

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 2: Vehicles

Abandoned vehicles

Section 10 Offence of abandoning a vehicle: fixed penalty notices

45. This section inserts after section 2 of the Refuse Disposal (Amenity) Act 1978 (which makes it an offence to abandon a motor vehicle) three new sections - 2A, 2B and 2C.
46. Section 2A gives an authorised officer of a local authority the power to issue a fixed penalty notice in respect of an offence of abandoning a vehicle, offering the offender the opportunity to discharge any liability for the offence.
47. The sum is set at £200 by *subsection (8)* which can be amended by order as set out in *subsection (9)*. Under *subsection (10)* the local authority to which a fixed penalty is payable may provide for treating it as having been paid if a lesser amount is paid before the end of such (shorter) period as it may specify.
48. Section 2B enables an authorised officer of a local authority to require the name and address of the person to whom he proposes to issue a fixed penalty notice. A person commits an offence if he gives false or inaccurate details.
49. Section 2C enables local authorities to use the receipts from these penalties for the purposes of their functions under the Refuse Disposal (Amenity) Act 1978, and sections 99 to 102 of the Road Traffic Regulation Act 1984, functions relating to the enforcement of sections 3 and 4 and for other functions as are specified in regulations (*subsections (2) and (3)*). *Subsections (4) to (7)* make further provisions relating to the spending of fixed penalty receipts.
50. *Subsection (8)* of section 2C makes similar provision as described above for *subsection (8)* of section 8.