



Health and Social Care Act 2008

2008 CHAPTER 14

PART 1

THE CARE QUALITY COMMISSION

CHAPTER 6

MISCELLANEOUS AND GENERAL

Enforcement

87 Penalty notices: supplementary provision

- (1) Regulations may make—
- (a) provision as to the form and content of penalty notices,
 - (b) provision as to the monetary amount of the penalty and the time by which it is to be paid,
 - (c) provision determining the methods by which penalties may be paid,
 - (d) provision as to the records to be kept in relation to penalty notices,
 - (e) provision for or in connection with the withdrawal, in prescribed circumstances, of a penalty notice, including—
 - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
 - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates,
 - (f) provision for a certificate—
 - (i) purporting to be signed by or on behalf of a prescribed person, and
 - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate,to be received in evidence of the matters so stated,

Status: This is the original version (as it was originally enacted).

- (g) provision as to the action to be taken if a penalty is not paid in accordance with a penalty notice, and
 - (h) such other provision in relation to penalties or penalty notices as the Secretary of State thinks necessary or expedient.
- (2) Regulations under subsection (1)(b)—
- (a) may make provision for penalties of different amounts to be payable in different cases, including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid, but
 - (b) must secure that the amount of any penalty payable in respect of any offence does not exceed one half of the maximum amount of the fine to which a person committing the offence would be liable on summary conviction.
- (3) In this section—
- “penalty” means a penalty under a penalty notice;
 - “penalty notice” has the meaning given by section 86(3).