*Draft Regulations laid before Parliament under sections 85(13) and 149(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2014 No.

# CRIMINAL LAW, ENGLAND AND WALES

## The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Disapplication of Section 85(1), Fines Expressed as Proportions and Consequential Amendments) Regulations 2014

*Made - - - -* ***

*Coming into force in accordance with regulation 1(1)*

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament in accordance with sections 85(13) and 149(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**).

The Secretary of State, in exercise of the powers conferred by sections 85(5) to (8), (10) and (11) and 149(1) and (2) of that Act, makes the following Regulations.

**Citation, commencement, extent and interpretation**

**1.**—(1) These Regulations may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Disapplication of Section 85(1), Fines Expressed as Proportions and Consequential Amendments) Regulations 2014 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales only.

(3) In these Regulations, "the 2012 Act" means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

**Disapplication of section 85(1) of the 2012 Act and alternative provision**

**2.**—(1) Section 85(1) of the 2012 Act does not apply in relation to the offences specified in Schedule 1.

(2) Schedule 2 contains amendments to make provision for those offences to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the amendments.

(3) The amendments made by Schedule 2 do not affect—

(a) fines for offences committed before these Regulations come into force,

(**a**) 2012 c.10.

(b) the operation of restrictions on fines that may be imposed on a person aged under 18, or

(c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment.

**Fines or maximum fines expressed as proportions**

**3.**—(1) Schedule 3 contains amendments to provide for certain offences punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however expressed) to be punishable on summary conviction by a fine or maximum fine of that proportion of an amount specified or described in the amendments.

(2) The amendments made by Schedule 3 do not affect—

(a) fines for offences committed before these Regulations come into force,

(b) the operation of restrictions on fines that may be imposed on a person aged under 18, or

(c) fines that may be imposed on a person convicted by a magistrates' court who is to be sentenced as if convicted on indictment.

(3) The amendments made by paragraph 5(7) and (8) of Schedule 3 do not authorise the alteration of a fine or maximum fine that applies in respect of an offence that is, immediately before these Regulations come into force, contained in regulations made under section 140 or 141 of the Environmental Protection Act 1990 (whether or not those regulations are in force).

**Consequential amendments**

**4.** Schedule 4 contains amendments consequential on section 85 of the 2012 Act.

Signed by the authority of the Secretary of State

*Name*
Parliamentary Under Secretary of State
Ministry of Justice

Date

# SCHEDULE 1

Regulation 2(1)

## Disapplication of section 85(1) of the 2012 Act

*Customs and Excise Management Act 1979 (c.2)*

**1.** An offence under section 24(5) (contraventions relating to the control of movement of goods by pipe-line etc).

**2.** An offence under section 50(2) (unshipping goods etc with intent to defraud).

**3.** An offence under section 50(3) (importing goods in contravention of prohibitions or restrictions etc).

**4.** An offence under section 53(8) (shipping of dutiable or restricted goods before delivery of entry outwards etc).

**5.** An offence under section 56(5) (contravention of duties where entry in respect of dutiable or restricted goods is cancelled).

**6.** An offence under section 57(6), so far as relating to a failure to comply with a requirement under section 57(4) (requirement that goods not be loaded into ship or aircraft without authority of proper officer).

**7.** An offence under section 58E(5), so far as relating to a failure to comply with a requirement under section 58E(4) (requirement to surrender authenticated Community customs document etc).

**8.** An offence under section 63(6) (taking goods on board a ship in circumstances mentioned in section 63(5), with fraudulent intent).

**9.** An offence under section 64(7) (loading goods on aircraft etc before application for clearance, with fraudulent intent).

**10.** An offence under section 66(2), so far as relating to a contravention of regulations under section 66(1)(b) (prescribing procedure to be followed etc by person conveying goods out of Northern Ireland by land).

**11.** An offence under section 68(2) (being knowingly concerned in the exportation or shipment of goods as stores, with intent to evade prohibitions or restrictions mentioned in section 68(1)).

**12.** An offence under section 68A(1) (being knowingly concerned in the fraudulent evasion of an agricultural levy on the export of goods).

**13.** An offence under section 100(1) (unauthorised opening of warehouses etc).

**14.** An offence under section 100(3) (taking warehoused goods etc with intent to defraud).

**15.** An offence under section 102(3) (failure to deliver up a licence where required to do so under section 102(2)), so far as relating to a gaming licence or an amusement machine licence.

**16.** An offence under section 129(3) (separating goods chargeable with duty from substances used to denature them, after the goods have gone into home use).

**17.** An offence under section 136(1) (obtaining a drawback, rebate etc from duty, with intent to defraud).

**18.** An offence under section 158(4) (offences in connection with provision of facilities).

**19.** An offence under section 159(6) (removal of goods before examination with intent to defraud).

**20.** An offence under section 167(1) (knowingly or recklessly making untrue statements etc).

**21.** An offence under section 168(1) (counterfeiting or falsifying documents etc).

**22.** An offence under section 170(1) (knowingly acquiring possession of chargeable goods etc with intent to defraud).

**23.** An offence under section 170(2) (being knowingly concerned in fraudulent evasion of duty etc).

**24.** An offence under section 170B(1) (taking preparatory steps for evasion of excise duty).

*Customs and Excise Duties (General Reliefs) Act 1979 (c.3)*

**25.** An offence under section 13(3C) (failure to comply with the requirement of an order under section 13 to notify the Commissioners of non-compliance with a condition of relief).

**26.** An offence under section 13C(2) (acquisition of goods for use in breach of condition of relief etc).

**27.** An offence under section 15(1) (making of false statement etc in connection with obtaining relief etc).

*Alcoholic Liquor Duties Act 1979 (c.4)*

**28.** An offence under section 17(1) (offences in connection with removal of spirits from distillery etc).

**29.** An offence under section 25(1) (offences in connection with unlawful manufacture of spirits etc).

**30.** An offence under paragraph 5(1) of Schedule 2A (possession etc of unstamped retail containers containing alcoholic liquor to which Schedule 2A applies).

**31.** An offence under paragraph 6(1) of Schedule 2A (manager of premises suffering premises to be used for sale of alcoholic liquor in unstamped retail containers etc).

**32.** An offence under paragraph 7(3) of Schedule 2A (manager of premises suffering premises to be used in breach of order under paragraph 7(1)).

*Hydrocarbon Oil Duties Act 1979 (c.5)*

**33.** An offence under section 10(5) (using or acquiring duty-free oil etc in breach of restrictions).

**34.** An offence under section 10(6) (being liable for duty-free oil being taken into vehicle in breach of restrictions).

**35.** An offence under section 13(3) (using rebated heavy oil in breach of restrictions etc).

**36.** An offence under section 13(4) (being liable for rebated heavy oil being taken into road vehicle in breach of restrictions).

**37.** An offence under section 13AB(1)(c) (using kerosene in contravention of section 13AA(2), with intent).

**38.** An offence under section 13AB(2)(c) (being liable for kerosene being taken into engine in contravention of section 13AA(2), with intent).

**39.** An offence under section 13AB(5) (supplying kerosene etc, with intent).

**40.** An offence under section 14(6) (using or acquiring rebated light oil etc in breach of restrictions).

**41.** An offence under section 14(7) (being liable for rebated light oil being taken into vehicle etc in breach of restrictions).

**42.** An offence under section 14D(3) (misuse of rebated biodiesel or bioblend).

**43.** An offence under section 24A(6) (knowingly misusing marked oil).

*Betting and Gaming Duties Act 1981 (c.63)*

**44.** An offence under section 26L(2) (being knowingly concerned etc in the fraudulent evasion of remote gaming duty).

**45.** An offence under paragraph 13(3) of Schedule 1 (making false statements etc in connection with general betting duty or pool betting duty etc).

**46.** An offence under paragraph 14(1) of Schedule 1 (carrying on a pool betting business without a permit).

**47.** An offence under paragraph 16(1) of Schedule 3 (being knowingly concerned etc in the fraudulent evasion of bingo duty).

**48.** An offence under paragraph 16(2) of Schedule 3 (being knowingly concerned in the promotion of bingo by unregistered promoter).

*Finance Act 1993 (c.34)*

**49.** An offence under section 29(7) (breach of prohibition on promotion of lottery where person liable to lottery duty is not registered).

**50.** An offence under section 31(1) (being knowingly concerned in the fraudulent evasion of lottery duty etc).

**51.** An offence under section 31(3) (making false statements in connection with lottery duty).

*Finance Act 1994 (c.9)*

**52.** An offence under section 41(1) (being knowingly concerned in the fraudulent evasion of air passenger duty etc).

**53.** An offence under section 41(3) (making a false statement etc in connection with air passenger duty).

**54.** An offence under paragraph 9(1) of Schedule 7 (being knowingly concerned etc in the fraudulent evasion of insurance premium tax).

**55.** An offence under paragraph 9(3) of Schedule 7 (producing false documents etc in connection with insurance premium tax, with intent).

**56.** An offence under paragraph 9(4) of Schedule 7 (making false statements in furnishing information in connection with insurance premium tax).

**57.** An offence under paragraph 9(5) of Schedule 7 (conduct which must have involved commission of one or more offences under paragraph 9(1) to (4)).

**58.** An offence under paragraph 9(6) of Schedule 7 (entering into taxable insurance contract etc with reason to believe insurance premium tax will be evaded).

**59.** An offence under paragraph 9(7) of Schedule 7 (entering into taxable insurance contract without giving required security).

*Value Added Tax Act 1994 (c.23)*

**60.** An offence under section 72(1) (being knowingly concerned in the fraudulent evasion of VAT etc).

**61.** An offence under section 72(3) (offences in connection with false documents or statements etc).

**62.** An offence under section 72(8) (conduct which must have involved commission of one or more offences under section 72(1) or (3)).

**63.** An offence under section 72(10) (acquiring possession etc of goods etc, having reason to believe that VAT has been or will be evaded).

**64.** An offence under section 72(11) (supplying goods or services in contravention of paragraph 4(2) of Schedule 11).

*Finance Act 1996 (c.8)*

**65.** An offence under paragraph 15(1) of Schedule 5 (being knowingly concerned in the fraudulent evasion of landfill tax).

**66.** An offence under paragraph 15(3) of Schedule 5 (producing false documents etc in connection with fraudulent evasion of landfill tax).

**67.** An offence under paragraph 15(4) of Schedule 5 (making false statements in furnishing information in connection with landfill tax). An offence under paragraph 15(5) of Schedule 5 (conduct which must have involved commission of one or more offences under paragraph 15(1) to (4)).

**68.** An offence under paragraph 15(6) of Schedule 5 (entering into taxable landfill contract etc, having reason to believe that landfill tax has been or will be evaded).

**69.** An offence under paragraph 15(7) of Schedule 5 (carrying out taxable activities without giving required security).

*Finance Act 1997 (c.16)*

**70.** An offence under paragraph 12(2) of Schedule 1 (offences relating to false documents or statements etc in connection with gaming duty).

*Finance Act 2000 (c.17)*

**71.** An offence under paragraph 92(1) of Schedule 6 (being knowingly concerned in the fraudulent evasion of climate change levy etc).

**72.** An offence under paragraph 93(1) of Schedule 6 (producing false documents etc in connection with fraudulent evasion of climate change levy).

**73.** An offence under paragraph 93(2) of Schedule 6 (making false statements in providing information in connection with climate change levy).

**74.** An offence under paragraph 94(1) of Schedule 6 (conduct which must have involved commission of one or more offences under paragraph 92 or 93).

**75.** An offence under paragraph 95(1) of Schedule 6 (offences relating to acts preparatory to evasion of climate change levy).

**76.** An offence under paragraph 139(3) of Schedule 6 (making a taxable supply in breach of a requirement to give security).

**77.** An offence under paragraph 139(4) of Schedule 6 (making arrangements to make a taxable supply in breach of requirement to give security).

*Finance Act 2001 (c.9)*

**78.** An offence under section 26(3) (being responsible for the commercial exploitation of an aggregates levy, having failed to give required security).

**79.** An offence under paragraph 1(1) of Schedule 6 (being knowingly concerned in the fraudulent evasion of aggregates levy etc).

**80.** An offence under paragraph 2(1) of Schedule 6 (producing false documents etc in connection with fraudulent evasion of aggregates levy).

**81.** An offence under paragraph 2(2) of Schedule 6 (making false statements in providing information in connection with aggregates levy).

**82.** An offence under paragraph 3(1) of Schedule 6 (conduct which must have involved commission of one or more offences under paragraph 1 or 2).

**83.** An offence under paragraph 4(1) of Schedule 6 (offences relating to acts preparatory to evasion of aggregates levy).

*Finance Act 2012 (c.14)*

**84.** An offence under paragraph 37(1) of Schedule 24 (being knowingly concerned in the fraudulent evasion of machine games duty etc).

# SCHEDULE 2

Regulation 2(2)

## Alternative provision as to penalties in cases of disapplication of section 85(1) of the 2012 Act

*Customs and Excise Management Act 1979 (c.2)*

**1.**—(1) The Customs and Excise Management Act 1979 is amended as follows.

(2) In section 24 (control of movement of goods by pipe-line), in subsection (6)(a) for "the prescribed sum" substitute "£20,000".

(3) In section 50 (penalty for improper importation of goods)—

(a) in subsection (4)(a), for "the prescribed sum" substitute "£20,000";

(b) in subsection (5B)(a), in paragraph (a) of the substituted text, for "the statutory maximum" substitute "£20,000".

(4) In section 53 (entry outwards of goods)(**a**), in subsection (9)(a), for "the prescribed sum" substitute "£20,000".

(5) In section 56 (failure to export)(**b**), in subsection (5), for "level 5 on the standard scale" substitute "£20,000".

(6) In section 57 (delivery of entry by owner of exporting ship etc)(**c**), in subsection (6), for "level 5 on the standard scale" substitute "£20,000".

(7) In section 58E (authentication of Community customs documents)(**d**), in subsection (5), for "level 5 on the standard scale" substitute "£20,000".

(8) In section 63 (entry outwards of exporting ships), in subsection (6)(a), for "the prescribed sum" substitute "£20,000".

(9) In section 64 (clearance outwards of ships and aircraft), in subsection (8)(a), for "the prescribed sum" substitute "£20,000".

(10) In section 66 (power to make regulations as to exportation, etc)(**e**), in subsection (2), for "level 5 on the standard scale" substitute "£20,000".

(11) In section 68 (offences in relation to exportation of prohibited or restricted goods), in subsection (3)(a), for "the prescribed sum" substitute "£20,000".

(12) In section 68A (offences in relation to agricultural levies)(**f**), in subsection (2)(a), for "the prescribed sum" substitute "£20,000".

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(**a**) Section 53 was substituted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1.

(**b**) Section 56 was substituted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1. In section 56(5) the reference to "level 5 on the standard scale" was substituted for the reference to "£1,000" by section 46 of the Criminal Justice Act 1982 (c.48).

(**c**) Section 57 was substituted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1. In section 57(6) the reference to "level 5 on the standard scale" was substituted for the reference to "£1,000" by section 46 of the Criminal Justice Act 1982 (c.48)

(**d**) Section 58E was inserted by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, Part 1. In section 58E(5) the reference to "level 5 on the standard scale" was substituted for the reference to "£1,000" by section 46 of the Criminal Justice Act 1982 (c.48) .

(**e**) Section 66(2) was amended by the Finance Act 1981 (c.35), section 10(2) and Schedule 7, paragraph 5. The reference to "level 5 on the standard scale" was substituted for the reference to "£1,000" by section 46 of the Criminal Justice Act 1982 (c.48).

(**f**) Section 68A was inserted by the Finance Act 1982 (c.39), section 11(2).

(13) In section 100 (general offences relating to warehouses and warehoused goods) (**a**)—

(a) in subsection (1), for "level 5 on the standard scale" substitute "£20,000";

(b) in subsection (4)(a), for "the prescribed sum" substitute "£20,000".

(14) In section 102 (payment of excise licences by cheque)(**b**), in subsection (3)(a), for "level 5 on the standard scale" substitute "£20,000".

(15) In section 129 (power to remit or repay duty on denatured goods), in subsection (4)(a), for "the prescribed sum" substitute "£20,000".

(16) In section 136 (offences in connection with claims for drawback, etc), in subsection (2)(a), for "the prescribed sum" substitute "£20,000".

(17) In section 158 (power to require provision of facilities)(**c**), in subsection (4), in the words following paragraph (c), for "level 5 on the standard scale" substitute "£20,000".

(18) In section 159 (power to examine and take account of goods), in subsection (7)(a), for "the prescribed sum" substitute "£20,000".

(19) In section 167 (untrue declarations, etc), in subsection (2)(a), for "the prescribed sum" substitute "£20,000".

(20) In section 168 (counterfeiting documents etc), in subsection (2)(a), for "the prescribed sum" substitute "£20,000".

(21) In section 170 (penalty for fraudulent evasion of duty, etc)(**d**)—

(a) in subsection (3)(a), for "the prescribed sum" substitute "£20,000";

(b) in subsection (4B)(a), in paragraph (a) of the substituted text, for "the statutory maximum" substitute "£20,000".

(22) In section 170B (offence of taking preparatory steps for evasion of excise duty)(**e**), in subsection (1)(a), for "the prescribed sum" substitute "£20,000".

(23) In Schedule 1 (controlled drugs: variation of punishments for certain offences under the Act) in paragraph 1, in paragraph (a) of the substituted text, for "the prescribed sum" substitute "£20,000".

*Customs and Excise Duties (General Reliefs) Act 1979 (c.3)*

**2.**—(1) The Customs and Excise Duties (General Reliefs) Act 1979 is amended as follows.

(2) In section 13 (power to provide, in relation to persons entering the United Kingdom, for reliefs from duty and value added tax and for simplified computation of duty and tax) (**f**), in subsection (3C)(a), for "level 5 on the standard scale" substitute "£20,000".

(3) In section 13C (offence where relieved goods used, etc, in breach of condition)(**g**), in subsection (4)(a), for "the statutory maximum" substitute "£20,000".

(4) In section 15 (false statements etc in connection with reliefs from customs duties)—

(a) in subsection (2)(a), for "the prescribed sum" substitute "£20,000";

(b) omit subsection (3)(a).

*Alcoholic Liquor Duties Act 1979 (c.4)*

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(**a**) In section 100(1),the reference to "level 5 on the standard scale" was substituted for the reference to "£500" by virtue of sections 38 and 46 of the Criminal Justice Act 1982 (c.48).

(**b**) In section 102(3),the reference to "level 5 on the standard scale" was substituted for the reference to "£500" by virtue of sections 38 and 46 of the Criminal Justice Act 1982 (c.48).

(**c**) In section 158(4),the reference to "level 5 on the standard scale" was substituted for the reference to "£500" by virtue of sections 38 and 46 of the Criminal Justice Act 1982 (c.48).

(**d**) Section 170(4B) was inserted by the Import of Seal Skins Regulations 1996 (S.I. 1996/2686), regulation 4(2).

(**e**) Section 170B was inserted by the Finance (No.2) Act 1992 (c. 48), section 3 and Schedule 2, paragraph 8.

(**f**) Section 13(3C) was inserted by the Finance (No.2) Act 1992 (c.48), section 1 and Schedule 1, paragraph 8(2).

(**g**) Section 13C was inserted by the Finance Act 1989 (c.26), section 28(1).

**3.**—(1) The Alcoholic Liquor Duties Act 1979 is amended as follows.

(2) In section 17 (offences in connection with removal of spirits from distillery, etc), in subsection (2)(a), for "the prescribed sum" substitute "£20,000".

(3) In section 25 (penalty for unlawful manufacture of spirits, etc) (**a**), in subsection (1), in the words following paragraph (d), for "level 5 on the standard scale" substitute "£20,000".

(4) In Schedule 2A (duty stamps)(**b**)—

(a) in paragraph 5(3), for "level 5 on the standard scale" substitute "£20,000";

(b) in paragraph 6(3), for "level 5 on the standard scale" substitute "£20,000";

(c) in paragraph 7(3), for "level 5 on the standard scale" substitute "£20,000".

*Hydrocarbon Oil Duties Act 1979 (c.5)*

**4.**—(1) The Hydrocarbon Oil Duties Act 1979 is amended as follows.

(2) In section 10 (restrictions on the use of duty-free oil), in subsection (7)(a), for "the prescribed sum" substitute "£20,000".

(3) In section 13 (penalties for contravention of section 12), in subsection (5)(a), for "the prescribed sum" substitute "£20,000".

(4) In section 13AB (penalties for contravention of section 13AA)(**c**), in subsection (7)(a), for "the statutory maximum" substitute "£20,000".

(5) In section 14 (rebate on light oil for use as furnace fuel), in subsection (8)(a), for "the prescribed sum" substitute "£20,000".

(6) In section 14D (penalties for misuse of rebated biodiesel or bioblend)(**d**), in subsection (5)(a)(i), for "the statutory maximum" substitute "£20,000".

(7) In section 24A (penalties for misuse of marked oil)(**e**), in subsection (6)(a), for "the statutory maximum" substitute "£20,000".

*Betting and Gaming Duties Act 1981 (c.63)*

**5.**—(1) The Betting and Gaming Duties Act 1981 is amended as follows.

(2) In section 26L (enforcement)(**f**), in subsection (3)(a)(i), for "the statutory maximum" substitute "£20,000".

(3) In Schedule 1 (betting duties)—

(a) in paragraph 13(3)(i), for "the prescribed sum" substitute "£20,000";

(b) in paragraph 14(1)(a), for "the prescribed sum" substitute "£20,000".

(4) In Schedule 3 (bingo duty)—

(a) in paragraph 16(1)(a), for "the prescribed sum" substitute "£20,000";

(b) in paragraph 16(2)(i), for "the prescribed sum" substitute "£20,000".

*Finance Act 1993 (c.34)*

**6.**—(1) The Finance Act 1993 is amended as follows.

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(**a**) In section 25(1),the reference to "level 5 on the standard scale" was substituted for the reference to "£1,000" by section 46 of the Criminal Justice Act 1982 (c.48).
(**b**) Schedule 2A was inserted by the Finance Act 2004 (c.12), section 4(2) and Schedule 1.
(**c**) Section 13AB was inserted by the Finance Act 1996 (c.8), section 5(4).
(**d**) Section 14D was inserted by the Finance Act 2008 (c.1), section 14 and Schedule 5, paragraph 13.
(**e**) Section 24A was inserted by the Finance Act 1996 (c.8), section 7(1).
(**f**) Section 26L was inserted by the Finance Act 2007 (c.11), section 8 and Schedule 1, paragraph 2.

(2) In section 29 (registration of promoters etc), in subsection (7)(a), for "the statutory maximum" substitute "£20,000".

(3) In section 31 (general offences), in subsection (4)(a), for "the statutory maximum" substitute "£20,000".

*Finance Act 1994 (c.9)*

**7.**—(1) The Finance Act 1994 is amended as follows.

(2) In section 41 (offences: air passenger duty)—

(a) in subsection (2)(a)(i), for "the statutory maximum" substitute "£20,000";

(b) in subsection (4)(a), for "the statutory maximum" substitute "£20,000".

(3) In Schedule 7 (insurance premium tax)—

(a) in paragraph 10(1)(a), for "the statutory maximum" substitute "£20,000";

(b) in paragraph 10(3)(a), for "the statutory maximum" substitute "£20,000";

(c) in paragraph 10(5)(a), for "the statutory maximum" substitute "£20,000";

(d) in paragraph 10(6), for "level 5 on the standard scale" substitute "£20,000";

(e) in paragraph 10(7), for "level 5 on the standard scale" substitute "£20,000".

*Value Added Tax Act 1994 (c.23)*

**8.**—(1) Section 72 of the Value Added Tax Act 1994 (offences) is amended as follows.

(2) In subsection (1)(a), for "the statutory maximum" substitute "£20,000".

(3) In subsection (3)(i), for "the statutory maximum" substitute "£20,000".

(4) In subsection (8)(a), for "the statutory maximum" substitute "£20,000".

(5) In subsection (10), for "level 5 on the standard scale" substitute "£20,000".

(6) In subsection (11), for "level 5 on the standard scale" substitute "£20,000".

*Finance Act 1996 (c.8)*

**9.** In Schedule 5 to the Finance Act 1996 (landfill tax)—

(a) in paragraph 16(1)(a), for "the statutory maximum" substitute "£20,000";

(b) in paragraph 16(3)(a), for "the statutory maximum" substitute "£20,000";

(c) in paragraph 16(5)(a), for "the statutory maximum" substitute "£20,000";

(d) in paragraph 16(6), for "level 5 on the standard scale" substitute "£20,000";

(e) in paragraph 16(7), for "level 5 on the standard scale" substitute "£20,000".

*Finance Act 1997 (c.16)*

**10.** In Schedule 1 to the Finance Act 1997 (gaming duty: administration, enforcement etc), in paragraph 12(3)(a)(i), for "the statutory maximum" substitute "£20,000".

*Finance Act 2000 (c.17)*

**11.**—(1) Schedule 6 to the Finance Act 2000 (climate change levy) is amended as follows.

(2) In paragraph 92 (criminal offences: evasion)—

(a) in sub-paragraph (3)(a), for "the statutory maximum" substitute "£20,000";

(b) in sub-paragraph (4), for "the statutory maximum" (in each place where it occurs) substitute "the amount of £20,000 mentioned in sub-paragraph (3)(a)".

(3) In paragraph 93 (criminal offences: misstatements)—

(a) in sub-paragraph (3)(a), for "the statutory maximum" substitute "£20,000";

(b) in sub-paragraph (4), for "the statutory maximum" substitute "the amount of £20,000 mentioned in sub-paragraph (3)(a)".

(4) In paragraph 94 (criminal offences: conduct involving evasions or misstatements)—

(a) in sub-paragraph (3)(a), for "the statutory maximum" substitute "£20,000";

(b) in sub-paragraph (4), for "the statutory maximum" (in each place where it occurs) substitute "the amount of £20,000 mentioned in sub-paragraph (3)(a)".

(5) In paragraph 95 (criminal offences: preparations for evasion)—

(a) in sub-paragraph (2), for "level 5 on the standard scale" substitute "£20,000";

(b) in sub-paragraph (3), for "level 5 on the standard scale" (in each place where it occurs) substitute "the amount of £20,000 mentioned in sub-paragraph (2)".

(6) In paragraph 139 (security for levy), in sub-paragraph (5), for "level 5 on the standard scale" substitute "£20,000".

*Finance Act 2001 (c.9)*

**12.**—(1) The Finance Act 2001 is amended as follows.

(2) In section 26 (security for levy), in subsection (4), for "level 5 on the standard scale" substitute "£20,000".

(3) In Schedule 6 (aggregates levy: evasion, misdeclaration and neglect)—

(a) in paragraph 1(3)(a), for "the statutory maximum" substitute "£20,000";

(b) in paragraph 1(4), for "the statutory maximum" (in each place where it occurs) substitute "the amount of £5,000 mentioned in paragraph 1(3)(a)";

(c) in paragraph 2(3)(a), for "the statutory maximum" substitute "£20,000";

(d) in paragraph 2(4) (in the words following paragraph (b)), for "the statutory maximum" substitute "the amount of £20,000 mentioned in sub-paragraph (3)(a)";

(e) in paragraph 3(3)(a), for "the statutory maximum" substitute "£20,000";

(f) in paragraph 3(4), for "the statutory maximum" (in each place where it occurs) substitute "the amount of £20,000 mentioned in sub-paragraph (3)(a)";

(g) in paragraph 4(2), for "level 5 on the standard scale" substitute "£20,000";

(h) in paragraph 4(3), for "level 5 on the standard scale" (in each place where it occurs) substitute "the amount of £20,000 mentioned in sub-paragraph (2)".

*Finance Act 2012 (c.14)*

**13.** In Schedule 24 to the Finance Act 2012 (machine games duty), in paragraph 37(3)(a), for "the statutory maximum" substitute "£20,000".

# SCHEDULE 3

Regulation 3(1)

## Fines expressed as proportions

*Highways Act 1980 (c.66)*

**1.** In section 137ZA of the Highways Act 1980 (power to order offender to remove obstruction)(**a**), in subsection (3), for "one-twentieth of that level" substitute "one-twentieth of level 4 on the standard scale".

*Companies Act 1985 (c.6)*

**2.** In section 444 of the Companies Act 1985 (power to obtain information as to those interested in shares etc)(**b**), in subsection (4)(b)(i), for "one-fiftieth of the statutory maximum" substitute "one-fiftieth of the amount corresponding to level 4 on the standard scale for summary offences".

*Building Societies Act 1986 (c.53)*

**3.** In Schedule 11 to the Building Societies Act 1986 (auditors: appointment etc)—

(a) in paragraph 4(10)(b), for "one tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences";

(b) in paragraph 7(8)(b), for "one tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

*Aviation and Maritime Security Act 1990 (c.31)*

**4.**—(1) The Aviation and Maritime Security Act 1990 is amended as follows.

(2) In section 21 (power to impose restrictions in relation to ships), in subsection (9), for "one-tenth of level 5" substitute "one-tenth of level 4".

(3) In section 22 (power to require harbour authorities to promote searches in harbour areas), in subsection (9), for "one-tenth of level 5" substitute "one-tenth of level 4".

(4) In section 23 (power to require other persons to promote searches), in subsection (4), for "one-tenth of level 5" substitute "one-tenth of level 4".

(5) In section 24 (general power to direct measures to be taken for purposes to which Part 3 applies), in subsection (9), for "one-tenth of level 5" substitute "one-tenth of level 4".

(6) In section 31 (offences relating to enforcement notices), in subsection (2), for "one-tenth of level 5" substitute "one-tenth of level 4".

*Environmental Protection Act 1990 (c.43)*

**5.**—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 59 (powers to require removal of waste unlawfully deposited), in subsection (5), for "one-tenth of level 5" substitute "one-tenth of level 4".

(3) In section 78M (offences of not complying with a remediation notice)(**c**), in subsection (3), for "one-tenth of level 5" substitute "one-tenth of level 4".

(4) In section 80 (summary proceedings for statutory nuisances), in subsection (5), for "one-tenth of that level" substitute "one-tenth of level 4 on the standard scale".

(5) In section 82 (summary proceedings by persons aggrieved by statutory nuisances), in subsection (8), for "one-tenth of that level" substitute "one-tenth of level 4 on the standard scale".

(6) In section 118 (offences), in subsection (9), for "one-fifth of level 5" substitute "one-fifth of level 4".

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(**a**) Section 137ZA was inserted by section 64 of the Countryside and Rights of Way Act 2000 (c.37).
(**b**) Section 444(4) was inserted by the Companies Act 2006 (c.40), section 1124 and Schedule 3, paragraph 1(2).
(**c**) Section 78M was inserted by the Environment Act 1995 (c.25), section 57.

(7) In section 140 (power to prohibit or restrict the importation etc of injurious substances or articles), in subsection (10), for the words from ", exceeding one-tenth of the level" to the end of the subsection substitute

"—

(a) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or

(b) if there is no maximum penalty for the original offence, exceeding one-tenth of level 4 on the standard scale."

(8) In section 141 (power to prohibit or restrict the importation or exportation of waste), in subsection (5)(g), for the words from ", exceeding one-tenth of the level" to the end of the paragraph substitute

"—

(i) exceeding one-tenth of the level on the standard scale specified as the maximum penalty for the original offence, or

(ii) if there is no maximum penalty for the original offence, exceeding one-tenth of level 4 on the standard scale."

*Friendly Societies Act 1992 (c.40)*

**6.**—(1) The Friendly Societies Act 1992 is amended as follows.

(2) In section 62 (powers to obtain information and documents etc), in subsection (9)(b) for "one tenth of that level" substitute "one-tenth of level 4 on the standard scale".

(3) In section 78 (laying and furnishing of accounts and reports), in subsection (5)(b) for "one-tenth of that level" substitute "one-tenth of level 4 on the standard scale".

*Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27)*

**7.** In the Companies (Audit, Investigations and Community Enterprise) Act 2004(**a**), in section 45(12), for "one-tenth of level 5" substitute "one-tenth of level 4".

*Companies Act 2006 (c.46)*

**8.**—(1) The Companies Act 2006 is amended as follows.

(2) In section 63 (exempt company: restriction on amendment of articles), in subsection (3), for "one-tenth of level 5" substitute "one-tenth of level 4".

(3) In section 64 (power to direct change of name in case of company ceasing to be entitled to exemption), in subsection (6), for "one-tenth of level 5" substitute "one-tenth of level 4".

(4) In section 156 (direction requiring company to make appointment), in subsection (7), for "one-tenth of level 5" substitute "one-tenth of level 4".

(5) In section 162 (register of directors), in subsection (7), for "one-tenth of level 5" substitute "one-tenth of level 4".

(6) In section 165 (register of directors' residential addresses), in subsection (5), for "one-tenth of level 5" substitute "one-tenth of level 4".

(7) In section 167 (duty to notify registrar of changes), in subsection (5), for "one-tenth of level 5" substitute "one-tenth of level 4".

(8) In section 246 (putting the address on the public record), in subsection (6), for "one-tenth of level 5" substitute "one-tenth of level 4".

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(**a**) Section 45(12) was substituted (with section 45(11)) by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), article 2(1) and Schedule 1, paragraph 231(5).

(9) In section 272 (direction requiring public company to appoint secretary), in subsection (7), for "one-tenth of level 5" substitute "one-tenth of level 4".

(10) In section 275 (duty to keep register of secretaries), in subsection (7), for "one-tenth of level 5" substitute "one-tenth of level 4".

(11) In section 276 (duty to notify registrar of changes), in subsection (4), for "one-tenth of level 5" substitute "one-tenth of level 4".

(12) In section 438 (public companies: offence of failure to lay accounts and reports), in subsection (4), for "one-tenth of level 5" substitute "one-tenth of level 4".

(13) In section 451 (default in filing accounts and reports: offences), in subsection (4), for "one-tenth of level 5" substitute "one-tenth of level 4".

(14) In section 517 (notice to registrar of registration of auditor), in subsection (3)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(15) In section 557 (offence of failure to make return), in subsection (2)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(16) In section 597 (copy of report to be delivered to registrar), in subsection (4)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(17) In section 707 (return to registrar of purchase of own shares), in subsection (7)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(18) In section 728 (treasury shares: notice of disposal), in subsection (5)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(19) In section 858 (failure to deliver annual return)—

(a) in subsection (2), for "one-tenth of level 5" substitute "one-tenth of level 4";

(b) in subsection (5), for "one-tenth of level 5" substitute "one-tenth of level 4".

(20) In section 980 (further provision about notices given under section 979), in subsection (8)(b)(i), for "one-fiftieth of the statutory maximum" substitute "one-fiftieth of the amount corresponding to level 4 on the standard scale for summary offences".

(21) In section 984 (further provision about rights conferred by section 983), in subsection (7)(b), for "one-fiftieth of the statutory maximum" substitute "one-fiftieth of the amount corresponding to level 4 on the standard scale for summary offences".

(22) In section 1033 (company's name on restoration), in subsection (7), for "one-tenth of level 5" substitute "one-tenth of level 4".

(23) In section 1054 (offences), in subsection (3)(b), for "one-tenth of level 5" substitute "one-tenth of level 4".

(24) In section 1093 (registrar's notice to resolve inconsistency on the register), in subsection (4), for "one-tenth of level 5" substitute "one-tenth of level 4".

(25) In section 1155 (offence of failure to give notice), in subsection (2), for "one-tenth of level 5" substitute "one-tenth of level 4".

(26) In section 1213 (effect of ineligibility), in subsection (7)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(27) In section 1215 (effect of lack of independence), in subsection (6)(b), for "one-tenth of the statutory maximum" substitute "one-tenth of the amount corresponding to level 4 on the standard scale for summary offences".

(28) In section 1248 (Secretary of State's power to require second audit of a company), in subsection (8)(b), for "one-tenth of level 5" substitute "one-tenth of level 4".

*Channel Tunnel (Security) Order 1994 (S.I. 1994/570)*

**9.**—(1) The Channel Tunnel (Security) Order 1994 is amended as follows.

(2) In article 13 (power to impose restrictions in relation to Channel Tunnel trains), in paragraph (9), for "one tenth of level 5" substitute "one-tenth of level 4".

(3) In article 14 (power to require the Concessionaires to promote searches in the tunnel system), in paragraph (10), for "one tenth of level 5" substitute "one-tenth of level 4".

(4) In article 15 (power to require other persons to promote searches), in paragraph (10), for "one tenth of level 5" substitute "one-tenth of level 4".

(5) In article 16 (general power to direct measures to be taken for purposes to which Part 3 applies), in paragraph (9), for "one tenth of level 5" substitute "one-tenth of level 4".

(6) In article 23 (offences relating to enforcement notices), in paragraph (2), for "one tenth of level 5" substitute "one-tenth of level 4".

*Railway Administration Order Rules 2001 (S.I. 2001/3352)*

**10.** In the Railway Administration Order Rules 2001, in rule 5.5 (abstract of receipts and payments)—

(a) in paragraph (4), for "one-fifth of the statutory maximum" substitute "one-fifth of the amount corresponding to level 4 on the standard scale for summary offences";

(b) in that paragraph, for "one-fiftieth of the statutory maximum" substitute "one-fiftieth of the amount corresponding to level 4 on the standard scale for summary offences";

(c) omit paragraph (5).

*PPP Administration Order Rules 2007 (S.I. 2007/3141)*

**11.** In the PPP Administration Order Rules 2007, in rule 35 (abstract of receipts and payments), in paragraph (4)—

(a) for "one fifth of the statutory maximum" substitute "one-fifth of the amount corresponding to level 4 on the standard scale for summary offences";

(b) for "one-fiftieth of the statutory maximum" substitute "one-fiftieth of the amount corresponding to level 4 on the standard scale for summary offences".

*Overseas Companies Regulations 2009 (S.I. 2009/1801)*

**12.**—(1) The Overseas Companies Regulations 2009 are amended as follows.

(2) In regulation 29 (penalty for non-compliance), in paragraph (2)(b), for "one tenth of level 5" substitute "one-tenth of level 4".

(3) In regulation 35 (penalty for non-compliance), in paragraph (3), for "one-tenth of level 5" substitute "one-tenth of level 4".

(4) In regulation 50 (penalty for non-compliance), in paragraph (3), for "one-tenth of level 5" substitute "one-tenth of level 4".

(5) In regulation 72 (penalties for non-compliance), in paragraph (4)(b), for "one-fiftieth of the statutory maximum" substitute "one-fiftieth of the amount corresponding to level 4 on the standard scale for summary offences".

(6) In regulation 74 (offence of failure to give notice), in paragraph (2)(b), for "one-tenth of level 5" substitute "one-tenth of level 4".

*Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 (S.I. 2009/1804)*

**13.**—(1) The Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 are amended as follows.

(2) In regulation 18 (requirements for register of members), in the modified section 162(7) of the Companies Act 2006, for "one-tenth of level 5" substitute "one-tenth of level 4".

(3) In regulation 19 (members' residential addresses: protection from disclosure), in the modified section 246(6) of the Companies Act 2006, for "one-tenth of level 5" substitute "one-tenth of level 4".

(4) In regulation 31 (an LLP's annual return), in the modified section 858 of the Companies Act 2006—

(a) in subsection (2), for "one-tenth of level 5" substitute "one-tenth of level 4";

(b) in subsection (5), for "one-tenth of level 5" substitute "one-tenth of level 4".

(5) In regulation 58 (supplementary provisions), in the modified section 1033(7) of the Companies Act 2006, for "one-tenth of level 5" substitute "one-tenth of level 4".

(6) In regulation 67 (correction or removal of material on the register), in the modified section 1093(4) of the Companies Act 2006, for "one-tenth of level 5" substitute "one-tenth of level 4".

(7) In regulation 76 (notice of appointment of judicial factor), in the modified section 1155(2) of the Companies Act 2006, for "one-tenth of level 5" substitute "one-tenth of level 4".

# SCHEDULE 4

Regulation 4

## Consequential amendments

*Customs and Excise Management Act 1979 (c.2)*

**1.**—(1) In section 141 of the Customs and Excise Management Act 1979 (forfeiture of ships, etc, used in connection with goods liable to forfeiture)(**a**), in subsection (3), for "level 5 on the standard scale" substitute "£20,000".

(2) The amendment made by paragraph (1) does not affect fines for offences committed before these Regulations come into force.

*Magistrates' Courts Act 1980 (c.43)*

**2.** In section 32 of the Magistrates' Courts Act 1980 (penalties on summary conviction for offences triable either way), after subsection (9) insert—

"(10) Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) makes provision that affects the application of this section."

*Criminal Justice Act 1982 (c.48)*

**3.** In section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences), after subsection (3) insert—

"(4) Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court) makes provision that affects the application of this section."

---

(**a**) In section 141(3),the reference to "level 5 on the standard scale" was substituted for the reference to "£500" by virtue of sections 38 and 46 of the Criminal Justice Act 1982 (c.48).

*Representation of the People Act 1983 (c.2)*

**4.**—(1) In section 87 of the Representation of the People Act 1983 (court's power to require information from election agent or sub-agent)(**a**), in subsection (3), omit the words from "not exceeding" to the end of the subsection.

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under section 87 that are made before these Regulations come into force..

*Road Traffic Offenders Act 1988 (c.53)*

**5.** In section 53 of the Road Traffic Offenders Act 1988 (amount of fixed penalty)(**b**), in subsection (1)(b), at the end insert "or, where there is no such maximum amount, "£10,000".

*Housing Act 1996 (c.52)*

**6.** In section 50J of the Housing Act 1996 (amount of fixed penalty)(**c**), in subsection (1), after "maximum amount" insert "(if any)".

*Financial Services and Markets Act 2000 (c.8)*

**7.**—(1) In section 24 of the Financial Services and Markets Act 2000 (making of false claims to be authorised), omit subsection (4).

(2) The amendment made by paragraph (1) does not affect fines for offences committed before these Regulations come into force.

*Care Standards Act 2000 (c.14)*

**8.** In section 30ZB of the Care Standards Act 2000 (penalty notices: supplementary provision)(**d**), in subsection (2)(b), at the end insert "or, where there is no such maximum amount, "£10,000".

*Political Parties, Elections and Referendums Act 2000 (c.41)*

**9.** In Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (civil sanctions)(**e**), in paragraph 1(6), after "maximum amount" insert "(if any)".

*Criminal Justice Act 2003 (c.44)*

**10.**—(1) Section 23A of the Criminal Justice Act 2003 (financial penalties) (**f**) is amended as follows.

(2) In subsection (3), after "any offence" insert "(other than one to which subsection (4A) applies)".

(3) After subsection (4) insert—

> "(4A) In the case of an offence for which a person is liable on summary conviction to a fine of an unlimited amount, the amount that may be prescribed must not exceed the amount for the time being specified in subsection (3)(b)."

---

(**a**) Section 87(3) was amended by the Representation of the People Act 1985 (c.50), section 24 and Schedule 4, paragraph 31.
(**b**) Section 53 was substituted by the Road Traffic Act 1991 (c.40), section 48 and Schedule 4, paragraph 102.
(**c**) Section 50J was inserted by the Housing (Wales) Measure 2011 (nawm 5), section 59.
(**d**) Section 30ZB was inserted by the Health and Social Care Act 2008 (c.14), section 95 and Schedule 5, paragraph 25.
(**e**) Schedule 19C was inserted by the Political Parties and Elections Act 2009 (c.12), section 3(2) and Schedule 2.
(**f**) Section 23A was inserted by the Police and Justice Act 2006 (c.48), section 17(4).

*Wireless Telegraphy Act 2006 (c.36)*

**11.** In Schedule 4 to the Wireless Telegraphy Act 2006 (fixed penalties), in paragraph 2(2), after "in question" insert "or, where there is no maximum fine, 50 per cent. of the amount corresponding to level 4 on the standard scale for summary offences".

*Regulatory Enforcement and Sanctions Act 2008 (c.13)*

**12.**—(1) The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

(2) In section 39 (fixed monetary penalties), in subsection (4), after "maximum amount" insert "(if any)".

(3) In section 42 (variable monetary penalties), in subsection (6), after "maximum amount" insert "(if any)".

*Health and Social Care Act 2008 (c.14)*

**13.** In section 87 of the Health and Social Care Act 2008 (penalty notices: supplementary provision), in subsection (2)(b), at the end insert "or, where there is no such maximum amount, £50,000."

*Housing and Regeneration Act 2008 (c.17)*

**14.** In section 229 of the Housing and Regeneration Act 2008 (amount of penalty), in subsection (1), after "maximum amount" insert "(if any)".

*Marine and Coastal Access Act 2009 (c.23)*

**15.** In section 93 of the Marine and Coastal Access Act 2009 (fixed monetary penalties), in subsection (4), after "maximum amount" insert "(if any)".

*Children and Families (Wales) Measure 2010 (nawm 1)*

**16.** In section 48 of the Children and Families (Wales) Measure 2010 (penalty notices: supplementary provision), in subsection (2)(b)—

(a) in the English text, at the end insert "or, where there is no such maximum amount, £10,000.";

(b) in the Welsh text, at the end insert "neu, pan na fo mwyafswm o'r fath, £10,000."

*European Parliamentary Elections Regulations 2004 (S.I. 2004/293)*

**17.**—(1) In regulation 56 of the European Parliamentary Elections Regulations 2004 (court's power to require information from election agent or sub-agent of individual candidate), in paragraph (3), omit the words from "not exceeding" to the end of the paragraph.

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under article 56 that are made before these Regulations come into force..

*National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236)*

**18.**—(1) In article 59 of the National Assembly for Wales (Representation of the People) Order 2007 (court's power to require information from election agent or sub-agent), in paragraph (3), omit the words from "not exceeding" to the end of the paragraph.

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under article 59 that are made before these Regulations come into force.

*Environmental Civil Sanctions (England) Order 2010 (S.I. 2010/1157)*

**19.** In Schedule 2 to the Environmental Civil Sanctions (England) Order 2010 (variable monetary penalties, compliance notices, restoration notices and third party undertakings), in paragraph 1(4), after "maximum amount" insert "(if any)".

*Environmental Civil Sanctions (Wales) Order 2010 (S.I. 2010/1821)*

**20.** In Schedule 2 to the Environmental Civil Sanctions (Wales) Order 2010 (variable monetary penalties, compliance notices, restoration notices and third party undertakings), in paragraph 1(4)—

(a) in the English text, after "maximum amount" insert "(if any)";

(b) in the Welsh text, after "uchafswm" insert "(os oes un)".

*Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917)*

**21.**—(1) In article 46 of the Police and Crime Commissioner Elections Order 2012 (court's power to require information from election agent or sub-agent)—

(a) in paragraph (3), omit the words from "not exceeding" to the end of the paragraph;

(b) omit paragraph (4).

(2) The amendment made by paragraph (1) does not affect fines for failure to comply with orders under article 46 that are made before these Regulations come into force.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Regulations make provision in relation to fines and maximum fines which may be imposed on summary conviction, for the purpose of implementing section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("the Act"). Section 85(1) of the Act, which is commenced alongside these Regulations, provides that a relevant offence which is, on the commencement day, punishable on summary conviction by a fine or maximum fine of £5,000 or more (however expressed) becomes punishable on summary conviction by a fine of any amount. An offence is relevant if, immediately before the commencement of section 85(1), it is a common law offence or it is contained in an Act or an instrument made under an Act (whether or not the offence is in force at that time).

Regulation 2(1) provides that section 85(1) of the Act does not apply in relation to the offences specified in Schedule 1; and regulation 2(2) introduces Schedule 2, which makes provision for the offences in Schedule 1 to be punishable on summary conviction by a fine or maximum fine of an amount specified or described in the amendments. Regulation 2(3) sets out restrictions on the effect of the amendments in Schedule 2, and reflects the limitations mentioned in section 85(9) of the Act.

Regulation 3 makes provision pursuant to section 85(8) of the Act, to ensure that provisions for maximum fines which are expressed as proportions of an amount of £5,000 or more (however expressed) continue to work. Regulation 3(1) introduces Schedule 3, which makes amendments to provide for certain offences punishable on summary conviction by a fine or maximum fine expressed as a proportion of £5,000 or more (however expressed) to be instead punishable on summary conviction by a fine or maximum fine expressed as a proportion of the amount specified or described in the amendments. Regulation 3(2) sets out restrictions on the effect of the amendments in Schedule 3, and reflects the limitations mentioned in section 85(9) of the Act.

Regulation 4 introduces Schedule 4, which makes amendments consequential on section 85 of the Act. Schedule 4 contains amendments which (among other things) relate to non-criminal penalties which are calculated by reference to the maximum penalty on summary conviction in circumstances where that maximum penalty no longer applies (by virtue of section 85(1) or (2) of the Act).

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