc).
5. An offence under section 56(5) (contravention of duties where entry in respect of dutiable or restricted goods is cancelled).
6. An offence under section 57(6), so far as relating to a failure to comply with a requirement under section 57(4) (requirement that goods not be loaded into ship or aircraft without authority of proper officer).
7. An offence under section 58E(5), so far as relating to a failure to comply with a requirement under section 58E(4) (requirement to surrender authenticated Community customs document etc).
8. An offence under section 63(6) (taking goods on board a ship in circumstances mentioned in section 63(5), with fraudulent intent).
9. An offence under section 64(7) (loading goods on aircraft etc before application for clearance, with fraudulent intent).
10. An offence under section 66(2), so far as relating to a contravention of regulations under section 66(1)(b) (prescribing procedure to be followed etc by person conveying goods out of Northern Ireland by land).
11. An offence under section 68(2) (being knowingly concerned in the exportation or shipment of goods as stores, with intent to evade prohibitions or restrictions mentioned in section 68(1)).
12. An offence under section 68A(1) (being knowingly concerned in the fraudulent evasion of an agricultural levy on the export of goods).
13. An offence under section 100(1) (unauthorised opening of warehouses etc).
14. An offence under section 100(3) (taking warehoused goods etc with intent to defraud).
15. An offence under section 102(3) (failure to deliver up a licence where required to do so under section 102(2)), so far as relating to a gaming licence or an amusement machine licence.
16. An offence under section 129(3) (separating goods chargeable with duty from substances used to denature them, after the goods have gone into home use).
17. An offence under section 136(1) (obtaining a drawback, rebate etc from duty, with intent to defraud).
18. An offence under section 158(4) (offences in connection with provision of facilities).
19. An offence under section 159(6) (removal of goods before examination with intent to defraud).
20. An offence under section 167(1) (knowingly or recklessly making untrue statements etc).

21. An offence under section 168(1) (counterfeiting or falsifying documents etc).
22. An offence under section 170(1) (knowingly acquiring possession of chargeable goods etc with intent to defraud).
23. An offence under section 170(2) (being knowingly concerned in fraudulent evasion of duty etc).
24. An offence under section 170B(1) (taking preparatory steps for evasion of excise duty).

Customs and Excise Duties (General Reliefs) Act 1979 (c.3)

25. An offence under section 13(3C) (failure to comply with the requirement of an order under section 13 to notify the Commissioners of non-compliance with a condition of relief).
26. An offence under section 13C(2) (acquisition of goods for use in breach of condition of relief etc).
27. An offence under section 15(1) (making of false statement etc in connection with obtaining relief etc).

Alcoholic Liquor Duties Act 1979 (c.4)

28. An offence under section 17(1) (offences in connection with removal of spirits from distillery etc).
29. An offence under section 25(1) (offences in connection with unlawful manufacture of spirits etc).
30. An offence under paragraph 5(1) of Schedule 2A (possession etc of unstamped retail containers containing alcoholic liquor to which Schedule 2A applies).
31. An offence under paragraph 6(1) of Schedule 2A (manager of premises suffering premises to be used for sale of alcoholic liquor in unstamped retail containers etc).
32. An offence under paragraph 7(3) of Schedule 2A (manager of premises suffering premises to be used in breach of order under paragraph 7(1)).

Hydrocarbon Oil Duties Act 1979 (c.5)

33. An offence under section 10(5) (using or acquiring duty-free oil etc in breach of restrictions).
34. An offence under section 10(6) (being liable for duty-free oil being taken into vehicle in breach of restrictions).
35. An offence under section 13(3) (using rebated heavy oil in breach of restrictions etc).
36. An offence under section 13(4) (being liable for rebated heavy oil being taken into road vehicle in breach of restrictions).
37. An offence under section 13AB(1)(c) (using kerosene in contravention of section 13AA(2), with intent).
38. An offence under section 13AB(2)(c) (being liable for kerosene being taken into engine in contravention of section 13AA(2), with intent).
39. An offence under section 13AB(5) (supplying kerosene etc, with intent).
40. An offence under section 14(6) (using or acquiring rebated light oil etc in breach of restrictions).

41. An offence under section 14(7) (being liable for rebated light oil being taken into vehicle etc in breach of restrictions).

42. An offence under section 14D(3) (misuse of rebated biodiesel or bioblend).

43. An offence under section 24A(6) (knowingly misusing marked oil).

Betting and Gaming Duties Act 1981 (c.63)

44. An offence under section 26L(2) (being knowingly concerned etc in the fraudulent evasion of remote gaming duty).

45. An offence under paragraph 13(3) of Schedule 1 (making false statements etc in connection with general betting duty or pool betting duty etc).

46. An offence under paragraph 14(1) of Schedule 1 (carrying on a pool betting business without a permit).

47. An offence under paragraph 16(1) of Schedule 3 (being knowingly concerned etc in the fraudulent evasion of bingo duty).

48. An offence under paragraph 16(2) of Schedule 3 (being knowingly concerned in the promotion of bingo by unregistered promoter).

Finance Act 1993 (c.34)

49. An offence under section 29(7) (breach of prohibition on promotion of lottery where person liable to lottery duty is not registered).

50. An offence under section 31(1) (being knowingly concerned in the fraudulent evasion of lottery duty etc).

51. An offence under section 31(3) (making false statements in connection with lottery duty).

Finance Act 1994 (c.9)

52. An offence under section 41(1) (being knowingly concerned in the fraudulent evasion of air passenger duty etc).

53. An offence under section 41(3) (making a false statement etc in connection with air passenger duty).

54. An offence under paragraph 9(1) of Schedule 7 (being knowingly concerned etc in the fraudulent evasion of insurance premium tax).

55. An offence under paragraph 9(3) of Schedule 7 (producing false documents etc in connection with insurance premium tax, with intent).

56. An offence under paragraph 9(4) of Schedule 7 (making false statements in furnishing information in connection with insurance premium tax).

57. An offence under paragraph 9(5) of Schedule 7 (conduct which must have involved commission of one or more offences under paragraph 9(1) to (4)).

58. An offence under paragraph 9(6) of Schedule 7 (entering into taxable insurance contract etc with reason to believe insurance premium tax will be evaded).

59. An offence under paragraph 9(7) of Schedule 7 (entering into taxable insurance contract without giving required security).

Value Added Tax Act 1994 (c.23)

60. An offence under section 72(1) (being knowingly concerned in the fraudulent evasion of VAT etc).

61. An offence under section 72(3) (offences in connection with false documents or statements etc).

62. An offence under section 72(8) (conduct which must have involved commission of one or more offences under section 72(1) or (3)).

63. An offence under section 72(10) (acquiring possession etc of goods etc, having reason to believe that VAT has been or will be evaded).

64. An offence under section 72(11) (supplying goods or services in contravention of paragraph 4(2) of Schedule 11).

Finance Act 1996 (c.8)

65. An offence under paragraph 15(1) of Schedule 5 (being knowingly concerned in the fraudulent evasion of landfill tax).

66. An offence under paragraph 15(3) of Schedule 5 (producing false documents etc in connection with fraudulent evasion of landfill tax).

67. An offence under paragraph 15(4) of Schedule 5 (making false statements in furnishing information in connection with landfill tax).

68. An offence under paragraph 15(5) of Schedule 5 (conduct which must have involved commission of one or more offences under paragraph 15(1) to (4)).

69. An offence under paragraph 15(6) of Schedule 5 (entering into taxable landfill contract etc, having reason to believe that landfill tax has been or will be evaded).

70. An offence under paragraph 15(7) of Schedule 5 (carrying out taxable activities without giving required security).

Finance Act 1997 (c.16)

71. An offence under paragraph 12(2) of Schedule 1 (offences relating to false documents or statements etc in connection with gaming duty).

Finance Act 2000 (c.17)

72. An offence under paragraph 92(1) of Schedule 6 (being knowingly concerned in the fraudulent evasion of climate change levy etc).

73. An offence under paragraph 93(1) of Schedule 6 (producing false documents etc in connection with fraudulent evasion of climate change levy).

74. An offence under paragraph 93(2) of Schedule 6 (making false statements in providing information in connection with climate change levy).

75. An offence under paragraph 94(1) of Schedule 6 (conduct which must have involved commission of one or more offences under paragraph 92 or 93).

76. An offence under paragraph 95(1) of Schedule 6 (offences relating to acts preparatory to evasion of climate change levy).

77. An offence under paragraph 139(3) of Schedule 6 (making a taxable supply in breach of a requirement to give security).

78. An offence under paragraph 139(4) of Schedule 6 (making arrangements to make a taxable supply in breach of requirement to give security).

Finance Act 2001 (c.9)

79. An offence under section 26(3) (being responsible for the commercial exploitation of an aggregates levy, having failed to give required security).

80. An offence under paragraph 1(1) of Schedule 6 (being knowingly concerned in the fraudulent evasion of aggregates levy etc).

81. An offence under paragraph 2(1) of Schedule 6 (producing false documents etc in connection with fraudulent evasion of aggregates levy).

82. An offence under paragraph 2(2) of Schedule 6 (making false statements in providing information in connection with aggregates levy).

83. An offence under paragraph 3(1) of Schedule 6 (conduct which must have involved commission of one or more offences under paragraph 1 or 2).

84. An offence under paragraph 4(1) of Schedule 6 (offences relating to acts preparatory to evasion of aggregates levy).

Finance Act 2012 (c.14)

85. An offence under paragraph 37(1) of Schedule 24 (being knowingly concerned in the fraudulent evasion of machine games duty etc).

SCHEDULE 2

Regulation 2(2)

Alternative provision as to penalties in cases of disapplication of section 85(1) of the 2012 Act

Customs and Excise Management Act 1979 (c.2)

1.—(1) The Customs and Excise Management Act 1979 is amended as follows.

(2) In section 24 (control of movement of goods by pipe-line), in subsection (6)(a) for “the prescribed sum” substitute “£20,000”.

(3) In section 50 (penalty for improper importation of goods)(2)—

(a) in subsection (4)(a), for “the prescribed sum” substitute “£20,000”;

(b) in subsection (5B)(a), in paragraph (a) of the substituted text, for “the statutory maximum” substitute “£20,000”.

(4) In section 53 (entry outwards of goods)(3), in subsection (9)(a), for “the prescribed sum” substitute “£20,000”.

(5) In section 56 (failure to export)(4), in subsection (5), for “level 5 on the standard scale” substitute “£20,000”.

(2) Section 50(5B) was inserted by the Import of Seal Skins Regulations 1996 (S.I. 1996/2686), regulation 4.

(3) Section 53 was substituted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1.

(4) Section 56 was substituted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1. In section 56(5) the reference to “level 5 on the standard scale” was substituted for the reference to “£1,000” by section 46 of the Criminal Justice Act 1982 (c.48).

(6) In section 57 (delivery of entry by owner of exporting ship etc)(5), in subsection (6), for “level 5 on the standard scale” substitute “£20,000”.

(7) In section 58E (authentication of Community customs documents)(6), in subsection (5), for “level 5 on the standard scale” substitute “£20,000”.

(8) In section 63 (entry outwards of exporting ships), in subsection (6)(a), for “the prescribed sum” substitute “£20,000”.

(9) In section 64 (clearance outwards of ships and aircraft), in subsection (8)(a), for “the prescribed sum” substitute “£20,000”.

(10) In section 66 (power to make regulations as to exportation, etc)(7), in subsection (2), for “level 5 on the standard scale” substitute “£20,000”.

(11) In section 68 (offences in relation to exportation of prohibited or restricted goods), in subsection (3)(a), for “the prescribed sum” substitute “£20,000”.

(12) In section 68A (offences in relation to agricultural levies)(8), in subsection (2)(a), for “the prescribed sum” substitute “£20,000”.

(13) In section 100 (general offences relating to warehouses and warehoused goods)(9)—

(a) in subsection (1), for “level 5 on the standard scale” substitute “£20,000”;

(b) in subsection (4)(a), for “the prescribed sum” substitute “£20,000”.

(14) In section 102 (payment of excise licences by cheque)(10), in subsection (3)(a), for “level 5 on the standard scale” substitute “£20,000”.

(15) In section 129 (power to remit or repay duty on denatured goods), in subsection (4)(a), for “the prescribed sum” substitute “£20,000”.

(16) In section 136 (offences in connection with claims for drawback, etc), in subsection (2)(a), for “the prescribed sum” substitute “£20,000”.

(17) In section 158 (power to require provision of facilities)(11), in subsection (4), in the words following paragraph (c), for “level 5 on the standard scale” substitute “£20,000”.

(18) In section 159 (power to examine and take account of goods), in subsection (7)(a), for “the prescribed sum” substitute “£20,000”.

(19) In section 167 (untrue declarations, etc), in subsection (2)(a), for “the prescribed sum” substitute “£20,000”.

(20) In section 168 (counterfeiting documents etc), in subsection (2)(a), for “the prescribed sum” substitute “£20,000”.

(21) In section 170 (penalty for fraudulent evasion of duty, etc)(12)—

(a) in subsection (3)(a), for “the prescribed sum” substitute “£20,000”;

(5) Section 57 was substituted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1. In section 57(6) the reference to “level 5 on the standard scale” was substituted for the reference to “£1,000” by section 46 of the Criminal Justice Act 1982 (c.48).

(6) Section 58E was inserted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1. In section 58E(5) the reference to “level 5 on the standard scale” was substituted for the reference to “£1,000” by section 46 of the Criminal Justice Act 1982 (c.48).

(7) Section 66(2) was amended by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, paragraph 5. The reference to “level 5 on the standard scale” was substituted for the reference to “£1,000” by section 46 of the Criminal Justice Act 1982 (c.48).

(8) Section 68A was inserted by the Finance Act 1982 (c.39), section 11(2).

(9) In section 100(1), 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).

(10) In section 102(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).

(11) In section 158(4), 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).

(12) Section 170(4B) was inserted by the Import of Seal Skins Regulations 1996 (S.I. 1996/2686), regulation 4(2).

(b) in subsection (4B)(a), in paragraph (a) of the substituted text, for “the statutory maximum” substitute “£20,000”.

(22) In section 170B (offence of taking preparatory steps for evasion of excise duty)(**13**), in subsection (1)(a), for “the prescribed sum” substitute “£20,000”.

(23) In Schedule 1 (controlled drugs: variation of punishments for certain offences under the Act) in paragraph 1, in paragraph (a) of the substituted text, for “the prescribed sum” substitute “£20,000”.

Customs and Excise Duties (General Reliefs) Act 1979 (c.3)

2.—(1) The Customs and Excise Duties (General Reliefs) Act 1979 is amended as follows.

(2) In section 13 (power to provide, in relation to persons entering the United Kingdom, for reliefs from duty and value added tax and for simplified computation of duty and tax)(**14**), in subsection (3C)(a), for “level 5 on the standard scale” substitute “£20,000”.

(3) In section 13C (offence where relieved goods used, etc, in breach of condition)(**15**), in subsection (4)(a), for “the statutory maximum” substitute “£20,000”.

(4) In section 15 (false statements etc in connection with reliefs from customs duties)—

(a) in subsection (2)(a), for “the prescribed sum” substitute “£20,000”;

(b) omit subsection (3)(a).

Alcoholic Liquor Duties Act 1979 (c.4)

3.—(1) The Alcoholic Liquor Duties Act 1979 is amended as follows.

(2) In section 17 (offences in connection with removal of spirits from distillery, etc), in subsection (2)(a), for “the prescribed sum” substitute “£20,000”.

(3) In section 25 (penalty for unlawful manufacture of spirits, etc)(**16**), in subsection (1), in the words following paragraph (d), for “level 5 on the standard scale” substitute “£20,000”.

(4) In Schedule 2A (duty stamps)(**17**)—

(a) in paragraph 5(3), for “level 5 on the standard scale” substitute “£20,000”;

(b) in paragraph 6(3), for “level 5 on the standard scale” substitute “£20,000”;

(c) in paragraph 7(3), for “level 5 on the standard scale” substitute “£20,000”.

Hydrocarbon Oil Duties Act 1979 (c.5)

4.—(1) The Hydrocarbon Oil Duties Act 1979 is amended as follows.

(2) In section 10 (restrictions on the use of duty-free oil), in subsection (7)(a), for “the prescribed sum” substitute “£20,000”.

(3) In section 13 (penalties for contravention of section 12), in subsection (5)(a), for “the prescribed sum” substitute “£20,000”.

(4) In section 13AB (penalties for contravention of section 13AA)(**18**), in subsection (7)(a), for “the statutory maximum” substitute “£20,000”.

(13) Section 170B was inserted by the Finance (No.2) Act 1992 (c. 48), section 3 and Schedule 2, paragraph 8.

(14) Section 13(3C) was inserted by the Finance (No.2) Act 1992 (c.48), section 1 and Schedule 1, paragraph 8(2).

(15) Section 13C was inserted by the Finance Act 1989 (c.26), section 28(1).

(16) In section 25(1), the reference to “level 5 on the standard scale” was substituted for the reference to “£1,000” by section 46 of the Criminal Justice Act 1982 (c.48).

(17) Schedule 2A was inserted by the Finance Act 2004 (c.12), section 4(2) and Schedule 1.

(18) Section 13AB was inserted by the Finance Act 1996 (c.8), section 5(4).

(5) In section 14 (rebate on light oil for use as furnace fuel), in subsection (8)(a), for “the prescribed sum” substitute “£20,000”.

(6) In section 14D (penalties for misuse of rebated biodiesel or bioblend)(**19**), in subsection (5)(a)(i), for “the statutory maximum” substitute “£20,000”.

(7) In section 24A (penalties for misuse of marked oil)(**20**), in subsection (6)(a), for “the statutory maximum” substitute “£20,000”.

Betting and Gaming Duties Act 1981 (c.63)

5.—(1) The Betting and Gaming Duties Act 1981 is amended as follows.

(2) In section 26L (enforcement)(**21**), in subsection (3)(a)(i), for “the statutory maximum” substitute “£20,000”.

(3) In Schedule 1 (betting duties)—

- (a) in paragraph 13(3)(i), for “the prescribed sum” substitute “£20,000”;
- (b) in paragraph 14(1)(a), for “the prescribed sum” substitute “£20,000”.

(4) In Schedule 3 (bingo duty)—

- (a) in paragraph 16(1)(a), for “the prescribed sum” substitute “£20,000”;
- (b) in paragraph 16(2)(i), for “the prescribed sum” substitute “£20,000”.

Finance Act 1993 (c.34)

6.—(1) The Finance Act 1993 is amended as follows.

(2) In section 29 (registration of promoters etc), in subsection (7)(a), for “the statutory maximum” substitute “£20,000”.

(3) In section 31 (general offences)—

- (a) in subsection (2)(a), for “the statutory maximum” substitute “£20,000”;
- (b) in subsection (4)(a), for “the statutory maximum” substitute “£20,000”.

Finance Act 1994 (c.9)

7.—(1) The Finance Act 1994 is amended as follows.

(2) In section 41 (offences: air passenger duty)—

- (a) in subsection (2)(a)(i), for “the statutory maximum” substitute “£20,000”;
- (b) in subsection (4)(a), for “the statutory maximum” substitute “£20,000”.

(3) In Schedule 7 (insurance premium tax)—

- (a) in paragraph 10(1)(a), for “the statutory maximum” substitute “£20,000”;
- (b) in paragraph 10(3)(a), for “the statutory maximum” substitute “£20,000”;
- (c) in paragraph 10(5)(a), for “the statutory maximum” substitute “£20,000”;
- (d) in paragraph 10(6), for “level 5 on the standard scale” substitute “£20,000”;
- (e) in paragraph 10(7), for “level 5 on the standard scale” substitute “£20,000”.

(19) Section 14D was inserted by the Finance Act 2008 (c.1), section 14 and Schedule 5, paragraph 13.

(20) Section 24A was inserted by the Finance Act 1996 (c.8), section 7(1).

(21) Section 26L was inserted by the Finance Act 2007 (c.11), section 8 and Schedule 1, paragraph 2.

Value Added Tax Act 1994 (c.23)

8.—(1) Section 72 of the Value Added Tax Act 1994 (offences) is amended as follows.

(2) In subsection (1)(a), for “the statutory maximum” substitute “£20,000”.

(3) In subsection (3)(i), for “the statutory maximum” substitute “£20,000”.

(4) In subsection (8)(a), for “the statutory maximum” substitute “£20,000”.

(5) In subsection (10), for “level 5 on the standard scale” substitute “£20,000”.

(6) In subsection (11), for “level 5 on the standard scale” substitute “£20,000”.

Finance Act 1996 (c.8)

9. In Schedule 5 to the Finance Act 1996 (landfill tax)—

(a) in paragraph 16(1)(a), for “the statutory maximum” substitute “£20,000”;

(b) in paragraph 16(3)(a), for “the statutory maximum” substitute “£20,000”;

(c) in paragraph 16(5)(a), for “the statutory maximum” substitute “£20,000”;

(d) in paragraph 16(6), for “level 5 on the standard scale” substitute “£20,000”;

(e) in paragraph 16(7), for “level 5 on the standard scale” substitute “£20,000”.

Finance Act 1997 (c.16)

10. In Schedule 1 to the Finance Act 1997 (gaming duty: administration, enforcement etc), in paragraph 12(3)(a)(i), for “the statutory maximum” substitute “£20,000”.

Finance Act 2000 (c.17)

11.—(1) Schedule 6 to the Finance Act 2000 (climate change levy) is amended as follows.

(2) In paragraph 92 (criminal offences: evasion)—

(a) in sub-paragraph (3)(a), for “the statutory maximum” substitute “£20,000”;

(b) in sub-paragraph (4), for “the statutory maximum” (in each place where it occurs) substitute “the amount of £20,000 mentioned in sub-paragraph (3)(a)”.

(3) In paragraph 93 (criminal offences: misstatements)—

(a) in sub-paragraph (3)(a), for “the statutory maximum” substitute “£20,000”;

(b) in sub-paragraph (4), for “the statutory maximum” substitute “the amount of £20,000 mentioned in sub-paragraph (3)(a)”.

(4) In paragraph 94 (criminal offences: conduct involving evasions or misstatements)—

(a) in sub-paragraph (3)(a), for “the statutory maximum” substitute “£20,000”;

(b) in sub-paragraph (4), for “the statutory maximum” (in each place where it occurs) substitute “the amount of £20,000 mentioned in sub-paragraph (3)(a)”.

(5) In paragraph 95 (criminal offences: preparations for evasion)—

(a) in sub-paragraph (2), for “level 5 on the standard scale” substitute “£20,000”;

(b) in sub-paragraph (3), for “level 5 on the standard scale” (in each place where it occurs) substitute “the amount of £20,000 mentioned in sub-paragraph (2)”.

(6) In paragraph 139 (security for levy), in sub-paragraph (5), for “level 5 on the standard scale” substitute “£20,000”.

Finance Act 2001 (c.9)

12.—(1) The Finance Act 2001 is amended as follows.

(2) In section 26 (security for levy), in subsection (4), for “level 5 on the standard scale” substitute “£20,000”.

(3) In Schedule 6 (aggregates levy: evasion, misdeclaration and neglect)—

- (a) in paragraph 1(3)(a), for “the statutory maximum” substitute “£20,000”;
- (b) in paragraph 1(4), for “the statutory maximum” (in each place where it occurs) substitute “the amount of £5,000 mentioned in paragraph 1(3)(a)”;
- (c) in paragraph 2(3)(a), for “the statutory maximum” substitute “£20,000”;
- (d) in paragraph 2(4) (in the words following paragraph (b)), for “the statutory maximum” substitute “the amount of £20,000 mentioned in sub-paragraph (3)(a)”;
- (e) in paragraph 3(3)(a), for “the statutory maximum” substitute “£20,000”;
- (f) in paragraph 3(4), for “the statutory maximum” (in each place where it occurs) substitute “the amount of £20,000 mentioned in sub-paragraph (3)(a)”;
- (g) in paragraph 4(2), for “level 5 on the standard scale” substitute “£20,000”;
- (h) in paragraph 4(3), for “level 5 on the standard scale” (in each place where it occurs) substitute “the amount of £20,000 mentioned in sub-paragraph (2)”.

Finance Act 2012 (c.14)

13. In Schedule 24 to the Finance Act 2012 (machine games duty), in paragraph 37(3)(a), for “the statutory maximum” substitute “£20,000”.

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)(22), 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)(23), 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”.

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

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

(3) In section 78B (direction to establish, amend or revoke penalty scheme)(**24**), 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)(**25**), 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”.

(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”.

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

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

(3) In section 78M (offences of not complying with a remediation notice)⁽²⁶⁾, 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”;
- (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⁽²⁷⁾, 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”.

⁽²⁶⁾ Section 78M was inserted by the Environment Act 1995 (c.25), section 57.

⁽²⁷⁾ 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).

(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”.

(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)(28) 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
- (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”.

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

SCHEDULE 4

Regulation 4(1) to (3)

Consequential amendments: fines or maximum fines of numerical amounts of £5,000 or more

Part 1

Public General Acts

Children and Young Persons Act 1933 (c.12)

1. In section 12C of the Children and Young Persons Act 1933 (enforcement)(**29**), in subsection (4), for “a fine not exceeding £20,000” substitute “a fine”.

Whaling Industry (Regulation) Act 1934 (c.49)

2.—(1) The Whaling Industry (Regulation) Act 1934 is amended as follows.

(2) In section 2 (prohibition of catching or treating whales within United Kingdom waters)(**30**), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 3 (protection for certain classes of whales)(**31**), in subsection (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In section 4 (whaling ships and whale-oil factories to be licensed)(**32**), in subsection (2), for the words following “this section” (in the second place where it occurs) substitute “on summary conviction, or on conviction on indictment, to a fine”.

(5) In section 6 (conditions attached to licences)(**33**), in subsection (7), for the words from “on summary conviction” to “on indictment to a fine;” substitute “on summary conviction, or on conviction on indictment, to a fine;”.

(6) In section 8 (powers of whale fisheries inspectors)(**34**), in subsection (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Sea Fisheries (Shellfish) Act 1967 (c.83)

3.—(1) The Sea Fisheries (Shellfish) Act 1967 is amended as follows.

(2) In section 3 (effect of grant of right of regulating a fishery)(**35**)—

(a) in subsection (3), for “a fine not exceeding £50,000” substitute “a fine”;

(b) in subsection (5), for “a fine not exceeding £50,000” substitute “a fine”.

(3) In section 7 (protection of fisheries)(**36**), in subsection (4), for “a fine not exceeding £50,000” substitute “a fine”.

(29) Section 12C was inserted by the Criminal Justice and Immigration Act 2008 (c.4), section 143(2).

(30) Section 2 was amended by the Fisheries Act 1981 (c.29), section 35(3).

(31) Section 3(1) was amended by the Fisheries Act 1981 (c.29), section 35(3).

(32) Section 4(2) was amended by the Fisheries Act 1981 (c.29), section 35(3).

(33) Section 6(7) was amended by the Fisheries Act 1981 (c.29), section 35(4).

(34) Section 8(3) was amended by the Fisheries Act 1981 (c.29), section 35(6)(b).

(35) Section 3(3) was amended by the Marine and Coastal Access Act 2009 (c.23), section 205(2), Section 3(5) was inserted by the Marine and Coastal Access Act 2009 (c.23), section 206(1).

(36) Section 7(4) was amended by the Marine and Coastal Access Act 2009 (c.23), section 205(3).

Sea Fish (Conservation) Act 1967 (c.84)

4.—(1) The Sea Fish (Conservation) Act 1967 is amended as follows.

(2) In section 11 (penalties for offences)(37), in subsection (1), for the words from “under this Act” to the end substitute “under sections 1 to 7 of this Act shall be liable on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 15 (powers of British sea-fishery officers for enforcement of Act)(38)—

- (a) in subsection (2C), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) in subsection (2D), for “a fine not exceeding £50,000” substitute “a fine”;
- (c) in subsection (2E), for “a fine not exceeding £20,000” substitute “a fine”.

(4) In section 16 (enforcement of orders under sections 1 and 2)(39)—

- (a) in subsection (1A), for “a fine not exceeding £50,000” substitute “a fine”;
- (b) in subsection (1B), for “a fine not exceeding £20,000” substitute “a fine”.

Sea Fisheries Act 1968 (c.77)

5. In section 10 of the Sea Fisheries Act 1968 (miscellaneous provisions as to sea-fishery officers)(40), in subsection (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Prevention of Oil Pollution Act 1971 (c.60)

6.—(1) The Prevention of Oil Pollution Act 1971 is amended as follows.

(2) In section 2 (discharge of oil into United Kingdom waters), in subsection (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 3 (discharge of certain oils from pipe-lines or as the result of exploration, etc, in designated areas), in subsection (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Health and Safety at Work etc Act 1974 (c.37)

7. In the table in paragraph 1 of Schedule 3A to the Health and Safety at Work etc Act 1974 (offences: mode of trial and maximum penalty)(41), in the third column (penalty on summary conviction)—

- (a) for “fine not exceeding £20,000”, wherever occurring, substitute “fine”;
- (b) for “fine not exceeding the statutory maximum”, wherever occurring, substitute “fine”;
- (c) for “fine not exceeding level 5 on the standard scale”, wherever occurring, substitute “fine”.

(37) Section 11(1) was substituted by the Fisheries Act 1981 (c.29), section 24(1); it was amended by the Criminal Justice Act 1991, section 17(3)(c) and Part 3 of Schedule 4, the Sea Fish (Conservation) Act 1992, section 5 and the Marine and Coastal Access Act 2009 (c.23), section 199(2) and Schedule 22.

(38) Section 15(2C) was inserted by the Fisheries Act 1981 (c.29), section 25(2); it was amended by the Marine and Coastal Access Act 2009 (c.23), section 199(3)(a). Section 15(2D) and (2E) were inserted by the Marine and Coastal Access Act 2009 (c.23), section 199(3)(b).

(39) Section 16(1A) and (1B) were substituted for section 16(1A) (inserted by the Fisheries Act 1981, section 25(4)), by the Marine and Coastal Access Act 2009 (c.23), section 199(4).

(40) Section 10(4) was amended by the Fisheries Act 1981 (c.29), section 24(3).

(41) Schedule 3A was inserted by the Health and Safety (Offences) Act 2008 (c.20), Schedule 1.

Salmon and Freshwater Fisheries Act 1975 (c.51)

8. In the table in paragraph 1(2) of Schedule 4 to the Salmon and Freshwater Fisheries Act 1975 (offences)(42), in the fourth column (punishment)—

- (a) in the entry relating to section 5(1), for “£50,000” substitute “A fine.”;
- (b) in the entry relating to section 27B, for “A fine not exceeding £50,000.” substitute “A fine.”.

Fishery Limits Act 1976 (c.86)

9. In section 2 of the Fishery Limits Act 1976 (access to British fisheries), in subsection (5)(a), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Wildlife and Countryside Act 1981 (c.69)

10.—(1) The Wildlife and Countryside Act 1981 is amended as follows.

(2) In section 28P (offences)(43)—

- (a) in subsection (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) in subsection (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (c) in subsection (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (d) in subsection (5A), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (e) in subsection (6), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 34 (limestone pavement orders)(44), in subsection (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Local Government (Miscellaneous Provisions) Act 1982 (c.30)

11.—(1) Schedule 3 (control of sex establishments) to the Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

(2) In paragraph 22 (enforcement)(45), in sub-paragraph (1), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In paragraph 23 (offences relating to persons under 18)(46), in sub-paragraph (2), for “a fine not exceeding £20,000” substitute “a fine”.

British Fishing Boats Act 1983 (c.8)

12.—(1) The British Fishing Boats Act 1983 is amended as follows.

(42) The table in paragraph 1(2) was amended by the Marine and Coastal Access Act 2009 (c.23), sections 219(3) and 220(9).

(43) Section 28P was inserted by the Countryside and Rights of Way Act 2000 (c.37), Schedule 9, paragraph 1. Subsection (5A) of section 28P was inserted by the Natural Environment and Rural Communities Act 2006 (c.16), section 55.

(44) Section 34(4) was amended by the Countryside and Rights of Way Act 2000 (c.37), section 78.

(45) Paragraph 22 was amended by the Criminal Penalties etc (Increase) Order (S.I. 1984/447), Schedule 1.

(46) Paragraphs 23 was amended by the Criminal Penalties etc (Increase) Order (S.I. 1984/447), Schedule 1.

(2) In section 1 (restrictions on fishing, etc, by British fishing boats), in subsection (6), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 4 (supplementary provisions with respect to powers of British sea-fishery officers), in subsection (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

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

13.—(1) The Public Health (Control of Disease) Act 1984 is amended as follows.

(2) In section 45O (enforcement of Part 2A orders)(47), in subsection (2), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In section 63 (offence of wilful obstruction)(48), in subsection (2)(b), for “a fine not exceeding £20,000” substitute “a fine”.

Video Recordings Act 1984 (c.39)

14.—(1) The Video Recordings Act 1984 is amended as follows.

(2) In section 9 (supplying video recording of unclassified work)(49), in subsection (3)(b), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In section 10 (possession of video recording of unclassified work for the purposes of supply)(50), in subsection (3)(b), for “a fine not exceeding £20,000” substitute “a fine”.

Dangerous Vessels Act 1985 (c.22)

15. In section 5 (offences) of the Dangerous Vessels Act 1985, in subsection (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Food and Environment Protection Act 1985 (c.48)

16. In section 21 (offences-penalties, etc) of the Food and Environment Protection Act 1985(51), in subsection (2A)(a), for “a fine of an amount not exceeding £50,000” substitute “a fine”.

Copyright, Design and Patents Act 1988 (c.48)

17.—(1) The Copyright, Designs and Patents Act 1988 is amended as follows.

(2) In section 107 (criminal liability for making or dealing with infringing articles, etc)(52) —

(a) in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”;

(b) in subsection (4A)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(3) In section 198 (criminal liability for making, dealing with or using illicit recordings)(53) —

(a) in subsection (5)(a), for “a fine not exceeding £50,000” substitute “a fine”;

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

(48) Section 63 was substituted by the Health and Social Care Act 2008 (c.14), Schedule 11, paragraph 19.

(49) Section 9 was amended by the Criminal Justice and Public Order Act 1994 (c.33), section 88 and repealed and revived by the Video Recordings Act 2010 (c.1), section 1.

(50) Section 10 was amended by the Criminal Justice and Public Order Act 1994 (c.33), section 88 and repealed and revived by the Video Recordings Act 2010 (c.1), section 1.

(51) Section 21(2A) was inserted by the Environmental Protection Act 1990 (c.43), section 146(6)(b).

(52) Section 107(4A) was inserted by the Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), regulation 26. Section 107(4)(a) and (4A)(a) were amended by the Digital Economy Act 2010 (c.24), section 42.

(53) Section 198(5A) was inserted by the Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), regulation 26. Section 198(5) and (5A) were amended by the Digital Economy Act 2010 (c.24), section 42.

(b) in subsection (5A)(a), for “a fine not exceeding £50,000” substitute “a fine”.

Town and Country Planning Act 1990 (c.8)

18.—(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 171G (temporary stop notice: offences)(**54**), in subsection (6), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 179 (offence where enforcement notice not complied with)(**55**), in subsection (8), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In section 187 (penalties for contravention of stop notice)(**56**), in subsection (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(5) In section 210 (penalties for non-compliance with tree preservation regulations)(**57**), in subsection (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

19.—(1) The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

(2) In section 9 (offences connected with restrictions on works affecting listed buildings)(**58**), in subsection (4)(a), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In section 43 (offence where listed building enforcement notice not complied with)(**59**), in subsection (5), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Planning (Hazardous Substances) Act 1990 (c.10)

20. In section 23 (offences) of the Planning (Hazardous Substances) Act 1990(**60**), in subsection (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Food Safety Act 1990 (c.16)

21. In section 35 (punishment of offences) of the Food Safety Act 1990—

(a) in subsection (2)(b), for “a fine not exceeding the relevant amount” substitute “a fine”;

(b) omit subsection (3).

Environmental Protection Act 1990 (c.43)

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

(2) In section 23 (offences connected with control of air pollution)(**61**), in subsection (2)(a), for “a fine not exceeding £20,000” substitute “a fine”.

(54) Section 171G was inserted by the Planning and Compulsory Purchase Act 2004 (c.5), section 52.

(55) Section 179 was substituted by the Planning and Compensation Act 1991 (c.34), section 8.

(56) Section 187(2) was substituted by the Planning and Compensation Act 1991 (c.34), section 9(4).

(57) Section 210(2)(a) was substituted by the Planning and Compensation Act 1991 (c.34), section 23(6)(a).

(58) Section 9(4) was substituted by the Planning and Compensation Act 1991 (c.34), Schedule 3, paragraph 1(a).

(59) Section 43 was substituted by the Planning and Compensation Act 1991 (c.34), Schedule 3, paragraph 6.

(60) Section 23(4) was amended by the Planning and Compensation Act 1991 (c.34), Schedule 3, paragraph 10(a).

(61) Section 23(2)(a) was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 59(3).

(3) In section 33 (prohibition on unauthorised or harmful deposit, treatment or disposal, etc, of waste)(**62**)—

- (a) in subsection (8)(a), for “a fine not exceeding £50,000” substitute “a fine”;
- (b) in subsection (9), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In section 78M (offences of not complying with a remediation notice)(**63**), in subsection (4), for the words from “a fine” to “substitute” substitute “a fine”.

(5) In section 80 (summary proceedings for statutory nuisances), in subsection (6), for “a fine not exceeding £20,000” substitute “a fine”.

(6) In section 118 (offences connected with control of genetically modified organisms)—

- (a) in subsection (3)(a), for “a fine not exceeding £20,000” substitute “a fine”;
- (b) in subsection (4)(a), for “a fine not exceeding £20,000” substitute “a fine”.

Water Industry Act 1991 (c.56)

23.—(1) The Water Industry Act 1991 is amended as follows.

(2) In section 66J (prohibition on unauthorised introduction of water)(**64**), in subsection (6), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 70 (offence of supplying water unfit for human consumption)(**65**), in subsection (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In section 86 (assessors for the enforcement of water quality)(**66**), in subsection (6), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Water Resources Act 1991 (c.57)

24.—(1) The Water Resources Act 1991 is amended as follows.

(2) In section 24 (restrictions on abstraction)(**67**), in subsection (5), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In section 25 (restrictions on impounding)(**68**), in subsection (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In section 25C (consequences of not complying with an enforcement notice)(**69**), in subsection (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(5) In section 161D (consequences of not complying with a works notice)(**70**), in subsection (2) (a), for “a fine not exceeding £20,000” substitute “a fine”.

(62) Section 33(8) and (9) were amended by the Waste Management (England and Wales) Regulations (S.I. 2006/937), regulation 2.

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

(64) Section 66J was inserted by the Water Act 2003 (c.37), Schedule 4, paragraph 3.

(65) Section 70(1)(a) was amended by the Water Act 2003 (c.37), section 61.

(66) Section 86(6) was amended by the Water Act 2003 (c.37), section 57(7).

(67) Section 24(5)(a) was amended by the Water Act 2003 (c.37), section 60.

(68) Section 25(3)(a) was amended by the Water Act 2003 (c.37), section 60.

(69) Section 25C was inserted by the Water Act 2003 (c.37), section 30.

(70) Section 161D was inserted by the Environment Act 1995 (c.25), Schedule 22, paragraph 162.

(6) In section 211 (enforcement of byelaws)(71), in subsection (3)(b), for “a fine not exceeding £50,000” substitute “a fine”.

Clean Air Act 1993 (c.11)

25. In section 2 of the Clean Air Act 1993 (prohibition of dark smoke from industrial or trade premises)(72), in subsection (5), for “a fine not exceeding £20,000” substitute “a fine”.

Sunday Trading Act 1994 (c.20)

26. In paragraph 7 of Schedule 1 to the Sunday Trading Act 1994 (restrictions of Sunday opening of large shops), in sub-paragraph (1), for “a fine not exceeding £50,000” substitute “a fine”.

Merchant Shipping Act 1995 (c.21)

27.—(1) The Merchant Shipping Act 1995 is amended as follows.

(2) In section 3 (offences relating to British character of ship), in subsection (6)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(3) In section 15 (supplementary provisions as respects fishing vessels), in subsection (5)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(4) In section 92 (duty of ship to assist the other in case of collision), in subsection (4)(a)(i), for “a fine not exceeding £50,000” substitute “a fine”.

(5) In section 98 (owner and master liable in respect of dangerously unsafe ship), in subsection (3)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(6) In section 100 (owner liable for unsafe operation of ship), in subsection (3)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(7) In section 100B (temporary exclusion zones:’ offences)(73), in subsection (6)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(8) In section 100G (failure to comply with prescribed standards in respect of ship in respect of which trans-shipment licence is in force)(74), in subsection (5)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(9) In section 131 (discharge of oil from ships into certain United Kingdom waters)(75), in subsection (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(10) In section 163 (compulsory insurance against liability for pollution), in subsection (5), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(11) In section 255B (wreck reports)(76), in subsection (8), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(12) In section 255D (removal by registered owner)(77), in subsection (5), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(71) Section 211(3)(b) was inserted by the Marine and Coastal Access Act 2009 (c.23), section 226.

(72) Section 2(5) was amended by the Environment Act 1995 (c.25), Schedule 22, paragraph 195.

(73) Section 100B was inserted by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 1.

(74) Section 100G was inserted by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 11.

(75) Section 131(3)(a) was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 7(1).

(76) Section 255B was inserted by the Wreck Removal Convention Act 2011 (c.8), section 1 (which is not yet in force).

(77) Section 255D was inserted by the Wreck Removal Convention Act 2011 (c.8), section 1 (which is not yet in force).

(13) In section 255E (imposition of conditions about removal)(78), in subsection (5), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(14) In section 255K (failure to insure)(79), in subsection (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(15) In section 284 (enforcing detention of ship)(80), in subsection (2B), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(16) In paragraph 8 of Schedule 3A (safety directions)(81), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Shipping and Trading Interests (Protection) Act 1995 (c.22)

28.—(1) The Shipping and Trading Interests (Protection) Act 1995 is amended as follows.

(2) In section 3 (enforcement of section 1), in subsection (6), for the words from “liable” to the end of paragraph (b) substitute “liable on summary conviction, or on conviction on indictment, to a fine;”.

(3) In section 6 (enforcement of section 5), in subsection (5)(a), for “a fine not exceeding £50,000” substitute “a fine”.

Fur Farming (Prohibition) Act 2000 (c.33)

29. In section 1 of the Fur Farming (Prohibition) Act 2000 (offences relating to fur farming), in subsection (4), for “a fine not exceeding £20,000” substitute “a fine”.

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

30. In Schedule 20 to the Political Parties, Elections and Referendums Act 2000 (penalties)(82), in the entry for paragraph 14 of Schedule 19C, in the second column—

(a) after “England and Wales” insert “: fine or 12 months”;

(b) for “or” (where it first occurs) substitute “On summary conviction in”.

Criminal Justice and Police Act 2001 (c.16)

31. In section 25 of the Criminal Justice and Police Act 2001 (enforcement of closure orders), in subsection (4), for “a fine not exceeding £20,000” substitute “a fine”.

Adoption and Children Act 2002 (c.38)

32.—(1) The Adoption and Children Act 2002 is amended as follows.

(2) In section 93 (offence of breaching restrictions under section 92), in subsection (5), for “a fine not exceeding £10,000” substitute “a fine”.

(3) In section 95 (prohibition of certain payments), in subsection (4), for “a fine not exceeding £10,000” substitute “a fine”.

(78) Section 255E was inserted by the Wreck Removal Convention Act 2011 (c.8), section 1 (which is not yet in force).

(79) Section 255K was inserted by the Wreck Removal Convention Act 2011 (c.8), section 1 (which is not yet in force).

(80) Section 284(2B) was inserted by the Merchant Shipping and Maritime Security Act 1997 (c.28), Schedule 1, paragraph 5(4).

(81) Schedule 3A was inserted by the Marine Safety Act 2003 (c.16), Schedule 1.

(82) The entry in Schedule 20 for paragraph 14 of Schedule 19C was amended by the Political Parties and Elections Act 2009 (c.12), section 3(3).

Licensing Act 2003 (c.17)

33.—(1) The Licensing Act 2003 is amended as follows.

(2) In section 136 (unauthorised licensable activities), in subsection (4), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In section 137 (exposing alcohol for unauthorised sale), in subsection (3), for “a fine not exceeding £20,000” substitute “a fine”.

(4) In section 147A (persistently selling alcohol to children)⁽⁸³⁾, in subsection (8), for “a fine not exceeding £20,000” substitute “a fine”.

(5) In section 156 (prohibition on sale of alcohol on moving vehicles), in subsection (2), for “a fine not exceeding £20,000” substitute “a fine”.

(6) In section 157 (power to prohibit sale of alcohol on trains), in subsection (6), for “a fine not exceeding £20,000” substitute “a fine”.

(7) In section 161 (closure orders for identified premises), in subsection (7), for “a fine not exceeding £20,000” substitute “a fine”.

(8) In section 165 (consideration of closure order by magistrates’ court), in subsection (8), for “a fine not exceeding £20,000” substitute “a fine”.

(9) In section 168 (provision about decisions under section 167), in subsection (9), for “a fine not exceeding £20,000” substitute “a fine”.

Water Act 2003 (c.37)

34. In section 4 of the Water Act 2003 (existing impounding works: works notices), in subsection (5), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Anti-social Behaviour Act 2003 (c.38)

35. In section 40 of the Anti-social Behaviour Act 2003 (closure of noisy premises), in subsection (5)(b), for “a fine not exceeding £20,000” substitute “a fine”.

Christmas Day (Trading) Act 2004 (c.26)

36. In section 1 of the Christmas Day (Trading) Act 2004 (prohibition of opening of large shops on Christmas day), in subsection (3), for “a fine not exceeding £50,000” substitute “a fine”.

Housing Act 2004 (c.34)

37.—(1) The Housing Act 2004 is amended as follows.

(2) In section 72 (offences in relation to licensing of HMOs), in subsection (6), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In section 95 (offences in relation to licensing of houses under Part 3), in subsection (5), for “a fine not exceeding £20,000” substitute “a fine”.

Animal Welfare Act 2006 (c.45)

38. In section 32 of the Animal Welfare Act 2006 (imprisonment or fine), in subsection (1)(b), for “a fine not exceeding £20,000” substitute “a fine”.

⁽⁸³⁾ Section 147A was inserted by the Violent Crime Reduction Act 2006 (c.38), section 23(1); section 147A(8) was amended by the Police Reform and Social Responsibility Act 2011 (c.13), section 118(2).

Regulatory Enforcement and Sanctions Act 2008 (c.13)

39. In section 49 of the Regulatory Enforcement and Sanctions Act 2008 (stop notices: enforcement), in subsection (1)(a), for “a fine not exceeding £20,000” substitute “a fine”.

Health and Social Care Act 2008 (c.14)

40.—(1) The Health and Social Care Act 2008 is amended as follows.

(2) In section 10 (requirement to register as a service provider), in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(3) In section 33 (failure to comply with conditions), for “a fine not exceeding £50,000” substitute “a fine”.

(4) In section 34 (offences relating to suspension or cancellation of registration), in subsection (5), for “a fine not exceeding £50,000” substitute “a fine”.

Planning Act 2008 (c.29)

41.—(1) The Planning Act 2008 is amended as follows.

(2) In section 160 (development without development consent)—

- (a) in subsection (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) omit subsection (3).

(3) In section 161 (breach of terms of order granting development consent)—

- (a) in subsection (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) omit subsection (5).

Energy Act 2008 (c.32)

42.—(1) The Energy Act 2008 is amended as follows.

(2) In section 22 (offence to carry on unlicensed activities)—

- (a) in subsection (3)(a), for “a fine not exceeding £50,000” substitute “a fine”;
- (b) omit subsection (4)(a) (including the “and” at the end);
- (c) omit subsection (4A).

(3) In section 23 (offences relating to licensing)—

- (a) in subsection (3)(a), for “a fine not exceeding £50,000” substitute “a fine”;
- (b) omit subsection (4)(a) (including the “and” at the end).

(4) In section 25 (failure to comply with a direction under section 24), in subsection (2)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(5) In section 82I (carrying out operation without consent etc)(**84**), in subsection (2)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(6) In section 82K (failure to comply with direction under section 82E)(**85**), in subsection (2)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(84) Section 82I was inserted by the Marine and Coastal Access Act 2009 (c.23), section 314(1).

(85) Section 82K was inserted by the Marine and Coastal Access Act 2009 (c.23), section 314(1).

(7) In section 82L (failure to comply with notice under section 79F or 82H)(**86**), in subsection (2) (a), for “a fine not exceeding £50,000” substitute “a fine”.

Marine and Coastal Access Act 2009 (c.23)

43.—(1) The Marine and Coastal Access Act 2009 is amended as follows.

(2) In section 85 (breach of requirement for, or conditions of, a licence), in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(3) In section 92 (further provision as to enforcement notices), in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(4) In section 103 (further provision as to stop notices), in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(5) In section 105 (further provision as to emergency safety notices), in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(6) In section 140 (offence of damaging etc protected features of MCZs), in subsection (4)(a), for “a fine not exceeding £50,000” substitute “a fine”.

(7) In section 163 (offences), in subsection (3), for “a fine not exceeding £50,000” substitute “a fine”.

(8) In section 190 (offences), in subsection (3), for “a fine not exceeding £50,000” substitute “a fine”.

(9) In section 292 (offences in relation to enforcement officers)—

- (a) in subsection (8), after “subsection (4)” insert “or (5)”;
- (b) in that subsection, for “a fine not exceeding £20,000” substitute “a fine”;
- (c) omit subsection (9).

Sunbeds (Regulation) Act 2010 (c.20)

44. In section 2 of the Sunbeds (Regulation) Act 2010 (duty to prevent sunbed use by children), in subsection (6), for “a fine not exceeding £20,000” substitute “a fine”.

Anti-social Behaviour, Crime and Policing Act 2014 (c.12)

45. In section 48 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of failing to comply with community protection notice), in subsection (2)(b), “for “a fine not exceeding £20,000” substitute “a fine””.

Local Acts

City of Westminster Act 1996 (c.viii)

46. In section 6 of the City of Westminster Act 1996 (enforcement), in subsection (4), for “a fine not exceeding £20,000” substitute “a fine”.

(86) Section 82L was inserted by the Marine and Coastal Access Act 2009 (c.23), section 314(1).

Other Legislation

Merchant Shipping (Prevention of Oil Pollution) Order 1983 (S.I. 1983/1106)

47. In article 4 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983, in the words in brackets, for “on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Sea Fishing (Enforcement of Community Measures for Spanish and Portuguese Vessels) Order 1986 (S.I. 1986/110)

48. In article 7 of the Sea Fishing (Enforcement of Community Measures for Spanish and Portuguese Vessels) Order 1986 (obstruction of officers), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Merchant Shipping (Prevention and Control of Pollution) Order 1987 (S.I. 1987/470)

49. In article 5 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987 (penalties)(87), in paragraph (1)—

- (a) in the words in brackets, for “on summary conviction to a fine not exceeding £250,000 or on conviction on indictment to a fine” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) omit “as if in subsection (3)(a) for “£250,000” there were substituted “£25,000””.

Planning (Hazardous Substances) Regulations 1992 (S.I. 1992/656)

50. In Part 5 of Schedule 4 to the Planning (Hazardous Substances) Regulations 1992 (sections of the Principal Act as modified), in the modified version of section 179 of the Town and Country Planning Act 1990 as set out there, in subsection (8), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Fishing Boats (Marking and Documentation) (Enforcement) Order 1993 (S.I. 1993/2015)

51. In article 8 of the Fishing Boats (Marking and Documentation) (Enforcement) Order 1983 (obstruction of officers), in paragraph (c), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Merchant Shipping (Survey and Certification) Regulations 1995 (S.I. 1995/1210)

52. In regulation 24 of the Merchant Shipping (Survey and Certification) Regulations 1995 (penalties), in paragraph (5), for “a fine not exceeding £50,000” substitute “a fine”.

Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (S.I. 1996/75)

53. In regulation 6 of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (penalties), in paragraph (1), for the words following “on summary conviction” substitute “by a fine”.

(87) Article 5 was inserted by the Merchant Shipping (Prevention of Pollution) (Amendment) Order 1997 (S.I. 1997/2569), article 2. Paragraph (1) was amended by the Merchant Shipping (Prevention of Pollution) (Amendment) Order 1998 (S.I. 1998/254), article 2.

Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996 (S.I. 1996/282)

54. In article 3 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996, in the words in brackets, for “on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. 1996/2154)

55.—(1) Regulation 36A of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996(88) (penalties for contravening regulations 12, 13 and 16) is amended as follows.

(2) In paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1996 (S.I. 1996/3010)

56.—(1) Regulation 14 of the Merchant Shipping (Dangerous or Noxious Liquid Substances In Bulk) Regulations 1996 (penalties)(89) is amended as follows.

(2) In paragraph (1ZA), for the words following “punishable” substitute “on summary conviction, or on conviction on indictment, by a fine”.

(3) In paragraph (1A), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998 (S.I. 1998/209)

57. In regulation 8 of the Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998 (penalties), in paragraph (1), for “a fine not exceeding £50,000” substitute “a fine”.

The Water Protection Zone (River Dee Catchment) Designation Order 1999 (S.I. 1999/915)

58. In article 5 of The Water Protection Zone (River Dee Catchment) Designation Order 1999 (contravention of protection zone control), in paragraph (2)(a), for “a fine not exceeding £20,000” substitute “a fine”.

Sea Fishing (Enforcement of Community Control Measures) Order 2000 (S.I. 2000/51)

59.—(1) The Sea Fishing (Enforcement of Community Control Measures) Order 2000 is amended as follows.

(2) In article 4 (penalties)(90)—

(88) Regulation 36A was inserted by the Merchant Shipping (Implementation of Ship-Source Pollution Directive) Regulations 2009 (S.I. 2009/1210), regulation 4(13).

(89) Regulation 14(1ZA) was inserted by the Merchant Shipping (Implementation of Ship-Source Pollution Directive) Regulations 2009 (S.I. 2009/1210), regulation 5(a). Regulation 14(1A) was inserted by the Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) Regulations 1998 (S.I. 1998/1153), regulation 2(2).

(90) Article 4(4) was inserted by the Sea Fishing (Enforcement of Community Control Measures) (Amendment) Order 2009 (S.I.2009/1847), article 2(5).

- (a) in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (b) in paragraph (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (c) in paragraph (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.
- (3) In article 10 (obstruction etc), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.
- (4) In the Schedule (community control measures, contravention of which constitutes an offence), omit column 4 of the table (maximum fine on summary conviction).

Sea Fishing (Enforcement of Community Control Measures) (Wales) Order 2000 (S.I. 2000/1075)

60.—(1) The Sea Fishing (Enforcement of Community Control Measures) (Wales) Order 2000 is amended as follows.

- (2) In article 4 (penalties)—
- (a) in the English language text, in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (b) in the English language text, in paragraph (3), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (c) in the Welsh language text, in paragraph (1), for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar ddiad, i ddirwy”;
 - (d) in the Welsh language text, in paragraph (3), for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’I gollfarnu ar ddiad, i ddirwy”.
- (3) In the Schedule (community control measures, contravention of which constitutes an offence), omit column 4 of the table (maximum fine on summary conviction).

Sea Fishing (Enforcement of Community Conservation Measures) Order 2000 (S.I. 2000/1081)

61.—(1) The Sea Fishing (Enforcement of Community Conservation Measures) Order 2000 is amended as follows.

- (2) In article 4 (penalties)—
- (a) in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (b) in paragraph (2) for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.
- (3) In article 11 (obstruction of officers), for the words following liable substitute “on summary conviction, or on conviction on indictment, to a fine”.
- (4) In the Schedule (maximum fines on summary conviction apart from fines related to value of fish)—
- (a) omit column 3 of the table (maximum fine on summary conviction);
 - (b) for the heading substitute “Specified Community Measures”.

Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Wales) Order 2000 (S.I. 2000/1096)

62.—(1) The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Wales) Order 2000 is amended as follows.

(2) In article 4 (penalties)—

- (a) in the English language text, in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) in the English language text, in paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (c) in the Welsh language text, in paragraph (1), for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar dditiad, i ddirwy”;
- (d) in the Welsh language text, in paragraph (2), for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar dditiad, i ddirwy”.

(3) In article 10 (obstruction of officers)—

- (a) in the English language text, for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) in the Welsh language text, for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar dditiad, i ddirwy”.

(4) In Schedule 1 (specified community provisions applicable to community vessels and maximum fines on summary conviction)—

- (a) omit column 3 of the table (maximum fine on summary conviction);
- (b) in the English language text, in the heading omit “and maximum fines on summary conviction”;
- (c) in the Welsh language text, in the heading omit “ac uchafswm y ddirwy ar gollfarniad diannod”.

(5) In Schedule 2 (specified community provisions applicable to community vessels and maximum fines on summary conviction)—

- (a) omit column 3 of the table (maximum fine on summary conviction);
- (b) in the English language text, in the heading omit “and maximum fines on summary conviction”;
- (c) in the Welsh language text, in the heading omit “ac uchafswm y ddirwy ar gollfarniad diannod”.

Sea Fishing (North-East Atlantic Control Measures) Order 2000 (S.I. 2000/1843)

63.—(1) The Sea Fishing (North-East Atlantic Control Measures) Order 2000 is amended as follows.

(2) In article 5 (penalties)—

- (a) in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) in paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In article 10 (obstruction of officers), for the words following liable substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In article 14 (penalties)—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 No. 664*

- (a) in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (b) in paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.
- (5) In article 19 (obstruction of officers), for the words following liable substitute “on summary conviction, or on conviction on indictment, to a fine”.
- (6) In the Schedule (maximum fines on summary conviction apart from fines related to value of fish)—
- (a) omit column 3 of the table (maximum fine on summary conviction);
 - (b) for the heading substitute “Specified Community Measures”.

Sea Fishing (Enforcement of Community Conservation Measures) (Wales) Order 2000 (S.I. 2000/2230)

64.—(1) The Sea Fishing (Enforcement of Community Conservation Measures) (Wales) Order 2000 is amended as follows.

- (2) In article 4 (penalties)—
- (a) in the English language text, in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (b) in the English language text, in paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (c) in the Welsh language text, in paragraph (1), for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar ddiad, i ddirwy”;
 - (d) in the Welsh language text, in paragraph (2), for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar ddiad, i ddirwy”.
- (3) In article 11 (obstruction of officers)—
- (a) in the English language text, for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
 - (b) in the Welsh language text, for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar ddiad, i ddirwy”.
- (4) In the Schedule (maximum fines on summary conviction (apart from fines related to value of fish))—
- (a) omit column 3 of the table (maximum fine on summary conviction);
 - (b) in the English language text, for the heading substitute “Specified Community Measures”;
 - (c) in the Welsh language text, for the heading substitute “Mesurau Cymunedol Penodedig”.

Offshore Installations (Emergency Pollution Control) Regulations 2002 (S.I. 2002/1861)

65. In regulation 5 of the Offshore Installations (Emergency Pollution Control) Regulations 2002 (offences), in paragraph (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Sea Fishing (Restriction on Days at Sea) (No 2) Order 2003 (S.I. 2003/1535)

66. In article 12 of the Sea Fishing (Restriction on Days at Sea) (No 2) Order 2003 (penalties), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Sea Fishing (Enforcement of Community Satellite Monitoring Measures) Order 2004 (S.I. 2004/3226)

67. In article 15 of the Sea Fishing (Enforcement of Community Satellite Monitoring Measures) Order 2004 (penalties), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Incidental Catches of Cetaceans in Fisheries (England) Order 2005 (S.I. 2005/17)

68.—(1) The Incidental Catches of Cetaceans in Fisheries (England) Order 2005 is amended as follows.

(2) In article 5 (penalties), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In article 11 (obstruction of officers), in paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(4) In the Schedule (specified community provisions and maximum fines on summary conviction)

- (a) omit column 3 of the table (maximum fine on summary conviction);
- (b) in the heading omit “and maximum fines on summary conviction”.

Railways (Accident Investigation and Reporting) Regulations 2005 (S.I. 2005/1992)

69.—(1) Regulation 16 of the Railways (Accident Investigation and Reporting) Regulations 2005 (offences) is amended as follows.

(2) In paragraph (1), for “a fine not exceeding £20,000” substitute “a fine”.

(3) In paragraph (2), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2006 (S.I. 2006/2798)

70. In article 15 of the Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2006 (penalties)—

- (a) in the English language text, for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”;
- (b) in the Welsh language text, for the words following “yn agored” substitute “o’i gollfarnu’n ddiannod, neu o’i gollfarnu ar ddiad, i ddirwy”.

Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006 (S.I. 2006/2950)

71. In article 6 of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006 (application and modification of section 131(3) of the Merchant Shipping Act 1995)—

- (a) in the words in brackets, omit “on summary conviction to a fine not exceeding £250,000 or on conviction on indictment”;
- (b) omit the words following “an offence under section 131,”.

Sea Fishing (Restriction on Days at Sea) Order 2007 (S.I. 2007/927)

72. In article 17 of the Sea Fishing (Restriction on Days at Sea) Order 2007 (penalties and defence), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment to a fine”.

Sea Fishing (Prohibition on the Removal of Shark Fins) Order 2007 (S.I. 2007/2554)

73. In article 5 of the Sea Fishing (Prohibition on the Removal of Shark Fins) Order 2007 (penalties), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Sea Fishing (Recovery Measures) Order 2008 (S.I. 2008/2347)

74.—(1) The Sea Fishing (Recovery Measures) Order 2008 is amended as follows.

(2) In article 11 (penalties), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In article 18 (obstruction of officers), in paragraph (3), for the words following “liable” substitute “on summary conviction or on conviction on indictment to a fine”.

Sea Fishing (Landing and Weighing of Herring, Mackerel and Horse Mackerel) Order 2009 (S.I. 2009/1850)

75. In article 9 of the Sea Fishing (Landing and Weighing of Herring, Mackerel and Horse Mackerel) Order 2009 (penalties), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009 (S.I. 2009/1927)

76. In article 9 of the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009 (enforcement), in paragraph (4)(a), for “a fine not exceeding £5,000” substitute “a fine”.

Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 (S.I. 2009/3391)

77. In article 10 of the Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009 (penalties), in paragraph (1), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675)

78. In regulation 39 of the Environmental Permitting (England and Wales) Regulations 2010 (penalties), in paragraph (1)(a), for “a fine not exceeding £50,000” substitute “a fine”.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (S.I. 2010/781)

79.—(1) In regulation 27 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (offences), in paragraph (3), for “a fine not exceeding £50,000” substitute “a fine”.

(2) Sub-paragraph (1) is revoked on 1st April 2015⁽⁹¹⁾.

⁽⁹¹⁾ The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 are revoked by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936) which come into force on 1st April 2015.

Community Infrastructure Levy Regulations 2010 (S.I. 2010/948)

80.—(1) The Community Infrastructure Levy Regulations 2010 are amended as follows.

(2) In regulation 93 (offence), in paragraph (6), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

(3) In regulation 110 (offence of supplying false information), in paragraph (2)(a), for “a fine not exceeding £20,000” substitute “a fine”.

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

81. In Schedule 3 to the Environmental Civil Sanctions (England) Order 2010 (stop notices), in paragraph 6(1)(a), for “a fine not exceeding £20,000” substitute “a fine”.

Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 (S.I. 2010/1228)

82. In regulation 7 of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 (offences), in paragraph (4), for the words following “liable” substitute “on summary conviction, or on conviction on indictment, to a fine”.

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

83. In Schedule 3 to the Environmental Civil Sanctions (Wales) Order 2010 (stop notices), in paragraph 6(1)(a), for “a fine not exceeding £20,000” substitute “a fine”.

CRC Energy Efficiency Scheme Order 2013 (S.I. 2013/1119)

84. In article 83 of the CRC Energy Efficiency Scheme Order 2013 (penalties), in paragraph (1) (a), for “a fine not exceeding £50,000” substitute “a fine”.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936)

85.—(1) Regulation 23 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (offences: penalties) is amended as follows.

(2) Omit paragraphs (1), (2) and (3).

(3) In paragraph (4), for “a fine not exceeding £50,000” substitute “a fine”.

Part 2

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

86. In section 45F of the Public Health (Control of Disease) Act 1984 (health protection regulations: supplementary)(92), omit subsection (5)(b) and the “or” following it.

Merchant Shipping Act 1995 (c.21)

87. The Merchant Shipping Act 1995 is amended as follows.

88. In section 130 (regulation of transfers between ships in territorial waters), in subsection (3)—

(a) in paragraph (a), for “a fine not exceeding £25,000” substitute “a fine, the amount of which may be limited by the regulations,”;

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

(b) in paragraph (b), for the words from “a fine not exceeding £25,000” to the end substitute “a fine, the amount of which may be limited by the regulations;”.

89. In section 192A (compulsory insurance or security)(**93**), in subsection (5)—

(a) in paragraph (b), for the words from “a fine of an amount not exceeding £50,000” to “prescribed by the regulations,” substitute “a fine, the amount of which may be limited by the regulations;”;

(b) in paragraph (c), for the words from “a fine of an amount not exceeding £50,000” to “prescribed by the regulations” substitute “a fine, the amount of which may be limited by the regulations”.

Pollution Prevention and Control Act 1999 (c.24)

90. In Schedule 1 to the Pollution Prevention and Control Act 1999 (particular purposes for which provision may be made under section 2)(**94**), in paragraph 25(2)(a), for sub-paragraph (ii) substitute—
“(ii) a fine, the amount of which may be limited by the regulations.”.

Health and Social Care Act 2008 (c.14)

91. In section 35 of the Health and Social Care Act 2008 (contravention of regulations), for the words following “imprisonment” substitute “or, except in the case of regulations under section 20, with a fine exceeding level 4 on the standard scale”.

Planning Act 2008 (c.29)

92. In section 218 of the Planning Act 2008 (enforcement), in subsection (11), omit paragraph (a).

Marine and Coastal Access Act 2009 (c.23)

93. In section 232 of the Marine and Coastal Access Act 2009 (keeping, introduction and removal of fish), in subsection (7)(a), for “a fine not exceeding £50,000” substitute “a fine, the amount of which may be limited by the regulations”.

Sunbeds (Regulation) Act 2010 (c.20)

94. In section 10 of the Sunbeds (Regulation) Act 2010 (regulations: general), in subsection (3), for the words following “summary conviction” substitute “with a fine, the amount of which may be limited by the regulations;”.

Part 3

Fisheries Act 1981 (c.29)

95.—(1) The Fisheries Act 1981 is amended as follows.

(2) In section 24 (penalties for offences), omit subsection (3).

(3) In section 35 (regulation of whaling), omit subsections (3), (4) and (6)(b).

(93) Section 192A was inserted by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 16.

(94) Paragraph 25(2)(a) of Schedule 1 was amended by the Clean Neighbourhoods and Environment Act 2005 (c.16), section 105(1).

Planning and Compensation Act 1991 (c.34)

96.—(1) The Planning and Compensation Act 1991 is amended as follows.

(2) In section 23 (trees), omit subsection (6)(a).

(3) In paragraph 10 of Schedule 3 (listed buildings, conservation areas and hazardous substances), omit sub-paragraph (a).

Sea Fish Conservation Act 1992 (c.60)

97. Omit section 5 of the Sea Fish Conservation Act 1992 (penalty for offences).

Environment Act 1995 (c.25)

98. In Schedule 22 to the Environment Act 1995 (minor and consequential amendments), omit paragraph 195.

Merchant Shipping and Maritime Security Act 1997 (c.28)

99. In section 7 of the Merchant Shipping and Maritime Security Act 1997 (increased penalty for causing pollution, etc), omit subsections (1) and (2).

Countryside and Rights of Way Act 2000 (c.37)

100. Omit section 78 of the Countryside and Rights of Way Act 2000 (limestone pavement orders).

Water Act 2003 (c.37)

101.—(1) The Water Act 2003 is amended as follows.

(2) In section 57 (the Chief Inspector of Drinking Water and the Drinking Water Inspectorate), omit subsection (7).

(3) Omit section 60 (abstraction and impounding offences).

(4) Omit section 61 (supplying water unfit for human consumption).

Marine and Coastal Access Act 2009 (c.23)

102.—(1) The Marine and Coastal Access Act 2009 is amended as follows.

(2) In section 199 (penalties for offences), omit subsection (2).

(3) Omit section 205 (increase in penalties for certain offences relating to fisheries for shellfish).

(4) In section 220 (enforcement), omit subsection (9).

Digital Economy Act 2010 (c.24)

103. Omit section 42 of the Digital Economy Act 2010 (increase of penalties relating to infringing articles or illicit recordings).

Police Reform and Social Responsibility Act 2011 (c.13)

104. In section 118 of the Police Reform and Social Responsibility Act 2011 (persistently selling alcohol to children), omit subsection (2).

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)(95), 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)(96), 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)(97), 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)(98), in subsection (1), after “maximum amount” insert “(if any)”.

(95) 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).

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

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

(98) 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)(99), 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)(100), 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) (101) 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.”

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

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

(101) 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)”.

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to fines and maximum fines which may be imposed on summary conviction, for the purpose of implementing section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the Act”). Section 85(1) of the Act, which is commenced alongside these Regulations, provides that a relevant offence which is, on the commencement day, punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed) becomes punishable on summary conviction by a fine of any amount. An offence is relevant if, immediately before the commencement of section 85(1), it is a common law offence or it is contained in an Act or an instrument made under an Act (whether or not the offence is in force at that time).

These Regulations only apply to England and Wales and nothing in these Regulations affect a fine imposed on conviction in Scotland and Northern Ireland.

Regulation 2(1) provides that section 85(1) of the Act does not apply in relation to the offences specified in Schedule 1; and regulation 2(2) introduces Schedule 2, which makes provision for the offences in Schedule 1 to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the amendments.

Regulation 3 makes provision pursuant to section 85(8) of the Act, to ensure that provisions for maximum fines which are expressed as proportions of an amount of £5,000 or more (however expressed) continue to work. Regulation 3 introduces Schedule 3, which makes amendments to provide for certain offences punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however expressed) to be instead punishable on summary conviction by a fine or maximum fine expressed as a proportion of the amount specified or described in the amendments.

Regulation 4 introduces Schedules 4 and 5, which make amendments consequential on section 85 of the Act. Schedule 4 contains amendments to legislation which makes provision for offences to be punishable on summary conviction by a fine or maximum fine expressed as a numerical amount of £5000 or more. In order to assist users of legislation, the Schedule amends the text of the legislation to reflect the provision made by section 85(1) and (2) by changing the references to fines of a numerical amount to references to “a fine”.

Schedule 5 contains amendments which (among other things) make alternative provision for non-criminal penalties which are calculated by reference to the maximum penalty on summary conviction in circumstances where that maximum penalty no longer applies (by virtue of section 85(1) or (2) of the Act).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 No. 664

Regulation 5 sets out restrictions on the effect of the amendments in these Regulations and reflects the limitations mentioned in section 85(9) of the Act.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.