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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1292**

**The Regulated Services (Penalty Notices) (Wales) Regulations 2017**

**Withdrawal of penalty notice**

**8.—(1)** The service regulator may withdraw a penalty notice by giving written notice of the withdrawal to the recipient if—

- (a) the service regulator determines that—
  - (i) it ought not to have been given, or
  - (ii) it ought not to have been given to the person named as the recipient; or
- (b) it appears to the service regulator that the notice contains material errors.

(2) A penalty notice may be withdrawn in accordance with paragraph (1) whether or not the payment period has expired, and whether or not the penalty has been paid.

(3) Where a penalty notice has been withdrawn in accordance with paragraph (1), the service regulator must repay any amount paid by way of penalty in pursuance of that notice to the person who paid it.

(4) Except as provided in paragraph (5), no proceedings may be instituted or continued against a recipient for the offence to which the penalty notice relates where the notice has been withdrawn in accordance with paragraph (1).

(5) Where a penalty notice has been withdrawn under paragraph (1)(b), proceedings may be instituted or continued for the offence in connection with which that penalty notice was given if a further penalty notice in respect of the offence has been given and the penalty has not been paid before the expiry of the payment period.