



2011 CHAPTER 23

PART 6

NOISE

CHAPTER 1

AUDIBLE INTRUDER ALARMS

*Alarm notification areas*

**Offences under section 50: fixed penalty notices**

**52.—**(1) This section applies if it appears to an authorised officer of a district council that a person has committed an offence under section 50(4) in the district of the district council.

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

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

(a) no proceedings may be instituted for the offence before the end of the period of 14 days starting with the day after that on which the notice is given, and

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

(4) 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.

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

- (a) the period during which, by virtue of subsection (3), 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.

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

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

(8) In any proceedings a certificate which—

- (a) purports to be signed by or 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.

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

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

- (a) an employee of the 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;
- (c) any employee of such a person who is authorised in writing by the council for the purpose of giving such notices.