



# Control of Pollution (Amendment) Act 1989

## 1989 CHAPTER 14

### [<sup>F1</sup>5C Use of fixed penalties under section 5B

- (1) This section applies in relation to amounts paid to a regulation authority in pursuance of notices under section 5B above (its “fixed penalty receipts”).
- (2) Fixed penalty receipts—
  - (a) where received by the Environment Agency, must be paid to the Secretary of State;
  - [ where received by the Natural Resources Body for Wales, must be paid to the
  - <sup>F2</sup>(aa) Welsh Ministers;]
  - (b) where received by a waste collection authority, must be used in accordance with the following provisions of this section.
- (3) A waste collection authority may use its fixed penalty receipts only for the purposes of—
  - (a) its functions under section 5 above (including functions relating to the enforcement of offences under that section);
  - (b) such other of its functions as may be specified in regulations made by the appropriate person.
- (4) Regulations under subsection (3)(b) above may in particular have the effect that an authority may use its fixed penalty receipts for the purposes of any of its functions.
- (5) A waste collection authority must supply the appropriate person with such information relating to its use of its fixed penalty receipts as the appropriate person may require.
- (6) The appropriate person may by regulations—
  - (a) make provision for what a waste collection authority is to do with its fixed penalty receipts—
    - (i) pending their being used for the purposes of functions of the authority referred to in subsection (3) above;

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*Changes to legislation: There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 5C. (See end of Document for details)*

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- (ii) if they are not so used before such time after their receipt as may be specified by the order;
  - (b) make provision for accounting arrangements in respect of a waste collection authority's fixed penalty receipts.
- (7) The provision that may be made under subsection (6)(a)(ii) above includes (in particular) provision for the payment of sums to a person (including the appropriate person) other than the authority.
- (8) 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.
- (9) 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, to be regarded as included among the powers mentioned in subsection (2) of that section.]

#### Textual Amendments

- F1** Ss. 5B, 5C inserted (E.W.) (16.3.2006 for W. for specified purposes, 6.4.2006 for E., 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 [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 38, 108\(1\), 108\(2\)](#); [S.I. 2006/768](#), [art. 3](#); [S.I. 2006/795](#), [art. 2\(3\)](#), [Sch. 2](#); [S.I. 2006/2797](#), [art. 4\(q\)](#)
- F2** S. 5C(2)(aa) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 189](#) (with [Sch. 7](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 5C.