

*These notes refer to the Regulatory Enforcement and Sanctions Act 2008 (c.13) which received Royal Assent on 21 July 2008*

# **REGULATORY ENFORCEMENT AND SANCTIONS ACT 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part Three: Civil Sanctions**

##### ***Section 45: Discretionary requirement: enforcement***

128. By virtue of this section, the order may also allow a regulator to issue a monetary penalty for the failure to comply with the discretionary requirement (a “non-compliance penalty”). Non-compliance penalties are not available for failure to pay a variable monetary penalty. Failure to pay any monetary penalty can lead to the regulator recovering the amount due through civil debt procedures or as if payable under court order (see section 52).
129. [Section 45](#) also sets out the minimum grounds for appeal against the non-compliance penalty that must be available.