

*Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 9

#### FIXED PENALTIES

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

- C1** Sch. 1 applied (with modifications) (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 91(5)**, 139(6); [S.I. 2014/2609](#), **art. 2**; [S.I. 2015/375](#), **art. 3**

##### *Contents of penalty notice*

- 1 A 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

- I1** Sch. 1 para. 1 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**  
**I2** Sch. 1 para. 1 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

- 2 (1) A penalty notice must also state—
- (a) the name and address of the enforcement authority on whose behalf the authorised officer was acting when he gave the notice,
  - (b) the amount of the penalty and the period for its payment,
  - (c) the discounted amount and the period for its payment,
  - (d) the consequences of not paying the penalty or the discounted amount before the end of the period mentioned in paragraph (b) or (c),
  - (e) the person to whom and the address at which payment may be made,
  - (f) by what method payment may be made,
  - (g) 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)(e) and (g) must be the enforcement authority referred to in sub-paragraph (1)(a).

##### Commencement Information

- I3** Sch. 1 para. 2 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**  
**I4** Sch. 1 para. 2 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

- 3 A penalty notice must also—

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

**Commencement Information**

- I5** Sch. 1 para. 3 in force at 2.4.2007 for W. by [S.I. 2007/204, art. 2\(a\)](#)
- I6** Sch. 1 para. 3 in force at 1.7.2007 for E. by [S.I. 2007/1375, art. 2\(a\)](#)

- 4 A penalty notice must be in a form specified in regulations made by the [<sup>F1</sup>Secretary of State].

**Textual Amendments**

- F1** Words in Sch. 1 para. 4 substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\), s. 126\(2\), Sch. 2 para. 15; S.I. 2021/202, art. 2](#)

**Commencement Information**

- I7** Sch. 1 para. 4 in force for certain purposes at Royal Assent see s. 83
- I8** Sch. 1 para. 4 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204, art. 2\(a\)](#)
- I9** Sch. 1 para. 4 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375, art. 2\(a\)](#)

*Amount of penalty and period for payment*

- 5 The penalty is such amount as the Secretary of State may specify in regulations.

**Commencement Information**

- I10** Sch. 1 para. 5 in force for certain purposes at Royal Assent see s. 83
- I11** Sch. 1 para. 5 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204, art. 2\(a\)](#)
- I12** Sch. 1 para. 5 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375, art. 2\(a\)](#)

- 6 The period for payment of the penalty is the period of 29 days beginning with the day on which the notice is given.

**Commencement Information**

- I13** Sch. 1 para. 6 in force at 2.4.2007 for W. by [S.I. 2007/204, art. 2\(a\)](#)
- I14** Sch. 1 para. 6 in force at 1.7.2007 for E. by [S.I. 2007/1375, art. 2\(a\)](#)

*Discounted amount and period for payment*

- 7 (1) A discounted amount is payable instead of the amount specified in regulations under paragraph 5 if payment is made before the end of the period for payment of the discounted amount.
- (2) That period is the period of 15 days beginning with the day on which the notice is given, unless the 15th day is not a working day.

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- (3) If the 15th day is not a working day, that period is the period beginning with the day on which the notice is given and ending immediately after the first working day following the 15th day.
- (4) In this paragraph, “working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c. 80).

**Commencement Information**

**I15** Sch. 1 para. 7 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I16** Sch. 1 para. 7 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

- 8 The discounted amount is such amount as the Secretary of State may specify in regulations.

**Commencement Information**

**I17** Sch. 1 para. 8 in force for certain purposes at Royal Assent see s. 83

**I18** Sch. 1 para. 8 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204](#), **art. 2(a)**

**I19** Sch. 1 para. 8 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375](#), **art. 2(a)**

*Effect of notice and payment*

- 9 (1) Proceedings for the offence in respect of which a penalty notice was given may not be brought before the end of the period for payment of the penalty.
- (2) Sub-paragraph (1) does not apply if the person to whom the notice was given has asked in accordance with paragraphs 14 and 15 to be tried for the alleged offence.

**Commencement Information**

**I20** Sch. 1 para. 9 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I21** Sch. 1 para. 9 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

- 10 If the penalty is paid in accordance with the penalty notice before the end of the period mentioned in paragraph 9(1), no proceedings for the offence may be brought, and paragraph 14 does not apply.

**Commencement Information**

**I22** Sch. 1 para. 10 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I23** Sch. 1 para. 10 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

- 11 If the discounted amount is paid in accordance with the penalty notice before the end of the period for payment of the discounted amount, no proceedings for the offence may be brought, and paragraph 14 does not apply.

**Commencement Information**

**I24** Sch. 1 para. 11 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

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**I25** Sch. 1 para. 11 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

12 If proceedings have been brought pursuant to a request under paragraph 14, but then the penalty or discounted amount is paid as mentioned in paragraph 10 or 11, those proceedings may not be continued.

**Commencement Information**

**I26** Sch. 1 para. 12 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I27** Sch. 1 para. 12 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

13 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 enforcement authority on whose behalf the authorised officer who gave a penalty notice was acting, and
- (b) states that payment of the penalty or discounted amount in pursuance of the notice was or was not received by a date specified in the certificate.

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

**C2** Sch. 1 para. 13 functions made exercisable concurrently (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\)](#), arts. 1(2), **18**

**Commencement Information**

**I28** Sch. 1 para. 13 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I29** Sch. 1 para. 13 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

*Trial*

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

**Commencement Information**

**I30** Sch. 1 para. 14 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I31** Sch. 1 para. 14 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

15 Any request to be tried must be made—

- (a) by notice given to the enforcement authority in question before the end of the period for payment of the penalty,
- (b) in the manner specified in the penalty notice.

**Commencement Information**

**I32** Sch. 1 para. 15 in force at 2.4.2007 for W. by [S.I. 2007/204](#), **art. 2(a)**

**I33** Sch. 1 para. 15 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), **art. 2(a)**

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### *Withdrawal of notices*

- 16 (1) This paragraph applies if an enforcement authority considers that a penalty notice which an authorised officer acting on its behalf has given to a person (“P”) ought not to have been given.
- (2) The enforcement authority may give notice to P withdrawing the penalty notice.
- (3) If it does so—
- (a) it must repay any amount which has been paid by way of penalty in pursuance of the penalty notice, and
  - (b) no proceedings may be brought or continued against P for the offence in question.

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

- C3** Sch. 1 para. 16 functions made exercisable concurrently (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\)](#), arts. 1(2), **18**

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#### **Commencement Information**

- I34** Sch. 1 para. 16 in force at 2.4.2007 for W. by [S.I. 2007/204](#), art. 2(a)
- I35** Sch. 1 para. 16 in force at 1.7.2007 for E. by [S.I. 2007/1375](#), art. 2(a)

### *[<sup>F2</sup>Power to amend or modify Schedule*

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#### **Textual Amendments**

- F2** Sch. 1 para. 17 and cross-heading inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), ss. **95(6)**, 139(6); [S.I. 2014/2609](#), art. 2; [S.I. 2015/375](#), art. 3

- 17 The [<sup>F3</sup>Secretary of State] may by regulations—
- (a) amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind, or
  - (b) provide for this Schedule to apply with modifications in relation to such notices.]

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#### **Textual Amendments**

- F3** Words in [Sch. 1 para. 17](#) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 15](#); [S.I. 2021/202](#), art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 2006, SCHEDULE 1.