



Children and Families (Wales) Measure 2010

2010 nawm 1

PART 2

CHILD MINDING AND DAY CARE FOR CHILDREN

Offences, criminal proceedings and fixed penalties

48 Penalty notices: supplementary provisions

- (1) The Welsh Ministers may by regulations make provision about any of the following—
- (a) the form and content of penalty notices;
 - (b) the monetary amount of the penalty and the time by which it is to be paid;
 - (c) determination of the methods by which penalties may be paid;
 - (d) the records to be kept in relation to penalty notices;
 - (e) the withdrawal, in prescribed circumstances, of a penalty notice, including—
 - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and
 - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates;
 - (f) certificates to be received in evidence—
 - (i) purporting to be signed by or on behalf of a prescribed person, and
 - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate;
 - (g) action to be taken if a penalty is not paid in accordance with a penalty notice;
 - (h) anything else in relation to penalties or penalty notices as the Welsh Ministers think necessary or expedient.
- (2) Regulations under subsection (1)(b)—

Changes to legislation: There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Section 48. (See end of Document for details)

- (a) may make provision for penalties of different amounts to be payable in different cases, including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid, but
- (b) must secure that the amount of any penalty payable in respect of any offence does not exceed one half of the maximum amount of the fine to which a person committing the offence would be liable on summary conviction^{F1}or, where there is no such maximum amount, that it does not exceed the amount corresponding to level 4 on the standard scale for summary offences].
- (3) In this section—
- “penalty” means a penalty under a penalty notice;
- “penalty notice” has the meaning given by section 47.

Textual Amendments

- F1** Words in s. 48(2)(b) inserted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 5 para. 16** (with reg. 5(1))
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Commencement Information

- I1** S. 48 in force at 1.4.2011 by [S.I. 2010/2582](#), art. 2, **Sch. 1** (with Schs. 2, 3)

Changes to legislation:

There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Section 48.