

Subsidiary Legislation made under s. 26.

**ANIMALS AND BIRDS (FIXED PENALTY) (BARBARY
MACAQUES) RULES 2014**

(LN. 2014/023)

Commencement **27.2.2014**

Amending
enactments

Relevant current
provisions

Commencement
date

ARRANGEMENT OF RULES

Rules

1. Title.
2. Form of notice.
3. Copy to Clerk of Magistrates' Court.
4. Identification of notice.
5. Payment in full only.
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In the exercise of the powers conferred upon him by section 26 of the Act and all other enabling powers the Minister with responsibility for the environment has made the following rules.

Title and commencement.

1. These rules may be cited as the Animals and Birds (Fixed Penalty) (Barbary Macaques) Rules 2014 and come into operation on the day of publication.

Form of notice.

2.(1) A notice issued under section 6B of the Act offering the opportunity of the discharge of any liability to conviction for an offence to which that section applies by payment of a fixed penalty (the “notice”) shall be substantially in the form prescribed in the Schedule to these rules.

(2) A notice, specifying an alleged offence, shall contain a reference to the section of the Act, or, as the case may be, rule creating the offence.

Copy to Clerk of Magistrates’ Court.

3. A copy of any notice given under section 6B shall, as soon as practicable, be forwarded by or on behalf of an authorised officer to the Clerk of the Magistrates’ Court.

Identification of Notice.

4.(1) The person paying a fixed penalty shall either forward with the remittance Part II of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying the fixed penalty to comply with the provisions of subrule (1), the Clerk of the Magistrates Court is unable to identify the relevant notice, the Clerk shall, as soon as practicable return the remittance to that person.

Payments in full only.

5. If less than the full amount of a fixed penalty is tendered by a person to the Clerk of the Magistrates’ Court in payment of the fixed penalty, the Clerk shall, as soon as practicable, return to the person the amount so tendered.

Criminal proceedings.

6.(1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are instituted, notification thereof shall, as soon as possible, be given by or on behalf of an authorised officer to the Clerk of the Magistrates’ Court.

(2) The Clerk shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

Issue of receipt.

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7. Subject to the foregoing provisions of these rules the Clerk of the Magistrates' Court shall, as soon as practicable after payment of a fixed penalty has been made to him—

- (a) send to the payer a receipt for the payment; and
- (b) inform the Nature Conservancy Council.

Criminal offences.

8.(1) Where an authorised officer, having reason to believe that a person on that occasion is committing or has committed an offence to which section 6A.(1) of the Act applies, seeks to give to that person a notice it shall be an offence for that person—

- (a) to fail to supply his name and address to the authorised officer;
- (b) to refuse to accept or in any way deface or damage the notice.

(2) A person found guilty of an offence under subrule (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

SCHEDULE

SERIAL No.....

NOTICE OF FIXED PENALTY

NOTE: It is an offence for anyone liable for the undermentioned offence(s) to refuse to supply his name or address or to refuse to accept this Notice or in any way deface or damage this Notice.

SECTION 6(B) ANIMALS AND BIRDS ACT
NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART 1

NAME _____

ADDRESS _____

was seen in _____

at _____ on the _____ day of _____ 20____

in circumstances giving me reasonable cause to believe that an offence particulars of which are given at PART A and PART B below, was being or had been committed.

PART A:–

- (a)Section 6A.(1)(a) of the Animals and Birds Act [£500]
- (b)Section 6A.(1)(b) of the Animals and Birds Act [£250]
- (c)Section 6A.(1)(c) of the Animals and Birds Act [£500]

(To be completed by the authorised officer. Please tick as appropriate)

Signature _____ Rank _____ Date _____

Authority _____

If before the end of 14 days from the above date the sum of [£250] [£500] [*delete as appropriate*] being the fixed penalty for the offence, is paid to the Clerk of the Magistrates’ Court, no proceedings will be taken for the offence and any liability to conviction for the offence will be discharged. Payment must be made to the Magistrates’ Court whereupon a receipt for the payment will be given. Part payment will not be accepted by the Clerk. The person paying the fixed penalty must forward Part 2 of the Notice with

Animals and Birds

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the remittance. This Notice is deemed to have been given to the person liable for the offence indicated above.

(perforate here)-----

SERIAL No.....

PART 2

To the Clerk of the Magistrates' Court.

I enclose the sum of [£250] [£500] [*delete as appropriate*] as mentioned in Part 1 of the Notice representing payment of the fixed penalty of the offence under—

PART B:—

(To be completed by the authorised officer. Please tick as appropriate)

- (a)Section 6A.(1)(a) of the Animals and Birds Act [£500]
- (b)Section 6A.(1)(b) of the Animals and Birds Act [£250]
- (c)Section 6A.(1)(c) of the Animals and Birds Act [£500]

NAME: (IN BLOCK LETTERS)_____

ADDRESS: (IN BLOCK LETTERS)_____