

SCHEDULES

SCHEDULE 2

Regulation 5(1)

Fixed monetary penalties

Power to impose a fixed monetary penalty

1.—(1) An authorised officer may by notice impose a fixed monetary penalty on a person in relation to an offence under these Regulations.

(2) Before doing so, the authorised officer must be satisfied beyond reasonable doubt that the person has committed the offence.

(3) “Fixed monetary penalty” means a requirement to pay to the food authority a penalty of £200 for an individual or £200 for a body corporate.

Contents of notice

2. The notice imposing the fixed monetary penalty must include information as to—

- (a) the amount of the fixed monetary penalty;
- (b) the grounds for imposing the penalty;
- (c) how payment may be made;
- (d) the period of 56 days within which payment must be made;
- (e) details of the early payment discounts and late payment penalties;
- (f) rights of appeal; and
- (g) the consequences of non-payment.

Discount for early payment

3. A person who was served with a notice imposing a fixed monetary penalty may discharge the penalty by paying 50% of the penalty within 28 days beginning with the day on which the notice was received.

Appeals

4.—(1) A person receiving a notice imposing a fixed monetary penalty may appeal against it.

(2) The grounds of appeal are—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable.

Non-payment after 56 days

5.—(1) The fixed monetary penalty must be paid within 56 days of receipt of the notice.

(2) If the penalty is not paid within 56 days the amount payable is increased by 50%.

Status: This is the original version (as it was originally made).

(3) In the case of an appeal it is payable within 28 days of the determination of the appeal (if the appeal is unsuccessful), and if it is not paid within 28 days the amount of the penalty is increased by 50%.

Criminal proceedings

6. If a fixed monetary penalty is imposed on any person, that person may not at any time be convicted of the offence in respect of the act or omission giving rise to the penalty.