



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 9 **E+W**

#### MISCELLANEOUS

##### *Use of fixed penalty receipts*

#### **96 Use of fixed penalty receipts: higher tier authorities **E+W****

- (1) This section applies in relation to—
  - (a) amounts paid to an authority, other than a parish or community council, in pursuance of notices under sections 88 and 94A of and paragraph 7 of Schedule 3A to the Environmental Protection Act 1990 (c. 43);
  - (b) amounts paid to an authority, other than a parish or community council, in pursuance of notices under section 43(1) of the Anti-social Behaviour Act 2003 (c. 38);
  - (c) amounts paid to a primary authority, within the meaning of Chapter 1 of Part 6 above, in pursuance of notices under section 59 above.
- (2) The amounts to which this section applies which are paid to an authority are in this section called the authority's “fixed penalty receipts”.
- (3) An authority may use its fixed penalty receipts only for the purposes of qualifying functions of the authority.
- (4) For the purposes of this section the “qualifying functions” of an authority are—
  - (a) its functions under Part 4 of the Environmental Protection Act 1990;
  - (b) its functions under section 43 of the Anti-social Behaviour Act 2003;
  - (c) its functions under Chapter 1 of Part 6 above; and
  - (d) such other of its functions as may be specified in regulations made by the appropriate person.

**Changes to legislation:** *Clean Neighbourhoods and Environment Act 2005, Section 96 is up to date with all changes known to be in force on or before 13 July 2023. 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*

- (5) Regulations under subsection (4)(d) may (in particular) have the effect that an authority may use its fixed penalty receipts for the purposes of any of its functions.
- (6) An authority must supply the appropriate person with such information relating to its fixed penalty receipts as the appropriate person may require.
- (7) The appropriate person may by regulations—
- (a) make provision for what an authority is to do with its fixed penalty receipts—
    - (i) pending their being used for the purposes of qualifying functions of the authority;
    - (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 an authority'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 appropriate person) other than the authority.
- (9) Before making regulations under this section, the appropriate person must consult—
- (a) the authorities to which the regulations are to apply;
  - (b) such other persons as the appropriate person thinks fit.
- (10) The powers to make regulations conferred by this section are, for the purposes of subsection (1) of section 100 of the Local Government Act 2003 (c. 26), to be regarded as included among the powers mentioned in subsection (2) of that section.

#### Commencement Information

- I1** S. 96 in force at 14.3.2006 for specified purposes for E. by S.I. 2006/795, art. 2(1), **Sch. 1**
- I2** S. 96 in force at 16.3.2006 for specified purposes for W. by S.I. 2006/768, **art. 3**
- I3** S. 96 in force at 6.4.2006 for E. in so far as not already in force by S.I. 2006/795, art. 2(3), **Sch. 2**
- I4** S. 96 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(II)**

**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](#)