



2011 CHAPTER 23

PART 2 VEHICLES

Nuisance parking offences: fixed penalty notices

Power to give fixed penalty notices

4.—(1) Where on any occasion an authorised officer of a district council has reason to believe that a person has committed an offence under section 2 or 3 in the district of that council, the officer may give that person a notice offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the district council.

(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 14 days following the date of the notice; and
- (b) the person shall not be convicted of that offence if the person 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.

(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 shall be such as the Department may by order prescribe.

(8) The fixed penalty payable to the district council under this section is, subject to subsection (9), £100.

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

(10) The district council 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 district council.

(11) The Department may by regulations restrict the extent to which, and the circumstances in which, a district council may make provision under subsection (10).

(12) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the clerk of the council, 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 “authorised officer”, in relation to a district council, means an employee of a district council who is authorised in writing by the council for the purpose of giving notices under this section.

Power to require name and address

5.—(1) If an authorised officer of a district council proposes to give a person a notice under section 4, the officer may require that person to provide the officer with the person’s name and address.

(2) A person who—

- (a) fails to give the person’s name and address when required to do so under subsection (1), or
- (b) gives a false or inaccurate name or address in response to a requirement under that subsection,

commits an offence.

(3) A person guilty of an offence under subsection (2) shall be 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 4.

Use of fixed penalty receipts

6.—(1) This section applies in relation to amounts paid to a district council in pursuance of notices under section 4 (its “fixed penalty receipts”).

(2) A district council may use its fixed penalty receipts only for the purposes of—

- (a) its functions under Part 2 of the [Pollution Control and Local Government \(Northern Ireland\) Order 1978 \(NI 19\)](#);
- (b) its functions relating to the enforcement of sections 2 and 3;
- (c) its functions under Part 8 of the [Road Traffic Regulation \(Northern Ireland\) Order 1997 \(NI 2\)](#);
- (d) such other of its functions as may be specified in regulations made by the Department.

(3) Regulations under subsection (2)(d) may (in particular) have the effect that a council may use its fixed penalty receipts for the purposes of any of its functions.

(4) A district council shall supply the Department with such information relating to its use of its fixed penalty receipts as the Department may require.

(5) The Department may by regulations—

- (a) make provision for what a district council is to do with its fixed penalty receipts—
 - (i) pending their being used for the purposes of functions of the council referred to in subsection (2);
 - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
- (b) make provision for accounting arrangements in respect of a district council’s fixed penalty receipts.

(6) The provision that may be made under subsection (5)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Department) other than the district council.

(7) Before making regulations under this section, the Department shall consult—

- (a) district councils;
- (b) such other persons as the Department thinks fit.