



Clean Neighbourhoods and Environment Act 2005

2005 CHAPTER 16

PART 4

GRAFFITI AND OTHER DEFACEMENT

Graffiti and fly-posting

28 Fixed penalty notices: amount of fixed penalty

- (1) In section 43 of the Anti-social Behaviour Act 2003 (c. 38) (penalty notices for graffiti and fly-posting) omit subsections (10) and (11).
- (2) After that section insert—

“43A Amount of penalty

- (1) The amount of a penalty payable in pursuance of a notice under section 43(1)
—
 - (a) is the amount specified by a relevant local authority in relation to its area (whether or not the penalty is payable to that or another authority), or
 - (b) if no amount is so specified, is £75.
- (2) In subsection (1)(a), “relevant local authority” means—
 - (a) a district council in England;
 - (b) a county council in England for an area for which there is no district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly;

Changes to legislation: *Clean Neighbourhoods and Environment Act 2005, Section 28 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (f) a county or county borough council in Wales.
- (3) The local authority to which a penalty is payable in pursuance of a notice under section 43(1) may make provision for treating it as having been paid if a lesser amount is paid before the end of a period specified by the authority.
- (4) The appropriate person may by regulations make provision in connection with the powers conferred under subsections (1)(a) and (3).
- (5) Regulations under subsection (4) may (in particular)—
 - (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations;
 - (b) restrict the extent to which, and the circumstances in which, a local authority can make provision under subsection (3).
- (6) The appropriate person may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).”

Commencement Information

- I1** S. 28 in force at 16.3.2006 for specified purposes for W. by S.I. 2006/768, art. 3
- I2** S. 28 in force at 6.4.2006 for E. by S.I. 2006/795, art. 2(3), Sch. 2
- I3** S. 28 in force at 15.3.2007 (being the date on which S.I. 2007/739 came into force) for W. in so far as not already in force by S.I. 2006/2797, art. 4(m)

Changes to legislation:

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Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing [S.I. 2006/2797](#)