

*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**

#### **DEPOSITS AND PROHIBITION ON DRIVING**

##### ***Section 11: Financial penalty deposits***

38. This section inserts a new Part 3A (sections 90A to 90F) into the RTOA.
39. Under new section 90A the police and vehicle examiners, appointed under section 66A of the RTA, will be able to require the payment of a deposit by a person they believe to have committed an offence in relation to a motor vehicle who does not provide a satisfactory address in the United Kingdom at which it is likely the person can be found. The police or vehicle examiner must also believe 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.
40. The section enables the deposit scheme to be applied to any driver who cannot satisfy enforcement officers that he could be found in the UK, when necessary in connection with a fixed penalty or court proceedings. The deposit would be used to pay any uncontested fixed penalty notice. However, it would be open for drivers to contest in court the charge of committing an offence (including contesting a fixed penalty notice). Should the court decide in their favour or if the case did not go to court within a year (or, if shorter, any period after which no prosecution could be commenced in respect of the offence), the deposit would be refunded with the relevant interest. If the court decided against them, the deposit would be retained to be offset against all, or part, of the fine imposed.
41. New section 90D will enable the police or vehicle examiners to prohibit the moving of the vehicle if the deposit is not paid immediately, though the vehicle may be moved to another, specified place by a written direction. The prohibition would continue in force until the driver: pays the deposit or (if he received a fixed penalty notice or conditional offer) fixed penalty, is charged with the offence or informed he will not be prosecuted or payment is made, or the prosecution period comes to an end, whichever occurs first. Failure to comply with the prohibition set by non-payment of a fixed penalty notice deposit will be recorded as a level 5 offence under Part 1 Schedule 2 of the RTOA.
42. The effect of these provisions is to provide a means of enforcement against offenders who avoid payment of fixed penalties and prosecution by not having a satisfactory address in the United Kingdom.