



# Animals (Penalty Notices) Act 2022

## 2022 CHAPTER 19

### *Fixed penalty notices*

#### **4 Matters to be taken into account**

- (1) An enforcement authority for a relevant offence or a constable must take into account the matters mentioned in [subsection \(2\)](#) in deciding—
  - (a) whether to issue a fixed penalty notice to a person under section 1 or 2, and
  - (b) the amount to be specified in the notice.
- (2) The matters are—
  - (a) the seriousness of the conduct to which the proposed notice relates (the “relevant conduct”);
  - (b) the duration of the relevant conduct;
  - (c) any evidence of intention behind the relevant conduct;
  - (d) any evidence of previous acts or omissions by the person similar to the relevant conduct;
  - (e) any action taken by the person to eliminate or reduce any risk of harm resulting from the relevant conduct;
  - (f) any action taken by the person to remedy or mitigate any harm resulting from the relevant conduct;
  - (g) whether the person reported the relevant conduct to the enforcement authority or constable;
  - (h) the conduct of the person after the relevant conduct is drawn to their attention by the enforcement authority or constable.
- (3) The Secretary of State must give guidance about—
  - (a) additional matters to be taken into account in deciding whether to issue a fixed penalty notice;
  - (b) additional matters to be taken into account in deciding the amount to be specified in the notice;
  - (c) how the matters mentioned in [subsection \(2\)](#) and any additional matters of the kind mentioned in [paragraph \(a\)](#) or [\(b\)](#) are to be taken into account.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The guidance must be laid before Parliament after it is given.
- (5) An enforcement authority for a relevant offence or constable must have regard to the guidance.