



# Refuse Disposal (Amenity) Act 1978

## 1978 CHAPTER 3

### *Control of dumping*

#### **[<sup>F1</sup>2A Fixed penalty notices for offence of abandoning vehicles**

- (1) Where on any occasion it appears to an authorised officer of a local authority that a person has committed an offence under section 2(1)(a) above in the area of that authority, 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 authority.
- (2) Where a person is given a notice under this section in respect of an offence—
  - (a) no proceedings may be instituted for that offence before the expiration of the period of fourteen days following the date of the notice; and
  - (b) he may not be convicted of that offence if he pays the fixed penalty before the expiration of the period.
- (3) 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.
- (4) A notice under this section must also 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 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 subsection (4)(c) above at the address so mentioned.
- (6) Where a letter is sent in accordance with subsection (5) above 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.

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*Changes to legislation: There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 2A. (See end of Document for details)*

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- (7) The form of a notice under this section is to be such as the appropriate person may by order prescribe.
- (8) The fixed penalty payable to a local authority under this section is, subject to subsection (9) below, £200.
- (9) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (8) above.
- (10) The local authority to which a fixed penalty is payable under this section 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 authority.
- (11) The appropriate person may by regulations restrict the extent to which, and the circumstances in which, a local authority may make provision under subsection (10) above.
- (12) An order or regulations under this section may make different provision for different purposes and in relation to different areas.
- (13) In any proceedings a certificate which—
- (a) purports to be signed on behalf of the chief finance officer of the 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.
- (14) In this section—
- “ authorised officer ”, in relation to a local authority, means an employee of the authority who is authorised in writing by the authority for the purposes of giving notices under this section;
- “ chief finance officer ”, in relation to a local authority, means the person having responsibility for the financial affairs of the authority. ]

#### Textual Amendments

- F1** Ss. 2A-2C inserted (16.3.2006 for W. for specified purposes, 6.4.2006 for E., 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. in so far as not already in force) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), **ss. 10**, 108(1), 108(2); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(e); S.I. 2006/768, art. 3; S.I. 2006/795, art. 2(3), Sch. 2; S.I. 2006/2797, art. 4(e)

**Changes to legislation:**

There are currently no known outstanding effects for the Refuse Disposal (Amenity) Act 1978, Section 2A.