Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Miscellaneous

83 Powers of court [F1in cases of deception].

F2(1) . . . . . .

[F3(1A) This section F4... 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 [F5person to whom the fixed penalty notice was given or conditional offer was issued] , and

(b) [F6he] 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

Changes to legislation: *Road Traffic Offenders Act 1988, Section 83 is up to date with all changes known to be in force on or before 30 June 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) View outstanding changes*

which particulars were endorsed under section [F7]... **[**[F8]57A**]** or, as the case may be, [F9]... **[**[F10]77A**]** of this Act.

Textual Amendments

F1 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)

F2 S. 83(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F3 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)

F4 Word in s. 83(1A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F5 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)

F6 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)

F7 Words in s. 83(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(4)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F8 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)

F9 Words in s. 83(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(4)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F10 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)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(A2)(ca)-(ce) inserted by 2024 c. 10 Sch. 3 para. 2(2)(a)(ii)
- s. 29(2A) inserted by 2006 c. 49 s. 34(2)
- s. 30A-30D inserted by 2006 c. 49 s. 34(3)
- s. 30C(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 15
- s. 34A(7A) inserted by 2009 c. 25 Sch. 21 para. 90(3)(d)
- s. 34B(12) added by 2009 c. 25 Sch. 21 para. 90(4)(c)
- s. 34D-34G inserted by 2006 c. 49 s. 15(1)
- s. 34D(1)(d) words inserted by 2009 c. 25 Sch. 21 para. 90(5)(a)
- s. 34D(3) words inserted by 2009 c. 25 Sch. 21 para. 90(5)(b)
- s. 34D(5A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(c)
- s. 34D(6)(a) words substituted by 2009 c. 25 Sch. 21 para. 90(5)(d)(i)
- s. 34D(6)(b) words substituted by 2009 c. 25 Sch. 21 para. 90(5)(d)(ii)
- s. 34D(6A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(e)
- s. 34F(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 17
- s. 35A(6)(a) words substituted by 2012 c. 10 Sch. 13 para. 8(b) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by 2012 c. 10 Sch. 13 para. 8(c) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by 2006 c. 49 s. 37(6)
- s. 40B(9) words substituted by 2006 c. 49 Sch. 2 para. 33
- s. 41B inserted by 2006 c. 49 s. 15(2)
- s. 84(1) s. 84 renumbered as s. 84(1) by 2004 c. 28 s. 16(3)
- s. 84(2)(3) inserted by 2004 c. 28 s. 16(3)
- Sch. 1 para. 3(aa) inserted by 2006 c. 49 s. 15(3)(a)
- Sch. 1 para. 4(za) inserted by 2006 c. 49 s. 15(3)(b)
- Sch. 1 para. 1A(c)(d) and word inserted by 2024 c. 10 Sch. 4 para. 1(2)(b)
- Sch. 1 para. 3(bc) inserted by 2024 c. 10 Sch. 4 para. 1(2)(c)
- Sch. 1 para. 4(ab) inserted by 2024 c. 10 Sch. 4 para. 1(2)(d)