

# **SAFETY ON LEARNER TRANSPORT (WALES) MEASURE 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule – Civil Sanctions***

#### **Discretionary requirements (paragraphs 4, 5 and 6 of Schedule A1)**

39. Regulations may provide for an enforcement authority to impose one or more discretionary requirements on a person who breaches safety regulations. Again the enforcement authority must be satisfied on the balance of probabilities that the breach has occurred.
40. A discretionary requirement may include a requirement to pay a penalty of an amount determined by an enforcement authority; or a requirement to take such steps specified by the enforcement authority to secure that the breach does not continue or recur.
41. A discretionary requirement cannot be imposed on a person for the same act or omission on more than one occasion.
42. Paragraph 5 of Schedule A1 sets out the procedure for discretionary requirements including a notice of intent, the process of making representations and objections, the payment of penalties in the case of a variable monetary penalty and the appeals process, grounds of appeal and the consequences of non-compliance.
43. Provision may also be made in regulations to allow an enforcement authority to impose a monetary penalty ('a non-compliance penalty') on a person who fails to comply with a discretionary requirement to take step to secure that a breach does not continue or recur (paragraph 6 of Schedule A1).