



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART II

#### ESTABLISHMENTS AND AGENCIES

#### *[<sup>F1</sup>Penalty notices*

#### Textual Amendments

- F1** Ss. 30ZA, 30ZB and preceding cross-heading inserted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 25](#); [S.I. 2009/462](#), [art. 2](#), [Sch. 1 para. 35](#)

#### **30ZA** Penalty notices

- (1) Where the Welsh Ministers are satisfied that a person has committed a fixed penalty offence, they may give the person a penalty notice in respect of the offence.
- (2) A fixed penalty offence is any relevant offence which—
  - (a) relates to an establishment or agency for which the Welsh Ministers are the registration authority, and
  - (b) is prescribed for the purposes of this section.
- (3) A relevant offence is—
  - (a) an offence under this Part or under regulations made under this Part <sup>F2</sup>...
  - <sup>F3</sup>(b) .....
- (4) A penalty notice is a notice offering the person the opportunity of discharging any liability to conviction for the offence to which the notice relates by payment of a penalty in accordance with the notice.
- (5) Where a person is given a penalty notice, proceedings for the offence to which the notice relates may not be instituted before the end of such period as may be prescribed.

*Changes to legislation: Care Standards Act 2000, Cross Heading: Penalty notices is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Where a person is given a penalty notice, the person cannot be convicted of the offence to which the notice relates if the person pays the penalty in accordance with the notice.
- (7) Penalties under this section are payable to the Welsh Ministers.
- (8) In this section “prescribed” means prescribed by regulations made by the Welsh Ministers.

#### Textual Amendments

- F2** Word in s. 30ZA(3) omitted (29.4.2019) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **10(a)**
- F3** S. 30ZA(3)(b) omitted (29.4.2019) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **10(b)**

#### Modifications etc. (not altering text)

- C1** S. 30ZA applied (with modifications) (31.3.2017) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Private Dental Practices\) \(Wales\) Regulations 2017 \(S.I. 2017/200\)](#), regs. 1(2), 3(2)(h), **Sch.**

### 30ZB Penalty notices: supplementary provision

- (1) The Welsh Ministers may by regulations make—
  - (a) provision as to the form and content of penalty notices,
  - (b) provision as to the monetary amount of the penalty and the time by which it is to be paid,
  - (c) provision determining the methods by which penalties may be paid,
  - (d) provision as to the records to be kept in relation to penalty notices,
  - (e) provision for or in connection with 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) provision for a certificate—
    - (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,
 to be received in evidence of the matters so stated,
  - (g) provision as to action to be taken if a penalty is not paid in accordance with a penalty notice, and
  - (h) such other provision in relation to penalties or penalty notices as the Welsh Ministers think necessary or expedient.
- (2) Regulations under subsection (1)(b)—
  - (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

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- (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 [<sup>F4</sup>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 30ZA(4).]

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**Textual Amendments**

- F4** Words in s. 30ZB(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. 8** (with reg. 5(1))

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**Modifications etc. (not altering text)**

- C2** S. 30ZB applied (31.3.2017) by [The Care Standards Act 2000 \(Extension of the Application of Part 2 to Private Dental Practices\) \(Wales\) Regulations 2017 \(S.I. 2017/200\)](#), regs. 1(2), 3(2)(i), **Sch.**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)