



2011 CHAPTER 23

PART 5

DOGS

Fixed penalty notices

Fixed penalty notices for contravention of dog control order

43.—(1) This section applies where on any occasion an authorised officer of a district council has reason to believe that a person has committed an offence under a dog control order made by that council.

(2) The authorised officer may give that person a notice offering that person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

(3) A fixed penalty payable under this section is payable to the district council whose officer gave the notice.

(4) 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) that person may not be convicted of that offence if that person pays the fixed penalty before the expiration of that period.

(5) 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.

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

- (a) the period during which, by virtue of subsection (4), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(7) 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 (6) (c) at the address so mentioned.

(8) Where a letter is sent in accordance with subsection (7) 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.

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

(10) 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.

(11) In this section “authorised officer”, in relation to a district council, means—

- (a) an employee of the district council who is authorised in writing by the council for the purpose of giving notices under this section;
- (b) any person who, in pursuance of arrangements made with the council, has the function of giving such notices and is authorised in writing by the council to perform that function; and
- (c) any employee of such a person who is authorised in writing by the council for the purpose of giving such notices.

Amount of fixed penalties

44.—(1) The amount of a fixed penalty payable to a district council in pursuance of a notice under section 43 in respect of an offence under a dog control order—

- (a) is the amount specified by the district council which made the order;
- (b) if no amount is so specified, is £75.

(2) A district council may under subsection (1)(a) specify different amounts in relation to different offences.

(3) A district council may make provision for treating a fixed penalty payable to that council in pursuance of a notice under section 43 as having been paid if a lesser amount is paid before the end of a period specified by the council.

(4) The Department may by regulations make provision in connection with the powers conferred on district councils 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 district council can make provision under subsection (3).

(6) The Department may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

Power to require name and address

45.—(1) If an authorised officer of a district council proposes to give a person a notice under section 43, the officer may require the person to give the officer that person’s name and address.

(2) A person who—

- (a) fails to give that person’s name and address when required to do so under subsection (1), or
- (b) gives a false or inaccurate name or address in response to a requirement under that subsection,

commits an offence.

(3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) In this section “authorised officer” has the same meaning as in section 43.