



## 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.