



2011 CHAPTER 23

PART 8

MISCELLANEOUS AND SUPPLEMENTARY

*Use of fixed penalty receipts*

**Use of penalty receipts**

**72.—**(1) This section applies in relation to amounts paid to a district council in pursuance of—

- (a) notices under Article 6 and Article 14A of, and paragraph 7 of Schedule 1A to, the [Litter \(Northern Ireland\) Order 1994 \(NI 10\)](#);
- (b) notices under section 26;
- (c) notices under section 43.

(2) The amounts to which this section applies which are paid to a district council are in this section called the council's "fixed penalty receipts".

(3) A district council may use its fixed penalty receipts only for the purposes of qualifying functions of the council.

(4) For the purposes of this section the "qualifying functions" of a council are—

- (a) its functions under the Litter (Northern Ireland) Order 1994;
- (b) its functions under section 26;
- (c) its functions under Part 5; and
- (d) such other of its functions as may be specified in regulations made by the Department.

(5) Regulations under subsection (4)(d) may (in particular) have the effect that a council may use its fixed penalty receipts for the purposes of any of its functions.

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

(7) The Department may by regulations—

- (a) make provision for what a council is to do with its fixed 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 fixed penalty receipts.

(8) The provision that may be made under subsection (7)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the Department) other than the council.

(9) Before making regulations under this section, the Department must consult—

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