



2011 CHAPTER 23

PART 2

VEHICLES

Abandoned vehicles

Offence of abandoning a vehicle: fixed penalty notices

7 In the Pollution Control and Local Government (Northern Ireland) Order 1978, after Article 29 (offence of unauthorised abandonment of motor vehicles etc.) insert—

“Fixed penalty notices for offence of abandoning vehicles

29A.—(1) Where on any occasion it appears to an authorised officer of a district council that a person has committed an offence under Article 29(1) (a) in the district of that council, the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the district council.

(2) Where a person is given a notice under this Article in respect of an offence—

- (a) no proceedings shall be instituted for that offence before the expiration of the period of 14 days following the date of that notice; and
- (b) he may not be convicted of that offence if he pays the fixed penalty before the expiration of the period.

Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 7. (See end of Document for details)

(3) A notice under this Article must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(4) A notice under this Article shall also state—

- (a) the period during which, by virtue of paragraph (2), 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.

(5) Without prejudice to payment by any other method, 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 paragraph (4)(c) at the address so mentioned.

(6) Where a letter is sent in accordance with paragraph (5) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) The form of a notice under this Article shall be such as the Department may by order prescribe.

(8) The fixed penalty payable to a district council under this Article is, subject to paragraph (9), £200.

(9) The Department may by order substitute a different amount for the amount for the time being specified in paragraph (8).

(10) The district council to which a fixed penalty is payable under this Article may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the council.

(11) The Department may by regulations restrict the extent to which, and the circumstances in which, a district council may make provision under paragraph (10).

(12) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the clerk of the council, 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.

(13) In this Article—

“authorised officer”, in relation to a district council, means an employee of the council who is authorised in writing by the council for the purpose of giving notices under this Article;

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“clerk of the council”, in relation to a district council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972.

Fixed penalty notices: power to require name and address

29B.—(1) If an authorised officer of a district council proposes to give a person a notice under Article 29A, the officer may require the person to give him his name and address.

(2) A person commits an offence if—

- (a) he fails to give his name and address when required to do so under paragraph (1), or
- (b) he gives a false or inaccurate name or address in response to a requirement under that paragraph.

(3) A person guilty of an offence under paragraph (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In this Article “authorised officer” has the same meaning as in Article 29A.

Use of fixed penalties under Article 29A

29C.—(1) This Article applies in relation to amounts paid to a district council in pursuance of notices under Article 29A (its “fixed penalty receipts”).

(2) A district council may use its fixed penalty receipts only for the purposes of—

- (a) its functions under this Part;
- (b) its functions under Part 8 of the Road Traffic Regulation (Northern Ireland) Order 1997;
- (c) its functions relating to the enforcement of sections 2 and 3 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011; and
- (d) such other of its functions as may be specified in regulations made by the Department.

(3) Regulations made under paragraph (2)(d) may in particular have the effect that a district council may use its fixed penalty receipts for the purposes of any of its functions.

(4) A district council shall supply the Department with such information relating to its use of its fixed penalty receipts as the Department may require.

(5) The Department may by regulations—

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- (a) make provision for what a district council is to do with its fixed penalty receipts—
 - (i) pending their being used for the purposes of functions of the council referred to in paragraph (2);
 - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
 - (b) make provision for accounting arrangements in respect of a district council's fixed penalty receipts.
- (6) The provision that may be made under paragraph (5)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Department) other than the district council.
- (7) Before making regulations under this Article, the Department shall consult—
- (a) district councils;
 - (b) such other persons as the Department thinks fit.”.

Commencement Information

- I1** S. 7 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), **Sch. 1**
- I2** S. 7 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), **Sch. 2**

Changes to legislation:

There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 7.