



2011 CHAPTER 23

PART 6

NOISE

CHAPTER 1

AUDIBLE INTRUDER ALARMS

Alarm notification areas

Use of fixed penalty receipts

54.—(1) A district council may use any sums it receives in respect of fixed penalties payable in pursuance of notices given under section 52 (its “penalty receipts”) only for the purposes of functions of the council that are qualifying functions.

(2) The following are qualifying functions for the purposes of this section—

- (a) functions under this Chapter;
- (b) functions under the Noise Act 1996 (c. 37);
- (c) functions under section 63 to 70 (statutory nuisances), in connection with statutory nuisances falling with section 63(1)(i) or (j) (noise);
- (d) functions of a description specified in regulations made by the Department.

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

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

- (5) The Department may by regulations—
- (a) make provision for what a council is to do with its penalty receipts—
 - (i) pending their being used for the purposes of qualifying functions of the council;
 - (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 council's 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 must consult—
- (a) district councils, and
 - (b) such other persons as the Department thinks fit.