



Road Traffic Offenders Act 1988

1988 CHAPTER 53

[^{F1}PART 3A

FINANCIAL PENALTY DEPOSITS

[^{F1}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—
 - [^{F2}(a) that the person—
 - (i) is committing or has on that occasion committed an offence relating to a motor vehicle [^{F3}or trailer]; or
 - (ii) has, within the period of 28 days before the day of that occasion, committed an offence relating to a motor vehicle which is a Community drivers' hours offence, 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.

Changes to legislation: Road Traffic Offenders Act 1988, Section 90A is up to date with all changes known to be in force on or before 07 February 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

(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.]

[^{F4}(6) A constable or vehicle examiner may not impose a financial penalty deposit requirement on a person under this section in relation to a Community drivers' hours offence where the constable or vehicle examiner has reason to believe that—

- (a) a financial penalty deposit requirement has already been imposed on the person under this section in relation to the offence;
- (b) proceedings have already been initiated against the person for the offence; or
- (c) any other penalty has already been imposed on, or other proceedings have already been initiated against, the person in respect of the relevant breach in Northern Ireland [^{F5}or in another contracting country].

(7) In subsection (6)(c) “relevant breach” means the breach of the applicable Community rules which constitutes the Community drivers' hours offence.]

Textual Amendments

- F1** 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)
- F2** S. 90A(2)(a) substituted (31.1.2018) by [The Community Drivers Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **7(2)** (with reg. 11)
- F3** Words in s. 90A(2)(a)(i) inserted (19.7.2018) by [Haulage Permits and Trailer Registration Act 2018 \(c. 19\)](#), s. 27(1), **Sch. para. 5**
- F4** S. 90A(6)(7) inserted (31.1.2018) by [The Community Drivers Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **7(3)** (with reg. 11)
- F5** Words in s. 90A(6)(c) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **45**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

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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. 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\(3\)\(b\)](#)