

Status: Point in time view as at 12/11/2009.

Changes to legislation: Marine and Coastal Access Act 2009, Paragraph 5 is up to date with all changes known to be in force on or before 14 July 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

SCHEDULE 10

FURTHER PROVISION ABOUT FIXED MONETARY PENALTIES UNDER SECTION 142

Guidance as to use of fixed monetary penalties

- 5 (1) Where power is conferred on an enforcement authority under section 142 to impose a fixed monetary penalty in relation to an offence, the provision conferring the power must secure the results in sub-paragraph (2).
- (2) Those results are that—
- (a) the enforcement authority must publish guidance about its use of the penalty,
 - (b) the guidance must contain the relevant information,
 - (c) the enforcement authority must revise the guidance where appropriate,
 - (d) the enforcement authority must consult such persons as the provision may specify before publishing any guidance or revised guidance, and
 - (e) the enforcement authority must have regard to the guidance or revised guidance in exercising its functions.
- (3) The relevant information referred to in sub-paragraph (2)(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.

Commencement Information

- II** [Sch. 10 para. 5](#) partly in force; [Sch. 10 para. 5](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [Sch. 10 para. 5](#) in force for further specified purposes at 12.1.2010 see [s. 324\(2\)\(b\)\(i\)](#)

Status:

Point in time view as at 12/11/2009.

Changes to legislation:

Marine and Coastal Access Act 2009, Paragraph 5 is up to date with all changes known to be in force on or before 14 July 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.