

Status: Point in time view as at 13/02/2012.

Changes to legislation: There are currently no known outstanding effects for the Sunbeds Act (Northern Ireland) 2011, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 12(3).

FIXED PENALTIES

Commencement Information

I1 Sch. 2 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

Contents of fixed penalty notices

1 A fixed penalty notice must—

- (a) state the alleged offence; and
- (b) give such particulars of the circumstances alleged to constitute it as are necessary for giving reasonable information about it.

Commencement Information

I2 Sch. 2 para. 1 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

2.—(1) A fixed penalty notice must also state—

- (a) the amount of the penalty and the period for its payment;
- (b) the consequences of not paying the penalty before the end of the period mentioned in head (a);
- (c) the person to whom and the address at which payment may be made;
- (d) by what method payment may be made;
- (e) the person to whom and the address at which any representations relating to the notice may be made.

(2) The person mentioned in sub-paragraph (1)(c) and (e) must be the district council on whose behalf the authorised officer was acting when the officer gave the notice.

Commencement Information

I3 Sch. 2 para. 2 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

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3 A fixed penalty notice must also—

- (a) inform the person to whom it is given of the person's right to be tried for the alleged offence; and
- (b) explain how that right may be exercised.

Commencement Information

I4 Sch. 2 para. 3 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

Amount of fixed penalty and period for payment

4 The fixed penalty is such amount as may be prescribed.

Commencement Information

I5 Sch. 2 para. 4 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

5 The period for payment of the fixed penalty is the period of 28 days beginning with the day on which the notice is given.

Commencement Information

I6 Sch. 2 para. 5 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

Effect of notice and payment

6.—(1) Proceedings for the offence in respect of which a fixed penalty notice was given may not be brought before the end of the period for payment of the fixed penalty.

(2) Sub-paragraph (1) does not apply if the person to whom the notice was given has asked in accordance with paragraphs 11 and 12 to be tried for the alleged offence.

Commencement Information

I7 Sch. 2 para. 6 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

7 If the fixed penalty is paid in accordance with the fixed penalty notice before the end of the period for payment of the fixed penalty, no proceedings for the offence may be brought and paragraph 11 does not apply.

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I8 Sch. 2 para. 7 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

8 If proceedings have been brought pursuant to a request under paragraph 11, but then the penalty is paid as mentioned in paragraph 7 those proceedings may not be continued.

Commencement Information

I9 Sch. 2 para. 8 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

9 In any proceedings, a certificate is evidence of the facts which it states if it—

- (a) purports to be signed by or on behalf of the person responsible for the financial affairs of the district council on whose behalf the authorised officer who gave a fixed penalty notice was acting; and
- (b) states that payment of the fixed penalty in pursuance of the notice was or was not received by the expiry of the period within which that fixed penalty may be paid.

Commencement Information

I10 Sch. 2 para. 9 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

10 Any sum received by a district council under this Schedule accrues to that council.

Commencement Information

I11 Sch. 2 para. 10 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

Trial

11 If the person to whom a fixed penalty notice has been given asks to be tried for the alleged offence, proceedings may be brought against that person.

Commencement Information

I12 Sch. 2 para. 11 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41, art. 2](#)

12 Any request to be tried must be made—

- (a) by notice given to the district council in question before the end of the period for payment of the penalty;

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(b) in the manner specified in the fixed penalty notice.

Commencement Information

I13 Sch. 2 para. 12 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

Withdrawal of fixed penalty notices

13.—(1) The district council must consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

(2) Where a fixed penalty notice is withdrawn in accordance with subparagraph (1)—

- (a) the district council must give notice of the withdrawal to the person to whom the fixed penalty notice was given;
- (b) the district council must repay any amount which has been paid under the fixed penalty notice; and
- (c) no proceedings are to be brought or continued against that person for the offence in question.

Commencement Information

I14 Sch. 2 para. 13 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

Regulations

14 The Department may by regulations—

- (a) provide that fixed penalty notices may not be given in such circumstances as may be prescribed;
- (b) provide for the form of a fixed penalty notice;
- (c) provide for the method by which fixed penalties may be paid;
- (d) modify paragraph 5 so as to substitute a different period for the period for the time being specified there;
- (e) provide for the keeping of accounts, and the preparation and publication of statements of account relating to fixed penalties under this Schedule.

Commencement Information

I15 Sch. 2 para. 14 in operation at 13.2.2012 for specified purposes by [S.R. 2012/41](#), [art. 2](#)

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