Road Traffic Offenders Act 1988

1988 CHAPTER 53

An Act to consolidate certain enactments relating to the prosecution and punishment (including the punishment without conviction) of road traffic offences with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [15th November 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act amended by Road Traffic Act 1988 (c. 52, SIF 107:1), ss. 187(3), 188(1), 189(1), 190(1) and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 2(3)

C2 Act excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 5, 11 and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), **s. 7**

C3 Act applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **ss. 109(2)**, 183

C4 By Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch. 1** it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

C5 Act modified (1.6.1997) by 1995 c. 13, **s. 5(7)** (with s. 8); S.I. 1997/267, **art. 2(2)**
Act applied (1.7.1997) by 1995 c. 13, **s. 9(2)** (with s. 8); S.I. 1997/267, **art. 2(2)**

C6 Act applied (26.8.2005) by River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 41(16)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C7 Act modified (16.8.2006) by Dover Harbour Revision Order 2006 (S.I. 2006/2167), arts. 1(1), **27**

C8 Act: transfer of functions (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), **art. 2(1)**

C9 Act applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), **art. 40(17)** (with art. 51, Sch. 10 paras. 68, 85)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Commencement Information

I1 Act partly in force at 15.5.89; see s. 99(2).

PART I

TRIAL

Introductory

1 Requirement of warning etc. of prosecutions for certain offences.

(1) Subject to section 2 of this Act, **[**[F1]a person shall not be convicted of an offence to which this section applies unless**]**—

(a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration, or

(b) within fourteen days of the commission of the offence a summons (or, in Scotland, a complaint) for the offence was served on him, or

(c) within fourteen days of the commission of the offence a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—

(i) in the case of an offence under section 28 or 29 of the [M1]Road Traffic Act 1988 (cycling offences), served on him,

(ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence.

[[F2](1A) A notice required by this section to be served on any person may be served on that person—

(a) by delivering it to him;

(b) by addressing it to him and leaving it at his last known address; or

(c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.**]**

(2) A notice shall be deemed for the purposes of subsection (1)(c) above to have been served on a person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

(3) The requirement of subsection (1) above shall in every case be deemed to have been complied with unless and until the contrary is proved.

(4) Schedule 1 to this Act shows the offences to which this section applies.

Textual Amendments

F1 Words in s. 1(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 80**; S.I. 1992/1286, art. 2, **Sch.**

F2 S. 1(1A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(3)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Modifications etc. (not altering text)

C10 Ss. 1, 2 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 8, **11**

C11 S. 1: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

C12 S. 1 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(a)** (with reg. 3)

Marginal Citations

M1 1988 c. 52.

2 Requirement of warning etc: supplementary.

(1) The requirement of section 1(1) of this Act does not apply in relation to an offence if, at the time of the offence or immediately after it, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.

(2) The requirement of section 1(1) of this Act does not apply in relation to an offence in respect of which—

(a) a fixed penalty notice (within the meaning of Part III of this Act) has been given or fixed under any provision of that Part, or

(b) a notice has been given under section 54(4) of this Act.

(3) Failure to comply with the requirement of section 1(1) of this Act is not a bar to the conviction of the accused in a case where the court is satisfied—

(a) that neither the name and address of the accused nor the name and address of the registered keeper, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the requirement, or

(b) that the accused by his own conduct contributed to the failure.

[F3]**[**(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—

(a) section 24 of this Act, or

(b) any of the enactments mentioned in section 24(6);

but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.**]**

Textual Amendments

F3 S. 2(4) substituted (1.7.1992) for s. 2(4)-(6) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 81**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C13 Ss. 1, 2 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 8, **11**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

C14 S. 2: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

3 Restriction on institution of proceedings for certain offences.

[[F4](1) . . .

.**]**

(2) In England and Wales, proceedings for an offence under section 94(3) of the Road Traffic Act 1988 (notice about relevant or prospective disability) shall not be instituted except by the Secretary of State or by a constable acting with the approval of the Secretary of State.

[[F5](2A) In subsection (2) above the reference to section 94(3) of the Road Traffic Act 1988 includes a reference to that section as applied by section 99D **[**[F6]or 109C**]** of that Act.**]**

Textual Amendments

F4 S. 3(1) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F5 S. 3(2A) inserted (1.1.1997) by S.I. 1996//1974, reg. 3, Sch. 2 para. 1

F6 Words in s. 3(2A) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 33**; S.I. 2004/2624, art. 2(1)(2)(b)

4 Offences for which local authorities in England and Wales may institute proceedings.

(1) The council of a county, metropolitan district or London Borough or the Common Council of the City of London may institute proceedings for an offence under section **[**[F7]15A of the Road Traffic Act 1988 (safety equipment for children in motor vehicles) or under section 17 or 18 of that Act**]** (helmets and other head-worn appliances for motor cyclists).

(2) The council of a county, metropolitan district or London Borough or the Common Council of the City of London may institute proceedings for an offence under section 27 of that Act (dogs on roads) relating to a road in their area.

(3) The council of a county, district or London borough or the Common Council of the City of London may institute proceedings for offences under section **[**[F8]35A(1), (2) or (5)**]** of the [M2]Road Traffic Regulation Act 1984 which are committed in connection with parking places provided by the council, or provided under any letting arrangements made by the council under section 33(4) of that Act.

(4) The council of a county, metropolitan district or London borough or the Common Council of the City of London may institute proceedings for an offence under section 47 or 52 of the Road Traffic Regulation Act 1984 in connection with a designated parking place controlled by the council.

(5) In England, the council of a county or metropolitan district and, in Wales, the council of a county **[**[F9]or county borough**]** may institute proceedings for an offence under

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

section 53 of the Road Traffic Regulation Act 1984 in connection with a designated parking place in the council's area [F10]. . .

(6) In this section "parking place" means a place where vehicles, or vehicles of any class, may wait and "designated parking place" has the same meaning as in the [M3]Road Traffic Regulation Act 1984.

(7) This section extends to England and Wales only.

[[F11](8) In relation to Wales, any reference in subsections (1) to (4) above to a county shall be read as including a reference to a county borough.**]**

Textual Amendments

F7 Words in s. 4(1) substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 3(1)**.

F8 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 10**

F9 Words in s. 4(5) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II**, para. 41(2)(a); S.I. 1996/396, art. 3, **Sch. 1**

F10 Words in s. 4(5) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II, para. 41(2)(b), **Sch. 18**; S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**

F11 S. 4(8) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II**, para. 41(3); S.I. 1996/396, art. 3, **Sch. 1**

Marginal Citations

M2 1984 c. 27.

M3 1984 c. 27.

5 Exemption from Licensing Act offence.

A person liable to be charged with an offence under **[**[F12]section 3A, 4**]**, 5, 7 or 30 of the [M4]Road Traffic Act 1988 (drink and drugs) is not liable to be charged under section 12 of the [M5]Licensing Act 1872 with the offence of being drunk while in charge, on a highway or other public place, of a carriage.

Textual Amendments

F12 Words in s. 5 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 82**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M4 1988 c. 52.

M5 1872 c. 94.

6 Time within which summary proceedings for certain offences must be commenced.

(1) Subject to subsection (2) below, summary proceedings for an offence to which this section applies may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(2) No such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

(3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(5) In relation to proceedings in Scotland, subsection (3) of **[**[F13]section 136 of the Criminal Procedure (Scotland) Act 1995**]** (date of commencement of proceedings) shall apply for the purposes of this section as it applies for the purposes of that.

(6) Schedule 1 to this Act shows the offences to which this section applies.

Textual Amendments

F13 Words in s. 6(5) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 71(2)**

Modifications etc. (not altering text)

C15 S. 6 applied (1.1.1996) by 1995 c. 23, **s. 51**

C16 S. 6 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(b)** (with reg. 3)

7 Duty of accused to provide licence.

[[F14](1)**]**A person who is prosecuted for an offence involving **[**[F15]obligatory or discretionary disqualification**]** and who is the holder of a licence must—

(a) cause it to be delivered to the **[**[F16]proper officer**]**of the court not later than the day before the date appointed for the hearing, or

(b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or

(c) have it with him at the hearing

[[F17]and the foregoing obligations imposed on him as respects the licence also apply as respects the counterpart to the licence.**]**

[[F18](2) In subsection (1) above " proper officer " means—

(a) in relation to a magistrates' court in England and Wales, the **[**[F19]designated officer**]** for the court, and

(b) in relation to any other court, the clerk of the court.**]**

Textual Amendments

F14 Figure in s. 7 inserted (1.4.2001) by virtue of 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F15 Words in s. 7 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 83**; S.I. 1992/1286, art. 2, **Sch.**

F16 Words in s. 7(1)(a) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F17 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 1**

F18 S. 7(2) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F19 Words in s. 7(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 310**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

C17 S. 7 applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

C18 S. 7: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

C19 S. 7 extended (1.6.1997) by 1995 c. 13, s. 6, **Sch. 1 Pt. II**, para. 3(2); S.I. 1997/267, **art. 2(2)**

C20 S. 7 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(a)**

8 Duty to include date of birth and sex in written plea of guilty.

A person who—

(a) gives a notification **[**[F20]to **[**[F21]the designated officer for a magistrates' court**]** in pursuance of section 12(4)**]** of the [M6]Magistrates' Courts Act 1980 (written pleas of guilty), or

(b) gives a written intimation of a plea of guilty in pursuance of section 334(3) of the [M7]Criminal Procedure (Scotland) Act 1975,

in respect of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations under section 105 of the [M8]Road Traffic Act 1988, must include in the notification or intimation a statement of the date of birth and sex of the accused.

Textual Amendments

F20 Words in s. 8(a) substituted (1.4.2001) for words "to the clerk of a court in pursuance of section 12(2)" by virtue of 1999 c. 22, s. 90(1), **Sch. 13 para. 142** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F21 Words in s. 8(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 311**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

C21 S. 8: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

Marginal Citations

M6 1980 c. 43.

M7 1975 c. 21.

M8 1988 c. 52.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Trial

9 Mode of trial.

An offence against a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or regulations made under such a provision (the general nature of which offence is indicated in column 2) shall be punishable as shown against the offence in column 3 (that is, on summary conviction or on indictment or in either one way or the other).

10 Jurisdiction of district court in Scotland.

(1) Notwithstanding anything in any enactment or rule of law to the contrary, a **[**[F22]justice of the peace court**]** in Scotland may try—

(a) any fixed penalty offence (within the meaning of Part III of this Act), and

(b) any other offence in respect of which a conditional offer (within the meaning of sections 75 to 77 of this Act) may be sent.

[F23](2) . . . . . .

Textual Amendments

F22 Words in s. 10(1) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(a)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

F23 S. 10(2) repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480), arts. 1(1), **2(1)(a)**

11 Evidence by certificate as to driver, user or owner.

(1) In any proceedings in England and Wales for an offence to which this section applies, a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—

(a) that a particular **[**[F24]mechanically propelled vehicle**]** was being driven or used by, or belonged to, that person on a particular occasion, or

(b) that a particular **[**[F24]mechanically propelled vehicle**]** on a particular occasion was used by, or belonged to, a firm and that he was, at the time of the statement, a partner in that firm, or

(c) that a particular **[**[F24]mechanically propelled vehicle**]** on a particular occasion was used by, or belonged to, a corporation and that he was, at the time of the statement, a director, officer or employee of that corporation,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(3) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence—

(a) unless a copy of it has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

[[F25](3A) **[**[F26]Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of—

(a) subsection (2), and

(b) in subsection (3), paragraph (b) and the word "or" immediately preceding it.**]]**

(4) In this section "prescribed" means prescribed by rules made by the Secretary of State by statutory instrument.

(5) Schedule 1 to this Act shows the offences to which this section applies.

Textual Amendments

F24 Words in s. 11(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 84**; S.I. 1992/1286, art. 2, **Sch.**

F25 S. 11(3A) inserted (8.3.1997) (EW) by 1996 c. 25, s. 47, **Sch. 1 Pt. II**, para. 35 (with s. 78(1)); S.I. 1997/683, **art. 1(2)**

F26 S. 11(3A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(2), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)

Modifications etc. (not altering text)

C22 S. 11 extended by Greater London Council (General Powers) Act 1974 (c. xxxiv, SIF 107:1), s. 15(2)(*b*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 12(a)**)

C23 S. 11: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(d)** (as substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(e)**)

C24 S. 11 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(c)** (with reg. 3)

12 Proof, in summary proceedings, of identity of driver of vehicle.

(1) Where on the summary trial in England and Wales of an information for an offence to which this subsection applies—

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by **[**[F27]Criminal Procedure Rules**]**, that a requirement under section 172(2) of the [M9]Road Traffic Act 1988 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

(2) Schedule 1 to this Act shows the offences to which subsection (1) above applies.

(3) Where on the summary trial in England and Wales of an information for an offence to which section 112 of the [M10]Road Traffic Regulation Act 1984 applies—

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by **[**[F28]Criminal Procedure Rules**]**, that a requirement under section 112(2) of the Road Traffic Regulation Act 1984 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

[F29]**[**(4) In summary proceedings in Scotland for an offence to which section 20(2) of the **[**[F30]this Act**]]** applies, where—

(a) it is proved to the satisfaction of the court that a requirement under section 172(2) of the Road Traffic Act 1988 to give information as to the identity of a driver on a particular occasion to which the complaint relates has been served on the accused by post, and

(b) a statement in writing is produced to the court, purporting to be signed by the accused, that the accused was the driver of that vehicle on that occasion,

that statement shall be sufficient evidence that the accused was the driver of the vehicle on that occasion.

Textual Amendments

F27 Words in s. 12(1)(a) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 30** (with art. 2(2))

F28 Words in s. 12(3)(a) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 30** (with art. 2(2))

F29 S. 12(4) added (1.4.1993 only for the purposes of summary criminal proceedings in Scotland which are commenced on or after 1.4.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.85**; S.I. 1993/975, **art. 2 Sch.**

F30 Words in s. 12(4) (as proposed to be inserted by 1991 c. 40, **Sch. 4 para. 85**) substituted (S.) (29.3.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 5** (with s. 47(2), Sch. 6 paras. 1, 2)

Modifications etc. (not altering text)

C25 S. 12 extended by Greater London Council (General Powers) Act 1974 (c. xxiv, SIF 107:1, s. 15(2)(b) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 12(a)**)

C26 S. 12(1) applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(d)** (with reg. 3)

Marginal Citations

M9 1988 c. 52.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

M10 1984 c. 27.

13 Admissibility of records as evidence.

(1) This section applies to a statement contained in a document purporting to be—

(a) a part of the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of Part III of the Road Traffic Act 1988 or a part of any other records maintained by the Secretary of State with respect to vehicles **[**or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment**]**, or

(b) a copy of a document forming part of those records, or

(c) a note of any information contained in those records,

and to be authenticated by a person authorised in that behalf by the Secretary of State.

(2) A statement to which this section applies shall be admissible in any proceedings as evidence (in Scotland, sufficient evidence) of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.

[[F31](3) In the preceding subsections, except in Scotland—

" copy ", in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

" document " means anything in which information of any description is recorded; and

" statement " means any representation of fact, however made.

[In any case where—

[F32](3A) (a) a person is convicted by a magistrates' court of a summary offence under the Traffic Acts or the Road Traffic (Driver Licensing and Information Systems) Act 1989,

(b) a statement to which this section applies is produced to the court in the proceedings,

(c) the statement specifies an alleged previous conviction of the accused of an offence involving obligatory endorsement or an order made on the conviction, and

(d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(3B) Section 104 of the Magistrates' Courts Act 1980 (under which previous convictions may be adduced in the absence of the accused after giving him seven days' notice of them) does not limit the effect of subsection (3A) above.**]**

(3A) In Scotland, in the preceding subsections " document " and " statement " have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (2) above. **]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(4) In any case where—

(a) a statement to which this section applies is produced to a magistrates' court in any proceedings for an offence involving obligatory or discretionary disqualification, **[**[F33]other than a summary offence under any of the enactments mentioned in subsection (3A)(a) above**]**.

(b) the statement specifies an alleged previous conviction of an accused person of any such offence or any order made on the conviction,

(c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by **[**[F34]Criminal Procedure Rules**]**, that not less than seven days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction or order and stating that it is proposed to bring it to the notice of the court in the event of or, as the case may be, in view of his conviction, and

(d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(5) Nothing in the preceding provisions of this section enables evidence to be given in respect of any matter other than a matter of a description prescribed by regulations made by the Secretary of State.

(6) The power to make regulations 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.

[[F35](7) **[**[F36]Where the proceedings mentioned in subsection (2) above are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect as if—

(a) in subsection (2) the words "to the same extent as oral evidence of that fact is admissible in those proceedings" were omitted;

(b) in subsection (4) the word "and" were inserted at the end of paragraph (a);

(c) in subsection (4), paragraphs (c) and (d) and the words "as if the accused had appeared and admitted it" were omitted.**]]**

Textual Amendments

F31 S. 13(3) substituted for s. 13(3)(3A) (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 15**; S.I. 1996/3217, **art. 2**

F32 S. 13(3A)(3B) inserted after s. 13(3) (1.9.1998) by 1998 c. 15 s. 2(1); S.I. 1998/1837, **arts. 2**, 3

F33 Words in s. 13(4)(a) inserted (1.9.1998) by 1998 c. 15, **s. 2(2)**; S.I. 1998/1837, **arts. 2**, 3

F34 Words in s. 13(4)(c) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 31** (with art. 2(2))

F35 S. 13(7) inserted (8.3.1997) (EW) by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 36**; S.i. 1997/683, art. 1(2)

F36 S. 13(7) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(3), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

14 Use of records kept by operators of goods vehicles.

In any proceedings **[**[F37]for an offence under section 40A of the Road Traffic Act 1988 or**]** for a contravention of or failure to comply with construction and use requirements (within the meaning of Part II of the [M11]Road Traffic Act 1988) or regulations under section 74 of that Act, any record purporting to be made and authenticated in accordance with regulations under that section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

Textual Amendments

F37 Words in s. 14 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.86**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M11 1988 c. 52.

15 Use of specimens in proceedings for an offence under section 4 or 5 of the Road Traffic Act.

(1) This section and section 16 of this Act apply in respect of proceedings for an offence under **[**[F38]section 3A, 4 or 5 of the Road Traffic Act 1988 (driving offences connected with drink or drugs)**]**; and expressions used in this section and section 16 of this Act have the same meaning as in **[**[F39]sections 3A to 10**]** of that Act.

(2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by **[**[F40]or taken from**]**the accused shall, in all cases **[**[F41](including cases where the specimen was not provided **[**[F42]or taken**]**in connection with the alleged offence)**]**, be taken into account and, subject to subsection (3) below, it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen.

[F43]**[**(3) That assumption shall not be made if the accused proves—

(a) that he consumed alcohol before he provided the specimen **[**[F44]or had it taken from him**]]** and—

(i) in relation to an offence under section 3A, after the time of the alleged offence, and

(ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and

(b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.

(4) A specimen of blood shall be disregarded **[**[F45]unless-

(a) it was taken from the accused with his consent and either—

(i) in a police station by a medical practitioner or a registered health care professional; or

(ii) elsewhere by a medical practitioner;

or

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) it was taken from the accused by a medical practitioner under section 7A of the Road Traffic Act 1988 and the accused subsequently gave his permission for a laboratory test of the specimen.**]**

(5) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and

(b) the other part was supplied to the accused.

[[F46](5A) Where a specimen of blood was taken from the accused under section 7A of the Road Traffic Act 1988, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and

(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.**]**

Textual Amendments

F38 Words in s. 15(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(2)**; S.I. 1992/1286, art. 2, **Sch.**

F39 Words in s. 15(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(2)**; S.I. 1992/1286, art. 2, **Sch.**

F40 Words in S. 15(2) inserted (1.10.2002) by 2002 c. 53, **s. 57(1)**, S.I. 2002/2306 art. 2(d)(v)

F41 Words in s. 15(2) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(3)**; S.I. 1992/1286, art. 2, **Sch.**

F42 Words in s. 15(2) inserted (1.10.2002) by 2002 c. 53, **s. 57(1)**, S.I 2002/2306, art. 2(d)(v)

F43 S. 15(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(4)**; S.I. 1992/1286, art. 2, **Sch.**

F44 Words in s. 15(3)(a) inserted (1.10.2002) by 2002 c. 53, **s. 57(2)**, S.I. 2002/2306, art. 2(d)(v)

F45 Words in s. 15(4) substituted (1.10.2002 except for the words "or a registered health care professional") by 2002 c. 30, s. 57(3), S.I. 2002/2306, art. 2(d)(v)

F46 S. 15(5A) inserted (1.10.2002) by 2002 c. 53, **s. 57(4)**, S.I. 2002/2306, art. 2(d)(v)

Modifications etc. (not altering text)

C27 S. 15 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 83(1)**(3); S.I. 2004/827, arts. 2, 3(f)

C28 S. 15 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 96(1)**(3); S.I. 2004/827, arts. 2, 3(s)

16 Documentary evidence as to specimens in such proceedings.

(1) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to subsections (3) and (4) below and to section 15(5) **[**[F47]and (5A)**]**of this Act, be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement, and

(b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(2) Subject to subsections (3) and (4) below, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner **[**[F48]or a registered health care professional**]** may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner **[**[F48]or a registered health care professional**]**.

(3) Subject to subsection (4) below—

(a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (1)(a) above is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing, and

(b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.

(4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(5) In Scotland—

(a) a document produced in evidence on behalf of the prosecution in pursuance of subsection (1) or (2) above and, where the person by whom the document was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the document, and

(b) a written execution purporting to be signed by the person who handed to or served on the accused or the prosecutor a copy of the document or of the notice in terms of subsection (3) or (4) above, together with, where appropriate, a post office receipt for the registered or recorded delivery letter shall be sufficient evidence of the handing or service of such a copy or notice.

(6) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecutor may be served personally or sent by registered post or recorded delivery service.

[[F49](6A) **[**[F50]Where the proceedings mentioned in section 15(1) of this Act are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of subsection (4).**]]**

(7) In this section "authorised analyst" means—

(a) any person possessing the qualifications prescribed by regulations made under **[**[F51]section 27 of the Food Safety Act 1990**]** as qualifying persons for appointment as public analysts under those Acts, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) any other person authorised by the Secretary of State to make analyses for the purposes of this section.

Textual Amendments

F47 Words in s. 16(1) inserted (1.10.2002) by 2002 c. 53, **s. 57(5)**; S.I. 2002/2306 art. 2(d)(v)

F48 Words in s. 16(2) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 57(6)**, 108(2); S.I. 2003/808, art. 2(e)

F49 S. 16(6A) inserted (8.3.1997) (E.W.) by 1996 c. 25, s. 47, **Sch. 1 Pt. II**, para. 37, Pt. III para. 39; S.I. 1997/683, **art. 1(2)**

F50 S. 16(6A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)

F51 Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), **Sch. 3 para. 38**

Modifications etc. (not altering text)

C29 S. 16 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 83(1)**(3); S.I. 2004/827, arts. 2, 3(f)

C30 S. 16 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 96(1)**(3); S.I. 2004/827, arts. 2, 3(s)

17 Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment.

(1) If in any proceedings for an offence under **[**[F52]section 40A, 41A, 41B or 42 of the Road Traffic Act 1988 (using vehicle in dangerous condition or contravention**]** of construction and use regulations)—

(a) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and

(b) a weight of that description is marked on the vehicle,

it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.

(2) If, in any proceedings for an offence—

(a) under Part II of the Road Traffic Act 1988, except sections 47 and 75, or

(b) under section 174(2) or (5) (false statements and deception) of that Act,

any question arises as to the date of manufacture of a vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under that Part of that Act shall be evidence (and in Scotland sufficient evidence) that the vehicle was manufactured on the date so marked.

(3) If in any proceedings for the offence of driving a [F53]. . . vehicle on a road, or causing or permitting a [F53]. . . vehicle to be so driven, in contravention of a prohibition under section 70(2) of the Road Traffic Act 1988 any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements **[**[F54], or so that it has ceased to be excessive,**]**, the burden of proof shall lie on the accused.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(4) If in any proceedings in Scotland for an offence under the Traffic Acts any question arises as to a weight of any description in relation to a vehicle—

(a) a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence of the facts stated in the certificate, and

(b) where the inspector is called as a witness his evidence shall be sufficient evidence of those facts.

In this subsection "inspector of weights and measures" has the same meaning as in the [M12]Weights and Measures Act 1985, except that it includes a chief inspector within the meaning of that Act.

Textual Amendments

F52 Words in s. 17(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 88(2)**; S.I. 1992/1286, **art. 2**,Sch.

F53 Words in s. 17(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, **art. 2**,Sch. Appendix

F54 Words in s. 17(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 88(3)**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M12 1985 c. 72.

18 Evidence by certificate as to registration of driving instructors and licences to give instruction.

(1) A certificate signed by the Registrar and stating that, on any date—

(a) a person's name was, or was not, in the register,

(b) the entry of a person's name was made in the register or a person's name was removed from it,

[[F55](ba) a person's registration was, or was not, suspended,**]**

(c) a person was, or was not, the holder of a current licence under section 129 of the Road Traffic Act 1988, or

(d) a licence under that section granted to a person came into force or ceased to be in force,

shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate in pursuance of this section.

(2) A certificate so stating and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proved.

(3) In this section "current licence", "Registrar" and "register" have the same meanings as in Part V of the [M13]Road Traffic Act 1988.

Textual Amendments

F55 S. 18(1)(ba) inserted (6.7.2012) by Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17), s. 7(3), **Sch. 1 para. 4**; S.I. 2012/1356, art. 4(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Marginal Citations

M13 1988 c. 52.

19 Evidence of disqualification in Scotland.

[[F56](1)**]**In any proceedings in Scotland for an offence under section 103(1)(b) of the Road Traffic Act 1988 (driving while disqualified) a conviction or extract conviction—

(a) of which a copy has been served on the accused not less than fourteen days before his trial,

(b) which purports to be signed by the clerk of court, and

(c) which shows that the person named in it is disqualified for holding or obtaining a licence,

shall be sufficient evidence of the application of that disqualification to the accused, unless not **[**[F57]more than seven days after the date of service of the copy**]** he serves notice on the prosecutor that he denies that it applies to him.

[[F58](2) A copy of a conviction or extract conviction served on the accused under subsection (1) above shall be served in such manner as may be prescribed by Act of Adjournal, and a written execution purporting to be signed by the person who served such copy conviction or extract conviction together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy.**]**

Textual Amendments

F56 S. 19 renumbered s. 19(1) (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(a); S.I. 1996/517, **art. 3(2)**

F57 Words in s. 19(1) (as renumbered by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(a)) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6** P. I, para. 171(b); S.I. 1996/517, **art. 3(2)**

F58 S. 19(2) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(c); S.I. 1996/517, **art. 3(2)**

Modifications etc. (not altering text)

C31 S. 19 applied (20.10.1997) by 1997 c. 48, **s. 15(1)**; S.I. 1997/2323, art. 3, **Sch. 1**

[20 [F59]Speeding offences etc: admissibility of certain evidence.

(1) Evidence (which in Scotland shall be sufficient evidence) of a fact relevant to proceedings for an offence to which this section applies may be given by the production of—

(a) a record produced by a prescribed device, and

(b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the chief officer of police for the police area in which the offence is alleged to have been committed;

but subject to the following provisions of this section.

(2) This section applies to—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act;

(b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section;

(c) an offence under section 88(7) of that Act (temporary minimum speed limits);

(d) an offence under section 89(1) of that Act (speeding offences generally);

(e) an offence under section 36(1) of the Road Traffic Act 1988 consisting in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.

[[F60](f) an offence under Part I or II of the Road Traffic Regulation Act 1984 of contravening or failing to comply with an order or regulations made under either of those Parts relating to the use of an area of road which is described as a bus lane or a route for use by buses only.**]]**

[[F61](g) an offence under section 29(1) of the Vehicle Excise and Registration Act 1994 [F62] (using or keeping an unlicensed vehicle on a public road).**]**

(3) The Secretary of State may by order amend subsection (2) above by making additions to or deletions from the list of offences for the time being set out there; and an order under this subsection may make such transitional provision as appears to him to be necessary or expedient.

(4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless—

(a) the device is of a type approved by the Secretary of State, and

(b) any conditions subject to which the approval was given are satisfied.

(5) Any approval given by the Secretary of State for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(6) In proceedings for an offence to which this section applies, evidence (which in Scotland shall be sufficient evidence)—

(a) of a measurement made by a device, or of the circumstances in which it was made, or

(b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,

may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(7) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (6) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(8) Nothing in subsection (1) or (6) above makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence; and nothing in

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

those subsections makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

[[F63](8A) **[**[F64]Where the proceedings for an offence to which this section applies are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect as if in subsection (8) the words from "and nothing" to the end of the subsection were omitted.**]]**

[F65](8A) . . . . . .

(9) In this section "prescribed device" means device of a description specified in an order made by the Secretary of State.

(10) The powers to make orders under subsections (3) and (9) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F59 S. 20 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 23**; S.I. 1992/1286, art. 2, **Sch.**

F60 S. 20(2)(f) inserted (18.3.1997) by S.I. 1997/384, **art. 2**

F61 S. 20(2)(g) added (1.6.2001) by S.I. 2001/1814, **art. 3**

F62 1994 c. 22; section 29 was amended by Schedule 2 to the Finance Act 1996 (c. 8).

F63 S. 20(8A) inserted (E.W.) (8.3.1997) by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 38**, Pt. III para. 39 (with s. 78(1)); S.I. 1997/683, **art. 1**

F64 S. 20(8A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(5), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

F65 S. 20(8A) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I para. 172** and repealed (S.) (1.4.1996) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. I para. 16(3), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16, **17**); S.I. 1996/517, **art. 3(2)**

Modifications etc. (not altering text)

C32 S. 20(4) extended (1.7.1992) by S.I. 1992/1286, **art. 4(1)**

21 Proceedings in which evidence of one witness sufficient in Scotland.

(1) In any proceedings in Scotland for an offence to which this subsection applies the accused may be convicted on the evidence of one witness.

(2) Subsection (1) above applies 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 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

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(c) by the non-payment of a 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 or 9 of the [M14]Road Traffic Regulation Act 1984, 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 or parts of carriageways 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

[F66](e) . . . . . .

[F66](f) . . . . . .

(3) Subsection (1) above also applies to any offence under section 35 **[**[F67],36 or 172.**]**of the [M15]Road Traffic Act 1988.

(4) In subsection (2) above—

"hours of darkness" means the time between half-an-hour after sunset and half-an-hour before sunrise, and

"street parking place" means a parking place on land which forms part of a road.

(5) References in subsection (2) above to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever.

Textual Amendments

F66 S. 21(2)(e)(f) repealed (1.9.1994) by 1994 c. 22, ss. 65, 66, **Sch. 5 Pt. I** (with s. 57(4), Sch. 4)

F67 Words in s. 21(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 89**; S.I. 1992/1286, art. 2, **Sch.**

Marginal Citations

M14 1984 c. 27.

M15 1988 c. 52.

22 Notification of disability.

(1) If in any proceedings for an offence committed in respect of a motor vehicle it appears to the court that the accused may be suffering from any relevant disability or prospective disability (within the meaning of Part III of the Road Traffic Act 1988) the court must notify the Secretary of State.

(2) A notice sent by a court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Modifications etc. (not altering text)

C33 S. 22: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Verdict

23 Alternative verdicts in Scotland.

(1) If on the trial on indictment in Scotland of a person for culpable homicide in connection with the driving of a **[**[F68] mechanically propelled vehicle**]** by him the jury are not satisfied that he is guilty of culpable homicide but are satisfied that he is guilty of **[**[F69]any of the relevant offences**]**, they may find him guilty of that offence.

[[F70](1A) For the purposes of subsection (1) above the following are the relevant offences—

(a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

[[F71](aa) an offence under section 1A of that Act (causing serious injury by dangerous driving),**]**

(b) an offence under section 2 of that Act (dangerous driving), and

(c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).**]**

[F72](2) . . . . . .

(3) If on the trial on indictment in Scotland of a person for stealing a motor vehicle the jury are not satisfied that he is guilty of stealing the motor vehicle but are satisfied that he is guilty of an offence under section 178 of that Act (taking motor vehicle without authority etc.), they may find him guilty of an offence under that section.

Textual Amendments

F68 Words in s. 23(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 90(2)(a)**; S.I. 1992/1286, **art. 2**,Sch.

F69 Words in s. 23(1) substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 32(2)**, 61(1)(10); S.I. 2007/2472, art. 2(j)

F70 S. 23(1A) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 32(3)**, 61(1)(10); S.I. 2007/2472, art. 2(j)

F71 S. 23(1A)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 3**; S.I. 2012/2770, art. 2(g)

F72 S. 23(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, 83, Sch. 4 para. 90(3), **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**Appendix

[F73[24 Alternative verdicts: general.

[Where—

[F74](A1) (a) a person charged with manslaughter in connection with the driving of a mechanically propelled vehicle by him is found not guilty of that offence, but

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) the allegations in the indictment amount to or include an allegation of any of the relevant offences,

he may be convicted of that offence.

(A2) For the purposes of subsection (A1) above the following are the relevant offences—

(a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

[[F75](aa) an offence under section 1A of that Act (causing serious injury by dangerous driving),**]**

(b) an offence under section 2 of that Act (dangerous driving),

(c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs), and

(d) an offence under section 35 of the Offences against the Person Act 1861 (furious driving).**]**

(1) Where—

(a) a person charged with an offence under a provision of the Road Traffic Act 1988 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but

(b) the allegations in the indictment or information (or in Scotland complaint) amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,

he may be convicted of that offence or of one or more of those offences.

Offence charged	**Alternative**
Section 1 (causing death by dangerous driving)	Section 2 (dangerous driving)
	[[F76]Section 2B (causing death by careless, or inconsiderate, driving)**]**
	Section 3 (careless, and inconsiderate, driving)
[[F77]Section 1A (causing serious injury by dangerous driving)**]**	**[**[F77]Section 2 (dangerous driving)**]**
	[[F77]Section 3 (careless, and inconsiderate, driving)**]**
Section 2 (dangerous driving)	Section 3 (careless, and inconsiderate, driving)
[[F78]Section 2B (causing death by careless, or inconsiderate, driving)**]**	**[**[F78]Section 3 (careless, and inconsiderate, driving),**]**
Section 3A (causing death by careless driving when under influence of drink or drugs)	**[**[F79]Section 2B (causing death by careless, or inconsiderate, driving)**]**
	Section 3 (careless, and inconsiderate, driving)
	Section 4(1) (driving when unfit to drive through drink or drugs)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)
	Section 7(6) (failing to provide specimen)
	[[F80]Section 7A(6) (failing to give permission for laboratory test)**]**
Section 4(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Section 4(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
Section 5(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	Section 5(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
Section 28 (dangerous cycling)	Section 29 (careless, and inconsiderate, cycling)

(2) Where the offence with which a person is charged is an offence under section 3A of the Road Traffic Act 1988, subsection (1) above shall not authorise his conviction of any offence of attempting to drive.

(3) Where a person is charged with having committed an offence under section 4(1) or 5(1)(a) of the Road Traffic Act 1988 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.

(4) Where by virtue of this section a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a magistrates' court would have had on convicting him of that offence.

(5) Where, in Scotland, by virtue of this section a person is convicted under solemn procedure of an offence triable only summarily, the penalty imposed shall not exceed that which would have been competent on a conviction under summary procedure.

(6) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment), **[**[F81]sections 295, 138(4), 256 and 293 of and Schedule 3 to the Criminal Procedure (Scotland) Act 1995**]]** and section 23 of this Act.

Textual Amendments

F73 S. 24 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 24**; S.I. 1992/1286, art. 2, **Sch.**

F74 S. 24(A1)(A2) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 33**, 61(1)(10); S.I. 2007/2472, art. 2(k)

F75 S. 24(A2)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 4(2)**; S.I. 2012/2770, art. 2(g)

F76 Words in s. 24(1) inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(2)(a)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F77 Words in s. 24(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 4(3)**; S.I. 2012/2770, art. 2(g)

F78 Entry in s. 24(1) inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(2)(b)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F79 Words in s. 24(1) inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(2)(c)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F80 Words in s. 24(1) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 31(4)**, 61(1)(10); S.I. 2007/2472, art. 2(i)

F81 Words in s. 24(6) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 71(3)**

After conviction

25 Information as to date of birth and sex.

(1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations under section 105 of the [M16]Road Traffic Act 1988 the court does not know his date of birth, the court must order him to give that date to the court in writing.

(2) If a court convicting a person of such an offence in a case where—

(a) notification has been given **[**[F82]to **[**[F83]the designated officer for a magistrates' court**]** in pursuance of section 12(4)**]** of the [M17]Magistrates' Courts Act 1980 (written pleas of guilty), or written intimation of a plea of guilty has been given in pursuance of section 334(3) of the [M18]Criminal Procedure (Scotland) Act 1975, and

(b) the notification or intimation did not include a statement of the person's sex,

does not know the person's sex, the court must order the person to give that information to the court in writing.

(3) A person who knowingly fails to comply with an order under subsection (1) or (2) above is guilty of an offence.

(4) Nothing in **[**[F84]section 7 of the Powers of Criminal Courts (Sentencing) Act 2000**]** (where magistrates' court commits a person to the Crown Court to be dealt with, certain powers and duties transferred to that court) applies to any duty imposed upon a magistrates' court by subsection (1) or (2) above.

(5) Where a person has given his date of birth in accordance with this section or section 8 of this Act, the Secretary of State may serve on that person a notice in writing requiring him to provide the Secretary of State—

(a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date, and

(b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time.

(6) A person who knowingly fails to comply with a notice under subsection (5) above is guilty of an offence.

(7) A notice to be served on any person under subsection (5) above may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this subsection and section 7 of the [M19]Interpretation Act 1978 in its application to this subsection the proper address of any person shall be his latest address as known to the person serving the notice.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F82 Words in s. 25(2)(a) substituted (1.4.2001) for words "to the clerk of a court in pursuance of section 12(2)" by virtue of 1999 c. 22, s. 90(1), **Sch. 13 para. 142** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F83 Words in s. 25(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 311**; S.I. 2005/910, art. 3(y)

F84 Words in s. 25(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 118**

Modifications etc. (not altering text)

C34 S. 25: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

Marginal Citations

M16 1988 c. 52.
M17 1980 c. 43.
M18 1975 c. 21.
M19 1978 c. 30.

[F85][26 Interim disqualification.

(1) Where a magistrates' court—

(a) commits an offender to the Crown Court under **[**[F86]section 6 of the Powers of Criminal Courts (Sentencing) Act 2000 or any enactment mentioned in subsection (4) of that section**]**, or

(b) remits an offender to another magistrates' court under **[**[F87]section 10 of that Act**]**,

to be dealt with for an offence involving obligatory or discretionary disqualification, it may order him to be disqualified until he has been dealt with in respect of the offence.

(2) Where a court in England and Wales—

(a) defers passing sentence on an offender under **[**[F88]section 1 of that Act**]** in respect of an offence involving obligatory or discretionary disqualification, or

(b) adjourns after convicting an offender of such an offence but before dealing with him for the offence,

it may order the offender to be disqualified until he has been dealt with in respect of the offence.

(3) Where a court in Scotland—

(a) adjourns a case under section 179 or section 380 of the Criminal Procedure (Scotland) Act 1975 (for inquiries to be made or to determine the most suitable method of dealing with the offender);

(b) remands a person in custody or on bail under section 180 or section 381 of the Criminal Procedure (Scotland) Act 1975 (to enable a medical examination and report to be made);

(c) defers sentence under section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975;

(d) remits a convicted person to the High Court for sentence under section 104 of the Criminal Procedure (Scotland) Act 1975,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

in respect of an offence involving obligatory or discretionary disqualification, it may order the accused to be disqualified until he has been dealt with in respect of the offence.

(4) Subject to subsection (5) below, an order under this section shall cease to have effect at the end of the period of six months beginning with the day on which it is made, if it has not ceased to have effect before that time.

(5) In Scotland, where a person is disqualified under this section where section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975 (deferred sentence) applies and the period of deferral exceeds 6 months, subsection (4) above shall not prevent the imposition under this section of any period of disqualification which does not exceed the period of deferral.

(6) Where a court orders a person to be disqualified under this section ("the first order"), no court shall make a further order under this section in respect of the same offence or any offence in respect of which an order could have been made under this section at the time the first order was made.

(7) Where a court makes an order under this section in respect of any person it must—

(a) require him to produce to the court any licence held by him and its counterpart, and

(b) retain the licence and counterpart until it deals with him or (as the case may be) cause them to be sent to the **[**[F89]proper officer**]** of the court which is to deal with him.

[[F90]**[**[F91](7A)**]** In subsection (7) above " proper officer " means—

(a) in relation to a magistrates' court in England and Wales, the **[**[F92]designated officer**]** for the court, and

(b) in relation to any other court, the clerk of the court.**]**

(8) If the holder of the licence has not caused it and its counterpart to be delivered, or has not posted them, in accordance with section 7 of this Act and does not produce the licence and counterpart as required under subsection (7) above, then he is guilty of an offence.

(9) Subsection (8) above does not apply to a person who—

(a) satisfies the court that he has applied for a new licence and has not received it, or

(b) surrenders to the court a current receipt for his licence and its counterpart issued under section 56 of this Act, and produces the licence and counterpart to the court immediately on their return.

(10) Where a court makes an order under this section in respect of any person, sections 44(1) and **[**[F93], 47(2)**]****[**[F94], 91ZA(7) and 91A(5) of this Act**]** shall not apply in relation to the order, but—

(a) the court must send notice of the order to the Secretary of State, and

(b) if the court which deals with the offender determines not to order him to be disqualified under section 34 or 35 of this Act, it must send notice of the determination to the Secretary of State.

(11) A notice sent by a court to the Secretary of State in pursuance of subsection (10) above must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(12) Where on any occasion a court deals with an offender—

(a) for an offence in respect of which an order was made under this section, or

(b) for two or more offences in respect of any of which such an order was made,

any period of disqualification which is on that occasion imposed under section 34 or 35 of this Act shall be treated as reduced by any period during which he was disqualified by reason only of an order made under this section in respect of any of those offences.

(13) Any reference in this or any other Act (including any Act passed after this Act) to the length of a period of disqualification shall, unless the context otherwise requires, be construed as a reference to its length before any reduction under this section.

(14) In relation to licences which came into force before 1st June 1990, the references in this section to counterparts of licences shall be disregarded.

Textual Amendments

F85 S. 26 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 25**; S.I. 1992/1286, art. 2, **Sch.**

F86 Words in s. 26(1)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 119(2)(a)**

F87 Words in s. 26(1)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 119(2)(b)**

F88 Words in s. 26(2)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 119(3)**

F89 Words in s. 26(7)(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 143** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F90 S. 26(7)(2) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 143** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2) it is provided (1.4.2001) that after subsection (7) there shall be inserted subsection (2)

F91 S. 26(7)(2) renumbered as s. 26(7A) (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 312(a)**; S.I. 2005/910, art. 3(y)

F92 Words in s. 26(7A) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 312(b)**; S.I. 2005/910, art. 3(y)

F93 Words in s. 26(10) substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 2**

F94 Words in s. 26(10) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 34**; S.I. 2004/2624, art. 2(1)(2)(b)

Modifications etc. (not altering text)

C35 S. 26: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

PART II

SENTENCE

Introductory

27 Production of licence.

(1) Where a person who is the holder of a licence is convicted of an offence involving obligatory **[**[F95]or discretionary disqualification, and a court proposes to make an order

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

disqualifying him or an order under section 44 of this Act, the court must, unless it has already received them,**]**, require the licence **[**[F96]and its counterpart**]** to be produced to it.

[F97](2) . . . . . .

(3) If the holder of the licence has not caused it **[**[F98]and its counterpart**]** to be delivered, or posted it **[**[F98]and its counterpart**]**, in accordance with section 7 of this Act and does not produce it **[**[F98]and its counterpart**]** as required **[**[F99]under this section or **[**[F100]section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000**]** or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975**][**[F101], or if the holder of the license does not produce it and its counterpart as required by section 40B of the [M20]Child Support Act 1991, then,**]** unless he satisfies the court that he has applied for a new licence and has not received it—

(a) he is guilty of an offence, and

(b) the licence shall be suspended from the time when its production was required until **[**[F102]it and its counterpart are**]** produced to the court and shall, while suspended, be of no effect.

(4) **[**[F103]Subsection (3) above does not apply where the holder of the licence—

(a) has caused a current receipt for the licence **[**[F104]and its counterpart**]** issued under section 56 of this Act to be delivered to the **[**[F105]proper officer**]** of the court not later than the day before the date appointed for the hearing, or

(b) has posted such a receipt, at such time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the **[**[F105]proper officer**]** and either registered or sent by the recorded delivery service, or

(c) surrenders such a receipt to the court at the hearing,

and produces the licence **[**[F106]and its counterpart**]** to the court immediately on **[**[F107]their**]** return.**]**

[[F108](5) In subsection (4) above " proper officer " means—

(a) in relation to a magistrates' court in England and Wales, the **[**[F109]designated officer**]** for the court, and

(b) in relation to any other court, the clerk of the court.**]**

Textual Amendments

F95 Words in s. 27(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 91(2)**; S.I. 1992/1286, art. 2, **Sch.**

F96 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(a)**

F97 S. 27(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 91(3), **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F98 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(b)**

F99 Words in s. 27(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 91(4)**; S.I. 1992/1286, art. 2, **Sch.**

F100 Words in s. 27(3) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 120**

F101 Words in s. 27(3) substituted (2.4.2001) by 2000 c. 19, **s. 16(5)** (with s. 83(6)); S.I. 2000/3354, **art. 2(3)**

F102 Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(b)**

F103 S. 27(4) repealed (S.) (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F104 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(c)(i)**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F105 Words in s. 27(4)(a)(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 144(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F106 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(c)(ii)(iii)**

F107 Word substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(c)(ii)(iii)**

F108 S. 27(5) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 144(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F109 Words in s. 27(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 313**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

C36 S. 27: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

C37 S. 27(1)(2) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
S. 27(1)(3) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(b)**

C38 S. 27(3) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
S. 27(3) applied with modifications (1.1.1998) (EW) by 1997 c. 43, **s. 39(5)(b)**, 40(6); S.I. 1997/2200, **art. 3(b)(c)** (with art. 5)

C39 S. 27(3) extended by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 44(3)**(*a*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 11(b)**)
S. 27 extended (1.1.1998) by 1997 c. 43, **ss. 39(5)(b)**, 40(6); S.I. 1997/2200, **arts. 3(b)(c)**, 5

Marginal Citations

M20 1991 c. 48

[F110][28 Penalty points to be attributed to an offence.

(1) Where a person is convicted of an offence involving obligatory endorsement, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is—

(a) the number shown in relation to the offence in the last column of Part I or Part II of Schedule 2 to this Act, or

(b) where a range of numbers is shown, a number within that range.

(2) Where a person is convicted of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is ten.

[[F111](3) For the purposes of sections 57(5) [[F112], 57A(6), 77(5) and 77A(8)] of this Act, the number of penalty points to be attributed to an offence is—

(a) where both a range of numbers and a number followed by the words "(fixed penalty)" is shown in the last column of Part 1 of Schedule 2 to this Act in relation to the offence, that number,

(b) where a range of numbers followed by the words "or appropriate penalty points (fixed penalty)" is shown there in relation to the offence, the appropriate number of penalty points for the offence, and

(c) where only a range of numbers is shown there in relation to the offence, the lowest number in the range.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(3A) For the purposes of subsection (3)(b) above the appropriate number of penalty points for an offence is such number of penalty points as the Secretary of State may by order made by statutory instrument prescribe.

(3B) An order made under subsection (3A) above in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—

(a) the nature of the contravention or failure constituting the offence,

(b) how serious it is,

(c) the area, or sort of place, where it takes place, and

(d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.**]**

(4) Where a person is convicted (whether on the same occasion or not) of two or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(5) In a case where (apart from this subsection) subsection (4) above would apply to two or more offences, the court may if it thinks fit determine that that subsection shall not apply to the offences (or, where three or more offences are concerned, to any one or more of them).

(6) Where a court makes such a determination it shall state its reasons in open court and, if it is a magistrates' court, or in Scotland a court of summary jurisdiction, shall cause them to be entered in the register (in Scotland, record) of its proceedings.

(7) The Secretary of State may by order made by statutory instrument—

(a) alter a number or range of numbers shown in relation to an offence in the last column of Part I or Part II of Schedule 2 to this Act (by substituting one number or range for another, a number for a range, or a range for a number),

(b) where a range of numbers is shown in relation to an offence in the last column of Part I, add or delete a number together with the words "(fixed penalty)" **[**[F113]or the words "or appropriate penalty points (fixed penalty)"**]**,

[[F114](ba) substitute the words "or appropriate penalty points (fixed penalty)" for a number together with the words "(fixed penalty)", or substitute a number together with the words "(fixed penalty)" for the words "or appropriate penalty points (fixed penalty)", in relation to an offence in the last column of Part 1 or 2,**]** and

(c) alter the number of penalty points shown in subsection (2) above;

and an order under this subsection may provide for different numbers or ranges of numbers to be shown in relation to the same offence committed in different circumstances.

(8) Where the Secretary of State exercises his power under subsection (7) above by substituting or adding a number which appears together with the words "(fixed penalty)", that number shall not exceed the lowest number in the range shown in the same entry.

[[F115](8A) Before making any order under subsection (3A) above the Secretary of State must consult with such representative organisations as he thinks fit.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(9) No order shall be made under **[**[F116]this section**]** unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

Textual Amendments

F110 S. 28 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 27**; S.I. 1992/1286, **art. 2**,Sch.

F111 S. 28(3)-(3B) substituted for s. 28(3) (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(2)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F112 Words in s. 28(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 3**; S.I. 2008/3164, art. 4(b)

F113 Words in s. 28(7)(b) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(3)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F114 S. 28(7)(ba) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(4)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F115 S. 28(8A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(5)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F116 Words in s. 28(9) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(6)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

Modifications etc. (not altering text)

C40 S. 28: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992)) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

C41 S. 28(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 15(a)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

[F117]**[29 Penalty points to be taken into account on conviction.**

(1) Where a person is convicted of an offence involving obligatory endorsement, the penalty points to be taken into account on that occasion are (subject to subsection (2) below)—

(a) any that are to be attributed to the offence or offences of which he is convicted disregarding any offence in respect of which an order under section 34 of this Act is made, and

(b) any that were on a previous occasion ordered to be endorsed on the counterpart of any licence held by him **[**[F118]or on his driving record**]** , unless the offender has since that occasion and before the conviction been disqualified under section 35 of this Act.

(2) If any of the offences was committed more than three years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.

(3) In relation to licences which came into force before 1st June 1990, the reference in subsection (1) above to the counterpart of a licence shall be construed as a reference to the licence itself.**]**

Textual Amendments

F117 S. 29 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.28**; S.I. 1992/1286, **art. 2**,Sch.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F118 Words in s. 29(1)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 4**; S.I. 2008/3164, art. 4(b)

Modifications etc. (not altering text)

C42 S. 29: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)
S. 29 modified (1.7.1992) by S.I. 1992/1286, **art. 6(3)**

30 Penalty points: modification where fixed penalty also in question.

[[F119](1) Sections 28 and 29 of this Act shall have effect subject to this section in any case where—

(a) a person is convicted of an offence involving **[**[F120]obligatory endorsement**]**, and

(b) the court is satisfied that **[**[F121] the counterpart of **]** his licence **[**[F122]or his driving record**]** has been or is liable to be endorsed under section 57 **[**[F123], 57A, 77 or 77A**]** of this Act in respect of an offence (referred to in this section as the " connected offence ") committed on the same occasion as the offence of which he is convicted.

(2) [F124] . . . the number of penalty points to be attributed to the offence of which he is convicted is—

(a) the number of penalty points to be attributed to that offence under section **[**[F125]28**]**of this Act apart from this section, less

(b) the number of penalty points required to be endorsed on **[**[F126]the counterpart of**]** his licence **[**[F127]or on his driving record**]** under section 57 **[**[F128], 57A, 77 or 77A**]** of this Act in respect of the connected offence **[**[F129](except so far as they have already been deducted by virtue of this paragraph)**]**.

[F130](3) . . . . . .**]**

Textual Amendments

F119 S. 30 repealed (S.) (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F120 Words in s. 30(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 92(2)**; S.I. 1992/1286, **art. 2**,Sch.

F121 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 5(a)**

F122 Words in s. 30(1)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(2)(a)**; S.I. 2008/3164, art. 4(b)

F123 Words in s. 30(1)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(2)(b)**; S.I. 2008/3164, art. 4(b)

F124 Words in s. 30(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 92(3)(a), **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

F125 Word in s. 30(2)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 92(3)(b)**; S.I. 1992/1286, **art. 2**,Sch.

F126 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 5(b)**

F127 Words in s. 30(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(3)(a)**; S.I. 2008/3164, art. 4(b)

F128 Words in s. 30(2)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(3)(b)**; S.I. 2008/3164, art. 4(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F129 Words in s. 30(2)(b) added (1.7.1992) by Road Traffic Act 1991(c. 40, SIF 107:1), s. 48, Sch. 4 para. 92(3)(c); S.I. 1992/1286, **art. 2**,Sch.

F130 S. 30(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 92(4), **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

31 Court may take particulars endorsed [F131]... into consideration.

[[F132](1) Where a person is convicted of an offence involving obligatory or discretionary disqualification—

(a) any existing endorsement on the counterpart of his licence or on his driving record is prima facie evidence of the matters endorsed, and

(b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.**]**

(2) This section has effect notwithstanding anything in **[**[F133]section 166(1) to (6) of the Criminal Procedure (Scotland) Act 1995**]** (requirements as to notices of penalties and previous convictions).

Textual Amendments

F131 Words in s. 31 heading repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 2 para. 6(3), **Sch. 7(3)**; S.I. 2008/3164, art. 4(b)(c)

F132 S. 31(1) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 6(2)**; S.I. 2008/3164, art. 4(b)

F133 Words in s. 31(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 71(4)**

Modifications etc. (not altering text)

C43 S. 31: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

32 In Scotland, court may take extract from licensing records into account.

(1) Subsections (2) to (5) below apply where a person is convicted in Scotland of an offence involving **[**[F134]obligatory or discretionary disqualification**]**but his licence **[**[F135]and its counterpart are**]** not produced to the court.

(2) The court may, in determining what order to make in pursuance of the conviction, take into consideration (subject to subsection (3) below)—

(a) particulars of any previous conviction or disqualification pertaining to him, and

(b) any penalty points ordered to be endorsed on **[**[F136]the counterpart of**]** any licence held by him which are to be taken into account under section 29 of this Act,

which are specified in a document purporting to be a note of information contained in the records maintained by the Secretary of State in connection with his functions under Part III of the [M21]Road Traffic Act 1988.

(3) If the prosecutor lays before the court such a document as is mentioned in subsection (2) above, the court or the clerk of court must ask the accused if he admits the accuracy of the particulars relating to him contained in the document.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(4) Where the accused admits the accuracy of any particulars, the prosecutor need not adduce evidence in proof of those particulars, and the admission must be entered in the record of the proceedings.

(5) Where the accused does not admit the accuracy of any particulars, the prosecutor must, unless he withdraws those particulars, adduce evidence in proof of them, either then or at any other diet.

(6) This section has effect notwithstanding anything in **[**[F137]section 166(1) to (6) of the Criminal Procedure (Scotland) Act 1995**]** (requirements as to notices of [F138]. . .previous convictions).

Textual Amendments

F134 Words in s. 32(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 94**; S.I. 1992/1286, art. 2, **Sch.**

F135 Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 7(a)**

F136 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 7(b)**

F137 Words in s. 32(6) substituted (1.4.1996) by 1995 c. 40, s. 5, 7(2), **sch. 4 para. 71(5)**

F138 Words in s. 32(6) repealed (31.3.1996) by 1995 c. 20, s. 117, **Sch. 6 Pt. I**, para. 173(b); S.I. 1996/517, **art. 3(2)**

Modifications etc. (not altering text)

C44 S. 32: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

Marginal Citations

M21 1988 c. 52.

Fine and imprisonment

33 Fine and imprisonment.

(1) Where a person is convicted of an offence against a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or regulations made under any such provision, the maximum punishment by way of fine or imprisonment which may be imposed on him is that shown in column 4 against the offence and (where appropriate) the circumstances or the mode of trial there specified.

(2) Any reference in column 4 of that Part to a period of years or months is to be construed as a reference to a term of imprisonment of that duration.

[[F139]33A Forfeiture of vehicles: Scotland.

(1) Where a person commits an offence to which this subsection applies by—

(a) driving, attempting to drive, or being in charge of a vehicle; or

(b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(c) failing, as the driver of a vehicle, to comply with subsections (2) and (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),

the court may, on an application under this subsection, make an order forfeiting the vehicle concerned; and any vehicle forfeited under this subsection shall be disposed of as the court may direct.

(2) Subsection (1) above applies—

(a) to an offence under the Road Traffic Act 1988 which is punishable with imprisonment; and

(b) to an offence of culpable homicide.

(3) An application under subsection (1) above shall be at the instance of the prosecutor made when he moves for sentence (or, if the person has been remitted for sentence under section 195 of the Criminal Procedure (Scotland) Act 1995) made before sentence is pronounced.

(4) Where—

(a) the court is satisfied, on an application under this subsection by the prosecutor—

(i) that proceedings have been, or are likely to be, instituted against a person in Scotland for an offence to which subsection (1) above applies allegedly committed in the manner specified in paragraph (a), (b) or (c) of that subsection; and

(ii) that there is reasonable cause to believe that a vehicle specified in the application is to be found in a place or in premises so specified; and

(b) it appears to the court that there are reasonable grounds for thinking that in the event of the person being convicted of the offence an order under subsection (1) above might be made in relation to the vehicle,

the court may grant a warrant authorising a person named therein to enter and search the place or premises and seize the vehicle.

(5) Where the court has made an order under subsection (1) above for the forfeiture of a vehicle, the court or any justice may, if satisfied on evidence on oath—

(a) that there is reasonable cause to believe that the vehicle is to be found in any place or premises; and

(b) that admission to the place or premises has been refused or that a refusal of such admission is apprehended,

issue a warrant of search which may be executed according to law.

(6) In relation to summary proceedings, the reference in subsection (5) above to a justice includes a reference to the sheriff and to a magistrate.

(7) Part II of the Proceeds of Crime (Scotland) Act 1995 shall not apply in respect of a vehicle in relation to which this section applies.

(8) This section extends to Scotland only.**]**

Textual Amendments

F139 S. 33A inserted (1.4.1996) by 1995 c. 40, s. 5, 7(2), **Sch. 4 para. 71(6)**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Disqualification

34 Disqualification for certain offences.

(1) Where a person is convicted of an offence involving obligatory disqualification, the court must order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

[F140][(1A) Where a person is convicted of an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking), the fact that he did not drive the vehicle in question at any particular time or at all shall not be regarded as a special reason for the purposes of subsection (1) above.]

[F141][(2) Where a person is convicted of an offence involving discretionary disqualification, and either—

(a) the penalty points to be taken into account on that occasion number fewer than twelve, or

(b) the offence is not one involving obligatory endorsement,

the court may order him to be disqualified for such period as the court thinks fit.]

(3) Where a person convicted of an offence under any of the following provisions of the [M22]Road Traffic Act 1988, that is—

[F142][(aa) section 3A (causing death by careless driving when under the influence of drink or drugs),]

(a) section 4(1) (driving or attempting to drive while unfit),

(b) section 5(1)(a) (driving or attempting to drive with excess alcohol), [F143]. . .

(c) section 7(6) (failing to provide a specimen) where that is an offence involving obligatory disqualification,

[[F144](d) section 7A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification;]

has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him as if the reference to twelve months were a reference to three years.

[F145][(4) Subject to subsection (3) above, subsection (1) above shall apply as if the reference to twelve months were a reference to two years—

(a) in relation to a person convicted of—

(i) manslaughter, or in Scotland culpable homicide, or

(ii) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving), or

[F146][(iia) an offence under section 1A of that Act (causing serious injury by dangerous driving), or]

(iii) an offence under section 3A of that Act (causing death by careless driving while under the influence of drink or drugs), and

(b) in relation to a person on whom more than one disqualification for a fixed period of 56 days or more has been imposed within the three years immediately preceding the commission of the offence.

(4A) For the purposes of subsection (4)(b) above there shall be disregarded any disqualification imposed under section 26 of this Act or [[F147]section 147 of the Powers of Criminal Courts (Sentencing) Act 2000]] or section 223A or 436A of the

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) and any disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence.

[[F148](4B) Where a person convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc.) has within the three years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him as if the reference to twelve months were a reference to six months.**]**

(5) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.

[[F149](5A) In relation to Scotland, references in this section to the court include the **[**[F150]justice of the peace court**].]**

(6) This section is subject to section 48 of this Act.

Textual Amendments

F140 S. 34(1A) inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), **s. 3(2)**; S.I. 1992/764, **art. 2**

F141 S. 34(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 29(2)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

F142 S. 34(3)(aa) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 29(3)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

F143 Word in s. 34(3)(b) omitted (1.10.2002) and repealed (*prosp.*) by virtue of 2002 c. 30, ss. 56(3)(a), 107, **Sch. 8**; S.I. 2002/2306, **arts. 2(d)(v)(g)(iii)**

F144 S. 34(3)(d) inserted (1.10.2002) by 2002 c. 30, **s. 56(3)(b)**; S.I. 2002/2306, **art. 2(d)(v)**

F145 S. 34(4)(4A) substituted (1.7.1992) for s. 34(4) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 29(4)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

F146 S. 34(4)(a)(iia) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 5**; S.I. 2012/2770, art. 2(g)

F147 Words in s. 34(4A) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 121**

F148 S. 34(4B) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 25(2)**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(d)

F149 S. 34(5A) inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480), arts. 1(1), **2(1)(b)**

F150 Words in s. 34(5A) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(d)**; S.S.I. 2008/42, art. 3, **sch.**; S.S.I. 2008/192, art. 3, **sch.**; S.S.I. 2008/329, art. 3, **sch.**; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

Modifications etc. (not altering text)

C45 S. 34: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

C46 S. 34(5) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 15(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Marginal Citations
M22 1988 c. 52.

[F151 34A Reduced disqualification period for attendance on courses.

(1) This section applies where—
- (a) a person is convicted of a relevant drink offence or a specified offence by or before a court, and
- (b) the court makes an order under section 34 of this Act disqualifying him for a period of not less than twelve months.

(2) In this section "relevant drink offence" means—
- (a) an offence under paragraph (a) of subsection (1) of section 3A of the Road Traffic Act 1988 (causing death by careless driving when unfit to drive through drink) committed when unfit to drive through drink,
- (b) an offence under paragraph (b) of that subsection (causing death by careless driving with excess alcohol),
- (c) an offence under paragraph (c) of that subsection (failing to provide a specimen) where the specimen is required in connection with drink or consumption of alcohol,
- (d) an offence under section 4 of that Act (driving or being in charge when under influence of drink) committed by reason of unfitness through drink,
- (e) an offence under section 5(1) of that Act (driving or being in charge with excess alcohol),
- (f) an offence under section 7(6) of that Act (failing to provide a specimen) committed in the course of an investigation into an offence within any of the preceding paragraphs, or
- (g) an offence under section 7A(6) of that Act (failing to allow a specimen to be subjected to a laboratory test) in the course of an investigation into an offence within any of the preceding paragraphs.

(3) In this section "specified offence" means—
- (a) an offence under section 3 of the Road Traffic Act 1988 (careless, and inconsiderate, driving),
- (b) an offence under section 36 of that Act (failing to comply with traffic signs),
- (c) an offence under section 17(4) of the Road Traffic Regulation Act 1984 (use of special road contrary to scheme or regulations), or
- (d) an offence under section 89(1) of that Act (exceeding speed limit).

(4) But the Secretary of State may by regulations amend subsection (3) above by adding other offences or removing offences.

(5) Where this section applies, the court may make an order that the period of disqualification imposed under section 34 of this Act ("the unreduced period") shall be reduced if, by the relevant date, the offender satisfactorily completes an approved course specified in the order.

(6) In subsection (5) above—

"an approved course" means a course approved by the appropriate national authority for the purposes of this section in relation to the description of offence of which the offender is convicted, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

"the relevant date" means such date, at least two months before the last day of the period of disqualification as reduced by the order, as is specified in the order.

(7) The reduction made in a period of disqualification by an order under this section is a period specified in the order of—

(a) not less than three months, and

(b) not more than one quarter of the unreduced period,

(and, accordingly, where the unreduced period is twelve months, the reduced period is nine months).

(8) A court shall not make an order under this section in the case of an offender convicted of a specified offence if—

(a) the offender has, during the period of three years ending with the date on which the offence was committed, committed a specified offence and successfully completed an approved course pursuant to an order made under this section or section 30A of this Act on conviction of that offence, or

(b) the specified offence was committed during his probationary period.

(9) A court shall not make an order under this section in the case of an offender unless—

(a) the court is satisfied that a place on the course specified in the order will be available for the offender,

(b) the offender appears to the court to be of or over the age of 17,

(c) the court has informed the offender (orally or in writing and in ordinary language) of the effect of the order and of the amount of the fees which he is required to pay for the course and when he must pay them, and

(d) the offender has agreed that the order should be made.**]**

Textual Amendments

F151 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes) by Road Safety Act 2006 (c. 49), ss. 35, 61(1)(10); S.I. 2012/2938, art. 2(1)(a) (with art. 3)

[[F151]34BCertificates of completion of courses.

(1) An offender shall be regarded for the purposes of section 34A of this Act as having completed a course satisfactorily if (and only if) a certificate that he has done so is received by the proper officer of the supervising court before the end of the unreduced period.

(2) If a certificate under subsection (1) above is so received before the end of the unreduced period but after the end of the period which would (apart from this subsection) be the reduced period, the reduced period is to be taken to end with the day on which the certificate is so received.

(3) A certificate under subsection (1) above is to be given by the course provider and shall be in such form, and contain such particulars, as may be prescribed by, or determined in accordance with, regulations made by the appropriate national authority.

(4) A course provider must give a certificate under subsection (1) above to the offender not later than fourteen days after the date specified in the order as the latest date for the completion of the course unless the offender—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) fails to make due payment of fees for the course,

(b) fails to attend the course in accordance with the course provider's reasonable instructions, or

(c) fails to comply with any other reasonable requirement of the course provider.

(5) Where a course provider decides not to give a certificate under subsection (1) above to the offender, he shall give written notice of the decision to the offender as soon as possible, and in any event not later than fourteen days after the date specified in the order as the latest date for completion of the course.

(6) An offender to whom a notice is given under subsection (5) above may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider's decision not to give a certificate under subsection (1) above was contrary to subsection (4) above.

(7) If the court grants the application, section 34A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(8) If fourteen days after the date specified in the order as the latest date for completion of the course the course provider has given neither a certificate under subsection (1) above nor a notice under subsection (5) above, the offender may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider is in default.

(9) If the court grants the application, section 34A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(10) A notice under subsection (5) above shall specify the ground on which it is given; and the appropriate national authority may by regulations make provision as to the form of notices under that subsection and as to the circumstances in which they are to be treated as given.

(11) Where the proper officer of a court receives a certificate under subsection (1) above, or a court grants an application under subsection (6) or (8) above, the proper officer or court must send notice of that fact to the Secretary of State; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.**]**

Textual Amendments

F151 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes) by Road Safety Act 2006 (c. 49), ss. 35, 61(1)(10); S.I. 2012/2938, art. 2(1)(a) (with art. 3)

[F151 34BA Approval of courses

(1) If an application is made to the appropriate national authority for the approval of a course for the purposes of section 34A of this Act, the appropriate national authority must decide whether to grant or refuse the application.

(2) In reaching that decision the appropriate national authority must have regard to—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) the nature of the course, and

(b) whether the course provider is an appropriate person to provide the course and administer its provision efficiently and effectively,

and may take into account any recommendations made by any persons appointed to consider the application.

(3) A course may be approved subject to conditions specified by the appropriate national authority.

(4) An approval of a course is for the period specified by the appropriate national authority (which must not exceed seven years), subject to withdrawal of approval.

(5) Regulations made by the appropriate national authority may make provision in relation to the approval of courses and may, in particular, include provision—

(a) in relation to the making of applications for approval,

(b) for the payment in respect of applications for approval, or of approvals, (or of both) of fees of such amounts as are prescribed by the regulations,

(c) specifying the maximum fees that a person may be required to pay for a course and by when they are to be paid,

(d) for the monitoring of courses and course providers,

(e) in relation to withdrawing approval,

(f) for an appeal to lie to the **[**[F152]First-tier Tribunal**]** against a refusal of an application for approval, the imposition of conditions on the grant of such an application or the withdrawal of approval, and

(g) authorising the appropriate national authority to make available (with or without charge) information about courses and course providers.**]**

Textual Amendments

F151 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes) by Road Safety Act 2006 (c. 49), ss. 35, 61(1)(10); S.I. 2012/2938, art. 2(1)(a) (with art. 3)

F152 Words in s. 34BA(5)(f) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order (2009 SI1885), art. 1(1), Sch. 1 para. 16

[[F151]34CProvisions supplementary to sections 34A and 34B.

(1) The appropriate national authority may issue guidance to course providers, or to any category of course provider, as to the conduct of courses approved for the purposes of section 34A of this Act; and—

(a) course providers shall have regard to any guidance given to them under this subsection, and

(b) in determining for the purposes of section 34B of this Act whether any instructions or requirements of a course provider were reasonable, a court shall have regard to any guidance given to him under this subsection.

(2) The Secretary of State may by regulations make provision—

(a) amending section 34A(1)(b) of this Act by substituting for the period for the time being specified there a different period,

(b) amending section 34A(7) of this Act by substituting for the period for the time being specified there a different period, or by substituting for the fraction of

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

the unreduced period for the time being specified there a different fraction of that period, (or by doing both), or

(c) amending section 34A(8)(a) of this Act by substituting for the period for the time being specified there a different period.

(3) In sections 34A to 34BA of this Act and this section—

"appropriate national authority" means (as respects Wales) the National Assembly for Wales and (otherwise) the Secretary of State;

"course provider", in relation to a course, means the person by whom it is, or is to be, provided;

"probationary period" has the meaning given in section 1 of the Road Traffic (New Drivers) Act 1995;

"proper officer" means—

(a) in relation to a magistrates' court in England and Wales, the designated officer for the court, and

(b) otherwise, the clerk of the court;

"relevant local court", in relation to an order under section 34A of this Act in the case of an offender, means—

(a) in England and Wales, a magistrates' court acting for the local justice area in which the offender resides, and

(b) in Scotland, the sheriff court for the district where the offender resides or, where the order is made by a stipendiary magistrate and the offender resides within his commission area, the district court for that area; and

"supervising court", in relation to an order under section 34A of this Act, means—

(a) in England and Wales, if the Crown Court made the order the Crown Court and otherwise a magistrates' court acting for the same local justice area as the court which made the order, and

(b) in Scotland, the court which made the order.

(4) Any power to make regulations under section 34A, 34B or 34BA of this Act or this section includes power to make different provision for different cases, and to make such incidental or supplementary provision as appears necessary or appropriate.

(5) Any power to make regulations under section 34A, 34B or 34BA of this Act or this section shall be exercisable by statutory instrument.

(6) No regulations shall be made under section 34A of this Act or this section unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing regulations made under section 34B or 34BA of this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F151 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes) by Road Safety Act 2006 (c. 49), ss. 35, 61(1)(10); S.I. 2012/2938, art. 2(1)(a) (with art. 3)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Modifications etc. (not altering text)

C47 Ss. 34 - 48: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5)))

C48 S. 34C: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

35 Disqualification for repeated offences.

(1) Where—

(a) a person is convicted of an offence **[**[F153]to which this subsection applies**]**, and

(b) the penalty points to be taken into account on that occasion number twelve or more,

the court must order him to be disqualified for not less than the minimum period unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

[F154]**[**(1A) Subsection (1) above applies to—

(a) an offence involving discretionary disqualification and obligatory endorsement, and

(b) an offence involving obligatory disqualification in respect of which no order is made under section 34 of this Act.**]**

(2) The minimum period referred to in subsection (1) above is—

(a) six months if no previous disqualification imposed on the offender is to be taken into account, and

(b) one year if one, and two years if more than one, such disqualification is to be taken into account;

and a previous disqualification imposed on an offender is to be taken into account if it **[**[F155]was for a fixed period of 56 days or more and was imposed**]** within the three years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under section 29 of this Act.

(3) Where an offender is convicted on the same occasion of more than one offence **[**[F156]to which subsection (1) above applies**]**—

(a) not more than one disqualification shall be imposed on him under subsection (1) above,

(b) in determining the period of the disqualification the court must take into account all the offences, and

(c) for the purposes of any appeal any disqualification imposed under subsection (1) above shall be treated as an order made on the conviction of each of the offences.

(4) No account is to be taken under subsection (1) above of any of the following circumstances—

(a) any circumstances that are alleged to make the offence or any of the offences not a serious one,

(b) hardship, other than exceptional hardship, or

(c) any circumstances which, within the three years immediately preceding the conviction, have been taken into account under that subsection in ordering

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

the offender to be disqualified for a shorter period or not ordering him to be disqualified.

(5) References in this section to disqualification do not include a disqualification imposed under section 26 of this Act or **[**[F157]section 147 of the Powers of Criminal Courts (Sentencing) Act 2000**][**[F158]or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) or a disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence**]**.

[F159]**[**(5A) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling, procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.**]**

(6) In relation to Scotland, references in this section to the court include the **[**[F160]justice of the peace court**]**.

(7) This section is subject to section 48 of this Act.

Textual Amendments

F153 Words in s. 35(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F154 S. 35(1A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(3)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F155 Words in s. 35(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(4)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F156 Words in s. 35(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(5)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F157 Words in s. 35(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 122**

F158 Words in s. 35(5) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(6)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F159 S. 35(5A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(7)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F160 Words in s. 35(6) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(d)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

Modifications etc. (not altering text)

C49 S. 35: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))).

C50 S. 35(5A) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 15(c)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

[F161]**[36 Disqualification until test is passed.**

(1) Where this subsection applies to a person the court must order him to be disqualified until he passes the appropriate driving test.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(2) Subsection (1) above applies to a person who is disqualified under section 34 of this Act on conviction of—

(a) manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle, or

(b) an offence under section 1 (causing death by dangerous driving) **[**[F162], section 1A (causing serious injury by dangerous driving)**]** or section 2 (dangerous driving) of the Road Traffic Act 1988.

(3) Subsection (1) above also applies—

(a) to a person who is disqualified under section 34 or 35 of this Act in such circumstances or for such period as the Secretary of State may by order prescribe, or

(b) to such other persons convicted of such offences involving obligatory endorsement as may be so prescribed.

(4) Where a person to whom subsection (1) above does not apply is convicted of an offence involving obligatory endorsement, the court may order him to be disqualified until he passes the appropriate driving test (whether or not he has previously passed any test).

(5) In this section—

" appropriate driving test " means—

(a) an extended driving test, where a person is convicted of an offence involving obligatory disqualification or is disqualified under section 35 of this Act,

(b) a test of competence to drive, other than an extended driving test, in any other case,

" extended driving test " means a test of competence to drive prescribed for the purposes of this section, and

" test of competence to drive " means a test prescribed by virtue of section 89(3) of the Road Traffic Act 1988.

(6) In determining whether to make an order under subsection (4) above, the court shall have regard to the safety of road users.

(7) Where a person is disqualified until he passes the extended driving test—

(a) any earlier order under this section shall cease to have effect, and

(b) a court shall not make a further order under this section while he is so disqualified.

(8) Subject to subsection (9) below, a disqualification by virtue of an order under this section shall be deemed to have expired on production to the Secretary of State of evidence, in such form as may be prescribed by regulations under section 105 of the Road Traffic Act 1988, that the person disqualified has passed the test in question since the order was made.

(9) A disqualification shall be deemed to have expired only in relation to vehicles of such classes as may be prescribed in relation to the test passed by regulations under that section.

(10) Where there is issued to a person a licence on the counterpart of which are endorsed particulars of a disqualification under this section, there shall also be endorsed the particulars of any test of competence to drive that he has passed since the order of disqualification was made.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[Where a person's driving record is endorsed with particulars of a disqualification under [F163](10A) this section, it shall also be endorsed with the particulars of any test of competence to drive that he has passed since the order of disqualification was made.**]**

(11) For the purposes of an order under this section, a person shall be treated as having passed a test of competence to drive other than an extended driving test if he passes a corresponding test conducted—

(a) under the law of Northern Ireland, the Isle of Man, any of the Channel Islands, another **[**[F164]EEA State**]**, Gibraltar or a designated country or territory [F165]. . ., or

(b) for the purposes of obtaining a British Forces licence (as defined by section 88(8) of **[**[F166]the Road Traffic Act 1988**]**);

and accordingly subsections (8) to (10) above shall apply in relation to such a test as they apply in relation to a test prescribed by virtue of section 89(3) of that Act.

[For the purposes of subsection (11) above, "designated country or territory" means a [F167](11A) country or territory designated by order under section 108(2) of the Road Traffic Act 1988 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in section 108(1) of that Act.**]**

(12) This section is subject to section 48 of this Act.

(13) The power to make an order under subsection (3) above shall be exercisable by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

(14) The Secretary of State shall not make an order under subsection (3) above after the end of 2001 if he has not previously made such an order.**]**

Textual Amendments

F161 S. 36 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 32**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F162 Words in s. 36(2)(b) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 6**; S.I. 2012/2770, art. 2(g)

F163 S. 36(10A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 7**; S.I. 2008/3164, art. 4(b)

F164 Words in s. 36 substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 3(2)(a)**

F165 Words in s. 36(11)(a) repealed by virtue of S.I. 1996/1974, reg. 3, **Sch. 2**, para. 3(2)(b)

F166 Words in s. 36(11)(b) substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 3(3)**

F167 S. 36(11A) substituted (31.8.1998) by 1998/1917, art. 3

Modifications etc. (not altering text)

C51 S. 36: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))).

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

37 Effect of order of disqualification.

(1) Where the holder of a licence is disqualified by an order of a court, the licence shall be treated as being revoked with effect from the beginning of the period of disqualification.

[F168][(1A) Where—

(a) the disqualification is for a fixed period shorter than 56 days in respect of an offence involving obligatory endorsement, or

(b) the order is made under section 26 of this Act,

subsection (1) above shall not prevent the licence from again having effect at the end of the period of disqualification.]

(2) Where the holder of the licence appeals against the order and the disqualification is suspended under section 39 of this Act, the period of disqualification shall be treated for the purpose of subsection (1) above as beginning on the day on which the disqualification ceases to be suspended.

(3) Notwithstanding anything in Part III of the Road Traffic Act 1988, a person disqualified by an order of a court under section [[F169]36] of this Act is (unless he is also disqualified otherwise than by virtue of such an order) entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

Textual Amendments

F168 S. 37(1A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 33**; S.I. 1992/1286, **art. 2**,Sch. (with art. 6(5))

F169 Word in s. 37(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 96**; S.I. 1992/1286, **art. 2**,Sch. (with art. 6(5))

Modifications etc. (not altering text)

C52 S. 37: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch. (with art. 6(5))).

C53 Ss. 36(4), 37(3) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(5)**

38 Appeal against disqualification.

(1) A person disqualified by an order of a magistrates' court under section 34 or 35 of this Act may appeal against the order in the same manner as against a conviction.

(2) A person disqualified by an order of a court in Scotland may appeal against the order in the same manner as against a sentence.

Modifications etc. (not altering text)

C54 S. 38: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

39 Suspension of disqualification pending appeal.

(1) Any court in England and Wales (whether a magistrates' court or another) which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(2) The court by or before which a person disqualified by an order of a court in Scotland was convicted may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(3) Where a court exercises its power under subsection (1) or (2) above, it must send notice of the suspension to the Secretary of State.

(4) The notice must be sent in such manner and to such address and must contain such particulars as the Secretary of State may determine.

Modifications etc. (not altering text)

C55 S. 39: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

40 Power of appellate courts in England and Wales to suspend disqualification.

(1) This section applies where a person has been convicted by or before a court in England and Wales of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section—

(a) any reference to a person ordered to be disqualified is to be construed as a reference to a person so convicted and so ordered to be disqualified, and

(b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.

(2) Where a person ordered to be disqualified—

(a) appeals to the Crown Court, or

(b) appeals or applies for leave to appeal to the Court of Appeal,

against his conviction or his sentence, the Crown Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(3) Where a person ordered to be disqualified has appealed or applied for leave to appeal to the **[**[F170]Senior Courts**]** —

(a) under section 1 of the [M23]Administration of Justice Act 1960 from any decision of a Divisional Court of the Queen's Bench Division which is material to his conviction or sentence, or

(b) under section 33 of the [M24]Criminal Appeal Act 1968 from any decision of the Court of Appeal which is material to his conviction or sentence,

the Divisional Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(4) Where a person ordered to be disqualified makes an application in respect of the decision of the court in question under section 111 of the [M25]Magistrates' Courts Act 1980 (statement of case by magistrates' court) or section 28 of the **[**[F171]Senior Courts

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Act 1981**]** (statement of case by Crown Court) the High Court may, if it thinks fit, suspend the disqualification.

(5) Where a person ordered to be disqualified—

(a) applies to the High Court for an order of certiorari to remove into the High Court any proceedings of a magistrates' court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or

(b) applies to the High Court for leave to make such an application,

the High Court may, if it thinks fit, suspend the disqualification.

(6) Any power of a court under the preceding provisions of this section to suspend the disqualification of any person is a power to do so on such terms as the court thinks fit.

(7) Where, by virtue of this section, a court suspends the disqualification of any person, it must send notice of the suspension to the Secretary of State.

(8) The notice must be sent in such manner and to such address and must contain such particulars as the Secretary of State may determine.

Textual Amendments

F170 Words in s. 40(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 50**; S.I. 2009/1604, art. 2(d); and said amended words subsequently substituted on the same date by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 4**; S.I. 2009/1604, art. 2(d)

F171 Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

C56 S. 40: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Marginal Citations

M23 1960 c. 65.

M24 1968 c. 19.

M25 1980 c. 43.

41 Power of High Court of Justiciary to suspend disqualification.

(1) This section applies where a person has been convicted by or before a court in Scotland of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section—

(a) any reference to a person ordered to be disqualified is to be construed as a reference to a person so convicted and so ordered to be disqualified, and

(b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.

(2) Where a person ordered to be disqualified appeals to the High Court of Justiciary, whether on appeal against a summary conviction or a conviction on indictment or his

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

sentence, the court may, if it thinks fit, suspend the disqualification on such terms as it thinks fit.

The powers conferred by this subsection on the court may be exercised by any single judge of the court.

(3) Where, by virtue of this section, the High Court suspends the disqualification of any person, it must send notice of the suspension to the Secretary of State.

(4) The notice must be sent in such manner and to such address and must contain such particulars as the Secretary of State may determine.

Modifications etc. (not altering text)

C57 S. 41: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

F172[41A Suspension of disqualification pending determination of applications under section 34B.

(1) Where a person makes an application to a court under section 34B of this Act, the court may suspend the disqualification to which the application relates pending the determination of the application.

(2) Where a court exercises its power under subsection (1) above it must send notice of the suspension to the Secretary of State.

(3) The notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.**]**

Textual Amendments

F172 S. 41A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.97**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C58 Ss. 34 - 48: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)

42 Removal of disqualification.

(1) Subject to the provisions of this section, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification.

(2) On any such application the court may, as it thinks proper having regard to—

(a) the character of the person disqualified and his conduct subsequent to the order,

(b) the nature of the offence, and

(c) any other circumstances of the case,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(3) No application shall be made under subsection (1) above for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is—

(a) two years, if the disqualification is for less than four years,

(b) one half of the period of disqualification, if it is for less than ten years but not less than four years,

(c) five years in any other case;

and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(4) Where an application under subsection (1) above is refused, a further application under that subsection shall not be entertained if made within three months after the date of the refusal.

(5) If under this section a court orders a disqualification to be removed, the court—

[[F173](a) must—

(i) if particulars of the disqualification were previously endorsed on the counterpart of any licence previously held by the applicant, cause particulars of the order to be endorsed on that counterpart, and

(ii) if particulars of the disqualification were previously endorsed on the driving record of the applicant, send notice of the order to the Secretary of State,**]**

(b) may in any case order the applicant to pay the whole or any part of the costs of the application.

[F174]**[**(5A) Subsection **[**[F175](5)(a)(i)**]** above shall apply only where the disqualification was imposed in respect of an offence involving obligatory endorsement; and in any other case the court must send notice of the order made under this section to the Secretary of State.

[F176](5AA) **[** If the disqualification was imposed in respect of an offence involving obligatory endorsement, the Secretary of State must, on receiving notice of an order under subsection (5)(a)(ii) above, make any necessary adjustments to the endorsements on the person's driving record to reflect the order.**]**

(5B) A notice under subsection **[**[F177](5)(a)(ii) or**]** (5A) above must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.**]**

(6) The preceding provisions of this section shall not apply where the disqualification was imposed by order under section 36(1) of this Act.

Textual Amendments

F173 S. 42(5)(a) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 8(2)**; S.I. 2008/3164, art. 4(b)

F174 S. 42(5A)(5B) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.98**; S.I. 1992/1286, **art. 2**,Sch.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F175 Word in s. 42(5A) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 8(3)**; S.I. 2008/3164, art. 4(b)

F176 S. 42(5AA) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 8(4)**; S.I. 2008/3164, art. 4(b)

F177 Words in s. 42(5B) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 8(5)**; S.I. 2008/3164, art. 4(b)

Modifications etc. (not altering text)

C59 S. 42 modified by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(6)**

C60 S. 42: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)

C61 S. 42(5) excluded by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 44(3)**(*b*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 11(c)**)

C62 S. 42(5) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
S. 42(5) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(c)**

C63 S. 42(6) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(5)**

43 Rule for determining end of period of disqualification.

In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Modifications etc. (not altering text)

C64 S. 43: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Endorsement

44 [F178Orders for endorsement]

(1) Where a person is convicted of an offence involving obligatory endorsement, the court must order there to be endorsed on **[**F179the counterpart of**]** any licence held by him particulars of the conviction and also—

(a) if the court orders him to be disqualified, particulars of the disqualification, or

(b) if the court does not order him to be disqualified—

(i) particulars of the offence, including the date when it was committed, and

(ii) the penalty points to be attributed to the offence.

(2) Where the court does not order the person convicted to be disqualified, it need not make an order under subsection (1) above if for special reasons it thinks fit not to do so.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(3) In relation to Scotland, references in this section to the court include the **[**[F180]justice of the peace court**]**.

[[F181](3A) Where a person who is not the holder of a licence is convicted of an offence involving obligatory endorsement, subsection (1) above applies as if the reference to the counterpart of any licence held by him were a reference to his driving record**]**

(4) This section is subject to section 48 of this Act.

Textual Amendments

F178 S. 44 heading substituted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(2)(b)**, 61(1)(8)(10); S.I. 2008/3164, art. 4(b)

F179 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 10**

F180 Words in s. 44(3) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(d)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

F181 S. 44(3A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(2)(a)**, 61(1)(8)(10); S.I. 2008/3164, art. 4(b)

Modifications etc. (not altering text)

C65 S. 44: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

[[F182]44A Endorsement of driving record in accordance with order

(1) Where the court orders the endorsement of a person's driving record with any particulars or penalty points it must send notice of the order to the Secretary of State.

(2) On receiving the notice, the Secretary of State must endorse those particulars or penalty points on the person's driving record.

(3) A notice sent by the court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may require.**]**

Textual Amendments

F182 S. 44A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(3)**, 61(1)(8)(10); S.I. 2008/3164, art. 4(b)

45 Effect of endorsement **[**[F183]of counterparts**]**.

(1) An order that any particulars or penalty points are to be endorsed on **[**[F184]the counterpart of**]** any licence held by the person convicted shall [F185]... operate as an order that **[**[F184]the counterpart of**]** any licence he may then hold or may subsequently obtain is to be so endorsed until he becomes entitled under subsection (4) below to have

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

a licence issued to him **[**[F184]with its counterpart**]** free from the particulars or penalty points.

(2) On the issue of a new licence to a person, any particulars or penalty points ordered to be endorsed on **[**[F186]the counterpart of**]** any licence held by him shall be entered on **[**[F186]the counterpart of**]** the licence unless he has become entitled under subsection (4) below to have a licence issued to him **[**[F186]with its counterpart**]** free from those particulars or penalty points.

(3) . . . . . [F187]

(4) **[**[F188]A person the counterpart of whose licence has been ordered to be endorsed is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if**]**, he applies for a new licence in pursuance of section 97(1) of the [M26]Road Traffic Act 1988, surrenders any subsisting licence **[**[F189]and its counterpart**]**, pays the fee prescribed by regulations under Part III of that Act and satisfies the other requirements of section 97(1).

(5) An endorsement ordered on a person's conviction of an offence remains effective (subject to subsections (6) and (7) below)—

(a) if an order is made for the disqualification of the offender, until four years have elapsed since the conviction, and

(b) if no such order is made, until either—

(i) four years have elapsed since the commission of the offence, or

[F190]**[**(ii) an order is made for the disqualification of the offender under section 35 of this Act**]**

(6) Where the offence was one under section 1 **[**[F191], 1A**]** or 2 of **[**[F192]the Road Traffic Act 1988**]** (causing death by **[**[F193]dangerous**]** driving **[**[F194], causing serious injury by dangerous driving**]** and **[**[F193]dangerous**]** driving), the endorsement remains in any case effective until four years have elapsed since the conviction.

(7) Where the offence was one—

[F195]**[**(a) **[**[F196] under **]** section 3A, 4(1) or 5(1)(a) of that Act (driving offences connected with drink or drugs), [F197] ... **]**

(b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification, **[**[F198]or**]**

[[F198](c) under section 7A(6) of that Act (failing to allow a specimen to be subjected to laboratory test),**]**

the endorsement remains effective until eleven years have elapsed since the conviction.

Textual Amendments

F183 Words in s. 45 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 9(3)**; S.I. 2008/3164, art. 4(b)

F184 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(a)(i)(ii)(iii)**

F185 Words in s. 45(1) repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 2 para. 9(2), **Sch. 7(3)**; S.I. 2008/3164, art. 4(b)(c)

F186 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(b)(i)(ii)(iii)**

F187 S. 45(3) repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 25(a), **Sch. 6**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F188 Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(d)(i)**
F189 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(d)(ii)**
F190 S. 45(5)(b)(ii) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 99(2)**; S.I. 1992/1286, **art. 2**,Sch.
F191 Word in s. 45(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 7(a)**; S.I. 2012/2770, art. 2(g)
F192 Words in s. 45(6) substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(3)(a)**, 61(9)
F193 Word in s. 45(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 99(3)**; S.I. 1992/1286, **art. 2**,Sch.
F194 Words in s. 45(6) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 7(b)**; S.I. 2012/2770, art. 2(g)
F195 S. 45(7)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 99(4)**; S.I. 1992/1286, art. 2, **Sch.**
F196 Word in s. 45(7)(a) inserted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(3)(b)**, 61(9)
F197 Word in s. 45(7)(a) repealed (24.9.2007) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 7(5)**; S.I. 2007/2472, art. 2(n)
F198 S. 45(7)(c) and word inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 14**, 61(1)(10); S.I. 2007/2472, art. 2(a)

Modifications etc. (not altering text)

C66 S. 45: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)
C67 S. 45(5) modified (1.7.1992) by S.I. 1992/1286, **art. 6(4)**

Marginal Citations

M26 1988 c. 52.

[F199 45A Effect of endorsement of driving records

(1) An order that any particulars or penalty points are to be endorsed on a person's driving record shall operate as an order that his driving record is to be so endorsed until the end of the period for which the endorsement remains effective.

(2) At the end of the period for which the endorsement remains effective the Secretary of State must remove the endorsement from the person's driving record.

(3) On the issue of a new licence to a person, any particulars ordered to be endorsed on his driving record shall be entered on the counterpart of the licence unless he has become entitled under subsection (4) below to have a licence issued to him with its counterpart free from those particulars or penalty points.

(4) A person the counterpart of whose licence has been endorsed under subsection (3) above is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if he applies for a new licence in pursuance of section 97(1) of the Road Traffic Act 1988, surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part 3 of that Act and satisfies the other requirements of section 97(1).

(5) The period for which an endorsement remains effective is determined in accordance with section 45(5) to (7) of this Act.]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F199 S. 45A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 10**; S.I. 2008/3164, art. 4(b)

General

46 Combination of disqualification and endorsement with probation orders and orders for discharge. E+W

(1) Notwithstanding anything in **[**[F200]section 14(3) of the Powers of Criminal Courts (Sentencing) Act 2000**]** (conviction of offender [F201]. . . discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England and Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes—

[F202](a) . . . . . .

(b) an order discharging him absolutely or conditionally,

may on that occasion also exercise any power conferred, and must also discharge any duty imposed, on the court by sections 34, 35, 36 **[**[F203], 44 or 44A**]** of this Act.

(2) A conviction—

(a) in respect of which a court in England and Wales has ordered a person to be disqualified, or

(b) of which particulars have been endorsed on **[**[F204]the counterpart of**]** any licence held by him **[**[F205]or on his driving record**]** ,

is to be taken into account, notwithstanding anything in **[**[F206]section 14(1) of the Powers of Criminal Courts (Sentencing) Act 2000**]** (conviction of offender [F207]. . . discharged to be disregarded for the purpose of subsequent proceedings), in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

(3) Where—

(a) a person is charged in Scotland with an offence involving obligatory or discretionary disqualification, and

(b) the court makes an order in respect of the offence under **[**[F208]section 228 (probation) or 246(2) or (3) (absolute discharge) of the Criminal Procedure (Scotland) Act 1995**]**

then, for the purposes of sections 34, 35, 36, 44 **[**[F209], 45 and 45A**]** of this Act, he shall be treated as if he had been convicted of an offence of the kind in question and **[**[F210]section 247 of that Act shall not apply**]**.

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

F200 Words in s. 46(1) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 123(2)**

F201 Words in s. 46(1) repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, 39:1), ss. 100, 101(2), Sch. 11 para. 38(1), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F202 S. 46(1)(a) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 54, **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(22), 44(4)(h) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F203 Words in s. 46(1) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(2)**; S.I. 2008/3164, art. 4(b)

F204 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 12**

F205 Words in s. 46(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(3)**; S.I. 2008/3164, art. 4(b)

F206 Words in s. 46(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 123(3)**

F207 Words in s. 46(2) repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, 101(2), Sch. 11 para. 38(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F208 Words in s. 46(3)(b) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)(a)**

F209 Words in s. 46(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(4)**; S.I. 2008/3164, art. 4(b)

F210 Words in s. 46 substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)(b)**

Modifications etc. (not altering text)

C68 S. 46: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

46 Combination of disqualification and endorsement with probation orders and orders for discharge. S

(1) Notwithstanding anything in section 13(3) of the [M48]Powers of Criminal Courts Act 1973 (conviction of offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England and Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes—

[F202](a) . . . . . .

(b) an order discharging him absolutely or conditionally,

may on that occasion also exercise any power conferred, and must also discharge any duty imposed, on the court by sections 34, 35, 36 **[**[F203], 44 or 44A**]** of this Act.

(2) A conviction—

(a) in respect of which a court in England and Wales has ordered a person to be disqualified, or

(b) of which particulars have been endorsed on **[**[F670]the counterpart of**]** any licence held by him **[**[F205]or on his driving record**]**

is to be taken into account, notwithstanding anything in section 13(1) of the Powers of Criminal Courts Act 1973 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

(3) Where—

(a) a person is charged in Scotland with an offence involving obligatory or discretionary disqualification, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) the court makes an order in respect of the offence under **[**F671F672... 246(2) or (3) (absolute discharge) of the Criminal Procedure (Scotland) Act 1995**]**

then, for the purposes of sections 34, 35, 36, 44**[**F209, 45 and 45A**]** and 45 of this Act, he shall be treated as if he had been convicted of an offence of the kind in question and **[**F673section 247 of that Act shall not apply**]**.

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

F202 S. 46(1)(a) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 54, **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(22), 44(4)(h) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F203 Words in s. 46(1) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(2)**; S.I. 2008/3164, art. 4(b)

F205 Words in s. 46(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(3)**; S.I. 2008/3164, art. 4(b)

F209 Words in s. 46(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(4)**; S.I. 2008/3164, art. 4(b)

F670 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 12**

F671 Words in s. 46(3)(b) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)(a)**

F672 Words in s. 46(3)(b) repealed (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 2 para. 37**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

F673 Words in s. 46(7) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)**

Modifications etc. (not altering text)

C88 S. 46: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

Marginal Citations

M48 1973 c. 62.

47 Supplementary provisions as to disqualifications and endorsements.

(1) In any case where a court exercises its power under section 34, 35 or 44 of this Act not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it must state the grounds for doing so in open court and, if it is a magistrates' court or, in Scotland, a court of summary jurisdiction, must cause them to be entered in the register (in Scotland, record) of its proceedings.

(2) Where a court orders the endorsement of **[**F211the counterpart of**]** any licence held by a person it may **[**F212, and where a court orders the holder of a licence to be disqualified for a period of 56 days or more it must,**]**, send the **[**F213licence and its counterpart, on their**]** being produced to the court, to the Secretary of State; and if the court orders the endorsement but does not send the licence **[**F211and its counterpart**]** to the Secretary of State it must send him notice of the endorsement.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[[F214](2A) Subsection (2) above is subject to section 2(2) of and paragraph 7(2) of Schedule 1 to the Road Traffic (New Drivers) Act 1995 (obligation of court to send licence and its counterpart to the Secretary of State).**]**

(3) Where on an appeal against **[**[F215]an order for the endorsement of a licence **[**[F216]or a driving record**]** or the disqualification of a person**]** the appeal is allowed, the court by which the appeal is allowed must send notice of that fact to the Secretary of State.

[[F217](3A) On receiving such a notice in relation to a person who is not the holder of a licence, the Secretary of State must make any necessary adjustments to the endorsements on the person's driving record to reflect the outcome of the appeal.**]**

(4) A notice sent by a court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine, and a licence **[**[F218]and the counterpart of a licence**]** so sent in pursuance of this section must be sent to such address as the Secretary of State may determine.

Textual Amendments

F211 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 13(a)(i)(ii)(iii)**

F212 Words in s. 47(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 100(2)**; S.I. 1992/1286, art. 2, **Sch.**

F213 Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 13(a)(i)(ii)(iii)**

F214 S. 47(2A) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 4** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

F215 Words in s. 47(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 100(3)**; S.I. 1992/1286, art. 2, **Sch.**

F216 Words in s. 47(3) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 12(2)**; S.I. 2008/3164, art. 4(b)

F217 S. 47(3A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 12(3)**; S.I. 2008/3164, art. 4(b)

F218 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 13(b)**

Modifications etc. (not altering text)

C69 S. 47: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).
S. 47 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(d)**

C70 S. 47(2) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

C71 S. 47(4) applied by Criminal Justice Act 1972 (c. 71, SIF 39:1), **s. 24(3)(b)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 10(b)**)

C72 S. 47(4) applied by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 44(3)**(*b*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 11(c)**)

[F219]**[48 Exemption from disqualification and endorsement for certain construction and use offences.**

(1) Where a person is convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) the court must not—

(a) order him to be disqualified, or

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him **[**[F220]or on his driving record**]** ,

if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.

(2) Where a person is convicted of an offence under section 41A of the Road Traffic Act 1988 (breach of requirement as to brakes, steering-gear or tyres) the court must not—

(a) order him to be disqualified, or

(b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him **[**[F220]or on his driving record**]** ,

if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.

(3) In relation to licences which came into force before 1st June 1990, the references in subsections (1) and (2) above to the counterpart of a licence shall be construed as references to the licence itself.**]**

Textual Amendments

F219 S. 48 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.101**; S.I. 1992/1286, **art. 2**,Sch.

F220 Words in s. 48(1)(b)(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 13**; S.I. 2008/3164, art. 4(b)

Modifications etc. (not altering text)

C73 S. 48: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

49 Offender escaping consequences of endorseable offence by deception.

(1) This section applies where in dealing with a person convicted of an offence involving obligatory endorsement a court was deceived regarding any circumstances that were or might have been taken into account in deciding whether or for how long to disqualify him.

(2) If—

(a) the deception constituted or was due to an offence committed by that person, and

(b) he is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties regarding an order for disqualification as had the court which dealt with him for the offence involving obligatory endorsement but must, in dealing with him, take into account any order made on his conviction of the offence involving obligatory endorsement.

50 Powers of district court in Scotland.

Nothing in section 10 of this Act empowers a district court in Scotland in respect of any offence—

(a) to impose—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(i) a penalty of imprisonment which exceeds sixty days, or
(ii) a fine which exceeds level 4 on the standard scale, [F221]...

[F221](b) . . . . . .

Textual Amendments

F221 S. 50(b) and word repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480), arts. 1(1), **2(1)(c)**

PART III

FIXED PENALTIES

Modifications etc. (not altering text)

C74 Pt. III (ss. 51–90) amended by (E.W.) S.I. 1990/335, **art. 2(1)** and (S.) S.I. 1990/466, **art. 2(1)**
Pt. III (ss. 51-90) amended (1.8.1999) by S.I. 1999/1851, **art. 2(1)**

C75 Definition in Pt. III (ss. 51-90) applied (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **ss. 18(7)(b)**, 101(1) (with Sch. 12 para. 6); S.I. 1992/333, art. 2(2), **Sch.2**

Introductory

51 Fixed penalty offences.

(1) Any offence in respect of a vehicle under an enactment specified in column 1 of Schedule 3 to this Act is a fixed penalty offence for the purposes of this Part of this Act, but subject to subsection (2) below and to any limitation or exception shown against the enactment in column 2 (where the general nature of the offence is also indicated).

(2) An offence under an enactment so specified is not a fixed penalty offence for those purposes if it is committed by causing or permitting a vehicle to be used by another person in contravention of any provision made or restriction or prohibition imposed by or under any enactment.

(3) The Secretary of State may by order provide for offences to become or (as the case may be) to cease to be fixed penalty offences for the purposes of this Part of this Act, and may make such modifications of the provisions of this Part of this Act as appear to him to be necessary forthe purpose.

52 Fixed penalty notices.

(1) In this Part of this Act "fixed penalty notice" means a notice offering the opportunity of the discharge of any liability to conviction of the offence to which the notice relates by payment of a fixed penalty in accordance with this Part of this Act.

(2) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

(3) A fixed penalty notice must state—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) the period during which, by virtue of section 78(1) of this Act, proceedings cannot be brought against any person for the offence to which the notice relates, being the period of twenty-one days following the date of the notice or such longer period (if any) as may be specified in the notice (referred to in this Part of this Act as the "suspended enforcement period"),

(b) the amount of the fixed penalty, and

(c) **[**[F222]the person to**]** whom and the address at which the fixed penalty may be paid.

[F223](4) . . . . . .

Textual Amendments

F222 Words in s. 52(3)(c) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 2**; S.I. 2008/3164, art. 3(b)

F223 S. 52(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

[F224]**[53 Amount of fixed penalty.**

(1) The fixed penalty for an offence is—

(a) such amount as the Secretary of State may by order prescribe, or

(b) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction,

whichever is the less.

[[F225](2) Any order made under subsection (1)(a) above in relation to an offence may make provision for the fixed penalty for the offence to be different depending on the circumstances, including (in particular)—

(a) the nature of the contravention or failure constituting the offence,

(b) how serious it is,

(c) the area, or sort of place, where it takes place, and

(d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.**]]**

Textual Amendments

F224 S. 53 substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.102**; S.I. 1992/199, **arts. 3(2)(b)**, 4; but see S.I.1992/435 for an expressed substitution (S.) (1.4.1992) of penalties in the previous form of s. 53

F225 S. 53(2) substituted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 3(2)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 2(a)

Giving notices to suspected offenders

54 Notices on-the-spot [[F226]etc.].

(1) This section applies where **[**[F227]in England and Wales**]** on any occasion a constable in uniform **[**[F228], or a vehicle examiner who produces his authority,**]** has reason to believe

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

that a person he finds is committing or has on that occasion committed a fixed penalty offence.

(2) Subject to [F229the following provisions of this section] , the constable [F230or vehicle examiner] may give him a fixed penalty notice in respect of the offence.

(3) Where the offence appears to the constable [F231or vehicle examiner] to involve obligatory endorsement [F232, and the person is the holder of a licence,], the constable [F231or vehicle examiner] may only give him a fixed penalty notice under subsection (2) above in respect of the offence if—

(a) he produces his licence [F233and its counterpart] for inspection by the constable [F231or vehicle examiner],

(b) the constable [F231or vehicle examiner] is satisfied, on inspecting the licence [F233and its counterpart], that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence, and

(c) he surrenders his licence [F233and its counterpart] to the constable [F231or vehicle examiner] to be retained and dealt with in accordance with this Part of this Act.

(4) Where—

(a) the offence appears to the constable [F234or vehicle examiner] to involve obligatory endorsement,

[F235(aa) the person concerned is the holder of a licence, and]

(b) [F236he] does not produce his licence [F237and its counterpart] for inspection by the constable [F234or vehicle examiner],

the constable [F234or vehicle examiner] may give him a notice stating that if [F238he delivers] the notice together with his licence [F239and its counterpart] in [F240accordance with subsection (4A) below] and the requirements of subsection (5)(a) and (b) below are met he will then be given a fixed penalty notice in respect of the offence.

[F241(4A) Delivery must—

(a) if the notice is given by a constable, be made in person, within seven days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or

(b) if the notice is given by a vehicle examiner, be made (either by post or in person), within fourteen days after the notice is given, to the Secretary of State at the place specified in the notice.]

(5) If a person to whom a notice has been given under subsection (4) above [F242delivers] the notice together with his licence [F243and its counterpart] in [F244accordance with subsection (4A) above] and the following requirements are met, that is—

(a) the [F245person to whom the notice under subsection (4) above is delivered] is satisfied, on inspecting the licence [F246and its counterpart], that he would not be liable to be disqualified under section 35 of this Act if he were convicted of the offence, and

(b) F247... his licence [F248and its counterpart][F249are delivered] to be retained and dealt with in accordance with this Part of this Act,

the [F245person to whom the notice under subsection (4) above is delivered] must give him a fixed penalty notice in respect of the offence to which the notice under subsection (4) above relates.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[[F250](5A) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, and the person is not the holder of a licence, the constable or vehicle examiner may only give him a fixed penalty notice under subsection (2) above in respect of the offence if the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence.

(5B) Subsection (5C) below applies where—

(a) the offence appears to the constable or vehicle examiner to involve obligatory endorsement,

(b) the person concerned is not the holder of a licence, and

(c) the constable or vehicle examiner is unable to satisfy himself, by accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence.

(5C) Where this subsection applies, the constable or vehicle examiner may give the person a notice stating that if—

(a) he delivers the notice in accordance with subsection (5D) below, and

(b) the person to whom it is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of the offence,

he will then be given a fixed penalty notice in respect of the offence.

(5D) Delivery must—

(a) if the notice is given by a constable, be made in person, within seven days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or

(b) if the notice is given by a vehicle examiner, be made (either by post or in person), within fourteen days after the notice is given, to the Secretary of State at the place specified in the notice.

(5E) If a person to whom a notice has been given under subsection (5C) above delivers the notice in accordance with subsection (5D) above, and the person to whom it is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of the offence, that person must give him a fixed penalty notice in respect of the offence to which the notice under subsection (5C) relates.**]**

(6) A notice under subsection (4) **[**[F251]or (5C)**]** above shall give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

(7) A licence **[**[F252]and a counterpart of a licence**]** surrendered **[**[F253]or delivered**]** in accordance with this section must be sent to the fixed penalty clerk **[**[F254]if the fixed penalty notice was given by a constable or authorised person**]**.

[F255](8) . . . . . .

(9) In this Part of this Act "authorised person", in relation to a fixed penalty notice given at a police station, means a person authorised for the purposes of this section by or on behalf of the chief officer of police for the area in which the police station is situated

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[[F256]or a person authorised for those purposes by or on behalf of the chief constable of the British Transport Police**]**.

[F257]**[**(10) In determining for the purposes of **[**[F258]this section**]** whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.**]**

Textual Amendments

F226 Word in s. 54 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(9)**; S.I. 2008/3164, art. 3(b)

F227 Words in s. 54(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 103(2)**; S.I. 1992/1286, art. 2, **Sch.**

F228 Words in s. 54(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(2)**; S.I. 2008/3164, art. 3(b)

F229 Words in s. 54(2) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(2)**; S.I. 2008/3164, art. 4(b)

F230 Words in s. 54(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(3)**; S.I. 2008/3164, art. 3(b)

F231 Words in s. 54(3) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(4)**; S.I. 2008/3164, art. 3(b)

F232 Words in s. 54(3) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(3)**; S.I. 2008/3164, art. 4(b)

F233 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(a)**

F234 Words in s. 54(4) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(5)(a)**; S.I. 2008/3164, art. 3(b)

F235 S. 54(4)(aa) substituted for word (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(4)(a)**; S.I. 2008/3164, art. 4(b)

F236 Word in s. 54(4)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(4)(b)**; S.I. 2008/3164, art. 4(b)

F237 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(b)(i)**

F238 Words in s. 54(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(5)(b)**; S.I. 2008/3164, art. 3(b)

F239 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(b)(ii)**

F240 Words in s. 54(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(5)(c)**; S.I. 2008/3164, art. 3(b)

F241 S. 54(4A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(6)**; S.I. 2008/3164, art. 3(b)

F242 Word in s. 54(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(7)(a)**; S.I. 2008/3164, art. 3(b)

F243 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(c)(i)**

F244 Words in s. 54(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(7)(b)**; S.I. 2008/3164, art. 3(b)

F245 Words in s. 54(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(7)(c)**; S.I. 2008/3164, art. 3(b)

F246 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(c)(ii)**

F247 Words in s. 54(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 3(7)(d), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F248 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(c)(iii)**

F249 Words in s. 54(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(7)(e)**; S.I. 2008/3164, art. 3(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F250 S. 54(5A)-(5E) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(4)**, 61(1)(8)(10) (with s. 61(3)); S.I. 2008/3164, art. 4(b)
F251 Words in s. 54(6) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(5)**; S.I. 2008/3164, art. 4(b)
F252 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(d)**
F253 Words in s. 54(7) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(8)(a)**; S.I. 2008/3164, art. 3(b)
F254 Words in s. 54(7) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(8)(b)**; S.I. 2008/3164, art. 3(b)
F255 S. 54(8) repealed (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
F256 Words in s. 54(9) inserted (1.10.2002) by 2002 c. 30, **s. 76(2)**; S.I. 2002/2306, **art. 2(d)(vii)**
F257 S. 54(10) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 103(3)**; S.I. 1992/1286, art. 2, **Sch.**
F258 Words in s. 54(10) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(6)**; S.I. 2008/3164, art. 4(b)

Modifications etc. (not altering text)
C76 S. 54 extended (*prosp.*) by 2002 c. 30, ss. 41, 108(2)-(5), **Sch. 5 para. 1(2)(a)**
C77 S. 54 extended (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 para. 1(2)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(a)**

55 Effect of fixed penalty notice given under section 54.

(1) This section applies where a fixed penalty notice relating to an offence has been given to any person under section 54 of this Act, and references in this section to the recipient are to the person to whom the notice was given.

(2) No proceedings shall be brought against the recipient for the offence to which the fixed penalty notice relates unless before the end of the suspended enforcement period he has given notice requesting a hearing in respect of that offence in the manner specified in the fixed penalty notice.

(3) Where—
(a) the recipient has not given notice requesting a hearing in respect of the offence to which the fixed penalty notice relates in the manner so specified, and
(b) the fixed penalty has not been paid in accordance with this Part of this Act before the end of the suspended enforcement period,

a sum equal to the fixed penalty plus one–half of the amount of that penalty may be registered under section 71 of this Act for enforcement against the recipient as a fine.

56 Licence receipts.

(1) A **[**[F259]person**]** to whom a person surrenders **[**[F260]or delivers**]** his licence **[**[F261]and its counterpart**]** on receiving a fixed penalty notice given to him under section 54 of this Act must issue a receipt for the licence **[**[F261]and its counterpart**]** under this section.

(2) **[**[F262]Where the duty in section 54(7) of this Act applies, the**]** fixed penalty clerk may, on the application of a person who has surrendered **[**[F263]or delivered**]** his licence **[**[F264]and its counterpart**]** in those circumstances, issue a new receipt for **[**[F265]them**]**.

(3) A receipt issued under this section ceases to have effect—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) if issued **[**[F266]under subsection (1) above**]**, on the expiration of the period of one month beginning with the date of issue or such longer period as may be prescribed, and

(b) if issued **[**[F267]under subsection (2) above**]**, on such date as he may specify in the receipt,

or, if earlier, on the return of the licence **[**[F268]and its counterpart**]** to the licence holder.

Textual Amendments

F259 Word in s. 56(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(2)(a)**; S.I. 2008/3164, art. 3(b)

F260 Words in s. 56(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(2)(b)**; S.I. 2008/3164, art. 3(b)

F261 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 16(a)(i)(ii)**

F262 Words in s. 56(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(3)(a)**; S.I. 2008/3164, art. 3(b)

F263 Words in s. 56(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(3)(b)**; S.I. 2008/3164, art. 3(b)

F264 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 16(b)(i)(ii)**

F265 Word substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 16(b)(i)(ii)**

F266 Words in s. 56(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(4)(a)**; S.I. 2008/3164, art. 3(b)

F267 Words in s. 56(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(4)(b)**; S.I. 2008/3164, art. 3(b)

F268 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 16(c)**

57 Endorsement of [[F269]counterparts] without hearings.

(1) Subject to subsection (2) below, where a person **[**[F270]who is the holder of a licence**]** (referred to in this section as "the licence holder") **[**[F271] has been given a fixed penalty notice under section 54 of this Act in respect of an offence involving obligatory endorsement,**][**[F272]the counterpart of**]** his licence may be endorsed in accordance with this section without any order of a court.

(2) **[**[F273]The counterpart of**]** A person's licence may not be endorsed under this section if at the end of the suspended enforcement period—

(a) he has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and

(b) the fixed penalty has not been paid in accordance with this Part of this Act.

(3) On the payment of the fixed penalty before the end of the suspended enforcement period, the **[**[F274]person to whom it is paid**]** must endorse the relevant particulars on the **[**[F275]counterpart of the**]** licence and return it **[**[F275]together with the licence**]** to the licence holder.

(4) Where any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the licence holder as a fine, the **[**[F276]person to whom the fixed penalty is required to be paid**]** must endorse the relevant particulars on the **[**[F275]counterpart of the**]** licence and return it **[**[F275]together with the licence**]** to the licence holder—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) if he is himself **[**[F277]the person**]** who registers that sum, on the registration of that sum, and

(b) in any other case, on being notified of the registration by **[**[F277]the person**]** who registers that sum.

(5) References in this section to the relevant particulars are to—

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.

(6) **[**[F278]Where the endorsement of**][**[F279]the counterpart of**]** a person's licence under this section **[**[F280]is made by the fixed penalty clerk,**]** the fixed penalty clerk must send notice of the endorsement and of the particulars endorsed to the Secretary of State.

[[F281](7) Subsections (3) and (4) above are subject to section 2(4)(a) of and paragraph 7(4)(a) of Schedule 1 to the Road Traffic (New Drivers) Act 1995; and the fixed penalty clerk need not comply with subsection (6) above in a case where he sends a person's licence and its counterpart to the Secretary of State under section 2(4)(b) of or paragraph 7(4)(b) of Schedule 1 to that Act.**]**

Textual Amendments

F269 Word in s. 57 heading substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 15(3)**; S.I. 2008/3164, art. 4(b)

F270 Words in s. 57(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 15(2)**; S.I. 2008/3164, art. 4(b)

F271 Words in s. 57(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 5(2)**; S.I. 2008/3164, art. 3(b)

F272 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 17(a)(i)(ii)**

F273 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 17(b)**

F274 Words in s. 57(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 5(3)**; S.I. 2008/3164, art. 3(b)

F275 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 17(c)(i)(ii)**

F276 Words in s. 57(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 5(4)(a)**; S.I. 2008/3164, art. 3(b)

F277 Words in s. 57(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 5(4)(b)**; S.I. 2008/3164, art. 3(b)

F278 Words in s. 57(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 5(5)(a)**; S.I. 2008/3164, art. 3(b)

F279 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 17(d)**

F280 Words in s. 57(6) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 5(5)(b)**; S.I. 2008/3164, art. 3(b)

F281 S. 57(7) inserted (1.6.1997) by 1995 C. 13, s. 10(4), Sch. 2 para. 5; S.I. 1997/267, **art. 2(2)**

Modifications etc. (not altering text)

C78 S. 57(3)(4) restricted (1.6.1997) by 1995 c. 13, s. 2(4)(a), **Sch. 1 Pt. IV**, para. 7(4)(a); S.I. 1997.267, art. 2(2)

[[F282]57A Endorsement of driving records without hearings

(1) Subject to subsection (2) below, where a person who is not the holder of a licence has been given a fixed penalty notice under section 54 of this Act in respect of an offence

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

involving obligatory endorsement, his driving record may be endorsed in accordance with this section without any order of a court.

(2) A person's driving record may not be endorsed under this section if at the end of the suspended enforcement period—

(a) he has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and

(b) the fixed penalty has not been paid in accordance with this Part of this Act.

(3) If payment of the fixed penalty is made before the end of the suspended enforcement period and the person to whom the payment is made is the fixed penalty clerk, the fixed penalty clerk must send to the Secretary of State notice of the relevant particulars which are to be endorsed on the person's driving record.

(4) Where any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the person as a fine in a case where the fixed penalty is required to be paid to the fixed penalty clerk, the fixed penalty clerk must send to the Secretary of State notice of the relevant particulars which are to be endorsed on the person's driving record—

(a) if he is himself the person who registers the sum, on the registration of that sum, and

(b) in any other case, on being notified of the registration by the person who registers that sum.

(5) The Secretary of State must endorse the relevant particulars on the person's driving record if—

(a) he receives notice of them under subsection (3) or (4) above,

(b) the fixed penalty is paid to him before the end of the suspended enforcement period, or

(c) in a case where the fixed penalty is required to be paid to the Secretary of State, any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the person as a fine.

(6) References in this section to the relevant particulars are to—

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.**]**

Textual Amendments

F282 S. 57A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(5)**, 61(1)(8)(10) (with s. 61(3)); S.I. 2008/3164, art. 4(b)

58 Effect of endorsement [[F283]of counterpart] without hearing.

(1) Where **[**[F284]the counterpart of**]** a person's licence is endorsed under section 57 of this Act he shall be treated for the purposes of sections 13(4), 28, 29 and 45 of this Act and of the [M27]Rehabilitation of Offenders Act 1974 as if—

(a) he had been convicted of the offence,

(b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(c) the particulars of the offence endorsed by virtue of section 57(5)(a) of this Act were particulars of his conviction of that offence.

(2) In relation to any endorsement of **[**[F285]the counterpart of**]** a person's licence under section 57 of this Act—

(a) the reference in section 45(4) of this Act to the order for endorsement, and

(b) the references in section 13(4) of this Act to any order made on a person's conviction,

are to be read as references to the endorsement itself.

Textual Amendments

F283 Words in s. 58 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 16**; S.I. 2008/3164, art. 4(b)

F284 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 18(a)**

F285 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 18(b)**

Marginal Citations

M27 1974 c. 53.

[[F286]58A Effect of endorsement of driving record without hearing

(1) Where a person's driving record is endorsed under section 57A of this Act he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—

(a) he had been convicted of the offence,

(b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and

(c) the particulars of the offence endorsed by virtue of section 57A(6)(a) of this Act were particulars of his conviction of that offence.

(2) In relation to any endorsement of a person's driving record under section 57A of this Act, the references in section 13(4) of this Act to any order made on a person's conviction are to be read as references to the endorsement itself.**]**

Textual Amendments

F286 S. 58A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 17**; S.I. 2008/3164, art. 4(b)

PROSPECTIVE

[F287]59 Notification of court and date of trial in England and Wales.

. . . . . .

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F287 S. 59 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

[F288]60 . . . . . .

Textual Amendments

F288 S. 60 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**Appendix

Modifications etc. (not altering text)

C79 S. 60 expressed to be amended (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(8)(a)(b)(c)(i)(ii)**

61 Fixed penalty notice mistakenly given [[F289]to licence holder] : exclusion of fixed penalty procedures.

(1) This section applies where, on inspection of a licence **[**[F290]and its counterpart**]**[[F291]surrendered or delivered under section 54**]** of this Act, it appears to the fixed penalty clerk **[**[F292]or the Secretary of State**]** that the person whose licence it is would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The [F293]... **[**[F294]counterpart of the**]** licence **[**[F295]must not be endorsed**]** under section 57 of this Act but **[**[F296]if it was sent to the fixed penalty clerk he**]** must instead send it **[**[F294]together with the licence**]** to the chief officer of police.

(3) Nothing in this Part of this Act prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of six months beginning with the date on which that notice was given.

(4) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(5) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of any provision of this Part of this Act by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—

(a) the registration under section 71 of this Act of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person whose licence it is as a fine, and

(b) any proceedings for enforcing payment of any such sum within the meaning of sections 73 and 74 of this Act (defined in section 74(5))).

[F297]**[**(6) In determining for the purposes of subsection (1) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F289 Words in s. 61 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 18**; S.I. 2008/3164, art. 4(b)

F290 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 19(a)**

F291 Words in s. 61(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 6(2)(a)**; S.I. 2008/3164, art. 3(b)

F292 Words in s. 61(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 6(2)(b)**; S.I. 2008/3164, art. 3(b)

F293 Words in s. 61(2) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 6(3)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F294 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 19(b)(i)(ii)**

F295 Words in s. 61(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 6(3)(b)**; S.I. 2008/3164, art. 3(b)

F296 Words in s. 61(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 6(3)(c)**; S.I. 2008/3164, art. 3(b)

F297 S. 61(6) added (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 48, **Sch. 4 para.104**; S.I. 1992/1286, **art. 2**,Sch.

[F298 61A Fixed penalty notice mistakenly given to unlicensed person: exclusion of fixed penalty procedures

(1) This section applies where, on accessing information held on the driving record of a person to whom a fixed penalty notice was given under section 54 of this Act, but who is not the holder of a licence, it appears to the fixed penalty clerk or the Secretary of State that the person would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The person's driving record must not be endorsed under section 57A of this Act.

(3) In a case where the fixed penalty is required to be paid to the fixed penalty clerk he must not send notice to the Secretary of State under section 57A of this Act but instead must notify the chief officer of police that the person to whom the fixed penalty notice was given would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given.

(4) Nothing in this Part of this Act prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of six months beginning with the date on which that notice was given.

(5) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(6) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of this Part of this Act by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—

(a) the registration under section 71 of this Act of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person to whom the fixed penalty notice was given, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) any proceedings for enforcing payment of any such sum within the meaning of sections 73 and 74 of this Act (defined in section 74(5))).

(7) In determining for the purposes of subsection (1) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part 1 of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.**]**

Textual Amendments

F298 S. 61A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 19**; S.I. 2008/3164, art. 4(b)

Notices fixed to vehicles

62 Fixing notices to vehicles.

(1) Where on any occasion a constable **[**[F299]or a vehicle examiner**]** has reason to believe in the case of any stationary vehicle that a fixed penalty offence is being or has on that occasion been committed in respect of it, he may fix a fixed penalty notice in respect of the offence to the vehicle unless the offence appears to him to involve obligatory endorsement.

(2) A person is guilty of an offence if he removes or interferes with any notice fixed to a vehicle under this section, unless he does so by or under the authority of the driver or person in charge of the vehicle or the person liable for the fixed penalty offence in question.

Textual Amendments

F299 Words in s. 62(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 7**; S.I. 2008/3164, art. 3(b)

63 Service of notice to owner if penalty not paid.

(1) This section applies where a fixed penalty notice relating to an offence has been fixed to a vehicle under section 62 of this Act.

(2) Subject to subsection (3) below, if at the end of the suspended enforcement period the fixed penalty has not been paid in accordance with this Part of this Act, a notice under this section may be served by or on behalf of the **[**[F300]relevant person**]** on any person who appears to him (or to any person authorised to act on his behalf for the purposes of this section) to be the owner of the vehicle.

Such a notice is referred to in this Part of this Act as a "notice to owner".

[[F301](2A) In this section "the relevant person" means—

(a) if the fixed penalty notice was fixed by a constable, the chief officer of police, and

(b) if it was fixed by a vehicle examiner, the Secretary of State.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(3) Subsection (2) above does not apply where before the end of the suspended enforcement period—

(a) any person has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice, and

(b) the notice so given contains a statement by that person to the effect that he was the driver of the vehicle at the time when the offence is alleged to have been committed.

That time is referred to in this Part of this Act as the "time of the alleged offence".

(4) A notice to owner—

(a) must give particulars of the alleged offence and of the fixed penalty concerned,

(b) must state the period allowed for response to the notice, and

(c) must indicate that, if the fixed penalty is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period to the **[**[F302]relevant person**]** a statutory statement of ownership (as defined in Part I of Schedule 4 to this Act).

(5) For the purposes of this Part of this Act, the period allowed for response to a notice to owner is the period of twenty-one days from the date on which the notice is served, or such longer period (if any) as may be specified in the notice.

(6) A notice to owner relating to any offence must indicate that the person on whom it is served may, before the end of the period allowed for response to the notice, either—

(a) give notice requesting a hearing in respect of the offence in the manner indicated by the notice, or

(b) if—

(i) he was not the driver of the vehicle at the time of the alleged offence, and

(ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, together with a statutory statement of ownership provided as requested in that notice, a statutory statement of facts (as defined by Part II of Schedule 4 to this Act) having the effect referred to in paragraph 3(2) of that Schedule (that is, as a notice requesting a hearing in respect of the offence given by the driver).

(7) In any case where a person on whom a notice to owner relating to any offence has been served provides a statutory statement of facts in pursuance of subsection (6)(b) above—

(a) any notice requesting a hearing in respect of the offence that he purports to give on his own account shall be of no effect, and

(b) no sum may be registered for enforcement against him as a fine in respect of the offence unless, within the period of two months immediately following the period allowed for response to the notice to owner, no summons or, in Scotland, complaint in respect of the offence in question is served on the person identified in the statement as the driver.

Textual Amendments

F300 Words in s. 63(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 8(2)**; S.I. 2008/3164, art. 3(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F301 S. 63(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 8(3)**; S.I. 2008/3164, art. 3(b)

F302 Words in s. 63(4)(c) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 8(4)**; S.I. 2008/3164, art. 3(b)

64 Enforcement or proceedings against owner.

(1) This section applies where—

(a) a fixed penalty notice relating to an offence has been fixed to a vehicle under section 62 of this Act,

(b) a notice to owner relating to the offence has been served on any person under section 63(2) of this Act before the end of the period of six months beginning with the day on which the fixed penalty notice was fixed to the vehicle, and

(c) the fixed penalty has not been paid in accordance with this Part of this Act before the end of the period allowed for response to the notice to owner.

(2) Subject to subsection (4) below and to section 63(7)(b) of this Act, a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under section 71 of this Act for enforcement against the person on whom the notice to owner was served as a fine.

(3) Subject to subsection (4) below and to section 65 of this Act, proceedings may be brought in respect of the offence against the person on whom the notice to owner was served.

(4) If the person on whom the notice to owner was served—

(a) was not the owner of the vehicle at the time of the alleged offence, and

(b) provides a statutory statement of ownership to that effect in response to the notice before the end of the period allowed for response to the notice,

he shall not be liable in respect of the offence by virtue of this section nor shall any sum determined by reference to the fixed penalty for the offence be so registered by virtue of this section for enforcement against him as a fine.

(5) Subject to subsection (6) below—

(a) for the purposes of the institution of proceedings by virtue of subsection (3) above against any person on whom a notice to owner has been served, and

(b) in any proceedings brought by virtue of that subsection against any such person,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at the time of the alleged offence and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(6) That presumption does not apply in any proceedings brought against any person by virtue of subsection (3) above if, in those proceedings, it is proved that at the time of the alleged offence the vehicle was in the possession of some other person without the consent of the accused.

(7) Where—

(a) by virtue of subsection (3) above proceedings may be brought in respect of an offence against a person on whom a notice to owner was served, and

(b) section 74(1) of this Act does not apply,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

section 127(1) of the [M28]Magistrates' Courts Act 1980 (information must be laid within six months of time offence committed) and **[**[F303]section 136(1) of the Criminal Procedure (Scotland) Act 1995**]** (proceedings must be commenced within six months of that time) shall have effect as if for the reference to six months there were substituted a reference to twelve months.

Textual Amendments

F303 Words in s. 64(7) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(9)**

Marginal Citations

M28 1980 c. 43.

65 Restrictions on proceedings against owner and others.

(1) In any case where a notice to owner relating to an offence may be served under section 63 of this Act, no proceedings shall be brought in respect of the offence against any person other than a person on whom such a notice has been served unless he is identified as the driver of the vehicle at the time of the alleged offence in a statutory statement of facts provided in pursuance of section 63(6)(b) of this Act by a person on whom such a notice has been served.

(2) Proceedings in respect of an offence to which a notice to owner relates shall not be brought against the person on whom the notice was served unless, before the end of the period allowed for response to the notice, he has given notice, in the manner indicated by the notice to owner, requesting a hearing in respect of the offence.

(3) Proceedings in respect of an offence to which a notice to owner relates may not be brought against any person identified as the driver of the vehicle in a statutory statement of facts provided in response to the notice if the fixed penalty is paid in accordance with this Part of this Act before the end of the period allowed for response to the notice.

(4) Once any sum determined by reference to the fixed penalty for an offence has been registered by virtue of section 64 of this Act under section 71 for enforcement as a fine against a person on whom a notice to owner relating to that offence has been served, no proceedings shall be brought against any other person in respect of that offence.

66 Hired vehicles.

(1) This section applies where—
  (a) a notice to owner has been served on a vehicle-hire firm,
  (b) at the time of the alleged offence the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies, and
  (c) within the period allowed for response to the notice the firm provides the **[**[F304]relevant person**]** with the documents mentioned in subsection (2) below.

(2) Those documents are a statement on an official form, signed by or on behalf of the firm, stating that at the time of the alleged offence the vehicle concerned was hired under a hiring agreement to which this section applies, together with—
  (a) a copy of that hiring agreement, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) a copy of a statement of liability signed by the hirer under that hiring agreement.

(3) In this section a "statement of liability" means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any fixed penalty offence which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed.

(4) In any case where this section applies, sections 63, 64 and 65 of this Act shall have effect as if—

(a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and

(b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring,

and accordingly references in this Part of this Act (with the exceptions mentioned below) to a notice to owner include references to a notice served under section 63 of this Act as it applies by virtue of this section.

This subsection does not apply to references to a notice to owner in this section or in section 81(2)(b) of or Part I of Schedule 4 to this Act.

(5) In any case where this section applies, a person authorised in that behalf by the **[**[F305]person**]** to whom the documents mentioned in subsection (2) above are provided may, at any reasonable time within six months after service of the notice to owner (and on the production of his authority) require the firm to produce the originals of the hiring agreement and statement of liability in question.

(6) If a vehicle-hire firm fails to produce the original of a document when required to do so under subsection (5) above, this section shall thereupon cease to apply (and section 64 of this Act shall apply accordingly in any such case after that time as it applies in a case where the person on whom the notice to owner was served has failed to provide a statutory statement of ownership in response to the notice within the period allowed).

(7) This section applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than six months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(8) In this section—

"hiring agreement" refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the [M29]Consumer Credit Act 1974, [F306]...

[[F307] "relevant person" means—

(a) if the fixed penalty notice was fixed by a constable, the chief officer of police by or on whose behalf the notice to owner was served, and

(b) if it was fixed by a vehicle examiner, the Secretary of State, and**]**

"vehicle-hire firm" means any person engaged in hiring vehicles in the course of a business.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F304 Words in s. 66(1)(c) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 9(2)**; S.I. 2008/3164, art. 3(b)

F305 Word in s. 66(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 9(3)**; S.I. 2008/3164, art. 3(b)

F306 Word in s. 66(8) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 7(2)**; S.I. 2008/3164, art. 3(d)

F307 Words in s. 66(8) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 9(4)**; S.I. 2008/3164, art. 3(b)

Modifications etc. (not altering text)

C80 Definitions in s. 66 applied (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 82(1)**; S.I. 1991/2054, **art. 3**,Sch

Marginal Citations

M29 1974 c. 39.

67 False statements in response to notices to owner.

A person who, in response to a notice to owner, provides a statement which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.

68 "Owner", "statutory statement" and "official form".

(1) For the purposes of this Part of this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and for the purposes of determining, in the course of any proceedings brought by virtue of section 64(3) of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.

(2) Notwithstanding the presumption in subsection (1) above, it is open to the defence in any proceedings to prove that the person who was the registered keeper of a vehicle at a particular time was not the person by whom the vehicle was kept at that time and to the prosecution to prove that the vehicle was kept by some other person at that time.

(3) References in this Part of this Act to statutory statements of any description are references to the statutory statement of that description defined in Schedule 4 to this Act; and that Schedule shall also have effect for the purpose of requiring certain information to be provided in official forms for the statutory statements so defined to assist persons in completing those forms and generally in determining what action to take in response to a notice to owner.

(4) In this Part of this Act "official form", in relation to a statutory statement mentioned in Schedule 4 to this Act or a statement under section 66(2) of this Act, means a document supplied by or on behalf of a chief officer of police **[**[F308]or the Secretary of State**]** for use in making that statement.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F308 Words in s. 68(4) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 10**; S.I. 2008/3164, art. 3(b)

The fixed penalty procedure

69 Payment of penalty.

(1) **[**[F309]Where a fixed penalty notice has been given or fixed by a constable or authorised person under this Part of this Act, payment of the fixed penalty**]** must be made to such **[**[F310]designated officer for a magistrates' court**]** or, in Scotland, clerk of court as may be specified in the fixed penalty notice relating to that penalty.

[[F311](1A) Where a fixed penalty notice has been given or fixed by a vehicle examiner, or given by the Secretary of State, under this Part of this Act, payment of the fixed penalty must be made to the Secretary of State.**]**

(2) Without prejudice to payment by any other method, payment of a fixed penalty under this Part of this Act may be made by properly addressing, pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) and, unless the contrary is proved, shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(3) A letter is properly addressed for the purposes of subsection (2) above if it is addressed to the fixed penalty clerk **[**[F312], or the Secretary of State,**]** at the address specified in the fixed penalty notice relating to the fixed penalty as the address at which the fixed penalty may be paid.

(4) References in this Part of this Act **[**[F313](except in sections 75 to **[**[F314]77A**]**)**]**, in relation to any fixed penalty or fixed penalty notice, to the fixed penalty clerk are references to the **[**[F315]designated officer or**]** clerk specified in accordance with subsection (1) above in the fixed penalty notice relating to that penalty or (as the case may be) in that fixed penalty notice.

Textual Amendments

F309 Words in s. 69(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(2)**; S.I. 2008/3164, art. 3(b)

F310 Words in s. 69(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 315(2)**; S.I. 2005/910, art. 3(y)

F311 S. 69(1A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(3)**; S.I. 2008/3164, art. 3(b)

F312 Words in s. 69(3) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(4)**; S.I. 2008/3164, art. 3(b)

F313 Words in s. 69(4) inserted (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 48, **Sch. 4 para. 105**; S.I. 1992/1286, art. 2, **Sch.**

F314 Word in s. 69(4) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 20**; S.I. 2008/3164, art. 4(b)

F315 Words in s. 69(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 315(3)**; S.I. 2005/910, art. 3(y)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

70 Registration certificates.

(1) This section and section 71 of this Act apply where by virtue of section 55(3) or 64(2) of this Act a sum determined by reference to the fixed penalty for any offence may be registered under section 71 of this Act for enforcement against any person as a fine.

In this section and section 71 of this Act—

(a) that sum is referred to as a "sum payable in default", and

(b) the person against whom that sum may be so registered is referred to as the "defaulter".

(2) Subject to subsection (3) below, the **[**[F316]relevant person**]** may in respect of any sum payable in default issue a certificate (referred to in this section and section 71 as a "registration certificate") stating that the sum is registrable under section 71 for enforcement against the defaulter as a fine.

[[F317](2A) In subsection (2) above "the relevant person" means—

(a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the chief officer of police, and

(b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.**]**

(3) Where the fixed penalty notice in question was given to the defaulter under section 54 in respect of an offence committed in Scotland—

(a) subsection (2) above does not apply, but

(b) the **[**[F318]appropriate person**]** must, unless the defaulter appears to him to reside within the jurisdiction of the court of summary jurisdiction of which he is himself the clerk, issue a registration certificate in respect of the sum payable in default.

[[F319](3A) In subsection (3) above "the appropriate person" means—

(a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the fixed penalty clerk, and

(b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.**]**

(4) Where **[**[F320]a person**]** issues a registration certificate under this section, he must—

(a) if the defaulter appears to him to reside in England and Wales, cause it to be sent to the **[**[F321]designated officer for the local justice**]** area in which the defaulter appears to him to reside, [F322]...

(b) if the defaulter appears to him to reside in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the defaulter appears to him to reside, **[**[F323]and

(c) otherwise—

(i) if the offence to which the fixed penalty notice or conditional offer relates was committed in England or Wales, cause it to be sent to the designated officer for the local justice area in which the offence was committed, or

(ii) if the offence was committed in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the offence was committed.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(5) A registration certificate issued under this section in respect of any sum payable in default must—

(a) give particulars of the offence to which the fixed penalty notice relates,

(b) indicate whether registration is authorised under section 55(3) or 64(2) of this Act, and

(c) state the name and last known address of the defaulter and the amount of the sum payable in default.

Textual Amendments

F316 Words in s. 70(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(2)**; S.I. 2008/3164, art. 3(b)

F317 S. 70(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(3)**; S.I. 2008/3164, art. 3(b)

F318 Words in s. 70(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(4)**; S.I. 2008/3164, art. 3(b)

F319 S. 70(3A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(5)**; S.I. 2008/3164, art. 3(b)

F320 Words in s. 70(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(6)**; S.I. 2008/3164, art. 3(b)

F321 Words in s. 70(4)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 316**; S.I. 2005/910, art. 3(y)

F322 Word in s. 70(4) repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(8)(10), **Sch. 7(3)**; S.I. 2008/3164, art. 4(c)

F323 S. 70(4)(c) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 21(1)**; S.I. 2008/3164, art. 4(b)

71 Registration of sums payable in default.

[[F324](1) Where, in England and Wales, **[**[F325]the designated officer for a local justice area**]** receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—

(a) if it appears to him that the defaulter resides in a **[**[F326]local justice area for which he is the designated officer**]**, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court **[**[F327]acting in**]** that area, **[**[F328]or**]**

(b) if it appears to him that the defaulter resides in any **[**[F329]other local justice**]** area in England and Wales, he must send the certificate to the **[**[F330]designated officer for**]** that area, or

(c) if it appears to him that the defaulter resides in Scotland, he must send the certificate to the clerk of the court of summary jurisdiction for the area in which the defaulter appears to him to reside, **[**[F331]or

(d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—

(i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the local justice area for which he is the designated officer, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court acting in that area,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(ii) in a case where it was committed in another local justice area in England and Wales, he must send the certificate to the designated officer for that area, and

(iii) in a case where it was committed in Scotland, he must send the certificate to the clerk of a court of summary jurisdiction for the area in which the offence was committed.**]**

(2) Where, in Scotland, the clerk of a court receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—

(a) if it appears to him that the defaulter resides in the area of the court, he must register that sum for enforcement as a fine by that court, **[**[F332]or**]**

(b) if it appears to him that the defaulter resides in the area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, or

(c) if it appears to him that the defaulter resides in England and Wales, he must send the certificate to the **[**[F333]designated officer for the local justice**]** area in which the defaulter appears to him to reside, **[**[F334]or

(d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—

(i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the area of the court, he must register that sum for enforcement as a fine by that court,

(ii) in a case where it was committed in an area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, and

(iii) in a case where it was committed in England or Wales, he must send the certificate to the designated officer for the local justice area in which the offence was committed.**]**

(2A) Subsections (1) and (2) apply to **[**[F335]officers**]** and clerks who receive certificates pursuant to the provision they contain as they apply to the original recipients.**]**

(3) Where—

(a) the fixed penalty notice in question was given to the defaulter under section 54 of this Act in respect of an offence committed in Scotland, and

(b) the defaulter appears to the fixed penalty clerk to reside within the jurisdiction of the court of summary jurisdiction of which he is himself the clerk,

the fixed penalty clerk must register the sum payable in default for enforcement as a fine by that court.

[F336](4) . . . . . .

(5) . . . . . .

(6) On registering any sum under this section for enforcement as a fine, the **[**[F337]designated officer for a local justice**]** area or, as the case may be, the clerk of a court of summary jurisdiction must give to the defaulter notice of registration—

(a) specifying the amount of that sum, and

(b) giving the information with respect to the offence and the authority for registration included in the registration certificate by virtue of section 70(5)(a) and (b) of this Act or (in a case within subsection (3) above) the corresponding information.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(7) On the registration of any sum in a magistrates' court or a court of summary jurisdiction by virtue of this section any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of such a court shall have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(8) Accordingly, in the application by virtue of this section of the provisions of the [M30]Magistrates' Courts Act 1980 relating to the satisfaction and enforcement of sums adjudged to be paid on the conviction of a magistrates' court, section 85 of that Act (power to remit a fine in whole or in part) is not excluded by subsection (2) of that section (references in that section to a fine not to include any other sum adjudged to be paid on a conviction) from applying to a sum registered in a magistrates' court by virtue of this section.

(9) For the purposes of this section, where the defaulter is a body corporate, the place where that body resides and the address of that body are either of the following—
   (a) the registered or principal office of that body, and
   (b) the address which, with respect to the vehicle concerned, is the address recorded in the record kept under **[**[F338]the Vehicle Excise and Registration Act 1994**]** as being that body's address.

Textual Amendments

F324 S. 71(1)-(2A) substituted (1.4.2001) for subsections (1) and (2) by 1999 c. 22, s. 90, **Sch. 13 para. 150(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F325 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(a)**; S.I. 2005/910, art. 3(y)

F326 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(b)**; S.I. 2005/910, art. 3(y)

F327 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(c)**; S.I. 2005/910, art. 3(y)

F328 Word in s. 71(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(2)**; S.I. 2008/3164, art. 4(b)

F329 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(d)**; S.I. 2005/910, art. 3(y)

F330 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(e)**; S.I. 2005/910, art. 3(y)

F331 S. 71(1)(d) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(2)**; S.I. 2008/3164, art. 4(b)

F332 Word in s. 71(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(3)**; S.I. 2008/3164, art. 4(b)

F333 Words in s. 71(2)(c) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(3)**; S.I. 2005/910, art. 3(y)

F334 S. 71(2)(d) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(3)**; S.I. 2008/3164, art. 4(b)

F335 Word in s. 71(2A) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(4)**; S.I. 2005/910, art. 3(y)

F336 S. 71(4)(5) repealed (1.4.2001) by 1999 c. 22, s. 90, **Sch. 15 Pt. V(7)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)

F337 Words in s. 71(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(5)**; S.I. 2005/910, art. 3(y)

F338 Words in S. 71(9)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 25(1)** (with s. 57(4))

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Marginal Citations
M30 1980 c. 43.

72 Notices on-the-spot [F339etc.]: when registration and endorsement invalid.

(1) This section applies where—

(a) a person who has received notice of the registration, by virtue of section 55(3) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and

(b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the **[**F340proper officer**]** of the relevant court.

(2) The statutory declaration must state—

(a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or

(b) that he gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within subsection (2)(a) above, the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) Where in any case within subsection (2)(a) above the person to whom the relevant fixed penalty notice was given surrendered **[**F341or delivered**]** a licence **[**F342and its counterpart**]** held by the person making the declaration, any endorsement of **[**F343that counterpart**]** made under section 57 of this Act in respect of the offence in respect of which that notice was given shall be void.

[F344(4A) Where in any case within subsection (2)(a) above the driving record of the person to whom the relevant fixed penalty notice was given was endorsed under section 57A of this Act in respect of the offence in respect of which the notice was given, the endorsement shall be void.**]**

(5) In any case within subsection (2)(b) above—

(a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and any endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under section 57 **[**F345or 57A**]** of this Act before the declaration was served, shall be void, and

(b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The **[**proper officer**]** of the relevant court must—

(a) cancel an endorsement of **[**F346the counterpart of**]** a licence under section 57 of this Act that is void by virtue of this section on production of the licence **[**F346and its counterpart**]** to him for that purpose, and

(b) send notice of the cancellation to the Secretary of State.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[[F347](6A) The proper officer of the relevant court must send notice to the Secretary of State of any endorsement of a person's driving record that is void by virtue of this section and the Secretary of State must adjust the endorsements on that record accordingly.**]**

(7) References in this section to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.

Textual Amendments

F339 Word in s. 72 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 13(3)**; S.I. 2008/3164, art. 3(b)

F340 Words in s. 72(1)(b)(6) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 151** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F341 Words in s. 72(4) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 13(2)**; S.I. 2008/3164, art. 3(b)

F342 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 20(a)(i)(ii)**

F343 Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 20(a)(i)(ii)**

F344 S. 72(4A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(2)**; S.I. 2008/3164, art. 4(b)

F345 Words in s. 72(5)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(3)**; S.I. 2008/3164, art. 4(b)

F346 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 20(b)(i)(ii)**

F347 S. 72(6A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(4)**; S.I. 2008/3164, art. 4(b)

73 Notices fixed to vehicles: when registration invalid.

(1) This section applies where—

(a) a person who has received notice of the registration, by virtue of section 64(2) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and

(b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the **[**[F348]proper officer**]** of the relevant court.

(2) The statutory declaration must state either—

(a) that the person making the declaration did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to that penalty until he received notice of the registration, or

(b) that he was not the owner of the vehicle at the time of the alleged offence of which particulars are given in the relevant notice to owner and that he has a reasonable excuse for failing to comply with that notice, or

(c) that he gave notice requesting a hearing in respect of that offence as permitted by the relevant notice to owner before the end of the period allowed for response to that notice.

(3) In any case within subsection (2)(a) or (b) above—

(a) the relevant notice to owner,

(b) the registration, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(c) any proceedings taken before the declaration was served for enforcing payment of the sum registered,

shall be void but without prejudice, in a case within subsection (2)(a) above, to the service of a further notice to owner under section 63 of this Act on the person making the declaration.

This subsection applies whether or not the relevant notice to owner was duly served in accordance with that section on the person making the declaration.

(4) In any case within subsection (2)(c) above—

(a) no proceedings shall be taken, after the statutory declaration is served until the end of the period of twenty-one days following the date of that declaration, for enforcing payment of the sum registered, and

(b) where before the end of that period a notice is served by or on behalf of **[**[F349]the relevant person**]** on the person making the declaration asking him to provide a new statutory statement of ownership to **[**[F349]the relevant person**]** before the end of the period of twenty-one days from the date on which the notice is served, no such proceedings shall be taken until the end of the period allowed for response to that notice.

[[F350](4A) In subsection (4) above "the relevant person" means—

(a) if the fixed penalty notice concerned was fixed by a constable, the fixed penalty clerk, and

(b) if it was fixed by a vehicle examiner, the Secretary of State.**]**

(5) Where in any case within subsection (2)(c) above—

(a) no notice is served [F351]... in accordance with subsection (4) above, or

(b) [F352]... a notice is so served and the person making the declaration provides a new statutory statement of ownership in accordance with the notice,

then—

(i) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and

(ii) the case shall be treated after the time mentioned in subsection (6) below as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The time referred to in subsection (5) above is—

(a) in a case within paragraph (a) of that subsection, the end of the period of twenty-one days following the date of the statutory declaration,

(b) in a case within paragraph (b) of that subsection, the time when the statement is provided.

(7) In any case where notice is served [F353]... in accordance with subsection (4) above, **[**[F354]the person by whom it is served**]** must cause the **[**[F348]proper officer**]** of the relevant court to be notified of that fact immediately on service of the notice.

(8) References in this section to the relevant notice to owner are to the notice to owner relating to the fixed penalty concerned.

Textual Amendments

F348 Words in s. 73(1)(b)(7) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 151** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F349 Words in s. 73(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(2)**; S.I. 2008/3164, art. 3(b)

F350 S. 73(4A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(3)**; S.I. 2008/3164, art. 3(b)

F351 Words in s. 73(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(4)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F352 Word in s. 73(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(4)(b), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F353 Words in s. 73(7) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(5)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F354 Words in s. 73(7) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(5)(b)**; S.I. 2008/3164, art. 3(b)

74 Provisions supplementary to sections 72 and 73.

(1) In any case within section 72(2)(b) or 73(2) of this Act—

(a) section 127(1) of the [M31]Magistrates' Courts Act 1980 (limitation of time), and

(b) section 331(1) of the [M32]Criminal Procedure (Scotland) Act 1975 (statutory offences time limit),

shall have effect as if for the reference to the time when the offence was committed or (as the case may be) the time when the contravention occurred there were substituted a reference to the date of the statutory declaration made for the purposes of section 72(1) or, as the case may be, 73(1).

(2) Where, on the application of a person who has received notice of the registration of a sum under section 71 of this Act for enforcement against him as a fine, it appears to the relevant court (which for this purpose may be composed of a single justice) that it was not reasonable to expect him to serve, within twenty-one days of the date on which he received the notice, a statutory declaration to the effect mentioned in section 72(2) or, as the case may be, 73(2) of this Act, the court may accept service of such a declaration by that person after that period has expired.

(3) A statutory declaration accepted under subsection (2) above shall be taken to have been served as required by section 72(1) or, as the case may be, section 73(1) of this Act.

(4) For the purposes of sections 72(1) and 73(1) of this Act, a statutory declaration shall be taken to be duly served on the **[**[F355]proper officer**]** of the relevant court if it is delivered to him, left at his office, or sent in a registered letter or by the recorded delivery service addressed to him at his office.

(5) In sections 72, 73 and this section—

(a) references to the relevant court are—

(i) in the case of a sum registered under section 71 of this Act for enforcement as a fine in a **[**[F356]local justice**]** area in England and Wales, references to any magistrates' court acting **[**[F357]in that area**]**, and

(ii) in the case of a sum registered under that section for enforcement as a fine by a court of summary jurisdiction in Scotland, references to that court,

[[F358](b) references to the proper officer of the relevant court are—

(i) in the case of a magistrates' court, references to the **[**[F359]designated officer**]** for that court, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(ii) in the case of a court of summary jurisdiction in Scotland, references to the clerk of the court, and**]**

(c) references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum.

(6) For the purposes of sections 72, 73 and this section, a person shall be taken to receive notice of the registration of a sum under section 71 of this Act for enforcement against him as a fine when he receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.

(7) Nothing in the provisions of sections 72 or 73 or this section is to be read as prejudicing any rights a person may have apart from those provisions by virtue of the invalidity of any action purportedly taken in pursuance of this Part of this Act which is not in fact authorised by this Part of this Act in the circumstances of the case; and, accordingly, references in those provisions to the registration of any sum or to any other action taken under or by virtue of any provision of this Part of this Act are not to be read as implying that the registration or action was validly made or taken in accordance with that provision.

Textual Amendments

F355 Words in s. 74(4) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 152(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F356 Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(a)**; S.I. 2005/910, art. 3(y)

F357 Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(b)**; S.I. 2005/910, art. 3(y)

F358 S. 74(5)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 152(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F359 Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(c)**; S.I. 2005/910, art. 3(y)

Marginal Citations

M31 1980 c. 43.

M32 1975 c. 21.

*[F360**[**Conditional offer of fixed penalty*

Textual Amendments

F360 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.34**; S.I. 1992/1286, **art. 2**,Sch.

[F361] 75 Issue of conditional offer.

(1) Where in England and Wales—

(a) a constable has reason to believe that a fixed penalty offence has been committed, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,

a notice under this section may be sent to the alleged offender by or on behalf of the chief officer of police **[**[F362]or, if the constable is a member of the British Transport Police, by or on behalf of the chief constable of the British Transport Police.**]**

[F363](1A) **[** Where in England and Wales—

(a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and

(b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,

a notice under this section may be sent to the alleged offender by the Secretary of State.**]**

(2) Where in Scotland a procurator fiscal receives a report that—

(a) an offence specified in Schedule 3 to this Act has been committed,

(b) an offence specified in Schedule 5 to this Act has been committed,

(c) an offence referred to in paragraph (a) or (b) above has been committed, being an offence of causing or permitting a vehicle to be used by another person in contravention of any provision made or any restriction or prohibition imposed by or under any enactment, or

(d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence referred to in this subsection, has been committed,

he may send a notice under this section to the alleged offender.

(3) Where in Scotland, a constable—

(a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,

(b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the chief constable may send to the alleged offender,

a notice under this section.

[F364](3A) **[** Where a constable is a constable of the British Transport Police Force subsection (3) shall have effect as if the reference to the chief constable were a reference to the chief constable of that force.**]**

[F365](3B) **[** Where in Scotland a vehicle examiner—

(a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,

(b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the Secretary of State may send to the alleged offender,

a notice under this section.**]**

(4) Subsections (2) **[**[F366]to (3B)**]** above shall not apply where a fixed penalty notice has been fixed to a vehicle under section 62 of this Act.

(5) A notice under this section is referred to in this section and sections 76 **[**[F367], 77 and 77A**]** as a "conditional offer".

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(6) Where a **[**[F368]conditional offer is issued by a person under subsection (1), (2) or (3) above**]**, he must notify the **[**[F369]designated officer**]**, or in Scotland clerk of court, specified in it of its issue and its terms; and **[**[F370]he**]** is referred to in this section and sections 76 **[**[F371], 77 and 77A**]** as "the fixed penalty clerk".

(7) A conditional offer must—

(a) give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence,

(b) state the amount of the fixed penalty for that offence, and

(c) state that proceedings against the alleged offender cannot be commenced in respect of that offence until the end of the period of twenty-eight days following the date on which the conditional offer was issued or such longer period as may be specified in the conditional offer.

(8) A conditional offer **[**[F372]sent to an alleged offender who is the holder of a licence**]** must indicate that if the following conditions are fulfilled, that is—

(a) within the period of twenty-eight days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender—

(i) makes payment of the fixed penalty to **[**[F373]the appropriate person**]**, and

(ii) where the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence and its counterpart to **[**[F373]the appropriate person**]**, and

(b) where his licence and its counterpart are so delivered, **[**[F373]the appropriate person**]** is satisfied on inspecting them that, if the alleged offender were convicted of the offence, he would not be liable to be disqualified under section 35 of this Act,

any liability to conviction of the offence shall be discharged.

[F374]**[** A conditional offer sent to an alleged offender who is not the holder of a licence must (8A) indicate that if the following conditions are fulfilled, that is—

(a) within the period of twenty-eight days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender makes payment of the fixed penalty to the appropriate person, and

(b) the appropriate person is satisfied, on accessing information held on the driving record of the alleged offender, that if he were convicted of the offence, he would not be liable to be disqualified under section 35 of this Act,

any liability to conviction of the offence shall be discharged.**]**

(9) For the purposes of the **[**[F375]conditions**]** set out in subsection (8)(b) **[**[F376]and (8A)(b)**]** above, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.

(10) The Secretary of State may by order provide for offences to become or (as the case may be) to cease to be offences in respect of which a conditional offer may be sent under subsection (2)(b) above, and may make such modifications of the provisions of this Part of this Act as appear to him to be necessary for the purpose.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(11) An offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence which is an offence involving obligatory endorsement is itself an offence involving obligatory endorsement for the purposes of the application of this Part of this Act in Scotland.

[In this section and sections 76 **[**[F378], 77 and 77A**]** of this Act "the appropriate person" [F377](11A) means—

(a) where the conditional offer was issued under subsection (1), (2) or (3) above, the fixed penalty clerk, and

(b) where the conditional offer was issued under subsection (1A) or (3B) above, the Secretary of State.**]**

(12) In relation to licences which came into force before 1st June 1990, the references in subsection (8) above to the counterpart of a licence shall be disregarded.**]**

Textual Amendments

F361 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 34**; S.I. 1992/1286, art. 2, **Sch.**

F362 Words in s. 75((1) inserted (1.10.2002) by 2002 c. 30, **s. 76(3)**; S.I. 2002/2306 art. 2(d)(vii)

F363 S. 75(1A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(2)**; S.I. 2008/3164, art. 3(b)

F364 S. 75(3A) inserted (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **s. 69(2)**; S.I. 2004/1572, art. 3(zz)

F365 S. 75(3B) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(3)**; S.I. 2008/3164, art. 3(b)

F366 Words in s. 75(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(4)**; S.I. 2008/3164, art. 3(b)

F367 Words in s. 75(5) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(2)**; S.I. 2008/3164, art. 4(b)

F368 Words in s. 75(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(5)**; S.I. 2008/3164, art. 3(b)

F369 Words in s. 75(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 319**; S.I. 2005/910, art. 3(y)

F370 Words in s. 75(6) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 153(a)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F371 Words in s. 75(6) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(3)**; S.I. 2008/3164, art. 4(b)

F372 Words in s. 75(8) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(4)**; S.I. 2008/3164, art. 4(b)

F373 Words in s. 75(8) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(6)**; S.I. 2008/3164, art. 3(b)

F374 S. 75(8A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(5)**; S.I. 2008/3164, art. 4(b)

F375 Word in s. 75(9) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(6)(a)**; S.I. 2008/3164, art. 4(b)

F376 Words in s. 75(9) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(6)(b)**; S.I. 2008/3164, art. 4(b)

F377 S. 75(11A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(7)**; S.I. 2008/3164, art. 3(b)

F378 Words in s. 75(11A) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(7)**; S.I. 2008/3164, art. 4(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F379]76 Effect of offer and payment of penalty.

(1) This section applies where a conditional offer has been **[**[F380]issued**]** to a person under section 75 of this Act.

[[F381](2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless subsection (3) below applies.

(3) This subsection applies where—

(a) it appears to the appropriate person, on inspecting the licence and its counterpart **[**[F382]or (where the alleged offender is not the holder of a licence) accessing information held on his driving record **]**, that the alleged offender would be liable to be disqualified under section 35 of this Act if he were convicted of the offence to which the conditional offer relates,

(b) the appropriate person returns the payment to the alleged offender together with **[**[F383] (where he is the holder of a licence)**]** his licence and its counterpart, and

(c) where the appropriate person is not the Secretary of State, the appropriate person gives notice that he has done so to the person required to be notified.

(4) Where the requirements specified in the conditional offer in accordance with sub-paragraphs (i) and (ii) of section 75(8)(a) **[**[F384]or (8A)(a)**]** of this Act have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates—

(a) until the end of the period of twenty-eight days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and

(b) where the appropriate person is not the Secretary of State, unless the appropriate person notifies the person required to be notified that proceedings may be brought by virtue of this subsection.

(5) In this section and section 77 of this Act " the person required to be notified " means—

(a) if the conditional offer was issued under subsection (1) of section 75 of this Act, the chief officer of police,

(b) if it was issued under subsection (2) of that section, the procurator fiscal, and

(c) if it was issued under subsection (3) of that section, the chief constable or (as the case may be) the chief constable of the British Transport Police Force.**]**

(6) In determining for the purposes of subsection **[**[F385](3)(a)**]** above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.

(7) In any proceedings a certificate that by a date specified in the certificate payment of a fixed penalty was or was not received by **[**[F386]the appropriate person**]** shall, if the certificate purports to be signed by **[**[F386]the appropriate person**]**, be evidence, or in Scotland sufficient evidence, of the facts stated.

(8) In relation to licences which came into force before 1st June 1990, the references in subsection **[**[F387](3)**]** above to the counterpart of a licence shall be disregarded.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(9) In Scotland, the Secretary of State may by regulations vary the provisions of subsection **[**[F388](5)(b) or (c)**]** above.

Textual Amendments

F379 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , **s. 34** ; S.I. 1992/1286 , art. 2 , **Sch.**

F380 Word in s. 76(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(2)** ; S.I. 2008/3164 , art. 3(b)

F381 S. 76(2)-(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(3)** ; S.I. 2008/3164 , art. 3(b)

F382 Words in s. 76(3)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 25(2)(a)**; S.I. 2008/3164, art. 4(b)

F383 Words in s. 76(3)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 25(2)(b)**; S.I. 2008/3164, art. 4(b)

F384 Words in s. 76(4) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 25(3)**; S.I. 2008/3164, art. 4(b)

F385 Word in s. 76(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(4)** ; S.I. 2008/3164 , art. 3(b)

F386 Words in s. 76(7) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(5)** ; S.I. 2008/3164 , art. 3(b)

F387 Word in s. 76(8) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(6)** ; S.I. 2008/3164 , art. 3(b)

F388 Words in s. 76(9) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(7)** ; S.I. 2008/3164 , art. 3(b)

[F390]77 Endorsement [[F389]of counterparts] where penalty paid.

(1) Where—

(a) in pursuance of a conditional offer a person **[**[F391]who is the holder of a licence**]** (referred to in this section as the "licence holder") makes payment of the fixed penalty to **[**[F392]the appropriate person**]** and delivers his licence and its counterpart to **[**[F392]the appropriate person**]**, and

[[F393](b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,**]**

the **[**[F394]appropriate person**]** must forthwith endorse the relevant particulars on the counterpart of the licence and return it to the licence holder together with the licence.

(2) Where **[**[F395]in Scotland it appears to the appropriate person**]** that there is an error in an endorsement made by virtue of this section on the counterpart of a licence he may amend the endorsement so as to correct the error; and the amended endorsement shall have effect and shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.

(3) Subject to subsection (4) below, where a cheque tendered in payment is subsequently dishonoured—

(a) any endorsement made by **[**[F396]the appropriate person**]** under subsection (1) above remains effective, notwithstanding that the licence holder is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) **[**[F397]unless the appropriate person is the Secretary of State, the appropriate person**]** must, upon the expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person **[**[F398]required to be notified**]** that no payment has been made.

(4) When proceedings are brought against a licence holder **[**[F399]where subsection (3) above applies**]**, the court—

(a) must order the removal of the fixed penalty endorsement from the counterpart of the licence, and

(b) may, on finding the licence holder guilty, make any competent order of endorsement or disqualification and pass any competent sentence.

(5) The reference in subsection (1) above to the relevant particulars is to—

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.

(6) **[**[F400]Where the appropriate person is the fixed penalty clerk, he**]** must send notice to the Secretary of State—

(a) of any endorsement under subsection (1) above and of the particulars endorsed,

(b) of any amendment under subsection (2) above, and

(c) of any order under subsection (4)(a) above.

(7) Where the counterpart of a person's licence is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45 of this Act and of the Rehabilitation of Offenders Act 1974 as if—

(a) he had been convicted of the offence,

(b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and

(c) the particulars of the offence endorsed by virtue of subsection (5)(a) above were particulars of his conviction of that offence.

(8) In relation to any endorsement of the counterpart of a person's licence under this section—

(a) the reference in section 45(4) of this Act to the order for endorsement, and

(b) the references in section 13(4) of this Act to any order made on a person's conviction,

are to be read as references to the endorsement itself.

(9) In relation to licences which came into force before 1st June 1990, the references in this section to the counterpart of a licence shall be disregarded or, as the case may require, construed as references to the licence itself.

[[F401](10) Subsection (1) above is subject to section 2(4)(a) of and paragraph 7(4)(a) of Schedule 1 to the Road Traffic (New Drivers) Act 1995; and the fixed penalty clerk need not send a notice falling within subsection (6)(a) above in a case where he sends a person's licence and its counterpart to the Secretary of State under section 2(4)(b) of or paragraph 7(4)(b) of Schedule 1 to that Act.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F389 Words in s. 77 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 26(3)**; S.I. 2008/3164, art. 4(b)

F390 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 34**; S.I. 1992/1286, art. 2, **Sch.**

F391 Words in s. 77(1)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 26(2)**; S.I. 2008/3164, art. 4(b)

F392 Words in s. 77(1)(a) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(2)**; S.I. 2008/3164, art. 3(b)

F393 S. 77(1)(b) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(3)**; S.I. 2008/3164, art. 3(b)

F394 Words in s. 77(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(4)**; S.I. 2008/3164, art. 3(b)

F395 Words in s. 77(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(5)**; S.I. 2008/3164, art. 3(b)

F396 Words in s. 77(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(6)(a)**; S.I. 2008/3164, art. 3(b)

F397 Words in s. 77(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(6)(b)**; S.I. 2008/3164, art. 3(b)

F398 Words in s. 77(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(6)(c)**; S.I. 2008/3164, art. 3(b)

F399 Words in s. 77(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(7)**; S.I. 2008/3164, art. 3(b)

F400 Words in s. 77(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(8)**; S.I. 2008/3164, art. 3(b)

F401 S. 77(10) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 6** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

Modifications etc. (not altering text)

C81 S. 77(1) restricted (1.6.1997) by 1995 c. 13, ss. 2(4)(a), 6, **Sch. 1 Pt. IV**, para. 7(4)(a) (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

[F402 77A Endorsement of driving records where penalty paid

(1) Where—

(a) in pursuance of a conditional offer issued under subsection (1), (2) or (3) of section 75 of this Act a person who is not the holder of a licence (referred to in this section as the "alleged offender") makes payment of the fixed penalty to the fixed penalty clerk, and

(b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,

the fixed penalty clerk must forthwith send to the Secretary of State notice of the relevant particulars to be endorsed on the alleged offender's driving record.

(2) The Secretary of State must endorse the relevant particulars on a person's driving record—

(a) on receiving notice under subsection (1) above, or

(b) if, in pursuance of a conditional offer issued under subsection (1A) or (3B) of section 75 of this Act, a person who is not the holder of a licence (also referred to in this section as the "alleged offender") makes payment of the

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

fixed penalty to him and proceedings against the alleged offender are excluded by section 76 of this Act.

(3) Where in Scotland the appropriate person is the fixed penalty clerk and it appears to him that there is an error in an endorsement made by virtue of this section on a person's driving record, he may send to the Secretary of State notice of the error.

(4) Subject to subsection (5) below, where a cheque tendered in payment is subsequently dishonoured—
- (a) any endorsement made by the Secretary of State under subsection (2) above remains effective notwithstanding that the alleged offender is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and
- (b) unless the appropriate person is the Secretary of State, the appropriate person must upon expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person required to be notified that no payment has been made.

(5) When proceedings are brought against an alleged offender where subsection (4) above applies, the court—
- (a) must order the removal of the fixed penalty endorsement from the driving record of the alleged offender,
- (b) may, on finding the alleged offender guilty, make any competent order of endorsement or disqualification and pass any competent sentence, and
- (c) must send to the Secretary of State notice of any order made under paragraph (a) or (b) above.

(6) On receiving notice under subsection (3) above, the Secretary of State may correct the error in the endorsement on the driving record; and any endorsement corrected shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.

(7) On receiving a notice under subsection (5)(c) above, the Secretary of State must make any necessary adjustments to the endorsements on the alleged offender's driving record.

(8) The references in subsection (1) and (2) above to the relevant particulars are to—
- (a) particulars of the offence, including the date when it was committed, and
- (b) the number of penalty points to be attributed to the offence.

(9) Where a person's driving record is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—
- (a) he had been convicted of the offence,
- (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and
- (c) the particulars of the offence endorsed by virtue of subsection (8)(a) above were particulars of his conviction of that offence.

(10) In relation to any endorsement of a person's driving record under this section, the references in section 13(4) of this Act to any order made on a person's conviction are to be read as references to the endorsement itself.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F402 S. 77A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 27**; S.I. 2008/3164, art. 4(b)

Proceedings in fixed penalty cases

78 General restriction on proceedings.

(1) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates until the end of the suspended enforcement period.

(2) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates if the fixed penalty is paid in accordance with this Part of this Act before the end of the suspended enforcement period.

79 Statements by constables.

(1) In any proceedings a certificate that a copy of a statement by a constable **[**[F403]or vehicle examiner**]** with respect to the alleged offence (referred to in this section as a "**[**[F404]relevant**]** witness statement") was included in or given with a fixed penalty notice or a notice under section **[**[F405]54(4)**]** of this Act given to the accused on a date specified in the certificate shall, if the certificate purports to be signed by the [F406]... person who gave the accused the notice, be evidence of service of a copy of that statement by delivery to the accused on that date.

(2) In any proceedings a certificate that a copy of a **[**[F407]relevant**]** witness statement was included in or served with a notice to owner served on the accused in the manner and on a date specified in the certificate shall, if the certificate purports to be signed by any person employed **[**[F408]as a civilian police employee**]** for the police area in which the offence to which the proceedings relate is alleged to have been committed **[**[F409]or on behalf of the Secretary of State**]**, be evidence of service in the manner and on the date so specified both of a copy of that statement and of the notice to owner.

(3) Any address specified in any such certificate as is mentioned in subsection (2) above as being the address at which service of the notice to owner was effected shall be taken for the purposes of any proceedings in which the certificate is tendered in evidence to be the accused's proper address, unless the contrary is proved.

(4) Where a copy of a **[**[F410]relevant**]** witness statement is included in or served with a notice to owner served in any manner in which the notice is authorised to be served under this Part of this Act, the statement shall be treated as duly served for the purposes of section 9 of the [M33]Criminal Justice Act 1967 (proof by written statement) notwithstanding that the manner of service is not authorised by subsection (8) of that section.

(5) In relation to any proceedings in which service of a **[**[F410]relevant**]** witness statement is proved by certificate under this section—

(a) that service shall be taken for the purposes of subsection (2)(c) of that section (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it) to have been effected by or on behalf of the prosecutor, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) subsection (2)(d) of that section (time for objection) shall have effect with the substitution, for the reference to seven days from the service of the copy of the statement, of a reference to seven days from the relevant date.

[[F411](5A) For the purposes of subsection (2), a person is employed as a civilian police employee for a police area if—

(a) in the case of a police area listed in Schedule 1 to the Police Act 1996, the person is a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) maintained for that area;

(b) in the case of the metropolitan police district, the person is a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act);

(c) in the case of the City of London, the person is employed by the Common Council of the City of London in its capacity as police authority.**]**

(6) In subsection (5)(b) above "relevant date" means—

(a) where the accused gives notice requesting a hearing in respect of the offence in accordance with any provision of this Part of this Act, the date on which he gives that notice, and

(b) where a notice in respect of the offence was given to the accused under section 54(4) of this Act but no fixed penalty notice is given in respect of it, the last day for **[**[F412]delivery of the notice**]**.

(7) This section does not extend to Scotland.

Textual Amendments

F403 Words in s. 79(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(2)(a)**; S.I. 2008/3164, art. 3(b)

F404 Word in s. 79(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(2)(b)**; S.I. 2008/3164, art. 3(b)

F405 Word in s. 79(1) substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(4)**, 61(9)

F406 Words in s. 79(1) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 18(2)(c), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F407 Word in s. 79(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(3)(a)**; S.I. 2008/3164, art. 3(b)

F408 Words in s. 79(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 198(2)**; S.I. 2011/3019, art. 3, Sch. 1

F409 Words in s. 79(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(3)(b)**; S.I. 2008/3164, art. 3(b)

F410 Word in s. 79(4)(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(4)**; S.I. 2008/3164, art. 3(b)

F411 S. 79(5A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 198(3)**; S.I. 2011/3019, art. 3, Sch. 1

F412 Words in s. 79(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(5)**; S.I. 2008/3164, art. 3(b)

Marginal Citations

M33 1967 c. 80.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

80 Certificates about payment.

In any proceedings a certificate—

(a) that payment of a fixed penalty was or was not received, by a date specified in the certificate, by the **[**[F413]person to whom it was required to be paid**]**, or

(b) that a letter containing an amount sent by post in payment of a fixed penalty was marked as posted on a date so specified,

shall, if the certificate purports to be signed by the **[**[F413]person to whom it was required to be paid**]**, be evidence (and, in Scotland, sufficient evidence) of the facts stated.

Textual Amendments

F413 Words in s. 80 substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 19**; S.I. 2008/3164, art. 3(b)

81 Documents signed by the accused.

(1) Where—

(a) any person is charged with a fixed penalty offence, and

(b) the prosecutor produces to the court a document to which this subsection applies purporting to have been signed by the accused,

the document shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and, in Scotland, sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

(2) Subsection (1) above applies to any document purporting to be—

(a) a notice requesting a hearing in respect of the offence charged given in accordance with a fixed penalty notice relating to that offence, or

(b) a statutory statement of any description defined in Schedule 4 to this Act or a copy of a statement of liability within the meaning of section 66 of this Act provided in response to a notice to owner.

Miscellaneous

82 Accounting for fixed penalties: England and Wales.

(1) In England and Wales, sums paid **[**[F414]to the fixed penalty clerk**]** by way of fixed penalty for an offence shall be treated for the purposes of **[**[F415]section 38 of the Courts Act 2003 (application of receipts of designated officers)**]** as if they were fines imposed on summary conviction for that offence.

[F416](2) . . . . . .

[F416](2A) . . . . . .

[F416](3) . . . . . .

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F414 Words in s. 82(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 20**; S.I. 2008/3164, art. 3(b)

F415 Words in s. 82(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 320(2)**; S.I. 2005/910, art. 3(y)

F416 S. 82(2)(2A)(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 320(3), **Sch. 10**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

C82 S. 82 modified (*temp.*) (1.4.1995) by S.I. 1995/685, **reg. 6(2)(b)**
S. 82 modified (19.6.1997) by 1997 c. 25, s. 73(1), 74, **Sch. 4 Pt. II**, para. 7(2)(d)(i)

C83 S. 82(1)(2): Functions of the Secretary of State transferred to the Lord Chancellor (1.4.1992) by S.I. 1992/709, art. 2(1), **Sch. 1**

83 Powers of court [F417in cases of deception].

(1) This section applies where—

(a) in endorsing **[**F418the counterpart of**]** any person's licence under section 57 of this Act, the fixed penalty clerk **[**F419or the Secretary of State**]** is deceived as to whether endorsement under that section is excluded by section 61(2) of this Act by virtue of the fact that the licence holder would be liable to be disqualified under section 35 of this Act if he were convicted of the offence, or

(b) in endorsing **[**F420the counterpart of**]** any person's licence under section 77 of this **[**F421Act the appropriate person is deceived as to whether proceedings against the person are excluded by section 76 of this Act**]** by virtue of the fact that the licence holder would be liable to be disqualified under section 35 of this Act if he were convicted of the offence.

[F422(1A) This section also applies where—

(a) particulars are endorsed on a person's driving record under section 57A of this Act because the fixed penalty clerk or the Secretary of State is deceived as to whether endorsement under that section is excluded by section 61A(2) of this Act by virtue of the fact that the person to whom the fixed penalty notice was given would be liable to be disqualified under section 35 of this Act if he were convicted of the offence, or

(b) particulars are endorsed on a person's driving record under section 77A of this Act because the appropriate person or court is deceived as to whether proceedings against the person are excluded by section 76 of this Act by virtue of the fact that the person to whom the conditional offer is issued would be liable to be disqualified under section 35 of this Act if he were convicted of the offence.**]**

(2) If—

(a) the deception constituted or was due to an offence committed by the **[**F423person to whom the fixed penalty notice was given or conditional offer was issued**]** , and

(b) **[**F424he**]** is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties as it would have had if he had also been convicted by or before it of the offence of

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

which particulars were endorsed under section 57 **[**[F425]or 57A**]** or, as the case may be, 77 **[**[F426]or 77A**]** of this Act.

Textual Amendments

F417 Words in s. 83 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 21(3)**; S.I. 2008/3164, art. 3(b)

F418 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 24(a)**

F419 Words in s. 83(1)(a) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 21(2)(a)**; S.I. 2008/3164, art. 3(b)

F420 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2**, para. 24(b)(i)(ii)

F421 Words in s. 83(1)(b) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 21(2)(b)**; S.I. 2008/3164, art. 3(b)

F422 S. 83(1A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(2)**; S.I. 2008/3164, art. 4(b)

F423 Words in s. 83(2)(a) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(a)**; S.I. 2008/3164, art. 4(b)

F424 Word in s. 83(2)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(b)**; S.I. 2008/3164, art. 4(b)

F425 Words in s. 83(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(c)**; S.I. 2008/3164, art. 4(b)

F426 Words in s. 83(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(d)**; S.I. 2008/3164, art. 4(b)

84 Regulations.

The Secretary of State may by regulations make provision as to any matter incidental to the operation of this Part of this Act, and in particular—

(a) for prescribing any information or further information to be provided in any notice, notification, certificate or receipt under section 52(1), 54(4) **[**[F427]or (5C)**]**, 56, 59(1), [F428]... 63(2), 70(2) and (3)(b), 73(4)(b), **[**[F429]75(1), (1A), (2), (3) or (3B) or 76(3)(c) or (4)(b)**]** of this Act or in any official form for a statutory statement mentioned in Schedule 4 to, or a statement under section 66(2) of, this Act, **[**[F430]and

(b) the amount of the penalty stated in the offer is less than the fixed penalty applicable in the circumstances,**]**

Textual Amendments

F427 Words in s. 84(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 29**; S.I. 2008/3164, art. 4(b)

F428 Words in s. 84(a) repealed (8.11.2006) by Road Safety Act 2006 (c. 49), s. 61(9), **Sch. 7(19)**

F429 Words in s. 84 substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 22**; S.I. 2008/3164, art. 3(b)

F430 S. 84(b) and word substituted for s. 84(b)(c) (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 3(3)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 2(a)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[[F431]84A Notices to Secretary of State

Any notice sent to the Secretary of State under this Part must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.**]**

Textual Amendments

F431 S. 84A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 30**; S.I. 2008/3164, art. 4(b)

85 Service of documents.

(1) Subject to any requirement of this Part of this Act with respect to the manner in which a person may be provided with any such document, he may be provided with the following documents by post (but without prejudice to any other method of providing him with them), that is to say—

(a) any of the statutory statements mentioned in Schedule 4 to this Act, and

(b) any of the documents mentioned in section 66(2) of this Act.

(2) Where a notice requesting a hearing in respect of an offence is permitted by a fixed penalty notice or notice to owner relating to that offence to be given by post, section 7 of the [M34]Interpretation Act 1978 (service of documents by post) shall apply as if that notice were permitted to be so given by this Act.

(3) A notice to owner may be served on any person—

(a) by delivering it to him or by leaving it at his proper address, or

(b) by sending it to him by post,

and where the person on whom such a notice is to be served is a body corporate it is duly served if it is served on the secretary or clerk of that body.

(4) For the purposes of this Part of this Act and of section 7 of the [M35]Interpretation Act 1978 as it applies for the purposes of subsection (3) above the proper address of any person in relation to the service on him of a notice to owner is—

(a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body or the registered address of the person who is or was the registered keeper of the vehicle concerned at the time of service, and

(b) in any other case, his last known address at the time of service.

(5) In subsection (4) above, "registered address", in relation to the registered keeper of a vehicle, means the address recorded in the record kept under **[**[F432]the Vehicle Excise and Registration Act 1994**]** with respect to that vehicle as being that person's address.

Textual Amendments

F432 Words in s. 85(5) substituted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(1)** (with s. 57(4))

Marginal Citations

M34 1978 c. 30.

M35 1978 c. 30.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

86 Functions of traffic wardens.

(1) An order under section 95(5) of the [M36]Road Traffic Regulation Act 1984 may not authorise the employment of a traffic warden to discharge any function under this Part of this Act in respect of an offence if the offence appears to the traffic warden to be an offence involving obligatory endorsement **[**[F433]unless that offence was committed whilst the vehicle concerned was stationary.**]**.

(2) In so far as an order under that section authorises the employment of traffic wardens for the purposes of this Part of this Act, references in this Part of this Act to a constable or, as the case may be, to a constable in uniform include a traffic warden.

Textual Amendments

F433 Words in s. 86(1) added (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 106**; S.I. 1991/2054, art. 3, **Sch**

Marginal Citations

M36 1984 c. 27.

87 Guidance on application of Part III.

The Secretary of State must issue guidance to chief officers of police for police areas **[**[F434]and to the chief constable of the British Transport Police**]**in respect of the operation of this Part of this Act with the objective so far as possible of working towards uniformity.

Textual Amendments

F434 Words in s. 87 inserted (1.10.2002) by 2002 c. 30, **s. 76**; S.I. 2002/2306, **art. 2(d)(vii)**

88 Procedure for regulations and orders.

(1) Any power conferred by this Part of this Act on the Secretary of State to make any order or regulations shall be exercisable by statutory instrument.

(2) Before making—

(a) an order under section 51, 53 or 75 of this Act, or

(b) regulations under section 84 of this Act,

the Secretary of State must consult with such representative organisations as he thinks fit.

(3) A statutory instrument containing regulations or an order under any provision of this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations under this Part of this Act may—

(a) make different provision for different cases, and

(b) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

89 Interpretation.

(1) In this Part of this Act—

"authorised person" has the meaning given by section 54(9) of this Act,

[[F435]**[**[F436] "British Transport Police" means the force of constables appointed under the British Transport Commission Act 1949 (c. xxix);**]]**

[[F437] "chief constable" means, in Scotland in relation to any conditional offer, the chief constable **[**[F438]of the Police Service of Scotland**].]**

"chief officer of police" (except in the definition of "authorised person") means, in relation to any fixed penalty notice **[**[F439], notice to owner or conditional offer**]**, the chief officer of police for the police area in which the fixed penalty offence in question is alleged to have been committed,

"court of summary jurisdiction" has the same meaning as in **[**[F440]section 307(1) of the Criminal Procedure (Scotland) Act 1995**]**,

"driver" except in section 62 of this Act means, in relation to an alleged fixed penalty offence, the person by whom, assuming the offence to have been committed, it was committed,

[F441] . . .

"petty sessions area" has the same meaning as in the [M37]Magistrates' Courts Act 1980, and

"proceedings", except in relation to proceedings for enforcing payment of a sum registered under section 71 of this Act, means criminal proceedings.

[[F442]"vehicle examiner" means an examiner appointed under section 66A of the Road Traffic Act 1988.**]**

(2) In this Part of this Act—

(a) references to a notice requesting a hearing in respect of an offence are references to a notice indicating that the person giving the notice wishes to contest liability for the offence or seeks a determination by a court with respect to the appropriate punishment for the offence,

(b) references to an offence include an alleged offence, and

(c) references to the person who is or was at any time the registered keeper of a vehicle are references to the person in whose name the vehicle is or was at that time registered under **[**[F443]the Vehicle Excise and Registration Act 1994**]**.

Textual Amendments

F435 Definition in s. 89 ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)

F436 S. 89(1): Definition of British Transport Police inserted (1.10.2002) by 2002 c. 30, **s. 76(6)**; S.I. 2002/2306, **art. 2(d)(vii)**

F437 Definition in s. 89(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 107(2)**; S.I. 1992/1286, art. 2, **Sch.**

F438 Words in s. 89(1) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 23**

F439 Words in s. 89(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 107(3)**; S.I. 1992/1286, art. 2, **Sch.**

F440 S. 89(1): words in definition of "court of summary jurisdiction" substituted (1.4.1996) by 1995 c. 13, s. 5, **Sch. 4 para. 71(10)**

F441 S. 89(1): Definition of "justices' clerk" repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F442 Definition in s. 89(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 23**; S.I. 2008/3164, art. 3(b)

F443 Words in s. 89(2)(c) substituted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(1)**

Marginal Citations

M37 1980 c. 43.

90 Index to Part III.

The expressions listed in the left hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

Authorised person	Section 54(9)
Conditional offer	**[**[F444]75(5)**]**
Fixed penalty	Section 53
Fixed penalty clerk	Section 69(4) **[**[F445]and **[**[F446]75(6)**]]**
Fixed penalty notice	Section 52
Fixed penalty offence	Section 51
Notice to owner	Sections 63(2) and 66(4)
Notice requesting a hearing in respect of an offence	Section 89(2)
Offence	Section 89(2)
Official form	Section 68(4)
Owner	Section 68(1)
Period allowed for response to a notice to owner	Section 63(5)
Proper address, in relation to the service of a notice to owner	Section 85(4)
Registered keeper	Section 89(2)
Statutory statement of facts	Part II of Schedule 4
Statutory statement of hiring	Part I of Schedule 4
Statutory statement of ownership	Part I of Schedule 4
Suspended enforcement period	Section 52(3)(a)
Time of the alleged offence	Section 63(3)

Textual Amendments

F444 Words in s. 90 substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(5)(a)**, 61(9)

F445 Words in s. 90 added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 108(b)**; S.I. 1992/1286, **art. 2**,Sch.

F446 Words in s. 90 substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(5)(b)**, 61(9)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F447 PART 3A

FINANCIAL PENALTY DEPOSITS

Textual Amendments

F447 Pt. 3A (ss. 90A-90F) inserted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 11(1)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 2(b)

90A Power to impose financial penalty deposit requirement

(1) A constable or vehicle examiner may impose a financial penalty deposit requirement on a person on any occasion if the conditions in this section are satisfied.

(2) The constable or vehicle examiner must have reason to believe—
- (a) that the person is committing or has on that occasion committed an offence relating to a motor vehicle, and
- (b) that the person, the offence and the circumstances in which the offence is committed are of a description specified in an order made by the Secretary of State.

(3) The person must be—
- (a) given written notification that it appears likely that proceedings will be brought against him in respect of the offence, or
- (b) (if the offence is a fixed penalty offence) either given such notification or given a fixed penalty notice (or, in Scotland, handed a conditional offer) in respect of the offence.

(4) The person must fail to provide a satisfactory address; and for this purpose "a satisfactory address" is an address in the United Kingdom at which the constable or vehicle examiner considers it likely that it would be possible to find the person whenever necessary to do so in connection with the proceedings, fixed penalty notice or conditional offer.

(5) The person who is to impose the financial penalty deposit requirement—
- (a) if a constable, must be in uniform, and
- (b) if a vehicle examiner, must produce his authority.

90B Financial penalty deposit requirement

(1) For the purposes of this Part of this Act a financial penalty deposit requirement is a requirement to make a payment of the appropriate amount to the Secretary of State—
- (a) in a manner specified in an order made by him, and
- (b) either immediately or within the relevant period.

(2) In this Part of this Act "the appropriate amount", in relation to an offence and a person, is an amount specified in relation to the offence in an order made by the Secretary of State; and different amounts may be so specified—
- (a) by reference to whether the person is given notification that it appears likely that proceedings will be brought against him or given a fixed penalty notice (or handed a conditional offer), and
- (b) otherwise by reference to the circumstances of the offence.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(3) In this Part of this Act "the relevant period" means—

(a) if the person was given a fixed penalty notice and proceedings are not brought in respect of the offence by virtue of this Act before the end of the suspended enforcement period, the suspended enforcement period,

(b) if he was handed a conditional offer and proceedings are not brought in respect of the offence by virtue of this Act before the end of the period of 28 days following the date on which the conditional offer was given or any longer period specified in the conditional offer, that period, and

(c) otherwise, the period ending with the person being charged with the offence.

90C Making of payment in compliance with requirement

(1) This section applies where a person on whom a financial penalty deposit requirement is imposed in respect of an offence makes a payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it).

(2) On payment by the person of the appropriate amount the person by whom the payment is received must issue him with a written receipt for the payment specifying the effect of the following provisions of this section.

(3) If the person was handed a conditional offer—

(a) the person is entitled to give notice requesting a hearing in respect of the offence, and

(b) the written receipt must specify the manner in which such notice is to be given.

(4) In a case where—

(a) a fixed penalty notice relating to the offence has been given to the person or a conditional offer so relating has been handed to him,

(b) the person does not give notice requesting a hearing in respect of the offence before the end of the relevant period in the appropriate manner, and

(c) proceedings are not brought in respect of the offence by virtue of this Act,

subsection (6) below applies.

(5) In subsection (4)(b) above "the appropriate manner" means—

(a) if the person was given a fixed penalty notice, the manner specified in the fixed penalty notice, and

(b) if he was handed a conditional offer, the manner specified in the written receipt under subsection (2) above.

(6) Where this subsection applies, the Secretary of State must—

(a) apply so much of the payment as does not exceed the amount of the fixed penalty in or towards payment of the fixed penalty, and

(b) take the appropriate steps to make any appropriate refund to the person.

(7) In any other case—

(a) if the person is informed that he is not to be prosecuted for the offence, is acquitted of the offence or is convicted but not fined in respect of it, or the prosecution period comes to an end without a prosecution having been commenced against him in respect of it, subsection (9) below applies, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) if a fine is imposed on the person in respect of the offence (otherwise than as a result of a conviction obtained on a prosecution commenced after the end of the prosecution period), subsection (10) below applies.

(8) In this Part of this Act "the prosecution period" means the period of twelve months beginning with the imposition of the financial penalty deposit requirement or, if shorter, any period after which no prosecution may be commenced in respect of the offence.

(9) Where this subsection applies, the Secretary of State must take the appropriate steps to make the appropriate refund to the person.

(10) Where this subsection applies, the Secretary of State must—

(a) apply so much of the payment as does not exceed the amount of the fine in or towards payment of the fine, and

(b) take the appropriate steps to make any appropriate refund to the person.

(11) Where the Secretary of State is required by this section to take the appropriate steps to make an appropriate refund, he must take such steps to trace the person and to make the refund to him, by such means, as are specified in an order made by the Secretary of State.

(12) In this Part of this Act "the appropriate refund", in any case, is a refund of—

(a) where subsection (6) above applies, so much of the payment as exceeds the amount of the fixed penalty,

(b) where subsection (9) above applies, the amount of the payment, and

(c) where subsection (10) above applies, so much of the amount of the payment as exceeds the amount of the fine,

together with interest calculated in accordance with provision made by order made by the Treasury.

90D Prohibition on driving on failure to make payment

(1) This section applies where a person on whom a financial penalty deposit requirement is imposed does not make an immediate payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it).

(2) The constable or vehicle examiner by whom the requirement was imposed may prohibit the driving on a road of any vehicle of which the person was in charge at the time of the offence by giving to the person notice in writing of the prohibition.

(3) The prohibition—

(a) shall come into force as soon as the notice is given, and

(b) shall continue in force until the happening of whichever of the events in subsection (4) below occurs first.

(4) Those events are—

(a) the person making a payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it) at any time during the relevant period,

(b) (where a fixed penalty notice was given, or a conditional offer handed, to the person in respect of the offence) payment of the fixed penalty,

(c) the person being convicted or acquitted of the offence,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(d) the person being informed that he is not to be prosecuted for the offence, and

(e) the coming to an end of the prosecution period.

(5) A constable or vehicle examiner may by direction in writing require the person to remove the vehicle to which the prohibition relates (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition does not apply to the removal of the vehicle (or trailer) in accordance with the direction.

(6) A person who—

(a) drives a vehicle in contravention of a prohibition under this section,

(b) causes or permits a vehicle to be driven in contravention of such a prohibition, or

(c) fails to comply within a reasonable time with a direction under subsection (5) above,

is guilty of an offence.

(7) The Secretary of State may by order provide for exceptions from subsection (6) above.

(8) Schedule 4 to the Road Safety Act 2006 makes provision about the immobilisation of vehicles the driving of which has been prohibited under this section and about their removal and disposal.

90E Orders about financial penalty deposits

(1) Any power conferred by section 90A, 90B, 90C or 90D of this Act on the Secretary of State or the Treasury to make an order shall be exercisable by statutory instrument.

(2) Before making an order under any of those sections the Secretary of State or the Treasury must consult with such representative organisations as appear appropriate.

(3) An order under any of those sections may make different provision for different cases.

(4) No order shall be made under section 90B(2) of this Act unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

(5) A statutory instrument containing an order under section 90A, 90B(1), 90C or 90D of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

90F Financial penalty deposits: interpretation

In sections 90A to 90D of this Act—

"the appropriate amount" has the meaning given by section 90B(2) of this Act,

"the appropriate refund" has the meaning given by section 90C(12) of this Act,

"conditional offer" means a notice under section 75(3)(a) **[**[F448]or (3B)(a)**]** of this Act,

"financial penalty deposit requirement" has the meaning given by section 90B(1) of this Act,

"fixed penalty notice" has the meaning given by section 52 of this Act,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

"fixed penalty offence" is to be construed in accordance with section 51 of this Act,

"the prosecution period" has the meaning given by section 90C(8) of this Act,

"the relevant period" has the meaning given by section 90B(3) of this Act,

"suspended enforcement period" is to be construed in accordance with section 52(3)(a) of this Act, and

"vehicle examiner" means an examiner appointed under section 66A of the Road Traffic Act 1988.**]**

Textual Amendments

F448 Words in s. 90F inserted (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 128**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

PART IV

MISCELLANEOUS AND GENERAL

91 Penalty for breach of regulations.

If a person acts in contravention of or fails to comply with—

(a) any regulations made by the Secretary of State under the [M38]Road Traffic Act 1988 other than regulations made under section 31, 45 or 132 **[**[F449]or under section 160 by virtue of Schedule 2A**]**,

(b) any regulations made by the Secretary of State under the [M39]Road Traffic Regulation Act 1984, other than regulations made under section 28, Schedule 4, Part III of Schedule 9 or Schedule 12,

and the contravention or failure to comply is not made an offence under any other provision of the Traffic Acts, he shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F449 Words in s. 91(a) inserted (16.5.2011) by Road Safety Act 2006 (c. 49), **ss. 22(4)**, 61(1)(10); S.I. 2011/1119, art. 2(a)

Marginal Citations

M38 1988 c. 52.

M39 1984 c. 27.

[[F450]**91ZA Application to Northern Ireland licence holders**

(1) The references to a licence in the following provisions of this Act include references to a Northern Ireland licence—

(a) section 7,

(b) section 26(7) and (8) and (9)(b),

(c) section 27,

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(d) section 29(1),
(e) section 30,
(f) section 31(1),
(g) section 32,
(h) section 42(5),
(i) section 44(1) **[**[F451]and (3A)**]**,
(j) section 46(2),
(k) section 47(2) **[**[F452], (3) and (3A)**]**,
(l) section 48(1) and (2).

(2) Accordingly, the reference in section 27(3)(b) of this Act to the suspension of a licence is to be construed in relation to a Northern Ireland licence holder as a reference to his ceasing to be authorised by virtue of section 109(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.

(3) The references in sections 26(9)(a) and 27(3) of this Act to a new licence include references to a counterpart of a Northern Ireland licence.

(4) In relation to a Northern Ireland licence holder to whom a counterpart is issued under section 109A of the Road Traffic Act 1988, the references in Part 3 of this Act (except sections 75(12), 76(8) and 77(9)) to a licence include references to a Northern Ireland licence.

(5) Where a court orders the endorsement of the counterpart of any Northern Ireland licence held by a person, it must send notice of the endorsement to the Secretary of State.

(6) The notice must—
(a) be sent in such manner and to such address, and
(b) contain such particulars,
as the Secretary of State may determine.

(7) Where a court orders the holder of a Northern Ireland licence to be disqualified, it must send the Northern Ireland licence and its counterpart (if any), on their being produced to the court, to the Secretary of State.

(8) The licence and its counterpart must be sent to such address as the Secretary of State may determine.

(9) Where—
(a) a notice is sent to the Secretary of State under subsection (5) above, and
(b) the particulars contained in the notice include—
(i) particulars of an offence in respect of which the holder of a Northern Ireland licence is disqualified by an order of a court, and
(ii) particulars of the disqualification,
the Secretary of State must send a notice containing the particulars mentioned in paragraph (b)(i) and (ii) to the licensing authority in Northern Ireland.

Textual Amendments

F450 Ss. 91ZA, 91ZB inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 77(2)**, 94(1); S.I. 2004/2624, art. 2(1)(2)(a)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F451 Words in s. 91ZA(1)(i) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 31(a)**; S.I. 2008/3164, art. 4(b)

F452 Words in s. 91ZA(1)(k) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 31(b)**; S.I. 2008/3164, art. 4(b)

91ZB Effect of endorsement on Northern Ireland licence holders

Section 91B applies in relation to Northern Ireland licences as it applies in relation to Community licences.**]**

Textual Amendments

F450 Ss. 91ZA, 91ZB inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 77(2)**, 94(1); S.I. 2004/2624, art. 2(1)(2)(a)

[F453 91A Application to Community licence holders.

(1) The references in sections 7, 26(7) and (8) and (9)(b), 27, 29(1), 30, 31(1), 32, 42(5), 44(1) **[**F454 and (3A)**]** , 46(2), 47(3) **[**F455 and (3A)**]** and 48(1) and (2) of this Act to a licence includes references to a Community licence; and accordingly the reference in section 27(3)(b) of this Act to the suspension of a licence is to be construed in relation to a Community licence as a reference to the Community licence holder ceasing to be authorised by virtue of section 99(A)(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.

(2) The references in sections 26(9)(a) and 27(3) of this Act to a new licence include references to a counterpart of a Community licence.

(3) In relation to a Community licence holder to whom a counterpart is issued under section 99B of the Road Traffic Act 1988, the references in Part III of this Act (except sections 75(12), 76(8) and 77(9) of this Act) to a licence include references to a Community licence.

(4) Where a court orders the endorsement of the counterpart of any Community licence held by a person, it must send notice of the endorsement to the Secretary of State.

(5) Where a court orders the holder of a Community licence to be disqualified, it must send the Community licence and its counterpart (if any), on their being produced to the court, to the Secretary of State.

(6) A notice sent by a court to the Secretary of State in pursuance of subsection (4) above must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine, and a Community licence and its counterpart (if any) so sent in pursuance of subsection (5) above must be sent to such address as the Secretary of State may determine.

(7) Where a Community licence held by a person who is ordered by the court to be disqualified is sent to the Secretary of State in pursuance of subsection (5) above, the Secretary of State—

(a) must send to the licensing authority in the EEA State in respect of which the Community licence was issued the holder's name and address and particulars of the disqualification, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) must (subject to subsection (8) below) return the Community licence to the holder—

(i) on the expiry of the period of disqualification, or

(ii) if earlier, on being satisfied that the holder has left Great Britain and is not normally resident there.

(8) Where—

(a) the Secretary of State would, apart from this subsection, be under a duty on the expiry of the period of disqualification to return a Community licence to a person in pursuance of subsection (7)(b)(i) above, but

(b) at that time, the person would not be authorised by virtue of section 99A(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class,

the Secretary of State must send the Community licence to the licensing authority in the EEA State in respect of which it was issued and explain to them his reasons for so doing.

(9) A Community licence to be returned to any person under subsection (7) above may be returned to him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this subsection and section 7 of the Interpretation Act 1978 in its application to this subsection the proper address of any person shall be his latest address as known to the person returning the Community licence.

(10) In this section "period of disqualification" means, in relation to a Community licence holder, the period for which he is ordered by the court to be disqualified (otherwise than under section 36 of this Act).**]**

Textual Amendments

F453 S. 91A inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 4**

F454 Words in s. 91A(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 32(a)**; S.I. 2008/3164, art. 4(b)

F455 Words in s. 91A(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 32(b)**; S.I. 2008/3164, art. 4(b)

[F456 91B Effect of endorsement on Community licence holders.

(1) An order that any particulars or penalty points are to be endorsed on the counterpart of any Community licence held by the person convicted shall operate as an order that—

(a) the counterpart of any Community licence which he may then hold, or

(b) the counterpart of any licence or Community licence which he may subsequently obtain,

is to be so endorsed until he becomes entitled under subsection (3) below to have a counterpart of his Community licence, or a licence and its counterpart, issued to him free from the particulars or penalty points.

(2) On the issue of a new counterpart of a Community licence or a new licence to a person, any particulars or penalty points ordered to be endorsed on the counterpart of any Community licence held by him shall be entered on the new counterpart or the counterpart of the new licence (as the case may be) unless he has become entitled

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

under subsection (3) below to have a new counterpart of his Community licence or a new licence issued to him free from those particulars or penalty points.

(3) A person the counterpart of whose Community licence has been ordered to be endorsed is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective (as determined in accordance with section 45(5) of this Act)—

(a) a new counterpart of any Community licence then held by him free from the endorsement if he makes an application to the Secretary of State for that purpose in such manner as the Secretary of State may determine, or

(b) a new licence with a counterpart free from the endorsement if he applies for a new licence in pursuance of section 97(1) of the Road Traffic Act 1988, surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part III of that Act and satisfies the other requirements of section 97(1).**]**

Textual Amendments

F456 S. 91B inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 5**

92 Application to Crown.

The following provisions of this Act apply to vehicles and persons in the public service of the Crown: sections 1, 2, 3, 15, 16 **[**[F457]20**]** and 49 and the provisions connected with the licensing of drivers.

Textual Amendments

F457 Word in s. 92 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.109**; S.I. 1992/1286, **art. 2**,Sch.

93 Application of sections 15 and 16 to persons subject to service discipline.

(1) Sections 15 and 16, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—

(a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence,

(b) references to the court included a reference to any naval, military, or air force authority before whom the proceedings take place,

(c) references to a constable included references to a member of the provost staff, and

(d) in section 15, subsection (4) were omitted.

(2) Expressions used in this section have the same meaning as in sections **[**[F458]3A**]** to 10 of the Road Traffic Act 1988.

Textual Amendments

F458 Words in s. 93(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 110**; S.I. 1992/1286, **art. 2**,Sch.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

94 Proceedings in respect of offences in connection with Crown vehicles.

(1) Where an offence under the Traffic Acts is alleged to have been committed in connection with a vehicle in the public service of the Crown, proceedings may be brought in respect of the offence against a person nominated for the purpose on behalf of the Crown.

(2) Subject to subsection (3) below, where any such offence is committed any person so nominated shall also be guilty of the offence as well as any person actually responsible for the offence (but without prejudice to proceedings against any person so responsible).

(3) Where any person is convicted of an offence by virtue of this section—
- (a) no order is to be made on his conviction save an order imposing a fine,
- (b) payment of any fine imposed on him in respect of that offence is not to be enforced against him, and
- (c) apart from the imposition of any such fine, the conviction is to be disregarded for all purposes other than any appeal (whether by way of case stated or otherwise).

95 Destination of Scottish fines.

[[F459](1)**]** There shall be paid into the Consolidated Fund all fines imposed in respect of the following offences—
- (a) offences committed in Scotland under the provisions of the [M40]Road Traffic Act 1988 down to section 178 or regulations made under those provisions, except—
  - (i) offences under sections 1, 4(2), 17, 27, 31, 33, 37, 47, 67 **[**[F460]67A(6) and (7)(including the last two subsections as applied by section 67B(4)), 67B**]**, 77, 169, 174(3) and (4) and 177, and
  - (ii) an offence under section 164(6) consisting of a contravention of subsection (3) or (4) of that section,
- (b) offences under section 115 of the [M41]Road Traffic Regulation Act 1984 of which the offenders have been convicted on indictment in Scotland,
- (c) offences committed in Scotland under the provisions of that Act down to the end of Part IX or regulations made under those provisions, being offences of which the offenders have been convicted otherwise than on indictment, except offences under—
  - (i) sections 28(3), 29(3), 47, 104(5) and (6), 105(5), 108(2) and (3),
  - (ii) the provisions of subsections (2) and (3) of section 108 as modified by subsections (2) and (3) of section 109, and
  - (iii) Schedule 12 (other than paragraph 3(5)),
- (d) offences committed in Scotland under this Act.

[[F461](2) There shall be paid into the Scottish Consolidated Fund all fixed penalties imposed in respect of offences, committed in Scotland, to which subsection (2) of section 46 of the Local Government in Scotland Act 2003 (road traffic offences in relation to which Scottish Ministers may provide funding) applies.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F459 S. 95 renumbered as s. 95(1) (26.3.2004) by virtue of Local Government in Scotland Act 2003 (Destination of Fixed Penalties in Scotland) Order 2004 (S.I. 2004/956), arts. 1, **2**

F460 Words inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 29**

F461 S. 95(2) added (26.3.2004) by Local Government in Scotland Act 2003 (Destination of Fixed Penalties in Scotland) Order 2004 (S.I. 2004/956), arts. 1, **2**

Marginal Citations

M40 1988 c. 52.

M41 1984 c. 27.

96 Meaning of "offence involving obligatory endorsement".

For the purposes of this Act, an offence involves obligatory endorsement if it is an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word "obligatory" (without qualification) appears in column 6 (in the case of Part I) or column 3 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions relating to the offence which are satisfied.

Modifications etc. (not altering text)

C84 S. 96: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (which was inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

97 Meaning of "offence involving obligatory disqualification" and "offence involving discretionary disqualification".

(1) For the purposes of this Act, an offence involves obligatory disqualification if it is an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word "obligatory" (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

(2) For the purposes of this Act, an offence involves discretionary disqualification if it is an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word "discretionary" (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Modifications etc. (not altering text)

C85 S. 97: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (which was inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

[[F462]97A Meaning of "driving record"

(1) In this Act "driving record", in relation to a person, means a record in relation to the person maintained by the Secretary of State and designed to be endorsed with particulars relating to offences committed by the person under the Traffic Acts.

(2) The Secretary of State may make arrangements for the following persons to have access, by such means as the Secretary of State may determine, to information held on a person's driving record—

(a) courts,

(b) constables,

(c) fixed penalty clerks,

(d) the person in respect of whom the record is maintained and persons authorised by him, and

(e) other persons prescribed in regulations made by the Secretary of State.

(3) The power to make regulations under subsection (2)(e) above shall be exercisable by statutory instrument.

(4) No regulations shall be made under subsection (2)(e) above unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.**]**

Textual Amendments

F462 S. 97A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 8**, 61(1)(10); S.I. 2008/3164, art. 4(a)

98 General interpretation.

(1) In this Act—

"disqualified" means disqualified for holding or obtaining a licence and "disqualification" is to be construed accordingly,

"drive" has the same meaning as in the [M42]Road Traffic Act 1988,

"licence" means a licence to drive a motor vehicle granted under Part III of that Act [F463]. . .,

"provisional licence" means a licence granted by virtue of section 97(2) of that Act,

"the provisions connected with the licensing of drivers" means sections 7, 8, 22, 25 to 29, 31, 32, 34 to 48, **[**[F464]**[**[F465]91ZA to**]** 91B,**]** 96 and 97 of this Act,

"road"—

(a) in relation to England and Wales, means any highway and any other road to which the public has access, and includes bridges over which a road passes, and

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(b) in relation to Scotland, **[**[F466]means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes,**]**,

"the Road Traffic Acts" means the [M43]Road Traffic Act 1988, the Road Traffic (Consequential Provisions) Act 1988 (so far as it reproduces the effect of provisions repealed by that Act) and this Act, and

"the Traffic Acts" means the Road Traffic Acts and the [M44]Road Traffic Regulation Act 1984.

[[F467] and "Community licence", "counterpart" **[**[F468], "EEA State" and "Northern Ireland licence"**]** have the same meanings as in Part III of the Road Traffic Act 1988 **]**

(2) Sections 185 and 186 of the Road Traffic Act 1988 (meaning of "motor vehicle" and other expressions relating to vehicles) apply for the purposes of this Act as they apply for the purposes of that **[**[F469]Act**]**.

(3) In the Schedules to this Act—

"RTRA" is used as an abbreviation for the Road Traffic Regulation Act 1984, and

"RTA" is used as an abbreviation for the Road Traffic Act 1988 **[**[F470]or, if followed by "1989", the Road Traffic (Driver Licensing and Information Systems) Act 1989**]**.

(4) Subject to any express exception, references in this Act to any Part of this Act include a reference to any Schedule to this Act so far as relating to that Part.

Textual Amendments

F463 S. 98(1): words in definition of "licence" repealed (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2**, para. 6(a)(i)

F464 S. 98(1): words in definition of "the provisions connected with the licensing of drivers" substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 6(a)(ii)**

F465 Words in s. 98(1) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 35(a)**; S.I. 2004/2624, art. 2(1)(2)(b)

F466 Words in s. 98(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 111(1)**; S.I. 1992/1286, art. 2, **Sch.**

F467 S. 98(1): definition inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 6(b)**

F468 Words in s. 98(1) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 35(b)**; S.I. 2004/2624, art. 2(1)(2)(b)

F469 Word in s. 98(2) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 111(2)**; S.I. 1992/1286, art. 2, **Sch.**

F470 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 26**

Marginal Citations

M42 1988 c. 52.

M43 1988 c. 54.

M44 1984 c. 27.

99 Short title, commencement and extent.

(1) This Act may be cited as the Road Traffic Offenders Act 1988.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(2) This Act, except so far as it may be brought into force under subsection (3) or (5) below, shall come into force at the end of the period of six months beginning with the day on which it is passed.

(3) The provisions mentioned in subsection (4) below, so far as they relate to Scotland, shall come into force on such day or days as the Secretary of State may by order made by statutory instrument appoint.

(4) Those provisions are—

section 27(4),

section 30, except so far as relating to sections 75 to 77, and

Part III, except sections 51, 52(1) to (3), 53, 62 to 78, 80, 81 and 83 to 90.

[F471](5) . . . . . .

(6) An order under subsection (3) or (5) above may contain such transitional provisions and savings (whether or not involving the modification of any provisions contained in an Act or in subordinate legislation (within the meaning of the [M45]Interpretation Act 1978)) as appear to the Secretary of State necessary or expedient in connection with the provisions brought (wholly or partly) into force by the order, and different days may be appointed for different purposes.

(7) This Act, except as provided by section 93, does not extend to Northern Ireland.

Textual Amendments

F471 S. 99(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Modifications etc. (not altering text)

C86 Power of appointment conferred by s. 99(3)(5) not yet exercised

Marginal Citations

M45 1978 c. 30.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

SCHEDULES

SCHEDULE 1

Sections 1 etc.

OFFENCES TO WHICH SECTIONS 1, 6, 11 AND 12(1) APPLY

1 (1) Where section 1, 6, 11 or 12(1) of this Act is shown in column 3 of this Schedule against a provision of the [M46]Road Traffic Act 1988 specified in column 1, the section in question applies to an offence under that provision.

(2) The general nature of the offence is indicated in column 2.

Marginal Citations

M46 1988 c. 52.

[F472]**[**1A Section 1 also applies to—

(a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act,

(b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section, and

(c) an offence under section 88(7) or 89(1) of that Act (speeding offences).**]**

Textual Amendments

F472 Sch. 1 para. 1A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , s. 22 , **Sch. 1 para. 2** ; S.I. 1992/1286 , **art. 2** , Sch.

2 Section 6 also applies—

(a) to an offence under section 67 of this Act, [F473]. . .

(b) in relation to Scotland, to an offence under section 173 of the Road Traffic Act 1988 (forgery, etc., of licences, test certificates, certificates of insurance and other documents and things), [F474]. . .

(c) [F475]... **[**[F476]and

(d) to an offence under paragraph 3(5) of Schedule 1 to the Road Traffic (New Drivers) Act 1995.**]**

Textual Amendments

F473 Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 27(a), **Sch. 6**

F474 Word in Sch. 1 para. 2(b) repealed (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 7** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

F475 Sch. 1 para. 2(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F476 Word in Sch. 1 para. 2(c) and Sch. 1 para. 2(d) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 7** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

3 Section 11 also applies to—

(a) any offence to which section 112 of the [M47]Road Traffic Regulation Act 1984 (information as to identity of driver or rider) applies except an offence under section 61(5) of that Act,

(b) any offence which is punishable under section 91 of this Act, **[**[F477]and**]**

[F478](bb) . . . . . .

(c) any offence against any other enactment relating to the use of vehicles on roads.

Textual Amendments

F477 Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 27(b), **Sch. 6**

F478 Sch. 1 para. 3(bb) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Marginal Citations

M47 1984 c. 27.

4 Section 12(1) also applies to—

(a) any offence which is punishable under section 91 of this Act, **[**[F479]and**]**

[F480](aa) . . . . . .

(b) any offence against any other enactment relating to the use of vehicles on roads.

(1) Provision creating offence	(2) General nature of offence	(3) Applicable provisions of this Act
RTA section 1	Causing death by **[**[F481]dangerous**]** driving.	Section 11 of this Act.
[[F482]RTA section 1A**]**	**[**[F482]Causing serious injury by dangerous driving.**]**	**[**[F482]Sections 11 and 12(1) of this Act.**]**
RTA section 2	**[**[F481]Dangerous**]** driving.	Sections 1, 11 and 12(1) of this Act.
[[F483]RTA section 2B **]**	**[**[F483]Causing death by careless, or inconsiderate, driving.**]**	**[**[F483]Sections 11 and 12(1) of this Act.**]**
RTA section 3	Careless, and inconsiderate, driving.	Sections 1, 11 and 12(1) of this Act.
[[F484]RTA section 3ZB **]**	**[**[F484]Causing death by driving: unlicensed, disqualified or uninsured drivers.**]**	**[**[F484]Sections 11 and 12(1) of this Act.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F485RTA section 3A]	[F485Causing death by careless driving when under influence of drink or drugs.]	[F485Section 11 of this Act.]
RTA section 4	Driving or attempting to drive, or being in charge of a [F486mechanically propelled vehicle], when unfit to drive through drink or drugs.	Sections 11 and 12(1) of this Act.
RTA section 5	Driving or attempting to drive, or being in charge of a motor vehicle, with excess alcohol in breath, blood or urine.	Sections 11 and 12(1) of this Act.
RTA section 6	[F487Failing to co-operate with a preliminary test]	Sections 11 and 12(1) of this Act.
RTA section 7	Failing to provide specimen for analysis or laboratory test.	Sections 11 and 12(1) of this Act.
[F488RTA section 7A	Failing to allow specimen of blood to be subjected to laboratory test	Sections 11 and 12(1).]
RTA section 12	Motor racing and speed trials.	Sections 11 and 12(1) of this Act.
RTA section 14	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts.	Sections 11 and 12(1) of this Act.
RTA section 15	Driving motor vehicle with child not wearing seat belt [F489or with child in a rear-facing child restraint in front seat with an active air bag].	Sections 11 and 12(1) of this Act.
RTA section 19	Prohibition of parking of heavy commercial vehicles on verges and footways.	Sections 11 and 12(1) of this Act.
[F490RTA section 19A]	[F490 Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.]	[F490Sections 11 and 12 of this Act.]
RTA section 22	Leaving vehicles in dangerous positions.	Sections 1, 11 and 12(1) of this Act.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 23	Carrying passenger on motor-cycle contrary to section 23.	Sections 11 and 12(1) of this Act.
RTA section 24	Carrying passenger on bicycle contrary to section 24.	Sections 11 and 12(1) of this Act.
RTA section 25	Tampering with motor vehicles.	Section 11 of this Act.
RTA section 26(1)	Holding or getting onto vehicle in order to be carried.	Section 11 of this Act.
RTA section 26(2)	Holding onto vehicle in order to be towed.	Sections 11 and 12(1) of this Act.
RTA section 28	**[**[F491]Dangerous**]** cycling.	Sections 1, 11 and 12(1) of this Act.
RTA section 29	Careless, and inconsiderate, cycling.	Sections 1, 11 and 12(1) of this Act.
RTA section 30	Cycling when unfit through drink or drugs.	Sections 11 and 12(1) of this Act.
RTA section 31	Unauthorised or irregular cycle racing, or trials of speed.	Sections 11 and 12(1) of this Act.
RTA section 33	Unauthorised motor vehicle trial on footpaths or bridleways.	Sections 11 and 12(1) of this Act.
RTA section 34	Driving motor vehicles elsewhere than on roads.	Sections 11 and 12(1) of this Act.
RTA section 35	Failing to comply with traffic directions.	Sections 1, 11 and 12(1) of this Act.
RTA section 36	Failing to comply with traffic signs.	Sections 1, 11 and 12(1) of this Act.
[[F492]RTA section 40A**]**	**[**[F492] Using vehicle in dangerous condition etc.**]**	**[**[F492]Sections 11 and 12(1) of this Act.**]**
[[F492]RTA section 41A**]**	**[**[F492]Breach of requirement as to brakes, steering-gear or tyres.**]**	**[**[F492]Sections 11 and 12(1) of this Act.**]**
[[F492]RTA section 41B**]**	**[**[F492]Breach of requirement as to weight: goods and passenger vehicles.**]**	**[**[F492]Sections 11 and 12(1) of this Act.**]**
[[F493]RTA section 41D.**]**	**[**[F493] Breach of requirements as to control of vehicle, mobile telephones etc.**]**	**[**[F493]Sections 11 and 12(1) of this Act.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 42	**[**[F494]Breach of other construction and use requirements**]**	Sections 11 and 12(1) of this Act.
RTA section 47	Using, etc., vehicle without required test certificate being in force.	Sections 11 and 12(1) of this Act.
RTA section 53	Using, etc., goods vehicle without required plating certificate or goods vehicle test certificate being in force, or where Secretary of State is required by regulations under section 49 to be notified of an alteration to the vehicle or its equipment but has not been notified.	Sections 11 and 12(1) of this Act.
RTA section 63	Using, etc., vehicle without required certificate being in force showing that it, or a part fitted to it, complies with type approval requirements applicable to it, or using, etc., certain goods vehicles for drawing trailer when plating certificate does not specify maximum laden weight for vehicle and trailer, or using, etc., goods vehicle where Secretary of State has not been but is required to be notified under section 48 of alteration to it or its equipment.	Sections 11 and 12(1) of this Act.
RTA section 71	Driving, etc., [F495] . . .vehicle in contravention of prohibition on driving it as being unfit for service or overloaded, or refusing, neglecting or otherwise failing to comply with a direction to remove a [F495]	Sections 11 and 12(1) of this Act.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	. . . vehicle found overloaded.	
RTA section 78	Failing to comply with requirement about weighing motor vehicle or obstructing authorised person.	Sections 11 and 12(1) of this Act.
RTA section 87(1)	Driving **[**[F496]otherwise than in accordance with**]** a licence.	Sections 11 and 12(1) of this Act.
RTA section 87(2)	Causing or permitting a person to drive **[**[F496]otherwise than in accordance with**]** a licence.	Section 11 of this Act.
[[F497]RTA section 92(10)**]**	**[**[F497]Driving after making false declaration as to physical fitness.**]**	**[**[F497]Sections 6, 11 and 12(1) of this Act.**]**
RTA **[**[F498]Section 94(3)**][**[F499]and that subsection as applied by RTA section 99D**][**[F500]or 109C**]**	Failure to notify the Secretary of State of onset of, or deterioration in, relevant or prospective disability.	Section 6 of this Act.
[[F501]RTA section 94(3A) **][**[F502] and that subsection as applied by RTA section 99D(b) **][**[F503]or 109C(c)**]**	**[**[F501]Driving after such a failure.**]**	**[**[F501]Sections 6, 11 and 12(1) of this Act.**]**
[[F501]RTA section 94A**]**	**[**[F501]Driving after refusal of licence under section 92(3) **[**[F504], revocation under section 93 or service of a notice under section 99C**][**[F505]or 109B**].]**	**[**[F501]Sections 6, 11 and 12(1) of this Act.**]**
[[F506]RTA section 99(5)**]**	**[**[F506]Driving licence holder failing to surrender licence and counterpart.**]**	**[**[F506]Section 6 of this Act.**]**
F507	**F507**	**F507**
. . .	. . .	. . .
F507	**F507**	**F507**
. . .	. . .	. . .
F508	**F508**	**F508**
. . .	. . .	. . .

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F509RTA section 99B(11) [F510and that subsection as applied by RTA section 109A(5)].	Driving after failure to comply with a requirement under section 99B(6), (7) or (10) [F511or a requirement under section 99B(6) or (7) as applied by section 109A(5)].	Section 6 of this Act.]
RTA section 103(1)(a)	Obtaining driving licence while disqualified.	Section 6 of this Act.
RTA section 103(1)(b)	Driving while disqualified.	Sections 6, 11 and 12(1) of this Act.
[F512RTA section 114(1)]	[F512Failing to comply with conditions of LGV[F513PCV licence or LGV Community licence].]	[F512Sections 11 and 12(1) of this Act.]
[F512RTA section 114(2)]	[F512 Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of that person's licence.]	[F512Section 11 of this Act.]
[F514RTA section 110(1)]	[F514 Driving HGV without HGV driver's licence.]	[F514Sections 11 and 12(1) of this Act.]
[F514RTA section 110(2)]	[F514 Causing or permitting person to drive HGV without HGV driver's licence.]	[F514Section 11 of this Act.]
[F514RTA section 112(6)]	[F514 Failing to comply with conditions of HGV driver's licence.]	[F514Sections 11 and 12(1) of this Act.]
[F514RTA section 112(7)]	[F514 Causing or permitting a person under 21 to drive HGV in contravention of conditions of HGV driver's licence.]	[F514Section 11 of this Act.]
RTA section 143	Using motor vehicle, or causing or permitting it to be used, while uninsured or unsecured against third party risks.	Sections 6, 11 and 12(1) of this Act.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F515RTA section 144A**]**	**[**F515Keeping vehicle which does not meet insurance requirements.**]**	**[**F515Sections 11 and 12(1) of this Act.**]**
RTA section 163	Failing to stop vehicle when required **[**F516by constable**]**.	Sections 11 and 12(1) of this Act.
RTA section 164(6)	Failing to produce driving licence **[**F517and counterpart**][**F518etc**]** or to state date of birth.	Sections 11 and 12(1) of this Act.
RTA section 165(3)	Failing to give constable certain names and addresses or to produce certificate of insurance or certain test and other like certificates.	Sections 11 and 12(1) of this Act.
RTA section 165(6)	Supervisor of learner driver failing to give constable certain names and addresses.	Section 11 of this Act.
RTA section 168	Refusing to give, or giving false, name and address in case of reckless, careless or inconsiderate driving or cycling.	Sections 11 and 12(1) of this Act.
RTA section 170	Failure by driver to stop, report accident or give information or documents.	Sections 11 and 12(1) of this Act.
RTA section 171	Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance or security.	Sections 11 and 12(1) of this Act.
X1 RTA section 174(1) or **[**F519(5)**]**	Making false statements in connection with licences under this Act and with registration as an approved driving instructor; or making false statement or withholding material information in order to obtain the issue of insurance certificates, etc.	Section 6 of this Act.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 175	Issuing false documents **[**[F520]falsely amending certificate of conformity**]**.	Section 6 of this Act.

Editorial Information

X1 The figure "(5)" stands in the text by virtue of a correction notice issued by the Queen's Printer dated November 1990 and Road Traffic Act 1991 (c. 40, SIF 107:1) , **Sch. 1 para. 17** .

Textual Amendments

F479 Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 27(c), **Sch. 6**

F480 Sch. 1 para. 4(aa) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F481 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 5**; S.I. 1992/1286, art. 2, **Sch.**

F482 Words in Sch. 1 inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 9**; S.I. 2012/2770, art. 2(g)

F483 Entry in Sch. 1 inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(3)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F484 Entry in Sch. 1 inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 21(2)**, 61(1)(10); S.I. 2008/1918, art. 2(b)

F485 Entry in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 6**; S.I. 1992/1286, art. 2, **Sch.**

F486 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 7**; S.I. 1992/1286, art. 2, **Sch.**

F487 Words in Sch. 1 substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 7 para. 7**; S.I. 2004/827, art. 3(ii)

F488 Entry in table inserted (1.10.2002) by 2002 c. 30, **s. 56(4)**; S.I. 2002/2306, **art. 2(d)(v)**

F489 Words in Sch. 1 inserted (18.9.2006) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), regs. 1(1), **7**

F490 Entry inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(b), **Sch. 2 Pt. II para. 22(3)**

F491 Word in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 8**; S.I. 1992/1286, art. 2, **Sch.**

F492 Entries in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 9**; S.I. 1992/1286, art. 2, **Sch.**

F493 Entry in Sch. 1 inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(3)**, 61(1)(10); S.I. 2007/237, art. 2(a)

F494 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 10**; S.I. 1992/1286, art. 2, **Sch.**

F495 Word in Sch. 1 Table repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , ss. 22 , 83 , Sch. 1 para. 11 , **Sch. 8** ; S.I. 1992/1286 , art. 2 , **Sch.** , Appendix

F496 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 12**; S.I. 1992/1286, art. 2, **Sch.**

F497 Entry in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 13**; S.I. 1992/1286, art. 2, **Sch.**

F498 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 14**; S.I. 1992/1286, art. 2, **Sch.**

F499 Words in entry inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 7(a)**

F500 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(a)**; S.I. 2004/2624, art. 2(1)(2)(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F501 Entries in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 15**; S.I. 1992/1286, art. 2, **Sch.**

F502 Words in entry inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 1 para. 7(b)**

F503 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(b)**; S.I. 2004/2624, art. 2(1)(2)(b)

F504 Words in entry substituted (1.1.1997) by S.I. 1996/1974 , reg. 3, Sch. 1 para. 7(c)

F505 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

F506 Entry in Sch. 1 inserted (8.11.2006) by Road Safety Act 2006 (c. 49) , **ss. 58(6)** , 61(9) (with s. 61(9)(b))

F507 Entries in Sch. 1 Table repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , s. 83 , **Sch. 8** ; S.I. 1992/1286 , art. 2 , **Sch.** , Appendix

F508 Sch. 1 entry in Table repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F509 Entry in table inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 1 para. 7(d)**

F510 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(d)(i)**; S.I. 2004/2624, art. 2(1)(2)(b)

F511 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(d)(ii)**; S.I. 2004/2624, art. 2(1)(2)(b)

F512 Entry inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 27(e)**

F513 Words in entry substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 1 para. 7(e)**

F514 Entries repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F515 Words in Sch. 1 inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(5)**, 61(1)(10); S.I. 2011/19, art. 2(c)

F516 Words in Sch. 1 repealed (E.W.) (4.10.2004 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), s. 99(1), **Sch. 12 Pt. 2**; S.I. 2004/2380, art. 2(h); S.I. 2006/2826, art. 2(1)(2)(e)

F517 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 26(b)**

F518 Word in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 16** ; S.I. 1992/1286, art. 2, **Sch.**

F519 Word in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 17**; S.I. 1992/1286, art. 2, **Sch.**

F520 Words added (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1) , **ss. 24(3)** , 76(2) , (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1) , s. 4 , **Sch. 2 Pt. I para. 13(c)(iv)**)

SCHEDULE 2

Section 9 etc.

PROSECUTION AND PUNISHMENT OF OFFENCES

X2F521 PART I

OFFENCES UNDER THE TRAFFIC ACTS

Editorial Information

X2 Sch. 2 Pt. I: due to the large number of entries contained in Sch. 2 Pt. I and the frequency with which it has been amended, no separate versions are retained in respect of amendments coming into force after 27.06.1991 until 29.1.2004 or which are not yet in force. Historic information relating to all such amendments is reflected in the relevant retained versions.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F521 Words in Sch. 2 Pt. I inserted (4.10.2004 for E., 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 6(5)**, 99(1); S.I. 2004/2380, art. 2(a); S.I. 2009/1095, art. 2(a)

Modifications etc. (not altering text)

C87 Sch. 2 Pt. I modified (temp.) (8.11.2006) by Road Safety Act 2006 (c. 49), s. 61(1)**(5)** (with s. 61(3))

(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty points
Offences under the Road Traffic Regulation Act 1984						
RTRA section 5	Contravention of traffic regulation order.	Summarily.	Level 3 on the standard scale.			
RTRA section 8	Contravention of order regulating traffic in Greater London.	Summarily.	Level 3 on the standard scale.			
RTRA section 11	Contravention of experimental traffic order.	Summarily.	Level 3 on the standard scale.			
RTRA section 13	Contravention of experimental traffic scheme in Greater London.	Summarily.	Level 3 on the standard scale.			
RTRA section 16 (1)	Contravention of temporary prohibition or restriction.	Summarily.	Level 3 on the standard scale.	[F522Discretionary if committed in respect of a speed restriction.]	[F522Obligatory if committed in respect of a speed restriction.]	[F522 3-6 or 3 (fixed penalty)]
[F523RTRA section 16(C)(1).]	[F523Contravention of prohibition or restriction relating to	[F523Summarily.]	[F523Level 3 on the standard scale.]			

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	relevant event.**]**					
RTRA section 17 (4)	Use of special road contrary to scheme or regulations.	Summarily.	Level 4 on the standard scale.	Discretionary if committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of a special road on which vehicles are in certain circumstances permitted to remain at rest.	Obligatory if committed as mentioned in the entry in column 5.	**[**[F524]3-6 or 3 (fixed penalty) if committed in respect of a speed restriction, 3 in any other case.**]**
RTRA section 18 (3)	One-way traffic on trunk road.	Summarily.	Level 3 on the standard scale.			
RTRA section 20 (5)	Contravention of prohibition or restriction for roads of certain classes.	Summarily.	Level 3 on the standard scale.			
RTRA section 25 (5)	Contravention of pedestrian crossing regulations.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	3
RTRA section 28 (3)	Not stopping at school crossing.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	3

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTRA section 29 (3)	Contravention of order relating to street playground.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	2
[F525RTRA section 30(5)]	[F525As above (Greater London).]	[F525Summarily.]	[F525Level 3 on the standard scale.]	[F525Discretionary if committed in respect of a motor vehicle.]	[F525Obligatory if committed in respect of a motor vehicle.]	[F525 2]
RTRA section [F526 35A(1)]	Contravention of order as to use of parking place.	Summarily.	(a) Level 3 on the standard scale in the case of an offence committed by a person in a street parking place reserved for disabled persons' vehicles or in an off-street parking place reserved for such vehicles, where that person would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person's vehicle. (b) Level 2 on the standard scale in any other case.			
RTRA section [F527 35A(2)]	[F528Misuse of apparatus for collecting charges or of parking device or connected apparatus]	Summarily.	Level 3 on the standard scale.			
RTRA section [F529 35A(5)]	Plying for hire in parking place.	Summarily.	Level 2 on the standard scale.			
RTRA section 43 (5)	Unauthorised disclosure of information in respect of licensed parking place.	Summarily.	Level 3 on the standard scale.			
RTRA section 43 (10)	Failure to comply with term or conditions of licence	Summarily.	Level 3 on the standard scale.			

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	to operate parking place.					
RTRA section 43 (12)	Operation of public off-street parking place without licence.	Summarily.	Level 5 on the standard scale.			
RTRA section 47 (1)	Contraventions relating to designated parking places.	Summarily.	(a) Level 3 on the standard scale in the case of an offence committed by a person in a street parking place reserved for disabled persons' vehicles where that person would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person's vehicle. (b) Level 2 in any other case.			
RTRA section 47 (3)	Tampering with parking meter.	Summarily.	Level 3 on the standard scale.			
RTRA section 52 (1)	Misuse of parking device.	Summarily.	Level 2 on the standard scale.			
RTRA section 53 (5)	Contravention of certain provisions of designation orders.	Summarily.	Level 3 on the standard scale.			
RTRA section 53 (6)	Other contraventions of designation orders.	Summarily.	Level 2 on the standard scale.			
RTRA section 61 (5)	Unauthorised use of loading area.	Summarily.	Level 3 on the standard scale.			
RTRA section 88 (7)	Contravention of minimum speed limit.	Summarily.	Level 3 on the standard scale.			
RTRA section 89 (1)	Exceeding speed limit.	Summarily.	Level 3 on the standard scale.	Discretionary	Obligatory.	[F530 3-6 or 3 (fixed penalty)]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTRA section 104 (5)	Interference with notice as to immobilisation device.	Summarily.	Level 2 on the standard scale.
RTRA section 104 (6)	Interference with immobilisation device.	Summarily.	Level 3 on the standard scale.
RTRA section 105 (5)	Misuse of disabled person's badge (immobilisation devices).	Summarily.	Level 3 on the standard scale.
[[F531]RTRA section 105(6A)**]**	**[**[F531]Misuse of recognised badge (immobilisation devices).**]**	**[**[F531]Summarily.**]**	**[**[F531]Level 3 on the standard scale.**]**
RTRA section 108 (2) (or that subsection as modified by section 109 (2) and (3)).	Non-compliance with notice (excess charge).	Summarily.	Level 3 on the standard scale.
RTRA section 108 (3) (or that subsection as modified by section 109 (2) and (3)).	False response to notice (excess charge).	Summarily.	Level 5 on the standard scale.
RTRA section 112 (4)	Failure to give information as to identity of driver.	Summarily.	Level 3 on the standard scale.
RTRA section 115 (1)	Mishandling or faking parking documents.	(a) Summarily.	(a) The statutory maximum.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

		(b) On indictment.	(b) 2 years.
RTRA section 115 (2)	False statement for procuring authorisation.	Summarily.	Level 4 on the standard scale.
RTRA section 116 (1)	Non-delivery of suspect document or article.	Summarily.	Level 3 on the standard scale.
RTRA section [F532;117(1)]	Wrongful use of disabled person's badge.	Summarily.	Level 3 on the standard scale.
[F533RTRA section 117(1A)]	[F533Wrongful use of recognised badge.]	[F533Summarily.]	[F533Level 3 on the standard scale.]
RTRA section 129 (3)	Failure to give evidence at inquiry.	Summarily.	Level 3 on the standard scale.

Textual Amendments

F522 Words in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 2**; S.I. 1992/1286, art. 2, **Sch.**

F523 Entry in Sch. 2 Pt. I inserted (3.5.1994) by 1994 c. 11, **s. 1(2)**.

F524 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 3**; S.I. 1992/1286, art. 2, **Sch.**

F525 Entry in Sch. 2 Pt. I repealed (1.11.1991 for E.W. and 1.1.1993 for S.) by New Roads and Street Works Act 1991 (c. 22, SIF 59), ss. 168(2), 170, **Sch. 9** (with s. 25(2)); S.I. 1991/2288, art. 2(2), **Sch.**; S.I. 1992/2990, art. 2(2), **Sch.**

F526 "35A(1)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(a)**

F527 "35A(2)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(b)(i)**

F528 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(b)(ii)**

F529 "35A(5)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(c)**

F530 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 4**; S.I. 1992/1286, art. 2, **Sch.**

F531 Sch. 2 entry inserted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 45(2)**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b)

F532 Word in Sch. 2 substituted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 45(3)**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b)

F533 Sch. 2 entry inserted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 45(4)**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Offences under the Road Traffic Act 1988

RTA section 1	Causing death by [F534dangerous] driving.	On indictment.	[F535 14 years]	Obligatory.	Obligatory.	[F536 3-11]
[F537RTA section 1A]	[F537Causing serious injury by dangerous driving.]	[F537(a) Summarily.]	[F537(a) 12 months or the statutory maximum or both.]	[F537Obligatory.]	[F537Obligatory.]	[F537 3-11.]
		[F537(b) On indictment.]	[F537(b) 5 years or a fine or both.]			
RTA section 2	[F538 Dangerous] driving.	(a) Summarily.	(a) 6 months or the statutory maximum or both.	(i) [F539Obligatory]	Obligatory.	(i) [F540 3-11]
				(ii) [F539Obligatory]		(ii) [F540 3-11]
		(b) On indictment.	(b) 2 years or a fine or both.			
[F541RTA section 2B]	[F541Causing death by careless, or inconsiderate, driving.]	[F541(a) Summarily.]	[F541(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both.]	[F541Obligatory.]	[F541Obligatory.]	[F541 3-11]
		[F541(b) On indictment.]	[F541(b) 5 years or a fine or both.]			
RTA section 3	Careless, and inconsiderate, driving.	Summarily.	[F542Level 5] on the standard scale.	Discretionary	Obligatory.	3–9

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F543RTA section 3ZB]	[F543Causing death by driving: unlicensed, disqualified or uninsured drivers.]	[F543(a) Summarily.]	[F543(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both.]	[F543Obligatory.]	[F543Obligatory.]	[F543]3-11]
		[F543(b) On indictment.]	[F543(b) 2 years or a fine or both.]			
[F544RTA section 3A]	[F544Causing death by careless driving when under influence of drink or drugs.]	[F544On indictment.]	[F544[F545]14 years] or a fine or both.]	[F544Obligatory.]	[F544Obligatory.]	[F544]3-11.]
RTA section 4(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	Summarily.	6 months or level 5 on the standard scale or both.	Obligatory.	Obligatory.	[F546]3-11]
RTA section 4(2)	Being in charge of a [F547mechanically propelled vehicle] when unfit to drive through drink or drugs.	Summarily.	3 months or level 4 on the standard scale or both.	Discretionary	Obligatory.	10
RTA section 5(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine.	Summarily.	6 months or level 5 on the standard scale or both.	Obligatory.	Obligatory.	[F548]3-11]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 5(1)(b)	Being in charge of a motor vehicle with excess alcohol in breath, blood or urine.	Summarily.	3 months or level 4 on the standard scale or both.	Discretionary	Obligatory.	10
RTA section 6	[F549Failing to co-operate with a preliminary test]	Summarily.	Level 3 on the standard scale.	Discretionary	Obligatory.	4
RTA section 7	Failing to provide specimen for analysis or laboratory test.	Summarily.	(a) Where the specimen was required to ascertain ability to drive or proportion of alcohol at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both.	(a) Obligatory in case mentioned in column 4(a).	Obligatory.	(a) [F550 3-11 in case] mentioned in column 4(a).
			(b) In any other case, 3 months or level 4 on the standard scale or both.	(b) Discretionary in any other case.		(b) 10 in any other case.
[F551RTA section 7A	Failing to allow specimen to be subjected to	Summarily	(a) Where the test would be for ascertaining	(a) Obligatory in the case mentioned	Obligatory	3-11, in case mentioned in column 4(a)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	laboratory test		ability to drive or proportion of alcohol at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both. (b) In any other case, 3 months or level 4 on the standard scale or both	in column 4(a) (b) Discretionary in any other case		10, in any other case.**]**
RTA section 12	Motor racing and speed trials on public ways.	Summarily.	Level 4 on the standard scale.	Obligatory.	Obligatory.	**[**[F552]3-11**]**
RTA section 13	Other unauthorised or irregular competitions or trials on public ways.	Summarily.	Level 3 on the standard scale.			
RTA section 14	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts.	Summarily.	Level 2 on the standard scale.			
RTA section 15(2)	Driving motor vehicle with child in front not	Summarily.	Level 2 on the standard scale.			

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	wearing seat belt [F553or with child in a rear-facing child restraint in front seat with an active air bag].		
RTA section 15(4)	Driving motor vehicle with child in rear not wearing seat belt.	Summarily.	[F554Level 2] on the standard scale.
[F555RTA section 15A(3) or (4)]	[F555 Selling etc. in certain circumstances equipment as conducive to the safety of children in motor vehicles.]	[F555Summarily.]	[F555Level 3 on the standard scale.]
[F556RTA section 15B]	[F556Failure to notify bus passengers of the requirement to wear seat belts.]	[F556Summarily.]	[F556Level 4 on the standard scale.]
RTA section 16	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear.	Summarily.	Level 2 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 17	Selling, etc., helmet not of the prescribed type as helmet for affording protection for motor cyclists.	Summarily.	Level 3 on the standard scale.
RTA section 18(3)	Contravention of regulations with respect to use of head-worn appliances on motor cycles.	Summarily.	Level 2 on the standard scale.
RTA section 18(4)	Selling, etc., appliance not of prescribed type as approved for use on motor cycles.	Summarily.	Level 3 on the standard scale.
RTA section 19	Prohibition of parking of heavy commercial vehicles on verges, etc.	Summarily.	Level 3 on the standard scale.
[[F557]RTA section 19A**]**	**[**[F557] Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.**]**	**[**[F557]Summarily**]**	[F557]Level 3 on the standard scale.**]**
RTA section 21	Driving or parking on cycle track.	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 22	Leaving vehicles in dangerous positions.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	3
[[F558]RTA section 22A**]**	**[**[F558]Causing danger to road-users.**]**	**[**[F558](a) Summarily.**]**	**[**[F558](a) 6 months or the statutory maximum or both.**]**	–	–	–
		[[F558](b) On indictment.**]**	**[**[F558](b) 7 years or a fine or both.**]**			
RTA section 23	Carrying passenger on motor-cycle contrary to section 23.	Summarily.	Level 3 on the standard scale.	Discretionary	Obligatory.	**[**[F559]3**]**
RTA section 24	Carrying passenger on bicycle contrary to section 24.	Summarily.	Level 1 on the standard scale.			
RTA section 25	Tampering with motor vehicles.	Summarily.	Level 3 on the standard scale.			
RTA section 26	Holding or getting on to vehicle, etc., in order to be towed or carried.	Summarily.	Level 1 on the standard scale.			
RTA section 27	Dogs on designated roads without being held on lead.	Summarily.	Level 1 on the standard scale.			
RTA section 28	**[**[F560] dangerous**]** cycling.	Summarily.	**[**[F561]Level 4**]** on the standard scale.			
RTA section 29	Careless, and	Summarily.	**[**[F562]Level 3**]** on the standard scale.			

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	inconsiderate, cycling.					
RTA section 30	Cycling when unfit through drink or drugs.	Summarily.	Level 3 on the standard scale.			
RTA section 31	Unauthorised or irregular cycle racing or trials of speed on public ways.	Summarily.	Level 1 on the standard scale.			
RTA section 32	Contravening prohibition on persons under 14 driving electrically assisted pedal cycles.	Summarily.	Level 2 on the standard scale.			
RTA section 33	Unauthorised motor vehicle trial on footpaths or bridleways.	Summarily.	Level 3 on the standard scale.			
RTA section 34	Driving **[**[F563]mechanically propelled**]** vehicles elsewhere than on roads.	Summarily.	Level 3 on the standard scale.			
RTA section 35	Failing to comply with traffic directions.	Summarily	Level 3 on the standard scale.	Discretionary, if committed in respect of a motor vehicle by failure to comply with a direction of a constable **[**[F521], traffic officer**]**	Obligatory if committed as described in column 5.	3

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

				or traffic warden.		
RTA section 36	Failing to comply with traffic signs.	Summarily	Level 3 on the standard scale.	Discretionary, if committed in respect of a motor vehicle by failure to comply with an indication given by a sign specified for the purposes of this paragraph in regulations under RTA section 36.	Obligatory if committed as described in column 5.	3
RTA section 37	Pedestrian failing to stop when directed **[**[F564]by constable regulating traffic**]**.	Summarily.	Level 3 on the standard scale.			
[[F565]RTA section 40A**]**	**[**[F565] Using vehicle in dangerous condition etc.**]**	**[**[F565]Summarily.**]**	[F565]**[**(a) Level 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.**]**	**[**[F566](a) Obligatory if committed within three years of a previous conviction of the offender under section 40A.**]**	**[**[F565]Obligatory.**]**	[F565]3**]**
			[[F565](b) Level 4 on the standard	**[**[F566](b) Discretionary in any other case.**]**		

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

			scale in any other case.]			
[F565RTA section 41A]	[F565Breach of requirement as to brakes, steering-gear or tyres.]	[F565Summarily.]	[F565 (a) Level 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.]	[F565 Discretionary.]	[F565Obligatory.]	[F565]3]
			[F565(b) Level 4 on the standard scale in any other case.]			
[F565RTA section 41B]	[F565Breach of requirement as to weight: goods and passenger vehicles.]	[F565Summarily.]	[F565Level 5 on the standard scale .]	–	–	–
[F567RTA section 41D]	[F567 Breach of requirements as to control of vehicle, mobile telephones etc.]	[F567Summarily.]	[F567(a) Level 4 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.]	[F567Discretionary.]	[F567Obligatory.]	[F567]3.]
			[F567(b) Level 3 on the standard scale in any other case.]			
[F565RTA section 42]	[F565Breach of other construction and use requirements.]	[F565Summarily.]	[F565(a) Level 4 on the standard scale if	–	–	

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

			committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.]
			[[F565]Level 3 on the standard scale in any other case.]
RTA section 47	Using, etc., vehicle without required test certificate being in force.	Summarily.	(a) Level 4 on the standard scale in the case of a vehicle adapted to carry more than eight passengers.
			(b) Level 3 on the standard scale in any other case.
Regulations under RTA section 49 made by virtue of section 51(2)	Contravention of requirement of regulations (which is declared by regulations to be an offence) that driver of goods vehicle being tested be present throughout test or drive, etc., vehicle as and when directed.	Summarily.	Level 3 on the standard scale.
RTA section 53(1)	Using, etc., goods vehicle without required plating	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	certificate being in force.		
RTA section 53(2)	Using, etc., goods vehicle without required goods vehicle test certificate being in force.	Summarily.	Level 4 on the standard scale.
RTA section 53(3)	Using, etc., goods vehicle where Secretary of State is required by regulations under section 49 to be notified of an alteration to the vehicle or its equipment but has not been notified.	Summarily.	Level 3 on the standard scale.
Regulations under RTA section 61 made by virtue of subsection (4)	Contravention of requirement of regulations (which is declared by regulations to be an offence) that driver of goods vehicle being tested after notifiable alteration be present	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	throughout test and drive, etc., vehicle as and when directed.		
RTA section 63(1)	Using, etc., goods vehicle without required certificate being in force showing that it complies with type approval requirements applicable to it.	Summarily.	Level 4 on the standard scale.
RTA section 63(2)	Using, etc., certain goods vehicles for drawing trailer when plating certificate does not specify maximum laden weight for vehicle and trailer.	Summarily.	Level 3 on the standard scale.
RTA section 63(3)	Using, etc., goods vehicle where Secretary of State is required to be notified under section 59 of alteration to it or its equipment	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	but has not been notified.		
RTA section 64	Using goods vehicle with unauthorised weights as well as authorised weights marked on it.	Summarily.	Level 3 on the standard scale.
[[F568]RTA section 64A**]**	Failure to hold EC certificate of conformity for unregistered light passenger vehicle **[**[F569]or motor cycle**]**.	Summarily.	Level 3 on the standard scale.
RTA section 65	Supplying vehicle or vehicle part without required certificate being in force showing that it complies with type approval requirements applicable to it.	Summarily.	Level 5 on the standard scale.
[[F570]RTA section 65A**]**	Light passenger vehicles **[**[F571]and motor cycles**]** not to be sold without EC	Summarily.	Level 5 on the standard scale.

Status: Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.
Changes to legislation: Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)

	certificate of conformity.		
[F572 RTA section 66C(1)]	[F572 Impersonating a stopping officer etc. with intent to deceive]	[F572 Summarily.]	[F572 Level 5 on the standard scale]
[F572 RTA section 66C(2)]	[F572 Resisting or wilfully obstructing a stopping officer]	[F572 Summarily.]	[F572 One month or level 3 on the standard scale or both]
RTA section 67	Obstructing testing of vehicle by examiner on road or failing to comply with requirements of RTA section 67 or Schedule 2.	Summarily.	Level 3 on the standard scale.
[F573 RTA section 67A(including application by section 67B(4))]	[F573 Failure of owner of apparently defective vehicle to give required certificate or declaration, or failure of person in charge of vehicle being tested to give information.]	[F573 Summarily.]	[F573 Level 3 on the standard scale.]
[F573 RTA section 67B]	[F573 Obstructing further testing of vehicle by Secretary of State's	[F573 Summarily.]	[F573 Level 3 on the standard scale.]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	officer or failing to comply with requirements of RTA section 67B or paragraph 3 or 4 of Schedule 2.**]**		
RTA section 68	Obstructing inspection, etc., of **[**[F574]goods**]** vehicle by examiner or failing to comply with requirement to take **[**[F574]goods**]** vehicle for inspection.	Summarily.	Level 3 on the standard scale.
RTA section 71	Driving, etc., **[**[F574]goods**]** vehicle in contravention of prohibition on driving it as being unfit for service, or refusing, neglecting or otherwise failing to comply with direction to remove a **[**[F574]goods**]** vehicle found overloaded.	Summarily.	Level 5 on the standard scale.
RTA section 74	Contravention of	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	regulations requiring goods vehicle operator to inspect, and keep records of inspection of, goods vehicles.		
RTA section 75	Selling, etc., unroadworthy vehicle or trailer or altering vehicle or trailer so as to make it unroadworthy.	Summarily.	Level 5 on the standard scale.
RTA section 76(1)	Fitting of defective or unsuitable vehicle parts.	Summarily.	Level 5 on the standard scale.
RTA section 76(3)	Supplying defective or unsuitable vehicle parts.	Summarily.	Level 4 on the standard scale.
RTA section 76(8)	Obstructing examiner testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summarily.	Level 3 on the standard scale.
RTA section 77	Obstructing examiner testing condition of used vehicles at sale rooms, etc.	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 78	Failing to comply with requirement about weighing motor vehicle or obstructing authorised person.	Summarily.	Level 5 on the standard scale.			
RTA section 81	Selling, etc., pedal cycle in contravention of regulations as to brakes, bells, etc.	Summarily.	Level 3 on the standard scale.			
RTA section 83	Selling, etc., wrongly made tail lamps or reflectors.	Summarily.	Level 5 on the standard scale.			
[[F575]RTA section 87(1)**]**	**[**[F575]Driving otherwise than in accordance with a licence.**]**	**[**[F575]Summarily.**]**	**[**[F575]Level 3 on the standard scale.**]**	**[**[F575]Discretionary in a case where the offender's driving would not have been in accordance with any licence that could have been granted to him.**]**	**[**[F575]Obligatory in the case mentioned in column 5.**]**	**[**[F575]3-6**]**
RTA section 87(2)	Causing or permitting a person to drive **[**[F576]otherwise than in accordance with**]** a licence.	Summarily.	Level 3 on the standard scale.			

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F577RTA section 92(7C)]	[F577Failure to deliver licence revoked by virtue of section 92(7A) [F578and counterpart] to Secretary of State.]	[F577Summarily.]	[F577Level 3 on the standard scale.]			
[F579RTA section 92(10)]	[F579Driving after making false declaration as to physical fitness.]	[F579Summarily.]	[F579Level 4 on the standard scale.]	[F579Discretionary.]	[F579Obligatory.]	[F579]3-6]
[F577RTA section 93(3)]	[F577Failure to deliver revoked licence [F580and counterpart] to Secretary of State.]	[F577Summarily.]	[F577Level 3 on the standard scale.]			
RTA [F581Section 94(3)]	Failure to notify Secretary of State of onset of, or deterioration in, relevant or prospective disability [F582and that subsection as applied by RTA section 99D] [F583or 109C].	Summarily.	Level 3 on the standard scale.			
[F584RTA section 94(3A)]	[F584 Driving after such a failure] [F582 and that subsection as applied	[F584Summarily.]	[F584Level 3 on the standard scale.]	[F584Discretionary.]	[F584Obligatory.]	[F584]3-6]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	by RTA section 99D(b)**][**[F585]or 109C(c)**]**				
[[F584]RTA section 94A**]**	**[**[F584]Driving after refusal of licence under section 92(3)**][**[F586], revocation under section 93 or service of a notice under section 99C **][**[F587]or 109B**]**	**[**[F584]Summarily.**]**	**[**[F584]6 months or level 5 on the standard scale or both.**]**	**[**[F584]Discretionary.**]**	**[**[F584]Obligatory.**]**	**[**[F584]3-6**]**
RTA section 96	Driving with uncorrected defective eyesight, or refusing to submit to test of eyesight.	Summarily.	Level 3 on the standard scale.	Discretionary.	Obligatory.	**[**[F588]3**]**
[[F589]RTA section 97**]**	**[**[F589]Failing to comply with any conditions prescribed for driving under provisional licence.**]**	**[**[F589]Summarily.**]**	**[**[F589]Level 3 on the standard scale.**]**	**[**[F589]Discretionary.**]**	**[**[F589]Obligatory.**]**	**[**[F589] 2**]**
[[F589]RTA section 98**]**	**[**[F589]Failing to comply with any conditions prescribed for driving under provisional licence where conditions applicable to driving under full licence.**]**	**[**[F589]Summarily.**]**	**[**[F589]Level 3 on the standard scale.**]**	**[**[F589]Discretionary.**]**	**[**[F589]Obligatory.**]**	**[**[F589]2**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 99 [F590(5)]	Driving licence holder failing [F591to surrender licence and counterpart].	Summarily.	Level 3 on the standard scale.			
[F582RTA section 99B(1)] [F592and that subsection as applied by RTA section 109A(3)]	[F582Driving after failure to comply with a requirement under section 99B(6), (7) or (10)] [F593or a requirement under section 99B(6) or (7) as applied by section 109A(5)].	[F582Summarily.]	[F582Level 3 on the standard scale.]	'	'	'
[F582RTA section 99(C)(4)]	[F582Failure to deliver Community licence to Secretary of State when required by notice under section 99C.]	[F582Summarily.]	[F582Level 3 on the standard scale.]	'	'	'
RTA section 103(1)(a)	Obtaining driving licence while disqualified.	Summarily.	Level 3 on the standard scale.			
RTA section 103(1)(b)	Driving while disqualified.	(a) Summarily, in England and Wales.	(a) 6 months or level 5 on the standard scale or both.	Discretionary	Obligatory.	[F594]6]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

		(b) Summarily, in Scotland.	(b) 6 months or the statutory maximum or both.
		(c) On indictment, in Scotland.	(c) 12 months or a fine or both.
F595	F595	F595	F595
. . .	. . .	. . .	. . .
[F596RTA section 109B(4)]	[F596Failure to deliver Northern Ireland licence to Secretary of State when required by notice under section 109B.]	[F596Summarily.]	[F596Level 3 on the standard scale.]
F597			
. . . . .			
F597			
. . . . .			
[F598RTA section 114]	[F598 Failing to comply with conditions of LGV][F586 PCV licence or LGV Community licence [F599 and counterpart], or causing or permitting person under 21 to drive LGV or PCV in contravention	[F598Summarily.]	[F598Level 3 on the standard scale.]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	of such conditions.]		
[F582RTA section 115A(4)]	[F582 Failure to deliver LGV or PCV Community licence when required by notice under section 115A.]	[F582Summarily.]	[F582Level 3 on the standard scale.]
[F598RTA section 118]	[F598 Failing to surrender revoked or suspended LGV or PCV licence [F599and counterpart].]	[F598Summarily.]	[F598Level 3 on the standard scale.]
Regulations made by virtue of RTA [F600section 120(3)]	Contravention of provision of regulations (which is declared by regulations to be an offence) about [F601LGV or PCV] drivers' licences [F582or LGV or PCV Community licence.]	Summarily.	Level 3 on the standard scale.
RTA section 123(4)	Giving of paid driving instruction by unregistered and unlicensed persons	Summarily.	Level 4 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	or their employers.		
RTA section 123(6)	Giving of paid instruction without there being exhibited on the motor car a certificate of registration or a licence under RTA Part V.	Summarily.	Level 3 on the standard scale.
[[F602]RTA section 125A(4)	**[**[F602]Failure, on application for registration as disabled driving instructor, to notify Registrar of onset of, or deterioration in, relevant or prospective disability.**]**	**[**[F602]Summarily.**]**	[F602]Level 3 on the standard scale.**]**
[[F602]RTA section 133C(4)	**[**[F602]Failure registered or licensed disabled driving instructor to notify Registrar of onset of, or deterioration in, relevant or prospective disability.**]**	**[**[F602]Summarily.**]**	[F602]Level 3 on the standard scale.**]**
[[F602]RTA section 133D	**[**[F602]Giving of paid driving	**[**[F602]Summarily.**]**	[F602]Level 3 on the

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	instruction by disabled persons or their employees without emergency control certificate or in unauthorised motor car.]		standard scale.]			
RTA section 135	Unregistered instructor using title or displaying badge, etc., prescribed for registered instructor, or employer using such title, etc., in relation to his unregistered instructor or issuing misleading advertisement, etc.	Summarily.	Level 4 on the standard scale.			
RTA section 136	Failure of instructor to surrender to Registrar certificate or licence.	Summarily.	Level 3 on the standard scale.			
RTA section 137	Failing to produce certificate of registration or licence as driving instructor.	Summarily.	Level 3 on the standard scale.			
RTA section 143	Using motor vehicle	Summarily.	[F603Level 5]on the	Discretionary	Obligatory.	6–8

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	while uninsured or unsecured against third-party risks.		standard scale.
[[F604]RTA section 144A**]**	**[**[F604]Keeping vehicle which does not meet insurance requirements.**]**	**[**[F604]Summarily.**]**	**[**[F604]Level 3 on the standard scale.**]**
RTA section 147	Failing to surrender certificate of insurance or security to insurer on cancellation or to make statutory declaration of loss or destruction.	Summarily.	Level 3 on the standard scale.
RTA section 154	Failing to give information, or wilfully making a false statement, as to insurance or security when claim made.	Summarily.	Level 4 on the standard scale.
[[F605]Regulations under RTA section 160 made by virtue of paragraph 2(1) of Schedule 2A**]**	**[**[F605]Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting removal	**[**[F605]Summarily.**]**	**[**[F605]Level 2 on the standard scale.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	of or interference with immobilisation notice.]		
[F605 Regulations under RTA section 160 made by virtue of paragraph 2(2) of Schedule 2A]	[F605 Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting removal or attempted removal of immobilisation device.]	[F605 Summarily.]	[F605 Level 3 on the standard scale.]
[F605 Regulations under RTA section 160 made by virtue of paragraph 2(3) of Schedule 2A]	[F605 Contravention of provision of regulations (which is declared by regulations to be an offence) about display of disabled person's badge.]	[F605 Summarily.]	[F605 Level 3 on the standard scale.]
[F605 Regulations under RTA section 160 made by virtue of paragraph 2(4) of Schedule 2A]	[F605 Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting making of false or misleading declaration	[F605 (a) Summarily. (b) On indictment.]	[F605 (a) The statutory maximum. (b) 2 years or a fine or both.]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	to secure release of vehicle from immobilisation device.]		
[F605Regulations under RTA section 160 made by virtue of paragraph 4 of Schedule 2A]	[F605Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting making of false or misleading declaration to secure possession of vehicle in person's custody.]	[F605(a) Summarily. (b) On indictment.]	[F605(a) The statutory maximum. (b) 2 years or a fine or both.]
RTA section 163	Failing to stop motor vehicle or cycle when required [F564by constable].	Summarily.	[F606(a) Level 5 on the standard scale if committed by a person driving a mechanically propelled vehicle.] [F606(b) Level 3 on the standard scale if committed by a person riding a cycle.]
RTA section 164	Failing to produce driving licence	Summarily.	Level 3 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	[[F607]and counterpart**]**[F608]etc**]** or to state date of birth, or failing to provide the Secretary of State with evidence of date of birth, etc.					
RTA section 165	Failing to give **[**[F609]constable**]** certain names and addresses or to produce certain documents.	Summarily.	Level 3 on the standard scale.			
RTA section 168	Refusing to give, or giving false, name and address in case of reckless, careless or inconsiderate driving or cycling.	Summarily.	Level 3 on the standard scale.			
RTA section 169	Pedestrian failing to give constable his name and address after failing to stop when directed by constable controlling traffic.	Summarily.	Level 1 on the standard scale.			
RTA section 170(4)	Failing to stop after accident	Summarily.	**[**[F610]Six months or level	Discretionary	Obligatory.	**[**[F611]5-10**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	and give particulars or report accident.		5 on the standard scale or both**]**		
RTA section 170(7)	Failure by driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident.	Summarily.	Level 3 on the standard scale.		
RTA section 171	Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance or security.	Summarily.	Level 4 on the standard scale.		
RTA section 172	Failure of person keeping vehicle and others to give police information as to identity of driver, etc., in the case of certain offences.	Summarily.	Level 3 on the standard scale.	**[**[F612] Discretionary, if committed otherwise than by virtue of subsection (5) or (11).**]**	**[**[F612]Obligatory, if committed otherwise than by virtue of subsection (5) or (11).**]** [F613]6**]**
RTA section 173	Forgery, etc., of licences, **[**[F582]counterparts of Community	(a) Summarily.	(a) The statutory maximum.		

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	licences, test certificates, certificates of insurance and other documents and things.]				
		(b) On indictment.	(b) 2 years.		
RTA section 174	Making certain false statements, etc., and withholding certain material information.	[F614(a) Summarily	[F614(a) both	6 months or the statutory maximum or	
		(b) On indictment]	(b) 2 years or a fine or both.]		
RTA section [F615 175][F615 175(1)]	Issuing false documents.	Summarily.	Level 4 on the standard scale.		
[F616RTA section 175(2)]	[F617Falsely amending certificate of conformity.]	[F617Summarily.]	[F618Level 4 on the standard scale]		[F619 . . .]
RTA section 177	Impersonation of, or of person employed by, authorised examiner.	Summarily.	Level 3 on the standard scale.		
RTA section 178	Taking, etc. , in Scotland a motor vehicle without authority or, knowing that it has been so taken,	(a) Summarily.	(a) 3 months or the statutory maximum or both.	Discretionary[F620Obligatory.]	[F620 8]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	driving it or allowing oneself to be carried in it without authority.		
		(b) On indictment.	(b) 12 months or a fine or both.
RTA section 180	Failing to attend, give evidence or produce documents to, inquiry held by Secretary of State, etc.	Summarily.	Level 3 on the standard scale.
RTA section 181	Obstructing inspection of vehicles after accident.	Summarily.	Level 3 on the standard scale.
RTA Schedule 1 paragraph 6	Applying warranty to **[**[F621] equipment, protective helmet, appliance or information in defending proceedings under RTA section 15A,**]** 17 or 18(4) where no warranty given, or applying false warranty.	Summarily.	Level 3 on the standard scale.

Textual Amendments

F534 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 5(a)**; S.I. 1992/1286, art. 2, **Sch.**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F535 Words in Sch. 2 Pt. I substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), **ss. 285(2)**(3), 336(3)(4) (with s. 285(8)); S.I. 2004/81, art. 5(1)(2)(b)

F536 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26 , **Sch. 2 para. 5(b)**; S.I. 1992/1286, art. 2, **Sch.**

F537 Words in Sch. 2 Pt. I inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 143(5)**, 151(1) (with s. 143(6)); S.I. 2012/2770, art. 2(b)

F538 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 6(a)**; S.I. 1992/1286, art. 2, **Sch.**

F539 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 6(b)**; S.I. 1992/1286, art. 2, **Sch.**

F540 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 6(c)**; S.I. 1992/1286, art. 2, **Sch.**

F541 Entry in Sch. 2 Pt. I inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(4)**, 61(1)(10) (with s. 61(3)); S.I. 2008/1918, art. 2(a)

F542 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 23**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(b)

F543 Entry in Sch. 2 Pt. I inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 21(3)**, 61(1)(10) (with s. 61(3)); S.I. 2008/1918, art. 2(b)

F544 Entry in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 7**; S.I. 1992/1286, art. 2, **Sch.**

F545 Words in Sch. 2 Pt. I substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), **ss. 285(2)**(4), 336(3)(4) (with s. 285(8)); S.I. 2004/81, art. 5(1)(2)(b)

F546 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para.8**; S.I. 1992/1286, art. 2, **Sch.**

F547 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 9**; S.I. 1992/1286, art. 2, **Sch.**

F548 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 10**; S.I. 1992/1286, art. 2, **Sch.**

F549 Words in Sch. 2 substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 7 para. 8**; S.I. 2004/827, art. 3(ii)

F550 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 11**; S.I. 1992/1286, art. 2, **Sch.**

F551 Sch 2 Pt. I: words in entry inserted (1.10.2002) by 2002 c. 30, **s. 56(5)**; S.I. 2002/2306, **art. 2(d)(v)**

F552 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 12**; S.I. 1992/1286, art. 2, **Sch.**

F553 Words in Sch. 2 Pt. I inserted (18.9.2006) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), regs. 1(1), **8(a)**

F554 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 24**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(c)

F555 Entry in Sch. 2 Pt. I inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 3(2)** .

F556 Words in Sch. 2 Pt. I inserted (18.9.2006) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), regs. 1(1), **8(b)**

F557 Entry inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4 , 8(3)(b), **Sch. 2 Pt. II para. 22(4)**, which Pt. II para. 22 is repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 49, 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F558 Entry in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 13**; S.I. 1992/1286, art. 2, **Sch.**

F559 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 14**; S.I. 1992/1286, art. 2, **Sch.**

F560 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 15(a)**; S.I. 1992/1286, art. 2, **Sch.**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F561 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 15(b)**; S.I. 1992/1286, art. 2, **Sch.**

F562 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 16**; S.I. 1992/1286, art. 2, **Sch.**

F563 Words in Sch. 2 Pt. I substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 8**

F564 Words in Sch. 2 Pt. I repealed (4.10.2004 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), s. 99(1), **Sch. 12 Pt. 2**; S.I. 2004/2380, art. 2(h); S.I. 2006/2826, art. 2(1)(2)(e)

F565 Entries in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 17**; S.I. 1992/1286, art. 2, **Sch.**

F566 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 25(1)**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(d)

F567 Words in Sch. 2 Pt. I inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(4)**, 61(1)(10) (with s. 61(3)); S.I. 2007/237, art. 2(a)

F568 Entry in Sch. 2 Pt. I inserted (1.1.1996) by S.I. 1992/3107, reg. 16, **Sch. 2 para. 7**

F569 Sch. 2 Pt. I: words in entry inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 5(2)**

F570 Entry in Sch. 2 Pt. I inserted (1.1.1996) by S.I. 1992/3107, reg. 16, **Sch. 2 para. 7**

F571 Sch. 2 Pt. I: words in entry inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 5(3)**

F572 Words in Sch. 2 Pt. I inserted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, **3**

F573 Entry inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 30**, which Pt. III para. 30 is repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 49, 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F574 Words in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 18, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F575 Entry in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 19**; S.I. 1992/1286, art. 2, **Sch.**

F576 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 20**; S.I. 1992/1286, art. 2, **Sch.**

F577 Entry inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(a)**

F578 Words inserted by virtue of S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(5)(a)(i)**

F579 Entry in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 21**; S.I. 1992/1286, art. 2, **Sch.**

F580 Words inserted by virtue of S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(5)(a)(ii)**

F581 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 22**; S.I. 1992/1286, art. 2, **Sch.**

F582 Words and entries in Sch. 2 Pt. I inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 8(a)(b)(d)(f)-(h)**

F583 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(a)**; S.I. 2004/2624, art. 2(1)(2)(b)

F584 Entries in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 23**; S.I. 1992/1286, art. 2, **Sch.**

F585 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(b)**; S.I. 2004/2624, art. 2(1)(2)(b)

F586 Words in Sch. 2 Pt. I substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 8(c)(e)**

F587 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

F588 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 24**; S.I. 1992/1286, art. 2, **Sch.**

F589 Entries in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F590 "(5)" inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(b)(i)**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F591 Words in Sch. 2 Pt. I substituted (1.7.1998) by S.I. 1998/1420, **reg. 16(3)**

F592 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(d)(i)**; S.I. 2004/2624, art. 2(1)(2)(b)

F593 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(d)(ii)**; S.I. 2004/2624, art. 2(1)(2)(b)

F594 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 25**; S.I. 1992/1286, art. 2, **Sch.**

F595 Sch. 2 entry repealed (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), Sch. 5 para. 37(e), **Sch. 6**; S.I. 2004/2624, art. 2(1)(2)(b)(c)

F596 Entry in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(f)**; S.I. 2004/2624, art. 2(1)(2)(b)

F597 Entries repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F598 Entries inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(c)**

F599 Words inserted by virtue of S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(5)(c)**

F600 Words "section 120(5)" substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(d)(i)**

F601 Words "LGV or PCV" substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(d)(ii)**

F602 Entries in Sch. 2 Pt. I inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 11**; S.I. 1996/1980, **art. 2**.

F603 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 26**; S.I. 1992/1286, art. 2, **Sch.**

F604 Words in Sch. 2 Pt. I inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(7)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(e)

F605 Words in Sch. 2 Pt. I inserted (16.5.2011 for specified purposes) by Road Safety Act 2006 (c. 49), **ss. 22(8)**, 61(1)(10) (with s. 61(3)); S.I. 2011/1119, art. 2(c)

F606 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 27**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(e)

F607 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 27(c)**

F608 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 27**; S.I. 1992/1286, art. 2, **Sch.**

F609 Word in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 28, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F610 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 29(a)**; S.I. 1992/1286, art. 2, **Sch.**

F611 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 29(b)**; S.I. 1992/1286, art. 2, **Sch.**

F612 Words in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 30**; S.I. 1992/1286, art. 2(2), **Sch.**

F613 Figure in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 29**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(g)

F614 Words in Sch. 2 Pt. I substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), **ss. 286**, 336(3)(4); S.I. 2004/81, art. 4(1)(2)(l)

F615 "175(1)" substituted (*prosp.*) for "175" by Transport Act 1982 (c. 49, SIF 107:1), **ss. 24(3)(a)**, 76(2) (as amended (15.5.1989) by Road Traffic Act (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 13(c)(i)(iii)**

F616 Words substituted (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 13(c)(i)(iii)**.

F617 Entry inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 24(3)(b)**, 76(2) (as amended (15. 5. 1989) by Road Traffic Act (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 13(c)(i)(iii)**)

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F618 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

F619 Words repealed (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 4, 5, Sch. 1 Pt. I, Sch. 2 Pt. I para. 13(c)(i)(iii), **Sch. 4 paras. 1-3**

F620 Entries in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 31, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F621 Words in Sch. 2 Pt. I substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 3(3)**.

OFFENCES UNDER THIS ACT

Section 25 of this Act.	Failing to give information as to date of birth or sex to court or to provide Secretary of State with evidence of date of birth, etc.	Summarily.	Level 3 on the standard scale.
Section 26 of this Act.	Failing to produce driving licence **[**[F622] and counterpart**]** to court making order for interim disqualification **[**[F623] on committal for sentence etc.**]**	Summarily.	Level 3 on the standard scale.
Section 27 of this Act.	Failing to produce licence **[**[F624] and counterpart**]** to court for endorsement on conviction of offence involving obligatory endorsement or on committal for sentence, etc. , for offence involving obligatory or discretionary disqualification when no interim disqualification ordered.	Summarily.	Level 3 on the standard scale.
[[F625] . . .**]**			
Section 62 of this Act.	Removing fixed penalty notice fixed to vehicle.	Summarily.	Level 2 on the standard scale.
Section 67 of this Act.	False statement in response to notice to owner.	Summarily.	Level 5 on the standard scale.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F626Section 90D(6) of this Act]	[F626 Driving, etc. , vehicle in contravention of prohibition for failure to pay financial penalty deposit, etc.]	[F626Summarily.]	[F626Level 5 on the standard scale.]

Textual Amendments

F622 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 27(d)**

F623 Words in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F624 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 27(e)**

F625 Entry repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F626 Entry in Sch. 2 Pt. I inserted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 11(2)**, 61(1)(10); S.I. 2008/3164, art. 2(b)

F627...

Textual Amendments

F627 Sch. 2 Pt. I entries repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F531F532F533PART II

OTHER OFFENCES

(1) Offence	(2) Disqualification	(3) Endorsement	(4) Penalty points
Manslaughter or, in Scotland, culpable homicide by the driver of a motor vehicle.	Obligatory.	Obligatory.	[F6283-11]
[F629An offence under section 35 of the Offences against the Person Act 1861 (furious driving).]	[F629Discretionary.]	[F629Obligatory if committed in respect of a mechanically propelled vehicle.]	[F6293-9]
[F630An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking)	Obligatory.	Obligatory.	3- 11]

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Stealing or attempting to steal a motor vehicle.	Discretionary.	F631 . . .	F631 . . .
An offence or attempt to commit an offence in respect of a motor vehicle under section 12 of the Theft Act 1968 (taking conveyance without consent of owner etc. or, knowing it has been so taken, driving it or allowing oneself to be carried in it).	Discretionary.	F631 . . .	F631 . . .
An offence under section 25 of the Theft Act 1968 (going equipped for stealing, etc.) committed with reference to the theft or taking of motor vehicles.	Discretionary	F631 . . .	F631 . . .

Textual Amendments

F628 Words in Sch. 2 Pt. II substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch 2 para. 32(2)**; S.I. 1992/1286, **art. 2**,Sch.

F629 Words in Sch. 2 Pt. II inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 28**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(f)

F630 Entry in Sch. 2 Pt. II inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), **s. 3(1)**; S.I. 1992/764, **art 2**

F631 Entries in Sch. 2 Pt. II repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 32(3), **Sch.8**; S.I. 1992/1286, **art. 2**,Sch.

SCHEDULE 3 E+W

Section 51.

FIXED PENALTY OFFENCES

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F632 . . .

F632	**F632**
. . .	**. . .**
F632	**F632**
. . .	. . ..
F632	**F632**
. . .	. . .
F632	**F632**
. . .	. . .

Textual Amendments

F632 Entries repealed (1.9.1994) by 1994 c. 22, s. 65, **Sch. 5 Pt. I**

[F633 OFFENCES UNDER THE TRANSPORT ACT 1968 (C.73)

Section 96(11) of the Transport Act 1968	Contravention of any requirement of domestic drivers' hours code
Section 96(11A) of that Act	Contravention of any requirement of applicable Community rules as to periods of driving, etc.
Section 97(1) of that Act	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with Community Recording Equipment Regulation
Section 98(4) of that Act	Contravention of regulations made under section 98 or any requirement as to books, records or documents of applicable Community rules
Section 99(4) of that Act	Failing to comply with requirements relating to inspection of records or obstructing an officer, but only insofar as the offence relates to:— (i) failing to comply with any requirement under section 99(1)(a); or (ii) obstructing an officer in exercise of powers under 99(2)(a) or 99(3).
Section 99ZD(1) of that Act	Failing to comply with requirements relating to inspection of recording equipment or records (whether electronic or hard copy) made by or stored on recording equipment except where that offence is committed by:—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	(i) failing to sign a hard copy of downloaded data when required to do so under section 99ZC(1); or (ii) obstructing an officer in exercise of powers under section 99ZF.
Section 99C of that Act	Failure to comply with prohibition or direction in relation to driving vehicle.**]**

Textual Amendments

F633 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 1**

[F633 OFFENCE UNDER THE ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (C.27)

Section 3(1) of the Road Traffic (Foreign Vehicles) Act 1972	Driving, etc. , foreign goods vehicle or foreign public service vehicle in contravention of prohibition etc.**]**

OFFENCE UNDER THE GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1974 (C. XXIV)

Section 15 of the Greater London Council (General Powers) Act 1974.	Parking vehicles on footways, verges, etc.

OFFENCE UNDER THE HIGHWAYS ACT 1980 (C. 66)

Section 137 of the Highways Act 1980.	Obstructing a highway, but only where the offence is committed in respect of a vehicle.

[F634 OFFENCE UNDER THE PUBLIC PASSENGER VEHICLES ACT 1981 (C.14)

Section 12(5) of the Public Passenger Vehicles Act 1981	Using public service vehicle on road except under PSV operators' licence.**]**

Textual Amendments

F634 Entry in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 2**

OFFENCES UNDER THE ROAD TRAFFIC REGULATION ACT 1984 (C. 27)

RTRA section 5(1)	Using a vehicle in contravention of a traffic regulation order outside Greater London.
RTRA section 8(1)	Breach of traffic regulation order in Greater London.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTRA section 11	Breach of experimental traffic order.
RTRA section 13	Breach of experimental traffic scheme regulations in Greater London.
RTRA section 16(1)	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works, etc.
RTRA section 17(4)	Wrongful use of special road.
RTRA section 18(3)	Using a vehicle in contravention of provision for one-way traffic on trunk road.
RTRA section 20(5)	Driving a vehicle in contravention of order prohibiting or restricting driving vehicles on certain classes of roads.
RTRA section 25(5)	Breach of pedestrian crossing regulations, except an offence in respect of a moving motor vehicle **[**[F635]other than a contravention of regulations 23, 24, 25 and 26 of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997**]**.
RTRA section 29(3)	**F636** Using a vehicle in contravention of a street playground order . . ..
F637 . . .	**F637** . . .
RTRA section **[**[F638] 35A(1)**]**	Breach of an order regulating the use, etc. , of a parking place provided by a local authority, but only where the offence is committed in relation to a parking place provided on a road.
RTRA section 47(1)	Breach of a provision of a parking place designation order and other offences committed in relation to a parking place designated by such an order, except any offence of failing to pay an excess charge within the meaning of section 46.
RTRA section 53(5)	Using vehicle in contravention of any provision of a parking place designation order having effect by virtue of section 53(1)(a) (inclusion of certain traffic regulation provisions).
RTRA section 53(6)	Breach of a provision of a parking place designation order having effect by virtue of section 53(1)(b) (use of any part of a road for parking without charge).

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTRA section 88(7)	Driving a motor vehicle in contravention of an order imposing a minimum speed limit under section 88(1)(b).
RTRA section 89(1)	Speeding offences under RTRA and other Acts.

Textual Amendments

F635 Words in Sch. 3 substituted (1.8.1999) by S.I. 1999/1851, **art. 2(3)(a)**

F636 Words in Sch. 3 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59) , s. 168(2) , **Sch. 9** (with s. 25(2)); S.I. 1991/2286 , art. 2(2) , **Sch. 2** (for Scotland); S.I. 1991/2288 , art. 3 , **Sch.** (for E.W.)

F637 Entry in Sch. 3 repealed (1.11.1991 for E.W. and 1.1.1993 for S.) by New Roads and Street Works Act 1991 (c. 22, SIF 59), s. 168(2), **Sch. 9** (with s. 25(2)); S.I. 1991/2288, art. 3, **Sch.**; S.I. 1992/2990, art. 2(2), **Sch. 2**

F638 "35A(1)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 12**

[F639 OFFENCES UNDER THE ROAD TRANSPORT (INTERNATIONAL PASSENGER SERVICES) REGULATIONS 1984 (S.I. 1984/748)

Regulation 19(1) of the Road Transport (International Passenger Services) Regulations 1984	Using vehicle for Community regulated carriage of passengers by road otherwise than in accordance with authorisation or certificate, etc.
Regulation 19(2) of those Regulations	Using vehicle for ASOR regulated or Community regulated carriage of passengers by road without having correctly completed passenger waybill or without carrying top copy of waybill on vehicle throughout journey.**]**

Textual Amendments

F639 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 3**

OFFENCES UNDER THE ROAD TRAFFIC ACT 1988 (C. 52)

RTA section 14	Breach of regulations requiring wearing of seat belts.
RTA section 15(2)	Breach of restriction on carrying children in the front of vehicles.
[F640RTA section 15(4)	Breach of restriction on carrying children in the rear of vehicles.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 16	Breach of regulations relating to protective headgear for motor cycle drivers and passengers.
[F641RTA section 18(3)**]**	**[**F641Breach of regulations relating to head-worn appliances (eye protectors) for use on motor cycles**]**
RTA section 19	Parking a heavy commercial vehicle on verge or footway.
RTA section 22	Leaving vehicle in dangerous position.
RTA section 23	Unlawful carrying of passengers on motor cycles.
[F642RTA section 24**]**	**[**F642Carrying more than one person on a pedal cycle.**]**
RTA section 34	Driving **[**F643mechanically propelled**]** vehicle elsewhere than on a road.
RTA section 35	Failure to comply with traffic directions.
RTA section 36	Failure to comply with traffic signs.
[F644RTA section 40A**]**	**[**F644 Using vehicle in dangerous condition etc.**]**
[F644RTA section 41A**]**	**[**F644Breach of requirement as to brakes, steering-gear or tyres.**]**
[F644RTA section 41B**]**	**[**F644Breach of requirement as to weight: goods and passenger vehicles.**]**
[F645RTA section 41D**]**	**[**F645 Breach of requirement as to control of vehicle, mobile telephone etc.**]**
RTA section 42	**[**F646Breach of other construction and use requirements**]**
[F647RTA section 71(1)	Driving, etc. , vehicle in contravention of prohibition on driving it as being unfit for service or overloaded, or failing to comply with direction to remove a vehicle found overloaded.**]**
RTA section 87(1)	Driving vehicle **[**F648otherwise than in accordance with**]** requisite licence.
F649	**F649**
. . .	. . .
RTA section 163	Failure to stop vehicle on being so required **F650**
	....

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Textual Amendments

F640 Entry in Sch. 3 inserted (1.4.1992) by S.I. 1992/345, **art. 2**

F641 Words in Sch. 3 inserted (1.12.2004) by Fixed Penalty Offences Order 2004 (S.I. 2004/2922), arts. 1, **2(2)**

F642 Entry in Sch. 3 inserted (E.W.)(1.8.1999) by S.I. 1999/1851, **art. 3(3)(a)**

F643 Words in entry in Sch. 3 substituted (20.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 9**

F644 Entries in Sch. 3 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 112(2)**; S.I. 1992/1286, art. 2, **Sch.**

F645 Words in Sch. 3 inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(5)**, 61(1)(10); S.I. 2007/237, art. 2(a)

F646 Words in Sch. 3 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 112(3)**; S.I. 1992/1286, art. 2, **Sch.**

F647 Entry in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 4**

F648 Words in Sch. 3 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 112(4)**; S.I. 1992/1286, art. 2, **Sch.**

F649 Entry in Sch. 3 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , s. 83 , **Sch. 8** ; S.I. 1992/1286 , art. 2 , **Sch.** Appendix

F650 Words in Sch. 3 repealed (4.10.2004 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), s. 99(1), **Sch. 12 Pt. 2**; S.I. 2004/2380, art. 2(h); S.I. 2006/2826, art. 2(1)(2)(e)

[F651 OFFENCE UNDER THIS ACT

Section 90D(6)	Driving, etc. , vehicle in contravention of prohibition on driving, or failing to comply with direction to remove vehicle on failure to make a financial penalty deposit payment.**]**

Textual Amendments

F651 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 5**

[F651 OFFENCES UNDER THE GOODS VEHICLES (COMMUNITY AUTHORISATIONS) REGULATIONS 1992 (S.I. 1992/3077)

Regulation 3 of the Goods Vehicles (Community Authorisations) Regulations 1992	Using goods vehicle without Community authorisation.
Regulation 7 of those Regulations	Using vehicle under Community authorisation in contravention of conditions governing authorisation.**]**

F652 [*OFFENCES UNDER THE VEHICLE EXCISE AND REGISTRATION ACT 1994 (C. 22)*

Section 33 of the Vehicle Excise and Registration Act 1994.	Using or keeping a vehicle on a public road without **[**F653 vehicle licence, trade licence

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

	or nil licence**]** being exhibited in manner prescribed by regulations.
[[F654]Section 34 of that Act	Using trade licence for unauthorised purposes or in unauthorised circumstances, etc.**]**
Section 42 of that Act.	Driving or keeping a vehicle without required registration mark.
Section 43 of that Act.	Driving or keeping a vehicle with registration mark obscured etc.
[[F655]Section 43C of that Act**]**	**[**[F655]Using an incorrectly registered vehicle.**]**
[[F656]Section 59 of that Act**]**	**[**[F656]Failure to fix a prescribed registration mark to a vehicle in accordance with regulations made under section 23(4)(a) of that Act.]**]**

Textual Amendments

F652 Entry inserted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(2)**

F653 Words in entry substituted (1.7.1997) by 1997 c. 16, s. 18, **Sch. 3 para. 8(1)**; S.I. 1997/1433, **art. 2**

F654 Entry in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 6**

F655 Words in Sch. 3 inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 150(2)**, 178(8); S.I. 2005/1521, art. 3(1)(u)

F656 Entry in Sch. 3 inserted (1.8.1999) by S.I. 1999/1851, **art. 2(3)(b)**

[[F657]OFFENCE UNDER THE GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995 (C. 23)

Section 2(5) of the Goods Vehicles (Licensing of Operators) Act 1995	Using goods vehicle on road for carriage of goods except under operator's licence.**]**

Textual Amendments

F657 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 7**

[[F657]OFFENCES UNDER THE PUBLIC SERVICE VEHICLES (COMMUNITY LICENCES) REGULATIONS 1999 (S.I. 1999/1322)

Regulation 3 of the Public Service Vehicles (Community Licences) Regulations 1999	Using public service vehicle on road without Community licence.
Regulation 7 of those Regulations	Using public service vehicle under Community licence in contravention of conditions governing use of licence.**]**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

[F657 OFFENCES UNDER THE ROAD TRANSPORT (PASSENGER VEHICLES CABOTAGE) REGULATIONS 1999 (S.I. 1999/3413)

Regulation 3 of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999	Using vehicle on road for UK cabotage operations without Community licence.
Regulation 4 of those Regulations	Using vehicle on road for UK cabotage operations without control document.
Regulation 7(1) of those Regulations	Driver failing to produce Community licence on request when vehicle required to have licence on board.
Regulation 7(3) of those Regulations	Driver failing to produce control document on request when vehicle required to have control document on board.**]**

[F657 OFFENCE UNDER THE VEHICLE DRIVERS (CERTIFICATES OF PROFESSIONAL COMPETENCE) REGULATIONS 2007(S.I. 2007/605)

Regulation 11(7) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007	Driver of relevant vehicle failing to produce on request evidence or document required to be carried under regulation 11(1), (3) or (5).**]**

[F658 OFFENCES UNDER THE HIGHWAYS ACT 1835 AND THE ROADS (SCOTLAND) ACT 1984

Section 72 of the Highways Act 1835	Driving on the footway
	[F659 Cycling on the footway**]**
Section 129(5) of the Roads (Scotland) Act 1984	Driving on the footway**]**

Textual Amendments

F658 Entries in Sch. 3 inserted (1.8.1999) by S.I. 1999/1851, **art. 2(3)(c)**

F659 Entry in Sch. 3 inserted (E.W.)(1.8.1999) by S.I. 1999/1851, **art. 3(3)(b)**

SCHEDULE 4

Section 68.

STATUTORY STATEMENTS

PART I

STATUTORY STATEMENT OF OWNERSHIP OR HIRING

1 (1) For the purposes of Part III of this Act, a statutory statement of ownership is a statement on an official form signed by the person providing it and stating whether

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

he was the owner of the vehicle at the time of the alleged offence and, if he was not the owner of the vehicle at that time, whether—

(a) he was never the owner, or

(b) he ceased to be the owner before, or became the owner after, that time,

and in a case within paragraph (b) above, stating, if the information is in his possession, the name and address of the person to whom, and the date on which, he disposed of the vehicle or (as the case may be) the name and address of the person from whom, and the date on which, he acquired it.

(2) An official form for a statutory statement of ownership shall—

(a) indicate that the person providing the statement in response to a notice to owner relating to an offence may give notice requesting a hearing in respect of the offence in the manner specified in the form, and

(b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) below in any official form for a statutory statement of facts.

2 (1) For the purposes of Part III of this Act, a statutory statement of hiring is a statement on an official form, signed by the person providing it, being a person by whom a statement of liability was signed, and stating—

(a) whether at the time of the alleged offence the vehicle was let to him under the hiring agreement to which the statement of liability refers, and

(b) if it was not, the date on which he returned the vehicle to the possession of the vehicle-hire firm concerned.

(2) An official form for a statutory statement of hiring shall—

(a) indicate that the person providing the statement in pursuance of a notice relating to an offence served under section 63 of this Act by virtue of section 66 of this Act may give notice requesting a hearing in respect of the offence in the manner specified in the form, and

(b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) below in any official form for a statutory statement of facts.

(3) In sub-paragraph (1) above " statement of liability ", " hiring agreement " and " vehicle-hire firm " have the same meanings as in section 66 of this Act.

PART II

STATUTORY STATEMENT OF FACTS

3 (1) For the purposes of Part III of this Act, a statutory statement of facts is a statement on an official form, signed by the person providing it, which—

(a) states that the person providing it was not the driver of the vehicle at the time of the alleged offence, and

(b) states the name and address at the time when the statement is provided of the person who was the driver of the vehicle at the time of the alleged offence.

(2) A statutory statement of facts has effect as a notice given by the driver requesting a hearing in respect of the offence if it is signed by the person identified in the statement as the driver of the vehicle at the time of the alleged offence.

(3) An official form for a statutory statement of facts shall indicate—

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

(a) that if a person identified in the statement as the driver of the vehicle at the time of the alleged offence signs the statement he will be regarded as having given notice requesting a hearing in respect of the offence,

(b) that the person on whom the notice to owner relating to the offence is served may not give notice requesting a hearing in respect of the offence on his own account if he provides a statutory statement of facts signed by a person so identified, and

(c) that if the fixed penalty is not paid before the end of the period stated in the notice to owner as the period for response to the notice, a sum determined by reference to that fixed penalty may be registered without any court hearing for enforcement as a fine against the person on whom the notice to owner is served, unless he has given notice requesting a hearing in respect of the offence,

but that, in a case within paragraph (c) above, the sum in question may not be so registered if the person on whom the notice to owner is served provides a statutory statement of facts as mentioned in paragraph (b) above until two months have elapsed from the end of the period so stated without service of a summons or, in Scotland, complaint in respect of the offence on the person identified in that statement as the driver of the vehicle.

SCHEDULE 5

Section 75.

SCOTLAND: ADDITIONAL OFFENCES OPEN TO CONDITIONAL OFFER

(1) Provision creating offence	(2) General nature of offence
F660	
. . .	
F660	**F660**
. . .	. . .

Textual Amendments

F660 Entry in Sch. 5 repealed (3.5.1994) by 1994 c. 9, s. 258, **Sch. 26 Pt. I**

Offence under the Road Traffic Regulation Act 1984 (c. 27)	
Section 53(6) of the Road Traffic Regulation Act 1984.	Breach of provision of parking place designation order having effect by virtue of section 53(1)(b).

Offences under the Roads (Scotland) Act 1984 (c. 54)	
Section 65(1) of the Roads (Scotland) Act 1984	Conveying insecure load on drawn vehicle.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

Section 65(2) of that Act	Permitting child to drive drawn vehicle.
Section 95(1) of that Act	Dropping and failing to remove mud, etc.
Section 129(3) of that Act.	Carrying projecting load.
Section 129(5) of that Act.	Driving on footway, etc.
Section 129(6) of that Act.	Parking motor vehicle on cycle track.

Offences under the Road Traffic Act 1988 (c. 52)	
RTA section 24	Unlawful carrying of passengers on bicycle.
RTA section 26	Holding or getting onto a moving vehicle to be carried, or holding onto a moving vehicle to be towed.
RTA section 27	Causing or permitting dog to be on designated road without a lead.
RTA section 37	Failure by pedestrians to comply with directions of constable regulating vehicular traffic.
RTA section 47	Using a vehicle without a valid test certificate.
Regulations made by virtue of RTA section 51(2)	Failure of driver of goods vehicle to be present throughout testing of vehicle.
RTA section 53(1)	Using goods vehicle without valid required plating certificate.
RTA section 53(3)	Using altered goods vehicle where alteration not notified to Secretary of State under section 49.
Regulations made by virtue of RTA section 61(4)	Failure of driver of vehicle to be present throughout testing of vehicle after notification of alteration.
RTA section 63	Using vehicle without valid type approval certificate, or using goods vehicle to draw trailer where plating certificate does not state maximum laden weight for vehicle and trailer or using altered vehicle where alteration not notified to Secretary of State under section 59.
RTA section 64	Using goods vehicle with unauthorised as well as authorised weights marked on it.
RTA section 87(2)	Causing or permitting person to drive **[**[F661]otherwise than in accordance with**]** licence.
RTA section 94(3)	Failure to notify relevant or prospective disability.

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

RTA section 96(1)	Driving with uncorrected defective eyesight.
RTA section 99(5)	Driving licence holder failing **[**[F662]when his licence is revoked, to surrender it and its counterpart or**]**, when his particulars become incorrect, to surrender licence **[**[F663]and counterpart**]** and give particulars.
[[F664]RTA section 110 **]**	**[**[F664] Driving HGV without HGV driver's licence or causing or permitting person to drive HGV without HGV driver's licence. **]**
RTA **[**[F665]section 112**][**[F665]section 114**]**	Failure to comply with conditions of **[**[F666]HGV**][**[F666]LGV or PCV **]** driver's licence or employing person under 21 to drive **[**[F666]HGV**][**[F666]LGV or PCV **]** in contravention of conditions of his licence.
Regulations under RTA **[**[F667]section 117**][**[F667]section 120(5)**]**	Contravention of provisions of regulations about **[**[F668]HGV**][**[F668]LGV or PCV **]** drivers' licences which is declared by the regulations to be an offence.
RTA section 136	Failure of driving instructor to surrender licence or certificate to Registrar when required.
RTA section 137	Failure to produce certificate of registration or licence as driving instructor.
RTA section 147	Failure to surrender certificate of insurance on cancellation or to make statutory declaration.
RTA section 164(8)	Failure to furnish Secretary of State with evidence of date of birth, etc.
RTA section 165	Failure to give constable certain names and addresses or to produce certificate of insurance or certain test and other like documents or failure of person supervising learner driver to give constable certain names and addresses.
RTA section 169	Failure of pedestrian contravening section 37 to give name and address to constable.
RTA section 170	Failure of driver in accident involving injury to another to produce evidence of insurance or report the accident.

Textual Amendments

F661 Words in Sch. 5 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 113**; S.I. 1992/1286, art. 2, **Sch.**

Status: *Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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)*

F662 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1) , s. 7 , **Sch. 3 para. 30(a)** (as amended (insertion of words "and its counterpart") by S.I. 1990/144 , reg. 2(3) , **Sch. 3 para. 3(6)**)

F663 Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 28**

F664 Entry repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F665 Words "section 114" substituted (1.4.1991) for "section 112" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(b)(i)**

F666 Words "LGV or PCV" substituted (1.4.1991) for "HGV" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(b)(ii)**

F667 Words "section 120(5)" substituted (1.4.1991) for "section 117" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(c)(i)**

F668 Words "LGV or PCV" substituted (1.4.1991) for "HGV" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(c)(ii)**

Offence under this Act	
Section 25(6) of this Act	Failure to provide Secretary of State when required with evidence of date of birth.

F669

...

Textual Amendments

F669 Sch. 5 entries repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Status:
Point in time view as at 01/04/2013. This version of this Act contains provisions that are prospective.

Changes to legislation:
Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 07 August 2024. 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.