



Road Traffic Regulation Act 1967

1967 CHAPTER 76

Enforcement and administration of traffic laws

80 Punishment without prosecution of offences in connection with lights, reflectors, obstruction, etc.

- (1) This section shall apply to any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—
- (a) by its being on a road during the hours of darkness (as defined by the Road Transport Lighting Act 1957) without the lights or reflectors required by law or
 - (b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road; or
 - (c) by the non-payment of the charge made at a street parking place; or
 - (d) by its being used in contravention of any provision of an order made or having effect as if made under section 1, 6 or 9, or of regulations made or having effect as if made under section 11, of this Act, being a provision—
 - (i) as to the route to be followed by vehicles of the class to which that vehicle belongs ; or
 - (ii) as to roads which are not to be used for traffic by such vehicles ; or
 - (iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn ; or
 - (e) by any such use of the vehicle in contravention of section 64(2) of the Road Traffic Act 1960 (which relates to the contravention of construction and use regulations) as the Secretary of State may by order specify, not being a use which constitutes an offence specified in Part II of Schedule 1 to the Road Traffic Act 1962 (which relates to offences involving disqualification); or
 - (f) by its being used or kept on a public road within the meaning of the Vehicles (Excise) Act 1962 without a licence under that Act being exhibited on the vehicle in the manner prescribed under that Act:

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Provided that this section shall extend only to such areas as the Secretary of State may by order specify, and he may by order exclude the application of this section to any offence.

- (2) Where a constable finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.
- (3) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by any constable or local authority until the end of the twenty-one days following the date of the notice or such longer period (if any) as may have been specified therein.
- (4) In the foregoing subsections " proceedings " means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2), and " convicted " shall be construed in like manner.
- (5) Payment of a fixed penalty under this section shall be made to such justices' clerk (within the meaning of section 27 of the Justices of the Peace Act 1949) as may be prescribed, and sums paid by way of fixed penalty for any offence shall be treated for the purposes of that section as if they were fines imposed on summary conviction for that offence; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the prescribed justices' clerk by a date specified in the certificate shall, if the certificate purports to be signed by the justices' clerk, be sufficient evidence of the facts stated, unless the contrary is proved; and where, in England or Wales, by virtue of regulations made for the purposes of this subsection, a justices' clerk for a petty sessions area comprised in the area of one responsible authority within the meaning of the said section 27 discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another such authority—
 - (a) that other authority shall make to the first-mentioned authority such payment in connection with the discharge of those functions as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State ; and
 - (b) any such payment between responsible authorities shall be taken into account in determining for the purposes of subsection (2) of the said section 27 the net cost to those authorities respectively of the functions referred to in that subsection.
- (6) A notice under subsection (2) above shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof, and shall state also the period during which, by virtue of subsection (3) above, proceedings will not be taken for the offence, the amount of the fixed penalty, and the justices' clerk to whom and the address at which the fixed penalty may be paid.
- (7) Where a constable finds a vehicle on an occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person

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reasonably believed by him to be committing the offence, and for that purpose a notice affixed to the Vehicle shall be deemed to be given to the person liable for that offence.

- (8) A notice affixed to a vehicle under subsection (7) above shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection shall be liable on summary conviction to a fine not exceeding £5.
- (9) The fixed penalty for an offence shall be £2 or one-half the maximum amount of the fine to which a person not previously convicted is liable on summary conviction of the offence, whichever is the less:

Provided that the Secretary of State may by order provide for the fixed penalty to be in any case more or less than £2 (but not more than one-half the maximum amount of the fine to which a person not previously convicted is liable on summary conviction).

- (10) In any proceedings for an offence to which subsection (1) above applies no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such a payment or non-payment.
- (11) The Secretary of State may by regulations make provision as to any matter incidental to the operation of this section, and in particular—
- (a) for prescribing the form of notice under subsection (2), and the justices' clerk to whom a fixed penalty is payable; and
 - (b) for prescribing the duties of justices' clerks and the information to be supplied to them.
- (12) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) An order of the Secretary of State under this section may be varied or revoked by a subsequent order of the Secretary of State.
- (14) In the application of this section to Scotland—
- (a) any reference to a justices' clerk (within the meaning of section 27 of the Justices of the Peace Act 1949) shall be construed as a reference to a clerk of court (within the meaning of the Summary Jurisdiction (Scotland) Act 1954);
 - (b) in subsection (2) the words " before the expiration of the twenty-one days following the date of the notice or such longer period (if any) as may be specified therein or " and the words " whichever event last occurs " shall be omitted;
 - (c) in subsection (3) the words " by any constable or local authority " shall be omitted, and for the words " have been " there shall be substituted the word " be ";
 - (d) in subsection (5), for the words " that section " there shall be substituted the words " determining their destination "; and
 - (e) paragraph (b) of subsection (11) shall not apply.

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81 Traffic wardens.

- (1) Subject to subsection (3) below, a police authority in England or Wales may appoint persons to discharge, in aid of the police, functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including foot passengers) or vehicles ; and persons so appointed shall act under the direction of the chief officer of police, but shall be deemed to be employed by the police authority.
- (2) Persons employed under subsection (1) above shall be known as " traffic wardens ", and a police authority employing traffic wardens for the purposes of that subsection may also (subject to subsection (3) below) employ them to act, under the direction of the chief officer of police, for other purposes connected with the control and regulation of traffic (including foot passengers) or vehicles ; and in particular—
- (a) where the police authority provides school crossing patrols under section 24 of this Act, whether as the appropriate authority or by agreement with the appropriate authority, the traffic wardens may be employed to act as school crossing patrols ; and
 - (b) the police authority may, under arrangements made with the Minister or a local authority, employ the traffic wardens to act as parking attendants at street parking places provided or controlled by the Minister or local authority.
- (3) Traffic wardens shall not be employed to discharge functions other than those prescribed as appropriate for the purpose by order of the Secretary of State, and an order under this subsection may be varied or revoked by a subsequent order of the Secretary of State.

An order under this subsection shall be made by statutory instrument and shall not be made unless a draft thereof has been laid before, and approved by resolution of, each House of Parliament.

- (4) In so far as an order under subsection (3) above authorises the employment of traffic wardens for the purposes of section 80 of this Act references in that section to a constable shall include a traffic warden.
- (4A) An order under subsection (3) above may provide that, for the purposes of any functions which traffic wardens are authorised to discharge by the order and subject to the provisions of subsection (4B) below, references to a constable or police constable in all or any of the following enactments shall include references to a traffic warden, that is to say—
- (a) section 52 of the Metropolitan Police Act 1839, so far as it relates to the giving by the commissioner of directions to constables for preventing obstruction ;
 - (b) section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter 94, so far as it makes similar provision with respect to the City of London ;
 - (c) in the Road Traffic Act 1960—
 - (i) sections 14 and 15 (which relate to compliance with traffic directions given by police constables);
 - (ii) section 223 (which relates to the power of a constable to stop vehicles);
 - (iii) section 225(1) and (4) (which relate to the power of a constable to require the production of a driving licence in certain circumstances);

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- (iv) sections 226 and 229 (which relate to the powers of constables to obtain names and addresses of drivers and others and to require production of evidence of insurance or security and test certificates);
 - (v) section 242 (which relates to the giving of certain evidence by certificate);
 - (d) section 89 of this Act.
- (4B) Any power of a constable for the purposes of the following provisions of the Road Traffic Act 1960, namely, sections 223, 225(1) and (4) and 226, shall be exercisable by a traffic warden under an order made by virtue of subsection (4A) above only where—
- (a) the traffic warden is assisting a constable ; or
 - (b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the section in question for the purposes of this paragraph by the order and, in the case of a power for the purposes of the said section 226, the order authorises the use of that power in relation to that offence ; or
 - (c) in the case of a power for the purposes of the said section 223, the traffic warden is exercising functions in connection with the control and regulation of traffic (including foot passengers) or vehicles.
- (5) A police authority shall not employ as a traffic warden any person who is a constable, but shall take steps to ensure that only persons adequately qualified are appointed traffic wardens, and that traffic wardens are suitably trained before undertaking their duties.
- (6) Traffic wardens shall wear such uniform as the Secretary of State may determine, and shall not act as traffic wardens when not in uniform.
- (7) Any power to acquire, or authorise the acquisition of, land for the purposes of a police force shall include power to acquire, or authorise the acquisition of, land for the purposes of the functions under this section of the police authority; and any land occupied for the purposes of those functions shall be deemed to be occupied for the purposes of the police force.
- (8) Where traffic wardens are employed by a police authority which is a committee of the council of a county or borough, they shall be treated as employed by the committee as constituted from time to time; but the committee's employment of traffic wardens shall not subject members of the committee to any personal liability under contract or otherwise.
- (9) Neither the Local Government Superannuation Acts 1937 to 1953 nor any local Act scheme within the meaning of those Acts shall apply to traffic wardens by virtue of the foregoing provisions of this section ; but in relation to such traffic wardens employed outside the metropolitan police district as the police authority may determine those Acts (or, if the expenses of the police authority are paid by a local Act authority, the local Act scheme) and any regulations under the Local Government Superannuation Act 1953 shall apply, subject to such adaptations, modifications and exceptions as the Minister of Housing and Local Government may by regulations prescribe.
- (10) The expenses incurred for the purpose of or in connection with the functions under this section of a police authority shall be defrayed as if those expenses were expenses incurred for the purposes of the police force maintained by the authority.
- (11) In respect of the employment of traffic wardens in the metropolitan police district—

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- (a) the functions under this section of the police authority shall be discharged by the commissioner of police of the metropolis; and
 - (b) there shall be paid out of the metropolitan police fund such expenditure incurred for the purposes of this section as the Secretary of State may direct to be so paid; and
 - (c) the receiver for the metropolitan police district shall be treated as the employer for the purpose of any proceedings in respect of matters arising out of the employment.
- (12) As respects Scotland—
- (a) where under section 9 of the Police (Scotland) Act 1967 a police authority employs persons to discharge any such functions as are described in subsection (1) above, those persons shall act under the directions of the chief officer of police and subsections (2) to (6) above shall apply as they apply in relation to traffic wardens employed under subsection (1) (but with the omission of any reference to the Minister); and
 - (b) notwithstanding anything contained in the Local Government Superannuation (Scotland) Acts 1937 to 1953, traffic wardens shall for the purposes of those Acts be deemed not to be officers.