

SCHEDULES

SCHEDULE 11

FURTHER PROVISION ABOUT MONITOR’S ENFORCEMENT POWERS

PART 1

DISCRETIONARY REQUIREMENTS

Procedure

- 1 (1) Where Monitor proposes to impose a discretionary requirement on a person, Monitor must give notice to that person (a “notice of intent”).
- (2) A notice of intent must—
 - (a) state that Monitor proposes to impose the discretionary requirement and set out its effect,
 - (b) set out the grounds for the proposal to impose the requirement,
 - (c) explain the effect of section 106 (enforcement undertakings),
 - (d) set out the circumstances (if any) in which Monitor may not impose the requirement, and
 - (e) specify the period (“the notice period”) within which representations with respect to the proposal may be made to Monitor.
- (3) The notice period must be not less than 28 days beginning with the day after that on which the notice of intent is received.
- (4) But where Monitor—
 - (a) proposes to impose a compliance requirement or restoration requirement, and
 - (b) considers that a shorter notice period is necessary to prevent or minimise further breaches of the kind referred to in section 105(1),the notice period is to be such shorter period as Monitor may determine, but not less than 5 days beginning with the day after that on which the notice of intent is received.