Status: Point in time view as at 16/03/2006. This version of this provision has been superseded.
Changes to legislation: Clean Neighbourhoods and Environment Act 2005, Section 6 is up to date with all changes known
to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes
that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 2

VEHICLES

Nuisance parking offences: fixed penalty notices

6   Power to give fixed penalty notices

(1) Where on any occasion an authorised officer of a local authority has reason to believe that a person has committed an offence under section 3 or 4 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 that offence by payment of a fixed penalty to the local 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 that 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), 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.

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(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) at the address so mentioned.

(6) Where a letter is sent in accordance with subsection (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 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), £100.

(9) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (8).

(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).

(12) 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.

(13) In this section "chief finance officer", in relation to a local authority, means the person having responsibility for the financial affairs of the authority.

Commencement Information
I1   S. 6 in force at 14.3.2006 for specified purposes for E. by S.I. 2006/795, art. 2(1), **Sch. 1**
I2   S. 6 in force at 16.3.2006 for specified purposes for W. by S.I. 2006/768, **art. 3**

Status:
Point in time view as at 16/03/2006. This version of this provision has been superseded.

Changes to legislation:
Clean Neighbourhoods and Environment Act 2005, Section 6 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.