

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 9: Miscellaneous

Use of fixed penalty receipts

Section 97 Use of fixed penalty receipts: lower tier authorities

247. *Section 97* relates to the use of receipts by “lower tier” authorities from fixed penalty notices issued by them for certain offences relating to litter, graffiti, fly-posting and dog control offences. Lower tier authorities are parish or community councils, or secondary authorities designated for dog control offences under section 58(3).
248. *Section 97* requires regulations to be made relating to the use of such receipts collected by lower tier authorities. The regulations may specify which (if any) of their functions lower tier authorities may use their fixed penalty receipts for. Alternatively, the regulations could require such receipts to be paid to another person or body, such as the Secretary of State or National Assembly for Wales.
249. *Subsection (3)* allows regulations under section 97 to be linked to performance of lower tier authorities. For example, regulations under *subsection (1)* could make the use of fixed penalty receipts dependent on performance, such that high performing authorities could be allowed to spend their receipts on any of their functions.