



# Clean Neighbourhoods and Environment Act 2005

## 2005 CHAPTER 16

### PART 2

#### VEHICLES

##### *Nuisance parking offences: fixed penalty notices*

#### **8 Use of fixed penalty receipts**

- (1) This section applies in relation to amounts paid to a local authority in pursuance of notices under section 6 (its “fixed penalty receipts”).
- (2) A local authority may use its fixed penalty receipts only for the purposes of—
  - (a) its functions under the Refuse Disposal (Amenity) Act 1978 (c. 3);
  - (b) its functions under sections 99 to 102 of the Road Traffic Regulation Act 1984 (c. 27);
  - (c) its functions relating to the enforcement of sections 3 and 4;
  - (d) such other of its functions as may be specified in regulations made by the appropriate person.
- (3) Regulations under subsection (2)(d) may (in particular) have the effect that an authority may use its fixed penalty receipts for the purposes of any of its functions.
- (4) A local authority must supply the appropriate person with such information relating to its use of its fixed 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 fixed penalty receipts—
    - (i) pending their being used for the purposes of functions of the authority referred to in subsection (2);

**Changes to legislation:** *Clean Neighbourhoods and Environment Act 2005, Section 8 is up to date with all changes known to be in force on or before 29 August 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*

- (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 fixed 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 authority.
- (7) 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.
- (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. 8 in force at 14.3.2006 for specified purposes for E. by [S.I. 2006/795](#), [art. 2\(1\)](#), [Sch. 1](#)
- I2** S. 8 in force at 16.3.2006 for specified purposes for W. by [S.I. 2006/768](#), [art. 3](#)
- I3** S. 8 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. 8 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\(c\)](#)

**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](#)