

1977 No. 1711

CRIMINAL LAW, ENGLAND AND WALES

The Fixed Penalty (Procedure) Regulations 1977

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| <i>Made</i> | - - - | <i>24th October 1977</i> |
| <i>Laid before Parliament</i> | | <i>3rd November 1977</i> |
| <i>Coming into Operation</i> | | <i>1st December 1977</i> |

In pursuance of the powers conferred upon me by section 80(11) of the Road Traffic Regulation Act 1967(a), I hereby make the following Regulations:—

1. These Regulations may be cited as the Fixed Penalty (Procedure) Regulations 1977 and shall come into operation on 1st December 1977.

2.—(1) In these Regulations the expression “local authority” has the meaning assigned to it by section 35(4) of the Road Traffic Regulation Act 1967 as substituted by paragraph 17 of Schedule 19 to the Local Government Act 1972(b).

(2) In these Regulations any reference to any enactment is a reference to that enactment as amended by or under any other enactment.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(4) These Regulations shall not extend to Scotland.

3. The Regulations set out in Schedule 1 to these Regulations are hereby revoked.

4. A notice under section 80(2) of the Road Traffic Regulation Act 1967 offering the opportunity of the discharge of any liability to conviction of an offence to which that section applies by payment of a fixed penalty (hereafter in these Regulations referred to as “a notice”) shall be in the form in Schedule 2 to these Regulations or a form to the like effect.

5. A copy of any notice given or affixed under the said section 80 shall, as soon as practicable, be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice—

- (a) to the justices’ clerk to whom the fixed penalty is payable, unless the justices’ clerk has notified the chief officer of police that he does not wish to receive a copy of any such notice; and
- (b) to the local authority for the area in which the offence alleged was committed, if that local authority has notified the chief officer of police that it wishes to receive a copy of any such notice.

(a) 1967 c. 76.

(b) 1972 c. 70.

(c) 1889 c. 63.

6.—(1) The person paying a fixed penalty shall either forward with the remittance Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of paragraph (1) of this Regulation, the justices' clerk is unable to identify the relevant notice, the clerk shall, as soon as practicable, return the remittance to that person.

7.—(1) When any payment is made in pursuance of a notice, it shall be of the amount specified in the notice or, where payment is made in respect of more than one notice, of the total of the amounts specified in the notices.

(2) Where any amount is paid otherwise than in accordance with these Regulations or to a justices' clerk other than the one specified in the relevant notice or notices, the justices' clerk may return it to the payer.

8.—(1) Where criminal proceedings in respect of the act or omission constituting the offence specified in a notice are taken by a constable, traffic warden or local authority, notification thereof shall, as soon as practicable, be given by or on behalf of the constable, traffic warden or local authority to the justices' clerk specified in the notice.

(2) The justices' clerk shall not, after receiving the said notification, accept payment of the fixed penalty to which the notice relates.

9. Subject to the foregoing provisions of these Regulations, a justices' clerk shall, as soon as practicable after payment of a fixed penalty has been made to him—

- (a) send to the payer, if he so requests, a receipt for the payment; and
- (b) notify the chief officer of police and the local authority for the area in which the offence was committed that such payment has been made, except where the chief officer of police or the local authority, as the case may be, has informed the clerk that he, or it, does not wish to be notified.

Merlyn Rees,

One of Her Majesty's Principal
Secretaries of State.

Home Office.
24th October 1977.

Regulation 3

SCHEDULE 1

The Fixed Penalty (Procedure) (No. 2) Regulations 1974 S.I. 1974 No. 1475.

The Fixed Penalty (Procedure) (Amendment) Regulations 1975 S.I. 1975 No. 312.

The Fixed Penalty (Procedure) (Amendment) (No. 2) Regulations 1975 S.I. 1975 No. 1498.

The Fixed Penalty (Procedure) (Amendment) Regulations 1976 S.I. 1976 No. 261.

The Fixed Penalty (Procedure) (Amendment) (No. 2) Regulations 1976 S.I. 1976 No. 1401.

The Fixed Penalty (Procedure) (Amendment) Regulations 1977 S.I. 1977 No. 311.

Regulation 4

SCHEDULE 2

Serial No. (of notice).....

*Delete if
notice not
affixed to a
vehicle.

*NOTE: It is an offence for anyone, other than the person liable for the undermentioned offence or the driver or the person in charge of the vehicle or any person authorised by such person, to remove or interfere with this notice.

SECTION 80: ROAD TRAFFIC REGULATION ACT 1967

NOTICE OF OPPORTUNITY TO PAY FIXED PENALTY

PART I

Motor vehicle, registration mark.....was seen
in (*insert particulars of location*).....
[from.....to.....] [at.....]
on (*insert date*)....., in circumstances giving me
reasonable cause to believe that the offence described at [()] below, was being or had
been committed.

(*here insert statement of the offence alleged as in the following examples*):—

*The use of
box num-
bers to
indicate
the differ-
ent offences
is optional.

*[(1)] The vehicle was waiting in a restricted street. (Section 6(9) of the Road Traffic Regulation Act 1967).

*[(2)] The vehicle was left in a street parking place without the initial charge being paid. (Section 42(1) of the Road Traffic Regulation Act 1967).

*[(3)] The vehicle was left in a street parking place for more than two hours after the excess charge was incurred. (Section 42(1) of the Road Traffic Regulation Act 1967).

Police Constable/Traffic Warden Signature.....

Number

If before the end of days from the above date, the sum of £ (being the fixed penalty for the offence) is paid to the clerk to the justices, (*insert address of clerk to the justices*), the police will not take proceedings for the offence, and any person's liability to conviction of the offence will be discharged. Cash should be sent only by registered post; cheques, postal orders or money orders should be made payable to

Payments must be of the exact amount shown on the notice or the exact total of the various amounts, if payment is made in respect of more than one notice. Payment must be made to the justices' clerk specified in the notice relating to that payment. A justices' clerk will not accept amounts which are, or include, amounts required to be paid to another justices' clerk.

The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the police may prosecute for the offence.

PART 2

Serial No. (of notice).....

To the clerk to the justices (*insert address of clerk to the justices*)

I enclose the sum of £ as payment of the fixed penalty for the offence mentioned in Part 1 of this notice.

Name (in block capitals).....

Address (in block capitals).....

Insert ✓ in this box if receipt is required.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

Section 80 of the Road Traffic Regulation Act 1967 provides for the enforcement of fixed penalties for certain road traffic offences. By virtue of an amendment to section 80 (5) made by Schedule 12 to the Criminal Law Act 1977 (c. 45) the Secretary of State is no longer required to prescribe the justices' clerk to whom a fixed penalty is payable, such penalty being payable henceforth to the justices' clerk specified in the fixed penalty notice. These Regulations revoke previous regulations which prescribed justices' clerks for that purpose and prescribe the form of the fixed penalty notice and other matters incidental to the operation of section 80, in particular the duties of justices' clerks and the information to be supplied to them.

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