



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 7

NOISE

CHAPTER 1

AUDIBLE INTRUDER ALARMS

Alarm notification areas

73 Offences under section 71: fixed penalty notices

- (1) This section applies if it appears to an authorised officer of a local authority that a person has committed an offence under section 71(4) in the area of the local authority.
- (2) The officer may give the person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (3) If a person is given a notice under this section in respect of an offence—
 - (a) no proceedings may be instituted for the offence before the end of the period of 14 days starting with the day after that on which the notice is given, and
 - (b) he may not be convicted of the offence if he pays the fixed penalty before the end of that period.
- (4) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- (5) A notice under this section must also state—

Status: This is the original version (as it was originally enacted).

- (a) the period during which, by virtue of subsection (3), proceedings will not be taken for the offence,
 - (b) the amount of the fixed penalty, and
 - (c) the person to whom and the address at which the fixed penalty may be paid.
- (6) Payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (5)(c) at the address so mentioned.
- (7) If a letter is sent in accordance with subsection (6) payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.
- (8) Subsection (6) does not prevent payment of the fixed penalty being made by another method.
- (9) In any proceedings a certificate which—
- (a) purports to be signed by or on behalf of the chief finance officer of a local authority, and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (10) The form of a notice under this section is to be such as the appropriate person may by order prescribe.
- (11) In this section—
- “authorised officer”, in relation to a local authority, means—
 - (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section;
 - (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function;
 - (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;
 - “chief finance officer”, in relation to a local authority, is the person having responsibility for the financial affairs of the authority.