

Status: Point in time view as at 25/04/2013.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Sanctions. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE A1

REGULATION OF LICENSING BODIES

Textual Amendments

- F1** Sch. A1 inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(1), Sch. 22 para. 1

Sanctions

- 5 (1) The Secretary of State may by regulations provide for the consequences of a failure by a licensing body to comply with—
- (a) a requirement to adopt a code of practice under provision within paragraph 1(1);
 - (b) a code of practice that has been adopted by the body in accordance with a requirement under provision within paragraph 1(1), or that has effect as one adopted by the body under provision within paragraph 1(2);
 - (c) a requirement imposed on the body under any other provision made under this Schedule;
 - (d) an authorisation under regulations under section 116A or 116B;
 - (e) a requirement imposed by regulations under section 116A or 116B;
 - (f) an authorisation under regulations under paragraph 1A or 1B of Schedule 2A;
 - (g) a requirement imposed by regulations under paragraph 1A or 1B of that Schedule.
- (2) The regulations may in particular provide for—
- (a) the imposition of financial penalties or other sanctions;
 - (b) the imposition of sanctions on a director, manager or similar officer of a licensing body or, where the body's affairs are managed by its members, on a member.
- (3) The regulations must include provision—
- (a) for determining whether there has been a failure to comply with a requirement or code of practice for the purposes of any provision made under sub-paragraph (1);
 - (b) for determining any sanction that may be imposed in respect of the failure to comply;
 - (c) for an appeal against a determination within paragraph (a) or (b).
- (4) A financial penalty imposed under sub-paragraph (2) must not be greater than £50,000.

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- (5) The regulations may provide for a determination within sub-paragraph (3)(a) or (3)(b) to be made by the Secretary of State or by a person designated by the Secretary of State under the regulations.
- (6) The regulations may make provision for requiring a person to give the person by whom a determination within sub-paragraph (3)(a) falls to be made (the “adjudicator”) any information that the adjudicator reasonably requires for the purpose of making that determination.]

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