

SCHEDULE 4

Reporting and guidance

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—
 - (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.