

SCHEDULE

Section 11.

FIXED PENALTIES

*Contents of fixed penalty notice*

1. A fixed penalty notice must—
  - (a) state the alleged offence, and
  - (b) give such particulars of the circumstances alleged to constitute it as are necessary for giving reasonable information about it.
- 2.—(1) A fixed penalty notice must also state—
  - (a) the amount of the penalty and the period for its payment,
  - (b) the consequences of not paying the penalty before the end of the period mentioned in paragraph (a),
  - (c) the person to whom and the address at which the payment may be made,
  - (d) the method by which the payment may be made, and
  - (e) the person to whom and the address at which representations relating to the offence may be made.

(2) The person mentioned in sub-paragraph (1)(c) and (e) must be the district council for which the authorised officer was acting when giving the notice.
3. A fixed penalty notice must also—
  - (a) inform the person to whom it is given of the person’s right to be tried for the alleged offence, and
  - (b) explain how that right may be exercised.

*Amount of penalty and period for payment*

4. The fixed penalty is such amount as the Department may specify by order.
- 5.—(1) The period for payment of the fixed penalty is 28 days beginning with the day on which the notice is given.

(2) But where the notice so provides, the amount payable is reduced by 25% if payment is made within the first 14 days of that period.

*Effect of notice and payment*

- 6.—(1) Proceedings for the offence in respect of which a fixed penalty notice was given may not be brought before the end of the period for payment of the fixed penalty.

(2) Sub-paragraph (1) does not apply if the person to whom the notice was given has asked in accordance with paragraphs 11 and 12 to be tried for the alleged offence.

7. If the fixed penalty is paid in accordance with the fixed penalty notice before the end of the period for payment of the fixed penalty, no proceedings for the offence may be brought and paragraph 11 does not apply.

8. If proceedings have been brought following a request under paragraph 11, but the penalty is then paid as mentioned in paragraph 7, the proceedings may not be continued.

9. In proceedings for the offence in respect of which a fixed penalty notice was given, a certificate is evidence of the facts which it states if it—

- (a) purports to be signed by or on behalf of the person responsible for the financial affairs of the district council for which the authorised officer who gave a fixed penalty notice was acting, and
- (b) states that payment of the fixed penalty in response to the notice was or was not received by the expiry of the period within which that fixed penalty may be paid.

10. Any sum received by a district council under this Schedule accrues to it; but the district council may use the sums received only for the purposes of its functions under this Act.

#### *Trial*

11. If the person to whom a fixed penalty notice is given asks to be tried for the alleged offence, proceedings may be brought against that person.

12. Any request to be tried must be made—

- (a) by notice given to the district council in question before the end of the period for payment of the penalty, and
- (b) in the manner specified in the fixed penalty notice.

#### *Withdrawal of fixed penalty notices*

13.—(1) The district council must, having received any representations made by or on behalf of the recipient of a fixed penalty notice, decide whether to withdraw the notice.

(2) Where a fixed penalty notice is withdrawn under sub-paragraph (1)—

- (a) the district council must give notice of the withdrawal to the person to whom the fixed penalty notice was given,
- (b) the district council must repay any amount which has been paid under the fixed penalty notice, and

- (c) no proceedings may be brought or continued against that person for that offence.

*Regulations*

- 14.** The Department may by regulations—
- (a) provide that fixed penalty notices may not be given in specified circumstances;
  - (b) provide for the form of a fixed penalty notice;
  - (c) provide for the method by which fixed penalties may be paid;
  - (d) amend paragraph 10 so as to enable a district council to use sums received for specified purposes;
  - (e) provide for the keeping of accounts, and the preparation and publication of statements of account, relating to fixed penalties under this Schedule.