

*These notes refer to the Road Safety Act 2006 (c.49)  
which received Royal Assent on 8 November 2006*

## **ROAD SAFETY ACT 2006**

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### **EXPLANATORY NOTES**

#### **FIXED PENALTIES**

##### ***Section 4: Graduated fixed penalty points***

19. This section amends section 28 of the RTOA, as amended by the Road Traffic Act 1991, which provides for the penalty points that are to be attributed to an offence when a person's driving licence is to be endorsed. The section substitutes three new *subsections*, (3), (3A) and (3B), for subsection (3).
20. The amendment enables the Secretary of State to prescribe by order appropriate numbers of penalty points for offences. The appropriate number of points may vary depending on the circumstances of the offence. Those circumstances include the nature of the offence, its severity, where it has taken place and whether the offender appears to have committed other, prescribed offences during a prescribed period.
21. The amendments also allow the Secretary of State to amend Part 2 of Schedule 2 of the RTOA to provide for the penalty points for a fixed penalty offence to be the appropriate number of penalty points. The current penalty point provisions remain in force for any offence for which no such order is made.