



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 9

MISCELLANEOUS

Use of fixed penalty receipts

97 Use of fixed penalty receipts: lower tier authorities

- (1) The appropriate person must by regulations make provision relating to—
 - (a) the use by a parish or community council of amounts received by it in pursuance of notices under—
 - (i) section 88 of the Environmental Protection Act 1990 (c. 43);
 - (ii) section 43(1) of the Anti-social Behaviour Act 2003 (c. 38); and
 - (iii) section 59 above; and
 - (b) the use by a person or body designated under section 58(3) above as a secondary authority for the purposes of Chapter 1 of Part 6 above of amounts received by that person or body in pursuance of notices under section 59 above.
- (2) Regulations under this section may in particular include provision requiring a parish or community council or a person or body referred to in subsection (1)(b)—
 - (a) to use the amounts received as specified in subsection (1) only for the purpose of such of its functions as may be specified in the regulations;
 - (b) to pay sums in respect of those amounts to another person (including the appropriate person);
 - (c) to supply information in relation to those amounts to the appropriate person;
 - (d) to adopt such accounting arrangements in respect of those amounts as may be specified in the regulations.

Changes to legislation: *Clean Neighbourhoods and Environment Act 2005, Section 97 is up to date with all changes known to be in force on or before 15 August 2023. 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) View outstanding changes*

- (3) Regulations under this section may include provision framed by reference to performance categories conferred on a parish or community council by such person as may be specified in the regulations.

Commencement Information

- I1** S. 97 in force at 14.3.2006 for E. by [S.I. 2006/795](#), [art. 2\(1\)](#), [Sch. 1](#)
- I2** S. 97 in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768](#), [art. 3](#)
- I3** S. 97 in force at 15.3.2007 (being the date on which [S.I. 2007/739](#) came into force) for W. in so far as not already in force by [S.I. 2006/2797](#), [art. 4\(mm\)](#)

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Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing S.I. 2006/2797