



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 6

THE ENVIRONMENT

Penalty notices for graffiti and fly-posting

45 Penalty receipts

- (1) Penalties which are payable in pursuance of notices under section 43(1) are payable to local authorities.
- (2) In any proceedings a certificate which—
 - (a) purports to be signed by or on behalf of the person responsible for the financial affairs of a local authority, and
 - (b) states that payment of a penalty payable in pursuance of a notice under section 43(1) was or was not received by a date specified in the certificate,is evidence of the facts stated.
- (3) A local authority may use any sums it receives in respect of penalties payable to it in pursuance of notices under section 43(1) (its “penalty receipts”) only for the purposes of functions of its that are qualifying functions.
- (4) The following are qualifying functions for the purposes of this section—
 - (a) functions under section 43, and
 - (b) functions of a description specified in regulations made by the appropriate person.
- (5) Regulations under subsection (4)(b) may (in particular) have the effect that a local authority may use its penalty receipts for the purposes of any of its functions.
- (6) A local authority must supply the appropriate person with such information relating to its use of its penalty receipts as the appropriate person may require.
- (7) The appropriate person may by regulations—

Status: Point in time view as at 31/03/2004. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 45. (See end of Document for details)

- (a) make provision for what a local authority is to do with its penalty receipts—
 - (i) pending their being used for the purposes of qualifying functions of the authority;
 - (ii) if they are not so used before such time after their receipt as may be specified by the regulations;
 - (b) make provision for accounting arrangements in respect of a local authority's penalty receipts.
- (8) The provision that may be made under subsection (7)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the appropriate person) other than the local authority.
- (9) Before making regulations under this section, the appropriate person must consult—
- (a) the local authorities to which the regulations are to apply, and
 - (b) such other persons as the appropriate person considers appropriate.

Commencement Information

- I1** S. 45 in force at 31.3.2004 for W. by [S.I. 2004/999](#), [art. 2\(f\)](#)
- I2** S. 45 in force at 31.3.2004 for E. by [S.I. 2004/690](#), [art. 3\(f\)](#)

Status:

Point in time view as at 31/03/2004. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Anti-social Behaviour Act 2003, Section 45.