

*Status: Point in time view as at 07/10/2013.*

*Changes to legislation: Regulation of Investigatory Powers Act 2000, Paragraph 11 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE A1

#### MONETARY PENALTY NOTICES IN RELATION TO CERTAIN UNLAWFUL INTERCEPTIONS

##### Textual Amendments

- F1** Sch. A1 inserted (17.6.2011) by [The Regulation of Investigatory Powers \(Monetary Penalty Notices and Consents for Interceptions\) Regulations 2011 \(S.I. 2011/1340\)](#), **regs. 1(2), 2(4)** {Sch.}

### PART 2

#### INFORMATION PROVISIONS

##### *Enforcement of notices*

- 11 (1) The Commissioner may serve a Part 2 monetary penalty notice on a person if the person—
- (a) without reasonable excuse refuses or fails to comply with an information notice, or
  - (b) knowingly or recklessly gives any information which is false in a material particular in response to an information notice.
- (2) Subject to sub-paragraphs (3) to (7), Part 1 of this Schedule applies in relation to a Part 2 monetary penalty notice and the penalty that relates to that notice as it applies in relation to a Part 1 monetary penalty notice and the penalty that relates to that notice.
- (3) The amount of the monetary penalty determined by the Commissioner and specified in the Part 2 monetary penalty notice may be—
- (a) a fixed amount,
  - (b) an amount calculated by reference to a daily rate, or
  - (c) a fixed amount and an amount calculated by reference to a daily rate, provided that the total amount payable does not exceed £10,000.
- (4) In the case of an amount calculated by reference to a daily rate—
- (a) no account is to be taken of the day on which the Part 2 monetary penalty notice is served or any day before that day, and
  - (b) the Part 2 monetary penalty notice must specify—
    - (i) the day on which the amount first starts to accumulate and the circumstances in which it is to cease to accumulate, and
    - (ii) the period or periods within which the amount, or any part or parts so far accumulated, must be paid to the Commissioner (provided that

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no such period ends less than 28 days beginning with the day after the day on which the notice is served).

- (5) The provisions in Part 1 of this Schedule so far as relating to enforcement obligations do not apply in relation to a Part 2 monetary penalty notice.
- (6) Paragraph 3 applies by virtue of sub-paragraph (2) above as if—
  - (a) paragraph 3(6)(b)(i), the word “or” at the end of that sub-paragraph (i) and the word “other” in paragraph 3(6)(b)(ii) were omitted, and
  - (b) in paragraph 3(13) the references to an interception were references to conduct falling within paragraph 11(1)(a) or (b).
- (7) Paragraph 4(5) applies by virtue of sub-paragraph (2) above as if the references to an interception were references to conduct falling within paragraph 11(1)(a) or (b).]

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