STATUTORY INSTRUMENTS

2005 No. 630

CRIMINAL LAW, ENGLAND AND WALES

The Penalties for Disorderly Behaviour (Form of Penalty Notice) (Amendment) Regulations 2005

Made - - - -	*10th March 2005*
Laid before Parliament	*10th March 2005*
Coming into force - -	*24th March 2005*

The Secretary of State, in exercise of the powers conferred upon him by section 3(3) (having regard to the definition of "prescribed" in section 3(4)) of the Criminal Justice and Police Act 2001(**a**), and section 26(3)(b) of the Welsh Language Act 1993(**b**), hereby makes the following Regulations:

1. These Regulations may be cited as the Penalties for Disorderly Behaviour (Form of Penalty Notice) (Amendment) Regulations 2005 and shall come into force on 24th March 2005.

2.—(1) The Penalties for Disorderly Behaviour (Form of Penalty Notice) Regulations 2002(**c**) are amended as follows.

(2) For Schedule 2, there is substituted the Schedule set out in the Schedule to these Regulations.

Home Office
10th March 2005

Scotland of Asthal, Q.C.
Minister of State

(**a**) 2001 c.16.
(**b**) 1993 c.38.
(**c**) S.I 2002/1838, as amended by S.I. 2004/3169.

SCHEDULE

Schedule to be substituted for Schedule 2 to the Penalties for Disorderly Behaviour (Form of Penalty Notice) Regulations 2002

"SCHEDULE 2 Regulation 3

FORM OF PENALTY NOTICE GIVEN TO A PERSON AGED UNDER 16

PART 1

XXXXXPOLICE
JUVENILE PENALTY NOTICE
PENALTY AMOUNT £XX

IMPORTANT – READ THE NOTES ON THIS NOTICE

PART 1

PN number ☐☐☐☐☐☐☐

Details of Juvenile
SURNAME ☐☐☐☐☐☐☐

FORENAMES ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

DATE OF BIRTH ☐☐☐☐☐☐☐
ADDRESS ☐☐☐☐☐☐☐

POST CODE ☐☐☐☐

OFFENCE TIME ☐☐☐☐☐☐☐hrs
OFFENCE DATE ☐☐☐☐☐☐☐

AT (LOCATION) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

OFFENCE CODE ☐☐☐☐☐☐☐

YOU (OFFENCE PARTICULARS)
……
……
……
……
……..

CONTRARY TO (ACT CONTAINING OFFENCE)
……
……
……..

PLACE OF ISSUE Street ☐
Custody ☐

I acknowledge receipt of this Penalty Notice

Signature
……

ISSUED BY Surname ☐☐☐☐ Signature ☐☐☐☐

WARRANT NO ☐☐☐☐☐☐☐ DIVISION ☐☐☐
RANK ☐☐☐☐

PART 2

PLEASE NOTE: COMPLETE THIS PART (PART 2) IF YOU WISH TO REQUEST A COURT HEARING. ONCE COMPLETE SEND THIS SLIP TO THE ADDRESS SHOWN BELOW AT THE BOTTOM OF THIS PART.

I wish to be dealt with by a court for the alleged offence described in Part 1 of this penalty notice.

NAME
……
……

ADDRESS
……
……
……POST CODE ☐☐☐☐☐☐☐

Signed
……DATE ☐☐☐

Send to: Central Ticket Office
XXXXXXXXXXXXXXXXXXX

PART 3A

IMPORTANT INFORMATION FOR THE IMMEDIATE ATTENTION OF THE JUVENILE RECEIVING THIS NOTICE

You have been handed this penalty notice because the police officer named in Part 1 of this notice has reason to believe that you have committed the offence described in Part 1 of this notice. Your parent or guardian will be notified of the giving of this penalty notice within 28 days of the date on which this notice was given to you.

Within 21 days of your parent or guardian **receiving notification of this penalty notice,** your parent or guardian **must either** pay the penalty **or** you must request that the matter be heard by a court. Both may not be done. (If notification of this penalty notice is cancelled and then re-issued, the 21 day period begins with the date on which notification is re-issued).

If your parent or guardian choose to pay the penalty amount, no further action will be taken in respect of the offence detailed in Part 1: Payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

If, within that 21 day period, your parent or guardian does not pay the penalty amount or you do not request that the matter be heard by a court, a fine of one and a half times the **penalty amount** shown in Part 1 may be registered with a court as a **fine** against your parent or guardian or **you** may be charged with the offence for which this notice has been issued. If your parent or guardian fails to pay the **fine** your parent or guardian may have to pay additional bailiff fees or may be arrested. If you are charged and convicted your parent or guardian may have to pay court costs in addition to any fine imposed.

If you have been handed this notice for an offence under **section 5 of the Public Order Act 1986** only (see Part 1) you should be aware that there is a statutory defence to the offence under this section.

A record of this notice will be kept in the interests of justice for administration purposes. This information may be used to help decide whether or not to issue you with another disorder penalty notice in relation to any subsequent offences for which such notices may be issued.

REQUESTING A COURT HEARING

If you wish to contest the issue of this notice and have your case heard in a court of law you must;

1. Write your name and address in BLOCK LETTERS in the space provided in Part 2 of this penalty notice.
2. Detach the slip along the perforation and send it to the address shown on that slip.

If you choose to request a court hearing you must do so either by returning Part 2 of this penalty notice or by writing giving your details and an address at which a summons may be served upon you. The summons will tell you where and when to attend court. Only the recipient of the penalty notice (the juvenile named in Part 1) may request a hearing.

If you have any other enquiries about this penalty notice please contact the address shown at Part 2 of this notice.

PART 3B

INFORMATION FOR THE ATTENTION OF THE PARENT/GUARDIAN OF THE JUVENILE TO WHOM THIS NOTICE HAS BEEN ISSUED

Full details of how to pay this penalty notice will be sent to the parent or guardian shortly. Payment shall be sent to the justices' chief executive at the following address: XXXXXXXXXXX.

PART 2

XXXXXPOLICE
JUVENILE PENALTY NOTICE
PENALTY AMOUNT £XX

IMPORTANT – READ THE NOTES ON THIS NOTICE

PART 1

PN number ☐☐☐☐☐☐☐

Details of Juvenile
SURNAME ☐☐☐☐☐☐☐

FORENAMES ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

DATE OF BIRTH ☐☐☐☐☐☐☐
ADDRESS ☐☐☐☐☐☐☐

POST CODE ☐☐☐☐

OFFENCE TIME ☐☐☐☐☐☐☐hrs
OFFENCE DATE ☐☐☐☐☐☐☐

AT (LOCATION) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

OFFENCE CODE ☐☐☐☐☐☐☐

YOU (OFFENCE PARTICULARS)
……
……
……
……
……..

CONTRARY TO (ACT CONTAINING OFFENCE)
……
……
……..

PLACE OF ISSUE Street ☐
Custody ☐

I acknowledge receipt of this Penalty Notice

Signature
……

ISSUED BY Surname ☐☐☐☐ Signature ☐☐☐☐

WARRANT NO ☐☐☐☐☐☐☐ DIVISION ☐☐☐
RANK ☐☐☐☐

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NAME
……
……

ADDRESS
……
……
……POST CODE ☐☐☐☐☐☐☐

Signed
……DATE ☐☐☐

Send to: Central Ticket Office XXXXXXXXXXXXX

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HEDDLU XXXXX
RHYBUDD COSB YR IFANC
SWM Y GOSB £XX

PWYSIG – DARLLENWCH Y NODIADAU AR Y RHYBUDD HWN

RHAN 1

Rhif RhC ☐☐☐☐☐☐☐

Manylion y Person Ifanc
CYFENW ☐☐☐☐☐☐☐

ENWAU BLAEN ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

DYDDIAD GENI ☐☐☐☐☐☐☐
CYFEIRIAD ☐☐☐☐☐☐☐

COD POST ☐☐☐☐

AMSER Y DROSEDD ☐☐☐☐☐☐☐ awr
DYDDIAD Y DROSEDD ☐☐☐☐☐☐☐

YN (LLEOLIAD) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

COD Y DROSEDD ☐☐☐☐☐☐☐

EICH (MANYLION Y DROSEDD)
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YN GROES I (DEDDF YN CYNNWYS Y DROSEDD)
……
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……..

MAN CYFLWYNO Stryd ☐
Dalfa ☐

Yr wyf yn cydnabod derbyn y Rhybudd Cosb hwn

Llofnod
……

CYFLWYNWYD GAN Cyfenw ☐☐☐☐ Llofnod ☐☐
☐☐

RHIF GWARANT ☐☐☐☐☐☐☐ RHANBARTH ☐
☐☐ RHENC ☐☐☐☐

RHAN 2

NODER: LLENWCH Y RHAN HON (RHAN 2) OS YDYCH YN DYMUNO GWNEUD CAIS AM WRANDAWIAD LLYS. UNWAITH Y BYDD WEDI EI LLENWI ANFONWCH Y BONYN I'R CYFEIRIAD A DDANGOSIR AR WAELOD Y RHAN HON.

Yr wyf am i lys ymdrin â mi mewn perthynas â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r rhybudd cosb hwn.

ENW
……
……

CYFEIRIAD
……
……
……COD POST ☐☐☐☐☐☐☐

Llofnodwyd
……DYDDIAD ☐☐☐

Anfonwch i: Y Swyddfa Docynnau Ganolog
XXXXXXXXXXXXXXXXXX

RHAN 3A

GWYBODAETH BWYSIG AT SYLW DI-OED Y PERSON IFANC SY'N DERBYN Y RHYBUDD HWN

Mae'r rhybudd cosb hwn wedi ei gyflwyno i chi oherwydd bod gan y Swyddog Heddlu a enwyd yn Rhan 1 o'r rhybudd hwn reswm i gredu eich bod wedi cyflawni'r drosedd a ddisgrifir yn Rhan 1 o'r rhybudd hwn. Hysbysir eich rhiant neu warcheidwad eich bod wedi derbyn y rhybudd cosb hwn o fewn 28 diwrnod o'r dyddiad y cyflwynwyd y rhybudd hwn i chi.

O fewn 21 diwrnod i'ch rhiant neu warcheidwad **dderbyn hysbysiad o'r rhybudd cosb hwn**, rhaid i'ch rhiant neu warcheidwad **naill ai** dalu'r gosb **neu** bydd rhaid i chi wneud cais i'r mater gael ei glywed gan lys. Ni ellir gwneud y ddau. (Os caiff hysbysiad o'r rhybudd cosb hwn ei ganslo ac yna ei ail-gyflwyno, bydd y cyfnod 21 diwrnod yn cychwyn ar y dyddiad y caiff yr hysbysiad ei ail-gyflwyno.)

Os bydd eich rhiant neu warcheidwad yn dewis talu swm y gosb, ni chymerir camau pellach mewn perthynas â'r drosedd y manylir arni yn Rhan 1: Nid yw talu'r gosb yn golygu cyfaddefiad o euogrwydd ac ni chaiff cofnod o gollfarn droseddol ei wneud yn eich erbyn.

Os nad yw eich rhiant na'ch gwarcheidwad yn talu swm y gosb o fewn y cyfnod 21 diwrnod, neu os nad ydych chi'n gwneud cais i'r mater gael ei glywed gan lys, gellir cofrestru dirwy gwerth un a hanner **swm y gosb** a ddangosir yn Rhan 1 gyda'r llys fel **dirwy** yn erbyn eich rhiant neu warcheidwad neu gallwch **chi** gael eich cyhuddo gyda'r drosedd y mae'r rhybudd hwn wedi ei gyflwyno amdani.. Os na fydd eich rhiant neu warcheidwad yn talu'r **ddirwy** gall eich rhiant neu warcheidwad orfod talu ffioedd beili ychwanegol neu gael eu harestio. Os cewch eich cyhuddo neu eich collfarnu gall eich rhiant neu warcheidwad orfod talu costau llys yn ychwanegol at unrhyw ddirwy a osodir.

Os cyflwynwyd y rhybudd hwn i chi am drosedd dan **adran 5 o Ddeddf Trefn Gyhoeddus 1986** yn unig (gweler Rhan 1) dylech fod yn ymwybodol bod amddiffyniad statudol i'r drosedd o dan yr adran yma.

Cedwir cofnod o'r drosedd hon er budd cyfiawnder at ddibenion gweinyddu. Gall y wybodaeth hon gael ei defnyddio i helpu i benderfynu a ddylid cyflwyno rhybudd cosb anrhefn arall i chi ai peidio mewn perthynas ag unrhyw droseddau dilynol y gellir cyflwyno rhybuddion o'r fath amdanynt.

GWNEUD CAIS AM WRANDAWIAD LLYS

Os ydych am herio cyflwyniad y rhybudd hwn a chael gwrandawiad i'ch achos mewn llys barn rhaid i chi:

1. Ysgrifennu eich enw a'ch cyfeiriad mewn LLYTHRENNAU BRAS yn y gofod yn Rhan 2 o'r rhybudd cosb hwn.
2.Datgysylltu'r bonyn ar hyd y llinell dyllog a'i anfon i'r cyfeiriad a ddangosir ar y bonyn.

Os dewiswch wneud cais am wrandawiad llys rhaid i chi wneud hynny drwy naill ai ddychwelyd Rhan 2 o'r rhybudd cosb hwn neu drwy ysgrifennu gan roi eich manylion a chyfeiriad ble y gellir cyflwyno gwys i chi. Bydd y wys yn dweud wrthych pryd a lle i fynychu'r llys. Dim ond derbynnydd y rhybudd cosb (y person ifanc a enwir yn Rhan 1) all wneud cais am wrandawiad.

Os oes gennych unrhyw gwestiynau eraill ynglyn â'r rhybudd cosb hwn cysylltwch â'r cyfeiriad a ddangosir yn Rhan 2 o'r rhybudd hwn

RHAN 3B

GWYBODAETH AT SYLW
RHIANT/GWARCHEIDWAD Y PERSON IFANC Y CYFLWYNWYD Y RHYBUDD HWN IDDO

Caiff manylion llawn ynglyn â sut i dalu'r rhybudd cosb hwn eu hanfon at y rhiant neu'r gwarcheidwad yn fuan. Dylid anfon taliad i'r Swyddog Penodedig dros Ardal Cyfiawnder Lleol yn y cyfeiriad canlynol: XXXXXXXXXX."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Penalties for Disorderly Behaviour (Form of Penalty Notice) Regulations 2002 (S.I 2002/1838, as amended by S.I 2004/3169). These Regulations replace Schedule 2 to those Regulations and prescribe the form of penalty notice that must be issued by a police officer in dealing with a penalty offence committed by a person who was aged under 16 at the time he committed the offence giving rise to the penalty notice.

STATUTORY INSTRUMENTS

2005 No. 630

CRIMINAL LAW, ENGLAND AND WALES

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