



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 7

#### NOISE

#### CHAPTER 1

##### AUDIBLE INTRUDER ALARMS

##### *Alarm notification areas*

#### **75 Use of fixed penalty receipts**

- (1) A local authority may use any sums it receives in respect of fixed penalties payable in pursuance of notices given under section 73 (its “penalty receipts”) only for the purposes of functions of its that are qualifying functions.
- (2) The following are qualifying functions for the purposes of this section—
  - (a) functions under this Chapter;
  - (b) functions under the Noise Act 1996 (c. 37);
  - (c) functions under sections 79 to 82 of the Environmental Protection Act 1990 (c. 43) (statutory nuisances) in connection with statutory nuisances falling with section 79(1)(g) or (ga) (noise) of that Act;
  - (d) functions of a description specified in regulations made by the appropriate person.
- (3) Regulations under subsection (2)(d) may (in particular) have the effect that a local authority may use its penalty receipts for the purposes of any of its functions.

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***Changes to legislation:** Clean Neighbourhoods and Environment Act 2005, Section 75 is up to date with all changes known to be in force on or before 18 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) A local authority must supply the appropriate person with such information relating to the use of its penalty receipts as the appropriate person may require.
- (5) The appropriate person may by regulations—
  - (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.
- (6) The provision that may be made under subsection (5)(a)(ii) includes (in particular) provision for the payment of sums to a person (including the appropriate person) other than the local authority.
- (7) 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 thinks fit.
- (8) 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 (c. 26), to be regarded as included among the powers mentioned in subsection (2) of that section.

#### Commencement Information

- I1** [S. 75](#) in force at 14.3.2006 for specified purposes for E. by [S.I. 2006/795](#), art. 2(1), [Sch. 1](#)
- I2** [S. 75](#) in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768](#), [art. 3](#)
- I3** [S. 75](#) in force at 6.4.2006 for E. in so far as not already in force by [S.I. 2006/795](#), art. 2(3), [Sch. 2](#)
- I4** [S. 75](#) in force at 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 [S.I. 2006/2797](#), [art. 4\(ee\)](#)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Clean Neighbourhoods and Environment Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/120 art. 3](#) Amendment to earlier commencing S.I. 2006/2797