

## SCHEDULE 4

Article 8

### Reporting and guidance

#### **Publication of records**

1.—(1) The Secretary of State must publish every record supplied to the Secretary of State in accordance with paragraph 2 of Schedule 3 on or before 31st July in the reporting year following that to which the record relates.

(2) The record must be published by way of a notice displayed in a prominent position on a website.

(3) The record must remain published for a period of one year beginning with the day after the date of its publication in accordance with sub-paragraph (1).

(4) For the purposes of sub-paragraph (1), in relation to the reporting year beginning with 7th April 2022, the date on or before which the report must be published is 31st July 2023.

#### **Publication of report about enforcement action**

2.—(1) An administrator must publish a report for the period—

(a) beginning with 5th October 2015 and ending with 4th October 2017;

(b) beginning with 5th October 2017 and ending with 4th October 2020; and

(c) beginning with 5th October 2020 and ending with 4th October 2022.

(2) The report must be published, in relation to the period beginning with—

(a) 5th October 2015, on or before 31st May 2018;

(b) 5th October 2017, on or before 31st May 2021;

(c) 5th October 2020, on or before 31st May 2023.

(3) The report must be—

(a) published in a prominent position on the administrator's website; and

(b) available for inspection at the administrator's office.

(4) The report must specify—

(a) the cases in which a civil sanction has been imposed;

(b) where the civil sanction is a fixed monetary penalty, the cases in which liability to the penalty has been discharged pursuant to paragraph 3 of Schedule 5.

(5) The report must remain published, and be available for inspection at the administrator's office, for a period of three years beginning with the day after the date of its publication in accordance with sub-paragraph (2).

(6) In sub-paragraph (4)(a), the reference to the imposition of a civil sanction does not include cases where a civil sanction was imposed but overturned on appeal.

(7) An administrator must not publish a report where the Secretary of State notifies the administrator in writing not to do so.

#### **Guidance as to use of civil sanctions**

3.—(1) An administrator must publish guidance about its use of civil sanctions under this Order.

(2) The guidance must contain—

(a) in relation to a fixed monetary penalty, information as to—

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

- (i) the circumstances in which the penalty is likely to be imposed;
  - (ii) the circumstances in which the penalty may not be imposed;
  - (iii) the amount of the penalty;
  - (iv) how liability for the penalty may be discharged and the effect of discharge;
  - (v) the right to make representations and objections;
  - (vi) the right of appeal;
- (b) in relation to a discretionary requirement, information as to—
- (i) the circumstances in which the requirement is likely to be imposed;
  - (ii) the circumstances in which the requirement may not be imposed;
  - (iii) 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);
  - (iv) the right to make representations and objections;
  - (v) the right of appeal.
- (3) An administrator must revise the guidance where appropriate.
- (4) An administrator must publish revised guidance within the period of 28 days beginning with the day on which the guidance is revised.
- (5) Before publishing any guidance or revised guidance, an administrator must consult the Secretary of State and the British Retail Consortium.
- (6) An administrator must have regard to the guidance or revised guidance in exercising its functions under this Order.