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STATUTORY INSTRUMENTS

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**2016 No. 221**

The Collective Management of Copyright  
(EU Directive) Regulations 2016

PART 4

Dispute Resolution and Enforcement

**Financial penalties for non-compliance**

**38.**—(1) The Secretary of State may impose a financial penalty on—

- (a) a collective management organisation,
- (b) a member,
- (c) a right holder or a body representing the interests of right holders,
- (d) a user or a body representing the interests of users,
- (e) an entity to which a provision of these Regulations applies under paragraph (4) of regulation 2, or
- (f) an independent management entity,

if the Secretary of State is satisfied that the person referred to in paragraph (1)(a) to (f) has failed to comply with its obligations under Part 2 or 3 of these Regulations or regulation 31, 32 or 36.

(2) If the Secretary of State may impose a financial penalty on a collective management organisation under paragraph (1) the Secretary of State may instead impose a financial penalty on a director, manager or similar officer of that collective management organisation or, where the organisation's affairs are managed by its members, a member.

(3) The amount of the financial penalty must be such amount as the Secretary of State considers appropriate.

(4) In deciding what amount is appropriate the Secretary of State must have regard to the nature of the failure of compliance.

(5) A financial penalty may comprise of either—

- (a) a sum not exceeding £50,000; or
- (b) a sum not exceeding £5,000 together with a sum not exceeding £500 for each day that the person referred to in paragraph (1) continues to fail to comply with its obligations under these Regulations not exceeding in total £50,000.

(6) A financial penalty is payable to the Secretary of State.