



2016 CHAPTER 22

PART 5

Supplementary

Fixed penalty as alternative to prosecution

Fixed penalty: service of notice

64.—(1) This section applies where an authorised officer of a council has reason to believe that a person has committed an offence under any of the following provisions—

- (a) section 30, 31, 32 or 33;
- (b) section 37(1);
- (c) section 49;
- (d) section 60;
- (e) section 75;
- (f) section 80(5);
- (g) section 82(4);
- (h) paragraph 14 of Schedule 2;
- (i) paragraph 8 of Schedule 3.

(2) The officer may serve on the person a notice which—

- (a) offers the person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty,
- (b) contains the information required by subsections (3) to (5) and (7),

- (c) contains such other information as may be specified in regulations made by the Department, and
 - (d) is in such form as the council specifies by general notice.
- (3) The notice must give particulars of the circumstances alleged to constitute the offence.
- (4) The notice must state the amount of the fixed penalty, which is to be determined by the council but must not exceed—
- (a) in the case of an offence under section 30(1) or (2), 31(1) or 60(1), (2) or (4), £5,000;
 - (b) in the case of an offence under section 30(3), 31(2) or (3), 32, 33 or 37(1), £2,500;
 - (c) in the case of an offence under section 60(6), 80(5) or 82(4) or paragraph 8 of Schedule 3, £500;
 - (d) in the case of an offence under section 49, section 75 or paragraph 14 of Schedule 2, £200.
- (5) The notice must state the period during which (in accordance with section 65(1)) proceedings will not be commenced for the offence.
- (6) The fixed penalty is to be payable to the council.
- (7) The notice must state the arrangements for paying the fixed penalty; and those arrangements must include, at the least, a person to whom and an address at which the fixed penalty may be paid.
- (8) An “authorised officer” of a council is an officer who is authorised in writing by the council for the purposes of this section.