

SCHEDULE

Enforcement

PART 2

Civil sanctions

Civil penalties

11.—(1) Subject to sub-paragraph (2), where—

- (a) a person does not comply with a compliance notice under paragraph 10, or
- (b) the enforcement authority considers that there has been a breach of paragraph 8 by a person,

the enforcement authority may serve a notice (a “penalty notice”) on the person requiring them to pay a civil penalty.

(2) The enforcement authority may not serve a penalty notice on a person unless it has first complied with paragraphs 13 to 15.

(3) The enforcement authority may not require a person to pay a civil penalty if the authority is satisfied on the balance of probabilities that there was a reasonable excuse for the non-compliance or the breach.

(4) The enforcement authority may require a person to pay a civil penalty without first serving a compliance notice under paragraph 10 if it considers it appropriate to do so.

(5) A penalty notice must be in writing, dated and include—

- (a) the reasons for imposing the civil penalty;
- (b) the amount to be paid;
- (c) how payment is to be made;
- (d) the period within which payment must be made, which must be not less than 28 days from the date of the final decision;
- (e) the rights of appeal in accordance with paragraphs 16 and 17; and
- (f) the consequences of failing to comply with the notice.