



# Animals (Penalty Notices) Act 2022

## 2022 CHAPTER 19

### *Fixed penalty notices*

#### **1 Powers of enforcement authorities**

- (1) Where an enforcement authority for a relevant offence is satisfied beyond reasonable doubt that a person has committed the offence in England, the authority may issue a fixed penalty notice under this section to the person.
- (2) In this Act “relevant offence” means an offence within [subsection \(3\)](#) that is specified by regulations made by the Secretary of State.
- (3) The offences within this subsection are—
  - (a) an offence under regulations made under section 2(2) of the European Communities Act 1972 which the Secretary of State considers relates to animals or animal products;
  - (b) an offence under the Dangerous Wild Animals Act 1976;
  - (c) an offence under section 19 of the Zoo Licensing Act 1981;
  - (d) an offence under the Animal Health Act 1981;
  - (e) an offence under the Animal Welfare Act 2006 or under regulations made under section 12 or 13 of that Act;
  - (f) an offence under the Wild Animals in Circuses Act 2019.
- (4) In this Act an “enforcement authority”, for a relevant offence, is a person who is specified in relation to the offence by regulations made by the Secretary of State (and the regulations may specify more than one person in relation to any relevant offence).
- (5) The persons who may be specified by regulations under subsection (4) are—
  - (a) the Secretary of State,
  - (b) a local authority, or
  - (c) any other person that the Secretary of State considers appropriate.
- (6) A fixed penalty notice issued under this section may be withdrawn at any time by the authority that issued it.

## 2 Powers of constables

- (1) Where a constable is satisfied beyond reasonable doubt that a person has committed a specified dangerous dogs offence in England or Wales, the constable may issue a fixed penalty notice under [this section](#) to the person.
- (2) In [this section](#) “specified dangerous dogs offence” means an offence within [subsection \(3\)](#) that is specified by regulations made by the Secretary of State.
- (3) The offences within [this subsection](#) are offences under sections 1, 3 and 4(8) of the Dangerous Dogs Act 1991.
- (4) A fixed penalty notice issued under [this section](#) may be withdrawn at any time by the constable that issued it or another constable in the same police force.

## 3 Content and effect of notices

- (1) This section applies to a fixed penalty notice under section 1 or 2.
- (2) A fixed penalty notice is a notice giving the person to whom it is issued the opportunity to discharge any liability to conviction for the offence to which it relates by payment of an amount specified in the notice within the relevant period.
- (3) The amount specified in a fixed penalty notice may not exceed whichever is the lesser of—
  - (a) £5,000, and
  - (b) the maximum fine for which a person convicted of the offence is liable on summary conviction.
- (4) The relevant period is the period of 28 days beginning with the date on which the fixed penalty notice is issued.
- (5) A fixed penalty notice must explain—
  - (a) that the person issuing the notice is satisfied that the person has committed the offence, and why,
  - (b) the effect of [subsection \(6\)](#), and
  - (c) when and how payment may be made.
- (6) Where a fixed penalty notice is issued to a person (and has not been withdrawn)—
  - (a) no proceedings may be instituted for the offence before the end of the relevant period, and
  - (b) the person may not be convicted of the offence if the person pays—
    - (i) the full amount of the fixed penalty in the notice before the end of the relevant period, or
    - (ii) 50% of that amount before the end of the period of 14 days beginning with the date on which the relevant period starts.
- (7) Where proceedings are instituted for the offence after the end of the relevant period, that period is to be disregarded for the purposes of calculating the period mentioned in section 127(1) of the Magistrates’ Court Act 1980.

#### **4 Matters to be taken into account**

- (1) An enforcement authority for a relevant offence or a constable must take into account the matters mentioned in [subsection \(2\)](#) in deciding—
  - (a) whether to issue a fixed penalty notice to a person under section 1 or 2, and
  - (b) the amount to be specified in the notice.
- (2) The matters are—
  - (a) the seriousness of the conduct to which the proposed notice relates (the “relevant conduct”);
  - (b) the duration of the relevant conduct;
  - (c) any evidence of intention behind the relevant conduct;
  - (d) any evidence of previous acts or omissions by the person similar to the relevant conduct;
  - (e) any action taken by the person to eliminate or reduce any risk of harm resulting from the relevant conduct;
  - (f) any action taken by the person to remedy or mitigate any harm resulting from the relevant conduct;
  - (g) whether the person reported the relevant conduct to the enforcement authority or constable;
  - (h) the conduct of the person after the relevant conduct is drawn to their attention by the enforcement authority or constable.
- (3) The Secretary of State must give guidance about—
  - (a) additional matters to be taken into account in deciding whether to issue a fixed penalty notice;
  - (b) additional matters to be taken into account in deciding the amount to be specified in the notice;
  - (c) how the matters mentioned in [subsection \(2\)](#) and any additional matters of the kind mentioned in [paragraph \(a\)](#) or [\(b\)](#) are to be taken into account.
- (4) The guidance must be laid before Parliament after it is given.
- (5) An enforcement authority for a relevant offence or constable must have regard to the guidance.

#### **5 Use of proceeds**

- (1) Sums received by enforcement authorities for relevant offences or chief officers of police for police forces pursuant to fixed penalty notices issued under [section 1](#) or [2](#) must be paid into the Consolidated Fund.
- (2) But before paying such sums into the Consolidated Fund an enforcement authority for one or more relevant offences or chief officer of police for a police force may deduct—
  - (a) the costs of investigating offences to which fixed penalty notices issued under [section 1](#) or [2](#) by the authority, or by constables in the police force in question, relate, and
  - (b) the costs of issuing the notices.