

## SCHEDULES

### SCHEDULE 11

#### FURTHER PROVISION ABOUT MONITOR’S ENFORCEMENT POWERS

##### PART 1

##### DISCRETIONARY REQUIREMENTS

###### *Non-compliance penalties*

- 5 (1) If a person fails to comply with a compliance requirement or a restoration requirement Monitor may impose a monetary penalty on that person of such amount as Monitor may determine (a “non-compliance penalty”).
- (2) Where Monitor proposes to impose a non-compliance penalty on a person Monitor must give notice to that person (a “non-compliance notice”).
- (3) A non-compliance notice must—
- (a) specify the amount of the non-compliance penalty,
  - (b) set out the grounds for imposing the penalty,
  - (c) state how payment of the penalty may be made,
  - (d) state the period (“the payment period”) within which payment must be made,
  - (e) state any discount applicable for early payment of the penalty,
  - (f) set out the consequences of a failure to pay within the payment period (including any increase in the amount payable), and
  - (g) explain the right of appeal conferred by paragraph 6.
- (4) The payment period must be not less than 28 days beginning with the day after that on which the non-compliance notice is received.
- (5) If the whole or any part of a non-compliance penalty is not paid by the time it is required to be paid Monitor may increase the amount payable by no more than 50% of the amount of the penalty.
- (6) Monitor may by notice to a person on whom a non-compliance penalty has been imposed reduce the amount of the penalty or extend the payment period.