

**ELIZABETH II**



**1988 CHAPTER viii**

**An Act to make further provision for the enforcement  
of the Litter Act 1983 in the City of Westminster.  
[15th March 1988]**

**WHEREAS—**

(1) The City of Westminster (hereinafter called “the city”) is a London borough under the management and local government of the lord mayor and citizens of the city:

(2) The city has local, regional, national and international importance for shopping and tourism:

(3) It is expedient to provide for the improved enforcement of the Litter Act 1983 within the city:

1983 c. 35.

(4) It is expedient that the other provisions in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

1972 c. 70.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- Short title. 1. This Act may be cited as the City of Westminster Act 1988.
- Interpretation. 2. In this Act—  
 “authorised officer” means an officer of the council authorised by the council in writing to act in relation to the provisions of this Act;  
 “the city” means the City of Westminster;  
 “the council” means the council of the city.
- Offence to which this Act applies. 1983 c. 35. 3. This Act shall apply to an offence under section 1 of the Litter Act 1983.
- Procedure. 4.—(1) Where an authorised officer finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this Act applies in the city he may give that person a notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under section 5 (Payment of fixed penalty) of this Act.  
 (2) A person to whom a notice is given under this section in respect of an offence shall not be liable to be convicted of that offence if the fixed penalty is paid in accordance with the said section 5 before the expiration of 14 days following the date of the notice or such longer period, if any, as may be specified in the notice.  
 (3) Where a person is given a notice under this section in respect of an offence proceedings shall not be taken against any person for that offence until the end of the period of 14 days following the date of the notice or such longer period, if any, as may have been specified in the notice.  
 (4) A notice under this section shall be in the form prescribed by section 7 (Fixed penalty notice) of this Act and shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—  
 (a) the period during which, by virtue of subsection (3) above, proceedings will not be taken for the offence;  
 (b) the amount of the fixed penalty; and  
 (c) the person to whom and the address at which the fixed penalty may be paid.  
 (5) In this section “proceedings” means any criminal proceedings in respect of the act constituting the offence specified in the notice under this section, and “convicted” shall be construed in like manner.
- Payment of fixed penalty. 5.—(1) Payment of a fixed penalty shall be made to or at the office of the City Treasurer.  
 (2) All sums paid by way of a fixed penalty under this section shall be paid by the City Treasurer to the Secretary of State.  
 (3) All sums received by the Secretary of State under this section shall be paid by him into the Consolidated Fund.  
 (4) In any proceedings a certificate that payment of a fixed penalty was or was not made by a date specified in the certificate to or at the office of the City

Treasurer shall, if the certificate purports to bear the signature of the City Treasurer, be sufficient evidence of the facts stated unless the contrary is proved. In this subsection the word "signature" includes a facsimile of a signature by whatever process reproduced.

6. The fixed penalty under this Act shall be an amount equal to one-tenth of level 2 on the standard scale.

Amount of fixed penalty.

7. A notice under section 4 (Procedure) of this Act offering the opportunity, by payment of a fixed penalty, of the discharge of any liability to conviction of an offence to which this Act applies shall be as specified in the form set out in the Schedule to this Act or substantially in that form.

Fixed penalty notice.

Section 7.

SCHEDULE

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART I

City of Westminster Act 1988

Serial No. ....

To: .....

Address: .....

You were seen at/in .....

on ..... at ..... in circumstances giving me reason to believe that an offence under section 1 of the Litter Act 1983, details of which are given below, was being committed or had been committed.

Signature ..... Authorised Officer  
Westminster City Council

If before the end of ..... days from .....(date) the sum of £ .....being the fixed penalty for the offence is paid to the City Treasurer at ..... proceedings will not be taken for the offence and any liability to conviction of the offence will be discharged. Payment may be made in person or by post. Cheques, postal orders or money orders should be made payable to the Westminster City Council. If cash is being sent this should be by registered post. In the case of payment made by post, sufficient time must be allowed to ensure that the payment is received by the City Treasurer within the time specified for payment.

Part II of this notice must accompany the payment to the City Treasurer or alternatively the serial number of the notice must be quoted. If the fixed penalty is not paid you will be liable to legal proceedings.

PART II

Serial No. of notice .....

To the City Treasurer, Westminster City Council, .....

(insert address of City Treasurer)

I enclose the sum of £ ..... as payment of the fixed penalty for the offence mentioned in Part I of this notice.

Name (in block capitals) .....

Address (in block capitals).....

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR J. A. DOLE

Controller and Chief Executive of Her Majesty's Stationery Office and  
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

85p net

ISBN 0 10 510888 X