



# Canterbury City Council Act 2013

## 2013 CHAPTER i

### *Fixed penalties*

#### **6 Fixed penalty notices**

- (1) The provisions of this section shall have effect in relation to notices (in this section referred to as “fixed penalty notices”) which may be given under section 5 by an authorised officer, a constable or (by virtue of section 13(1)) a community support officer in respect of a relevant offence.
- (2) Where a person is given a fixed penalty notice in respect of a relevant offence—
  - (a) no proceedings shall be instituted for that offence before the expiration of 14 days following the date of the notice; and
  - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence and shall state—
  - (a) the period during which, by virtue of subsection (2), proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty; and
  - (c) the name of the person to whom and the address at which the fixed penalty may be paid.
- (4) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (5) Where a letter is sent in accordance with subsection (4), payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (6) The form of notices under this section shall—
  - (a) be such as the council shall prescribe; and

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (b) be in substantially the same form as notices prescribed by the Secretary of State under section 88(5) of the Environmental Protection Act 1990 (fixed penalty notices for leaving litter).
- (7) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to the council.
- (8) Section 9 shall have effect with respect to financial provisions relating to fixed penalties payable in pursuance of a fixed penalty notice under this section.
- (9) In any proceedings a certificate which—
  - (a) purports to be signed by or on behalf of the chief finance officer of the council; and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,shall be evidence of the facts stated.
- (10) In this section, “chief finance officer”, in relation to the council, means the person having responsibility for the financial affairs of the council.