



City of London Corporation (Open Spaces) Act 2018

2018 CHAPTER i

Enforcement

11 Fixed penalty notices

- (1) An authorised officer may issue a fixed penalty notice to any person who the officer has reason to believe has committed an offence in an open space under—
 - (a) a byelaw having effect in relation to the open space;
 - (b) section 10(4) of this Act;
 - (c) section 9(5) of the City of London (Various Powers) Act 1971 (contravention of horse-riding restrictions in Epping Forest);
 - (d) section 7(6) of the City of London (Various Powers) Act 1977 (contravention of access restrictions in Epping Forest); or
 - (e) section 87 of the Environmental Protection Act 1990 (littering).
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Corporation.
- (3) A fixed penalty notice must be in writing and state—
 - (a) the particulars of the circumstances alleged to constitute the offence;
 - (b) the amount of the fixed penalty;
 - (c) the effect of subsection (6);
 - (d) the name and address of the person to whom payment of the fixed penalty may be sent;
 - (e) the permissible methods of payment (which include the method laid down by subsection (8)); and
 - (f) the effect of subsection (9).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) A fixed penalty notice may be issued in person or by post, and must identify by name the person to whom it is issued unless the authorised officer cannot reasonably ascertain the person's name.
- (5) Where a fixed penalty notice is issued by post, it is regarded as having been issued at the time at which it would be delivered in the ordinary course of post.
- (6) Where a person is issued with a fixed penalty notice—
 - (a) no proceedings may be taken in respect of the alleged offence in relation to which the notice was issued before the end of the period of 14 days following the date on which the notice was issued; and
 - (b) the person may not be convicted of that offence if the fixed penalty is paid to the Corporation before the end of that period.
- (7) The amount specified under subsection (3)(b) is to be an amount prescribed by the Corporation, which—
 - (a) may prescribe different amounts in relation to different classes of case; but
 - (b) may not prescribe an amount exceeding £100.
- (8) Payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (3)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent in accordance with subsection (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) In any proceedings, a certificate that—
 - (a) purports to be signed by or on behalf of the officer responsible for the Corporation's financial affairs; and
 - (b) states that payment of a fixed penalty was, or was not, received by the date specified in the certificate,is evidence of the facts stated.

12 Power to require name and address

- (1) An authorised officer who has reason to believe that a person has committed an offence in an open space may require that person to give his or her name and address with a view to—
 - (a) the service of a summons on that person; or
 - (b) the issuing of a fixed penalty notice to that person under section 11, in relation to that offence.
- (2) A person who, without reasonable excuse, fails to provide information required under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

13 Removal and disposal of unauthorised articles

- (1) The Corporation may remove any article or object placed or left in an open space without its permission or otherwise without lawful authority.

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- (2) If a person appearing to be in control of an article or object is present, that person must be given a reasonable opportunity to remove the article or object before it is removed under subsection (1).
- (3) On removing an article or object under subsection (1), the Corporation must store it in a convenient place unless it appears to the Corporation that the article or object—
 - (a) has been abandoned;
 - (b) is unlikely to be of any continuing value to its owner; or
 - (c) is not reasonably capable of being stored.
- (4) If an article or object removed under subsection (1)—
 - (a) has been stored under subsection (3), and no person appearing to be the owner has within a period of 14 days beginning with the day of removal claimed it and paid all expenses reasonably incurred by reason of its removal and storage; or
 - (b) is not one which the Corporation must store under subsection (3),
the Corporation may dispose of it in such a manner as the Corporation thinks fit.
- (5) Where a motor vehicle is removed under subsection (1), subsections (3) and (4) of this section do not apply, but—
 - (a) section 100(4) of the 1984 Act (which imposes a duty to retain safe custody of a removed vehicle) applies to the vehicle as if the Corporation were an authority having custody of the vehicle under that section; and
 - (b) sections 101 to 103 of the 1984 Act (which provide for the disposal of a removed vehicle) and any regulations made under them apply in relation to the vehicle as if—
 - (i) the Corporation were the local authority in relation to the open space and the vehicle had been removed by the Corporation under regulations made under section 99 of the 1984 Act; and
 - (ii) the open space were not within a civil enforcement area for parking contraventions.
- (6) In subsection (5)—

“the 1984 Act” means the Road Traffic Regulation Act 1984; and
“motor vehicle” has the meaning given by section 136 of that Act.