

## SCHEDULES

### SCHEDULE 4

Section 61

#### FINANCIAL PROVISIONS RELATING TO SECTION 61 (PENALTY CHARGES) OF THIS ACT

- 1 A borough council shall keep an account of their income and expenditure in respect of the administration and enforcement of section 61 (penalty charges) of this Act.
- 2 At the end of each financial year any deficit in the account shall be made good out of the general rate fund, and (subject to paragraph 3 below) any surplus shall be applied to purposes connected with the improvement of the amenity of the area of the council or any part of that area.
- 3 If the council so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under paragraph 1 above to the next financial year.
- 4 Each council shall, after each financial year, report to the Secretary of State on any action taken by them, pursuant to paragraph 2 or 3 above, in respect of any deficit or surplus in their account for the year.
- 5 The report under paragraph 4 above shall be made as soon after the end of the financial year to which it relates as possible.
- 6 In any proceedings a certificate which—
  - (a) purports to be signed by or on behalf of, the chief finance officer of the council; and
  - (b) states that payment of a penalty charge was or was not received by a date specified in the certificate,shall be evidence of the facts stated.
- 7 In this Schedule, “chief finance officer”, in relation to a council, means the person having responsibility for the financial affairs of the council.