



# London Local Authorities Act 2004

## 2004 CHAPTER i

### PART 4

#### FIXED PENALTIES

#### 16 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 15 (Fixed penalty offences) of this Act by an authorised officer in respect of an offence.
- (2) Where a person is given a fixed penalty notice in respect of an 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 of the offence and shall state—
  - (a) the period during which, by virtue of subsection (2) above, 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,and 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).
- (4) Where a letter is sent in accordance with subsection (3) above, payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

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*Status: This is the original version (as it was originally enacted).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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- (5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.
- (6) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to the borough council.
- (7) Schedule 3 to this Act shall have effect with respect to financial provisions relating to fixed penalties payable in pursuance of a fixed penalty notice under this section.
- (8) In any proceedings a certificate which—
  - (a) purports to be signed by or on behalf of the chief finance officer of the borough 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.
- (9) In this section, “chief finance officer”, in relation to a borough council, means the person having responsibility for the financial affairs of the council.