

*These notes refer to the Anti-Social Behaviour Act 2003  
(c.38) which received Royal Assent on 20 November 2003*

# ANTI-SOCIAL BEHAVIOUR ACT 2003

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6: the Environment**

#### **Penalty Notices for graffiti and fly-posting**

#### *Section 45: Penalty receipts*

108. *Subsection (1)* provides that penalties issued under section 43 are payable to the local authority. *Subsection (2)* sets out that a local authority officer may make a statement/certificate stating the facts about payments which may be used in evidence in any proceedings. *Subsection (3)* provides that any sums received by a local authority from fixed penalties may be used by it only for the purposes of its “qualifying functions” (being its functions under section 43 and any subsequently so specified in Regulations made by the appropriate person). *Subsection (4) and (5)* relate to the qualifying functions. *Subsection (6)* sets out that the local authority must provide the appropriate person with information relating to the use of the penalty receipts. *Subsection (7)* provides that the appropriate person may, by Regulations, make provision for what local authorities must do with receipts if they are not being spent, and make provision for appropriate accounting arrangements. *Subsection (8)* says that such Regulations may provide that where a local authority has not spent these receipts they may be required to surrender them to another person (including the appropriate person). *Subsection (9)* sets out that the appropriate person must consult with local authorities and others he considers appropriate before making any Regulations under this section.