



## 2011 CHAPTER 23

### **PART 2**

#### **VEHICLES**

##### *Nuisance parking offences: fixed penalty notices*

#### **Power to give fixed penalty notices**

4.—(1) Where on any occasion an authorised officer of a district council has reason to believe that a person has committed an offence under section 2 or 3 in the district of that council, the officer may give that person a notice offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the district council.

(2) Where a person is given a notice under this section in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of the period of 14 days following the date of the notice; and
- (b) the person shall not be convicted of that offence if the person pays the fixed penalty before the expiration of that period.

(3) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(4) A notice under this section must also state—

- (a) the period during which, by virtue of subsection (2), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 4. (See end of Document for details)*

(c) the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (4) (c) at the address so mentioned.

(6) Where a letter is sent in accordance with subsection (5) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) The form of a notice under this section shall be such as the Department may by order prescribe.

(8) The fixed penalty payable to the district council under this section is, subject to subsection (9), £100.

(9) The Department may by order substitute a different amount for the amount for the time being specified in subsection (8).

(10) The district council to which a fixed penalty is payable under this section 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 district council.

(11) The Department may by regulations restrict the extent to which, and the circumstances in which, a district council may make provision under subsection (10).

(12) In any proceedings a certificate which—

(a) purports to be signed on behalf of the clerk of the council, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(13) In this section “authorised officer”, in relation to a district council, means an employee of a district council who is authorised in writing by the council for the purpose of giving notices under this section.

#### Commencement Information

**I1** S. 4 in operation at 18.1.2012 for specified purposes by S.R. 2012/13, art. 2(1), Sch. 1

**I2** S. 4 in operation at 1.4.2012 in so far as not already in operation by S.R. 2012/13, art. 2(2), Sch. 2

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**Changes to legislation:**

There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 4.