
STATUTORY INSTRUMENTS

2016 No. 539

**The Posted Workers (Enforcement of
Employment Rights) Regulations 2016**

PART 3

Cross-border enforcement and disclosure of information

Cross-border enforcement of financial administrative penalties and fines

- 11.**—(1) An amount payable in pursuance of an EU penalty is recoverable—
- (a) in England and Wales, if the county court so orders, under section 85 of the County Courts Act 1984⁽¹⁾ or otherwise as if the sum were payable under an order of that court;
 - (b) in Scotland, by diligence as if the sum were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (2) Where a competent authority in a Member State other than the United Kingdom requests that the Secretary of State recover an EU penalty, the Secretary of State is entitled to recover the amount of any sum owing as part of that EU penalty.
- (3) For the purposes of this regulation—
- “EU penalty” means a financial administrative penalty or fine including fees and surcharges relating to non-compliance with [Directive 96/71/EC](#) or [Directive 2014/67/EU](#)—
- (a) imposed on a service provider established in the United Kingdom by a competent authority in a Member State other than the United Kingdom; or
 - (b) confirmed by an administrative or judicial body in a Member State other than the United Kingdom as payable by a service provider established in the United Kingdom;
- “competent authority” means a competent authority designated by a Member State other than the United Kingdom for the purposes of [Directive 2014/67/EU](#).
- (4) Any amount received by the Secretary of State under this Part is to be paid into the Consolidated Fund.

Disclosure of information held by Revenue and Customs

- 12.**—(1) This regulation applies to information which is held by or on behalf of the Revenue and Customs, including information obtained before the coming into force of this regulation.
- (2) No obligation of secrecy imposed by statute or otherwise prevents the disclosure, in accordance with this regulation, of information if the disclosure is made for the purposes of replying to reasoned requests for information made by a competent authority of another Member State in accordance with Article 6 of [Directive 2014/67/EU](#).

(1) 1984 c.28.

(3) The information must not be disclosed except by the Revenue and Customs as defined in section 17(3) of the Commissioners for Revenue and Customs Act 2005⁽²⁾.

(4) Information obtained by means of a disclosure authorised by paragraph (2) must not be further disclosed except for the purpose mentioned in that paragraph.

(5) Nothing in this regulation authorises the making of any disclosure which is prohibited by any provision of the Data Protection Act 1998⁽³⁾.

(6) Nothing in this regulation must be taken to prejudice any power to disclose information which exists apart from this regulation.

(2) 2005 c.11.
(3) 1998 c.29.