



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 6

#### DOGS

#### CHAPTER 1

##### CONTROLS ON DOGS

##### *Fixed penalty notices*

### 59 Fixed penalty notices

- (1) This section applies where on any occasion—
  - (a) an authorised officer of a primary or secondary authority has reason to believe that a person has committed an offence under a dog control order made by that authority; or
  - (b) an authorised officer of a secondary authority has reason to believe that a person has in its area committed an offence under a dog control order made by a primary authority.
- (2) The authorised 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.
- (3) A fixed penalty payable under this section is payable to the primary or secondary authority whose officer gave the notice.
- (4) 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

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- (b) he may not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (5) 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.
- (6) A notice under this section must also state—
- (a) the period during which, by virtue of subsection (4), 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.
- (7) 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 (6)(c) at the address so mentioned.
- (8) Where a letter is sent in accordance with subsection (7) 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.
- (9) The form of a notice under this section is to be such as the appropriate person may by order prescribe.
- (10) In any proceedings a certificate which—
- (a) purports to be signed on behalf of the chief finance officer of a primary or secondary 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.
- (11) In this section—
- “authorised officer”, in relation to a primary or secondary 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; and
  - (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 primary or secondary authority, means the person having responsibility for the financial affairs of the authority.
- (12) The appropriate person may by regulations prescribe conditions to be satisfied by a person before a secondary authority may authorise him in writing for the purpose of giving notices under this section.

**Modifications etc. (not altering text)**

- C1** Pt. 6 Ch. 1 excluded (6.4.2006) (E.) by [The Controls on Dogs \(Non-application to Designated Land\) Order 2006 \(S.I. 2006/779\)](#), arts. 1(b), 3, [Sch.](#)

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#### Commencement Information

- I1** S. 59 in force at 14.3.2006 for specified purposes for E. by [S.I. 2006/795, art. 2\(1\)](#), [Sch. 1](#)
- I2** S. 59 in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768, art. 3](#)
- I3** S. 59 in force at 6.4.2006 for E. in so far as not already in force by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)
- I4** S. 59 in force at 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 [S.I. 2006/2797, art. 4\(u\)](#)

### 60 Amount of fixed penalties

- (1) The amount of a fixed penalty payable to a primary or secondary authority in pursuance of a notice under section 59 in respect of an offence under a dog control order—
  - (a) is the amount specified by the authority which made the order;
  - (b) if no amount is so specified, is £75.
- (2) A primary or secondary authority may under subsection (1)(a) specify different amounts in relation to different offences.
- (3) A primary or secondary authority may make provision for treating a fixed penalty payable to that authority in pursuance of a notice under section 59 as having been paid if a lesser amount is paid before the end of a period specified by the authority.
- (4) The appropriate person may by regulations make provision in connection with the powers conferred on primary and secondary authorities under subsections (1)(a) and (3).
- (5) Regulations under subsection (4) may (in particular)—
  - (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations;
  - (b) restrict the extent to which, and the circumstances in which, a primary or secondary authority can make provision under subsection (3).
- (6) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

#### Commencement Information

- I5** S. 60 in force at 14.3.2006 for specified purposes for E. by [S.I. 2006/795, art. 2\(1\)](#), [Sch. 1](#)
- I6** S. 60 in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768, art. 3](#)
- I7** S. 60 in force at 6.4.2006 for E. in so far as not already in force by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)
- I8** S. 60 in force at 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 [S.I. 2006/2797, art. 4\(v\)](#)

### 61 Power to require name and address

- (1) If an authorised officer of a primary or secondary authority proposes to give a person a notice under section 59, 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 subsection (1), or

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- (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section “authorised officer” has the same meaning as in section 59.

#### Commencement Information

**I9** S. 61 in force at 6.4.2006 for E. by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)

**I10** S. 61 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by [S.I. 2006/2797, art. 4\(w\)](#)

## 62 Community support officers etc

- (1) The Police Reform Act 2002 (c. 30) is amended as follows.
- (2) In Schedule 4 (community support officers), in paragraph 1(2), after paragraph (d) insert “and
  - (e) the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).”
- (3) In Schedule 5 (accredited persons), in paragraph 1(2), after paragraph (c) insert “and
  - (d) the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).”

#### Commencement Information

**I11** S. 62 in force at 6.4.2006 for E. by [S.I. 2006/795, art. 2\(3\)](#), [Sch. 2](#)

**I12** S. 62 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. by [S.I. 2006/2797, art. 4\(x\)](#)

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