

SCHEDULES

SCHEDULE 6

CHARGES FOR SINGLE USE CARRIER BAGS

PART 2

CIVIL SANCTIONS

Guidance as to use of civil sanctions

- 21 (1) Where power is conferred on an administrator by the regulations to impose a civil sanction in relation to a breach of regulations under this Schedule, the provision conferring the power must secure that—
- (a) the administrator must publish guidance about the administrator's use of the civil sanction,
 - (b) the guidance must contain the relevant information,
 - (c) the administrator must revise the guidance where appropriate,
 - (d) the administrator must consult such persons as the provision may specify before publishing any guidance or revised guidance, and
 - (e) the administrator must have regard to the guidance or revised guidance in exercising the administrator's functions.
- (2) In the case of guidance relating to a fixed monetary penalty, the relevant information referred to in sub-paragraph (1)(b) is information as to—
- (a) the circumstances in which the penalty is likely to be imposed,
 - (b) the circumstances in which it may not be imposed,
 - (c) the amount of the penalty,
 - (d) how liability for the penalty may be discharged and the effect of discharge, and
 - (e) rights to make representations and objections and rights of appeal.
- (3) In the case of guidance relating to a discretionary requirement, the relevant information referred to in sub-paragraph (1)(b) is information as to—
- (a) the circumstances in which the requirement is likely to be imposed,
 - (b) the circumstances in which it may not be imposed,
 - (c) in the case of a variable monetary penalty, the matters likely to be taken into account by the administrator in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance), and
 - (d) rights to make representations and objections and rights of appeal.