



Localism Act 2011

2011 CHAPTER 20

PART 2

EU FINANCIAL SANCTIONS

56 Final notices

- (1) A Minister of the Crown may give a final notice to a public authority only if a Minister of the Crown has decided in accordance with section 55 to impose a requirement under this Part on the authority.
- (2) The final notice must—
 - (a) identify the EU financial sanction to which the notice relates;
 - (b) specify the total amount of the sanction (see subsection (3)) and, where relevant, the amount and frequency of any future periodic payments (see subsection (4));
 - (c) describe the acts of the authority that a Minister of the Crown has under section 55(4) determined—
 - (i) have caused or contributed to the infraction of EU law concerned; or
 - (ii) have caused or contributed, or will continue to cause or contribute, to the continuation of that infraction;and set out the reasons for that determination;
 - (d) summarise the other determinations made by a Minister of the Crown under section 55(4) and set out the reasons for making them;
 - (e) specify the amount required to be paid by the authority towards the total amount of the sanction and when it is to be paid (and if it is to be paid in instalments, the instalments and the date on which they become payable);
 - (f) specify the amount or proportion required to be paid towards any future periodic payment (as defined for the purposes of paragraph (b)) and the time when that amount is to be paid (or, if the notice so provides, the time when two or more such amounts are to be paid); and
 - (g) specify how and to whom payments are to be made.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2)(b) and (e) the “total amount of the sanction” means the sum of the following—
- (a) the amount of the lump sum (if any) due from the United Kingdom under the terms of the EU financial sanction (disregarding any amount that falls to be excluded from the lump sum by virtue of section 50(2)); and
 - (b) the total amount of the periodic payments (if any) which have fallen due from the United Kingdom on or before a day specified in the final notice (disregarding any amount that falls to be excluded from any of those payments by virtue of section 50(2));
- and the day specified for the purposes of paragraph (b) must be no later than the day on which the final notice is given to the authority.
- (4) In subsection (2)(b) “future periodic payments” means periodic payments due from the United Kingdom other than—
- (a) any periodic payment taken into account in calculating the total amount of the sanction; or
 - (b) any periodic payment, or any part of a periodic payment, that falls to be excluded from the EU financial sanction by virtue of section 50(2).
- (5) The requirement to make payments towards periodic payments falling due from the United Kingdom after the notice is given continues so long as those periodic payments continue to fall due, unless a Minister of the Crown gives the authority a notice under this subsection terminating the requirement or varying it so as to make it less onerous for the authority.
- (6) A notice under subsection (5) may be given, either on the application of the authority or without such an application, where a Minister of the Crown considers it appropriate in the light of a change in the circumstances which applied when the final notice was given or when it was last varied (as the case may be).
- (7) A Minister of the Crown may—
- (a) consult the panel, or refer any matter relating to the possible termination or variation of the requirement for its advice or recommendations;
 - (b) invite the authority to make representations; and
 - (c) if the authority has mixed functions, invite the appropriate national authority to make representations,
- before deciding whether to terminate or vary the requirement mentioned in subsection (5).
- (8) If the authority makes an application under subsection (6) a Minister of the Crown may by notice to the authority suspend the requirement until further notice (but this does not affect the liability to make any payment once the suspension is ended, unless the final notice is varied to have that effect).