

*Status: Point in time view as at 01/05/2022.*

*Changes to legislation: Investigatory Powers Act 2016, Paragraph 11 is up to date with all changes known to be in force on or before 25 May 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 1

#### MONETARY PENALTY NOTICES

#### PART 1

#### MONETARY PENALTY NOTICES

##### *Guidance*

- 11 (1) The Commissioner must prepare and issue guidance on how the Commissioner proposes to exercise the Commissioner's functions under section 7 and this Schedule.
- (2) The guidance must, in particular, deal with—
- (a) the manner in which the Commissioner is to deal with claims of a description specified in the guidance which may give rise to grounds for serving a monetary penalty notice,
  - (b) the circumstances in which the Commissioner would consider it appropriate to serve a monetary penalty notice,
  - (c) how the Commissioner will determine the amount of the penalty, and
  - (d) the circumstances in which the Commissioner would consider it appropriate to impose an enforcement obligation.
- (3) The Commissioner may alter or replace the guidance.
- (4) If the guidance is altered or replaced, the Commissioner must issue the altered or replacement guidance.
- (5) The Commissioner must arrange for the publication, in such form and manner as the Commissioner considers appropriate, of any guidance issued under this paragraph.

#### **Commencement Information**

**11** [Sch. 1 para. 11](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 7\(g\)](#)

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