
STATUTORY INSTRUMENTS

2009 No. 491

ROAD TRAFFIC

The Road Safety (Financial Penalty Deposit) Order 2009

Made - - - - *5th March 2009*
Laid before Parliament *9th March 2009*
Coming into force - - *31st March 2009*

This Order is made in exercise of the powers conferred by sections 90A(2)(b), 90B(1)(a), 90C(11) and 90E(3) of the Road Traffic Offenders Act 1988 ^{M1}.

The Secretary of State has consulted with such representative organisations as appear appropriate in accordance with section 90E(2) of that Act.

Accordingly, the Secretary of State makes the following Order:

Marginal Citations

M1 1988 c.53. Part 3A (which includes sections 90A to 90E) was inserted by section 11 of the [Road Safety Act 2006 \(c.49\)](#).

Citation and commencement

1. This Order may be cited as the Road Safety (Financial Penalty Deposit) Order 2009 and shall come into force on 31st March 2009.

Interpretation

2. In this Order—

“the Act” means the Road Traffic Offenders Act 1988;

“credit card” means a card or similar thing issued by any person, use of which enables the holder to defer the payment by the holder of the charge for the appropriate amount; and

“debit card” means a card or similar thing issued by any person, use of which by the holder causes the charge for the appropriate amount to be paid by the electronic transfer of funds from any current account of the holder at a bank or other institution providing banking services.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

The specified person

[^{F13} The specified person for the purposes of section 90A(2)(b) of the Act is the person whom the constable or vehicle examiner has reason to believe—

- (a) is committing, or has on the occasion concerned, committed an offence specified in this Order relating to a motor vehicle [^{F2}or trailer]; or
- (b) 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.]

- F1** Art. 3 substituted (31.1.2018) by [The Community Drivers' Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **9(2)** (with reg. 11)
- F2** Words in art. 3(a) inserted (28.3.2019) by [The Financial Penalty Deposit and Fixed Penalty Offences \(Miscellaneous Provisions\) Order 2018 \(S.I. 2018/1236\)](#), arts. 1(4), **11(a)**

The specified offences

4. The specified offences for the purposes of section 90A(2)(b) of the Act are set out in column one of the tables in the Schedule (the general nature of the offence is also indicated in column two).

The specified circumstances

5.—(1) The specified circumstances for the purposes of section 90A(2)(b) of the Act are that the offence is being committed, or has ^{F3}... been committed, on a road or other public place.

[^{F4}(2) In paragraph (1) “road”—

- (a) in relation to—
 - (i) England, Wales and Northern Ireland,
 - [^{F5}(ii) another contracting country,]

means any highway and any other road to which the public has access, and includes bridges over which a road passes; and
- (b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes.]

- F3** Words in art. 5(1) omitted (31.1.2018) by virtue of [The Community Drivers' Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **10(2)**
- F4** Art. 5(2) substituted (31.1.2018) by [The Community Drivers' Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **10(3)**
- F5** Art. 5(2)(a)(ii) substituted for art. 5(2)(a)(ii)(iii) (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **54**; 2020 c. 1, **Sch. 5 para. 1(1)**

Manner of payment

6. Payment of the appropriate amount shall be made—
- (a) in person to the vehicle examiner or the constable, by cash or credit or debit card, if the vehicle examiner or constable has the necessary means to accept payment in that manner;
 - (b) by telephone by credit or debit card, to the number given on the document referred to in section 90A(3) of the Act, if a number is so given; or

(c) by any other means specified on the document referred to in section 90A(3) of the Act.

Appropriate steps to make an appropriate refund

7.—(1) The appropriate steps to trace the person and to make an appropriate refund, for the purposes of section 90C(11) of the Act are set out in paragraphs (2) and (3).

(2) The Secretary of State shall—

(a) attempt to contact the person (on whom the financial penalty requirement was imposed) at any address given in any response or in any document provided to a vehicle examiner or constable;

but if the attempt to contact that person is unsuccessful, and if a person other than that person made the payment,

(b) attempt to contact that other person, at any address or contact details given when the person made the payment.

(3) The means by which an appropriate refund can be made by the Secretary of State are—

(a) by cheque;

(b) by refund to any credit or debit card used to make the financial penalty payment; or

(c) by any other means agreed with the person to whom the appropriate refund is to be made.

Signed by authority of the Secretary of State for Transport

Department for Transport

Jim Fitzpatrick
Parliamentary Under Secretary of State

Status: Point in time view as at 31/12/2020.
Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

SCHEDULE

Article 4

PART 1

Acts of Parliament

Table 1**Transport Act 1968**^{M2}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 96(11) M3	Contravention of any requirement of the domestic drivers' hours code
Section 96(11A) M4	Contravention of any requirement of applicable Community rules as to periods of driving, etc.
Section 97(1) M5	Using vehicle in contravention of [^{F6} requirements relating to installation, use or repair of recording equipment in accordance with the EU Tachographs Regulation]
[^{F7} Section 97ZA(1) and (2)]	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with the AETR.]
Section 97AA(1) M6	Forgery, etc., of seals on recording equipment
Section 98(4) M7	Contravention of regulations made under section 98 or any requirement as to books, records or documents of applicable Community rules
Section 99(4) M8	Failing to comply with requirements relating to inspection of records or obstructing an officer
Section 99(5) M9	Making false entry in book, register or document, etc.
Section 99ZD(1) M10	Failing to comply with requirements relating to inspection of recording equipment or records (whether electronic or hard copy) made by or stored on recording equipment
Section 99ZE(1) M11	Making or permitting, false record or entry, etc.
Section 99ZE(3)	Recording or causing or permitting to be recorded false data on recording equipment or driver card, etc.
Section 99ZE(6)	Producing, supplying or installing device to interfere with recording equipment or falsify, etc., data

Section 99C
M12Failure to comply with prohibition or direction
in relation to driving vehicle.

- F6** Words in Sch. Pt. 1 Table 1 substituted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **29(a)**
- F7** Words in Sch. Pt. 1 Table 1 inserted (26.3.2019) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(2), **29(b)**

Marginal Citations

- M2** 1968 c.73.
- M3** Subsection (11) was first amended by section 2(1)(e) and (f) of the [Road Traffic \(Drivers' Ages and Hours of Work\) Act 1976 \(c.3\)](#). It was subsequently amended by sections 38 and 46 of the [Criminal Justice Act 1982 \(c.48\)](#), in respect of England and Wales, and by sections 289F and 289G of the [Criminal Procedure \(Scotland\) Act 1975 \(c.21\)](#) (as inserted by section 54 of the Criminal Justice Act 1982) in respect of Scotland.
- M4** [Section 96\(11A\)](#) was inserted by paragraph 9(2)(a) of Schedule 4 to the [European Communities Act 1972 \(c.68\)](#). It was subsequently amended by section 2(1)(c) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976, and by sections 38 and 46 of the Criminal Justice Act 1982 in respect of England and Wales, and by sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (as inserted by section 54 of the Criminal Justice Act 1982) in respect of Scotland. It was further amended by [S.I. 1986/1457](#) and 2007/1819.
- M5** [Section 97](#) was substituted by [S.I. 1979/1746](#) and subsection (1) was subsequently substituted by [S.I. 1984/144](#); it was amended by [S.I. 1986/1457](#), 1989/2121 and 2005/1904.
- M6** [Section 97AA](#) was inserted by [S.I. 1989/2121](#).
- M7** [Section 98\(4\)](#) was first amended by paragraph 9(2) of Schedule 4 to the European Communities Act 1972. It was subsequently amended by section 2(1) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 and sections 38 and 46 of the Criminal Justice Act 1982 in respect of England and Wales, and by sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (as inserted by section 54 of the Criminal Justice Act 1982) in respect of Scotland.
- M8** [Section 99\(4\)](#) was amended by sections 38 and 46 of the Criminal Justice Act 1982 in respect of England and Wales, and by sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (as inserted by section 54 of the Criminal Justice Act 1982 in respect of Scotland).
- M9** [Section 99\(5\)](#) was first amended by paragraph 9(2) of Schedule 4 to the European Communities Act 1972. It was subsequently amended by section 2(1) of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976, by section 32(2) of the [Magistrates' Court Act 1980 \(c.43\)](#) and by [S.I. 1979/1746](#).
- M10** [Section 99ZD\(1\)](#) was inserted by [S.I. 2005/1904](#).
- M11** [Section 99ZE](#) was inserted by [S.I. 2005/1904](#).
- M12** [Section 99C](#) was inserted by section 266 of the [Transport Act 2000 \(c.38\)](#).

Table 2**Road Traffic (Foreign Vehicles) Act 1972**^{M13}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 3(1)	Driving a foreign goods or foreign public service vehicle in contravention of a prohibition, etc.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

Marginal Citations

M13 1972 c.27. Section 3(1) was amended by sections 39(2) and 46 of, and Schedule 2 to, the Criminal Justice Act 1982 in respect of England and Wales, and by section 3 of and paragraph 10 of Schedule 1 and Part III of Schedule 2 to, the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c.40\)](#) in respect of Scotland.

Table 3

Public Passenger Vehicles Act 1981 ^{M14}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 6(2) M15	Using a vehicle without certificate of initial fitness (or equivalent)
Section 12(5) M16	Using public service vehicle except under PSV operators' licence
Section 18(4)	Using a vehicle without displaying operator's disc
Section 65(2)	Forgery and misuse of documents, etc.

Marginal Citations

M14 1981 c.14.

M15 Section 6(1) was amended by paragraph 14 of Schedule 4 to the Road Traffic Act 1991, and by paragraph 22 of Schedule 3 to the [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54\)](#).

M16 Section 12(1) was amended by sections 38 and 46 of the Criminal Justice Act 1982 in respect of England and Wales, and by sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (as inserted by section 54 of the Criminal Justice Act 1982) in respect of Scotland.

Table 4

Road Traffic Regulation Act 1984 ^{M17}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 5(1)	Using a vehicle in contravention of a traffic regulation order outside Greater London
Section 8(1)	Breach of traffic regulation order in Greater London
Section 11(1)	Breach of experimental traffic order
Section 16(1)	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works, etc.
Section 17(4)	Wrongful use of special road
Section 18(3)	Using a vehicle in contravention of provision for one-way traffic on trunk road

Section 20(5)	Driving a vehicle in contravention of order prohibiting or restricting driving vehicles on certain classes of roads
Section 25(5)	Breach of pedestrian crossing regulations
Section 88(7)	Contravention of minimum speed limit
Section 89(1)	Exceeding speed limit

Marginal Citations

M17 1984 c.27. Section 11(1) was numbered as such by section 65(3) of the Road Traffic Act 1991.

Table 5**Road Traffic Act 1988^{M18}**

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 3 M19	Careless, and inconsiderate, driving
Section 4(1) M20	Driving or attempting to drive when unfit to drive through drink or drugs
Section 4(2) M21	Being in charge of a mechanically propelled vehicle when unfit to drive through drink or drugs
Section 5(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine
Section 5(1)(b)	Being in charge of a motor vehicle with excess alcohol in breath, blood or urine
Section 12(1)	Motor racing and speed trials on public ways
Section 13(1)	Other unauthorised or irregular competitions or trials on public ways
Section 14(3)	Breach of regulations requiring wearing of seat belts
Section 15(2) ^{M22}	Driving motor vehicle with child not wearing seat belt or with child in a rear-facing child restraint front seat with an active air bag
Section 15(4) ^{M23}	Driving motor vehicle with child in rear not wearing seat belt
Section 16(4)	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear
Section 18(3)	Contravention of regulations with respect to use of head-worn appliances (eye protectors) on motor cycles

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

Section 19(1)	Prohibition of parking of heavy commercial vehicles on verges, etc.
Section 22 M24	Leaving vehicle in dangerous position
Section 33(3)	Unauthorised motor vehicle trial on footpaths or bridleways, etc.
Section 34(1) M25	Driving mechanically propelled vehicles elsewhere than on roads
Section 35(1) M26	Failing to comply with traffic directions given by constable or traffic officer engaged in the regulation of traffic in a road
Section 35(2) M27	Failing to comply with traffic directions given by constable or traffic officer where a traffic survey is being carried out
Section 36(1)	Failing to comply with traffic signs
Section 40A M28	Using a vehicle in dangerous condition etc.
Section 41A M29	Breach of requirement as to brakes, steering-gear or tyres
Section 41B	Breach of requirement as to weight: goods and passenger vehicles
Section 41D M30	Breach of requirements as to control of vehicle, mobile telephone, etc.
Section 42 M31	Breach of other construction and use requirements
Section 47(1)	Using etc., vehicle without required test certificate being in force
Section 53(1)	Using, etc., goods vehicle without required plating certificate being in force
Section 53(2)	Using, etc., goods vehicle without required goods vehicle test certificate being in force
Section 53(3)	Using, etc., goods vehicle where Secretary of State is required by regulations under section 49 to be notified of an alteration to the vehicle or its equipment but has not been notified
Section 63(1)	Using, etc., goods vehicle without required certificate being in force showing that the vehicle, etc., complies with type approval requirements applicable to it
Section 63(2)	Using, etc., certain goods vehicles for drawing trailer when plating certificate does not specify maximum laden weight for vehicle and trailer

Section 63(3)	Using, etc., goods vehicle where Secretary of State is required to be notified under section 59 of alteration to it or its equipment but has not been notified
Section 64(2)	Using goods vehicle with unauthorised weights as well as unauthorised weights marked on it
Section 67(9)	Obstructing testing of vehicle by examiner on road or failing to comply with requirements of Road Traffic Act 1988 section 67 or Schedule 2
Section 68(3) M32	Obstructing inspection, etc., of vehicle by examiner
Section 68(5)	Failing to comply with requirement to take vehicle for inspection
Section 71(1) M33	Driving, etc., vehicle in contravention of prohibition on driving it as being unfit for service, or failing to comply with direction to remove a vehicle found overloaded
Section 76(1) M34	Fitting of defective or unsuitable vehicle parts
Section 78(3)	Failing to comply with requirement about weighing motor vehicle or obstructing authorised person
Section 87(1) M35	Driving otherwise than in accordance with a licence
Section 94A(1) M36	Driving after refusal or revocation of licence etc.
Section 96(1)	Driving with uncorrected defective eyesight
Section 103(1)(b)	Driving while disqualified
Section 114(1) M37	Failing to comply with conditions of LGV or PCV driver's licence
Section 114(2)	Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of licence
Section 143(2)	Using, etc., motor vehicle while uninsured or unsecured against third party risks
Section 163(3) M38	Failing to stop mechanically propelled vehicle when required
, insofar as it relates to section 163(1)	
Section 164(6) M39	Failing to produce driving licence F8 ..., etc., or to state date of birth, etc.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

Section 165(3)	Failing to give certain names and addresses or produce certain documents on request when driving a motor vehicle, etc.
Section 165(6)	Failing to give certain names and addresses while supervising a provisional licence-holder, etc.
Section 168 (insofar as it relates to the case referred to in paragraph (a) of that section)	Refusing to give, or giving false, name and address in case of reckless, careless or inconsiderate driving of a mechanically propelled vehicle
Section 170(4)	Failing to stop after accident and give particulars or report accident
Section 181(3)	Obstructing inspection of vehicles after accident

F8 Words in [Sch. Pt. 1 Table 5](#) omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), [Sch. 2 para. 15](#)

Marginal Citations

- M18** [1988 c.52](#).
- M19** [Section 3](#) was substituted by section 2 of the Road Traffic Act 1991.
- M20** [Section 4\(1\)](#) was amended by section 4 of the Road Traffic Act 1991.
- M21** [Section 4\(2\)](#) was amended by section 4 of the Road Traffic Act 1991.
- M22** [Section 15\(2\)](#) was amended by [S.I. 2006/1892](#).
- M23** [Section 15\(4\)](#) was amended by [S.I. 1992/3105](#).
- M24** [Section 22](#) was amended by paragraph 48 of Schedule 4 to the Road Traffic Act 1991.
- M25** [Section 34\(1\)](#) was substituted by paragraph 5 of Schedule 7 to the [Countryside and Rights of Way Act 2000 \(c.37\)](#).
- M26** [Section 35\(1\)](#) was amended by section 6(2)(a) of the [Traffic Management Act 2004 \(c.18\)](#).
- M27** [Section 35\(2\)](#) was amended by section 6(2)(b) of the Traffic Management Act 2004.
- M28** [Section 40A](#) was inserted by section 8(1) of the Road Traffic Act 1991.
- M29** [Section 41A](#) was substituted, together with sections 41B and 42, for section 42 as originally enacted, by section 8(2) of the Road Traffic Act 1991.
- M30** [Section 41D](#) was inserted by section 26(1) of the Road Safety Act 2006.
- M31** [Section 42](#) was substituted by section 8(2) of the Road Traffic Act 1991, and was subsequently amended by section 26(2) of the Road Safety Act 2006.
- M32** [Section 68](#) was substituted by section 11 of the Road Traffic Act 1991.
- M33** [Section 71](#) was substituted by section 14 of the Road Traffic Act 1991.
- M34** [Section 76\(1\)](#) was amended by paragraph 58 of Schedule 4 to the Road Traffic Act 1991.
- M35** [Section 87\(1\)](#) was amended by section 17(1) of the Road Traffic Act 1991.
- M36** [Section 94A](#) was inserted by section 18(3) of the Road Traffic Act 1991. It was subsequently amended by [S.I. 1996/1974](#) and by paragraphs 17 and 20 of Schedule 5 to the [Crime \(International Co-operation\) Act 2003 \(c.32\)](#).
- M37** [Sections 110 to 122](#) were repealed and re-enacted by sections 1 and 2 of, and Schedules 2 and 6 to, the [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c.22\)](#).
- M38** [Section 163\(1\)](#) was amended by paragraph 67 of Schedule 4 to the Road Traffic Act 1991. It was further amended by section 6(4) of the Traffic Management Act 2004.
- M39** [Section 164\(6\)](#) was amended by paragraph 18(c) of Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989. It was further amended by paragraph 68(6) of Schedule 4, and Schedule 8, to the Road Traffic Act 1991 and by [S.I. 1990/144](#).

Table 6**Road Traffic Offenders Act 1988**^{M40}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 62(2)	Removing or interfering with fixed penalty notice fixed to vehicle
Section 90D(6) M41	Driving a vehicle in contravention of a prohibition on driving, etc., on failure to make a financial penalty deposit payment

Marginal Citations

M40 1988 c.53.

M41 Section 90D was inserted by section 11 of the Road Safety Act 2006.

Table 7**Vehicles Excise and Registration Act 1994**^{M42}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 42(1)	Driving or keeping a vehicle without required registration mark
Section 43(1)	Driving or keeping a vehicle with registration mark obscured etc.
Section 44(1)	Forgery and fraudulent use, etc., of a registration mark etc.
[^{F9} Section 59(1)]	Failure to fix prescribed registration mark to a vehicle in accordance with regulations made under section 23(4) of the Act]

F9 Words in Sch. Pt. 1 Table 7 inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Road Safety (Financial Penalty Deposit) (Amendment) Order 2010 (S.I. 2010/2721), arts. 1(1), 2

Marginal Citations

M42 1994 c.22.

Table 8**Goods Vehicles (Licensing of Operators) Act 1995**^{M43}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 2(5)	Using goods vehicle on road for carriage of goods except under operator's licence
Section 3(6)	Using a vehicle on a restricted operator's licence whilst carrying goods for hire or reward

Status: Point in time view as at 31/12/2020.
Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

Section 3(7)	Using a vehicle on an international journey carrying goods for hire or reward whilst holding a licence for national transport operations only
Section 38(1)	Forgery of documents, etc.

Marginal Citations	
M43 1995 c.23. Section 2(5) was amended by section 261 of the Transport Act 2000.	

Table 9

Disability Discrimination Act 1995^{M44}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 40(3)	Failure to comply with PSV accessibility regulations made under section 40(1) etc.
Section 41(3)	Using a regulated public service vehicle on the road where no accessibility certificate or approval certificate has been issued

Marginal Citations	
M44 1995 c.50.	

[^{F10}Table 10

HGV Road User Levy Act 2013

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 11(1)	Using or keeping a heavy goods vehicle on a public road without paying the HGV road user levy.]

F10 Sch. Pt. 1 Table 10 added (1.4.2014) by The Road Safety (Financial Penalty Deposit) (Amendment) Order 2014 (S.I. 2014/267), arts. 1, 2(2)	
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[^{F11}Table 11

Haulage Permits and Trailer Registration Act 2018

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 8(2)	Driver of a goods vehicle breaching a requirement under section 6(2)(a) of that Act to produce a permit without reasonable excuse

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 8(3)	Wilfully obstructing an examiner exercising powers under section 6 of that Act
Section 8(4)(a)	Breaching a prohibition under section 7 of that Act without reasonable excuse
Section 8(4)(b)	Causing or permitting a breach of a prohibition under section 7 of that Act without reasonable excuse]

F11 Sch. Pt. 1 Table 11 inserted (1.1.2019) by [The Financial Penalty Deposit and Fixed Penalty Offences \(Miscellaneous Provisions\) Order 2018 \(S.I. 2018/1236\)](#), arts. 1(3), **8**

PART 2

Secondary Legislation

Table 1

The Road Transport (International Passenger Services) Regulations 1984 ^{M45}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 19(1)	Using vehicle for Community regulated carriage of passengers otherwise than in accordance with the Council Regulations or the Commission Regulation
Regulation 19(2)	Using vehicle for ASOR regulated or Community regulated carriage by road without passenger waybill

Marginal Citations

M45 [S.I. 1984/748](#).

Table 2

The Goods Vehicles (Community Authorisations) Regulations 1992 ^{M46}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 3	Use of goods vehicle without Community authorisation
Regulation 7	Failure to comply with conditions governing use of Community authorisation

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

Marginal Citations

M46 [S.I. 1992/3077](#).

Table 3

The Public Service Vehicles (Community Licences) Regulations 1999 ^{M47}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 3	Use of public service vehicles without Community licence
Regulation 7	Failure to comply with conditions governing use of Community licence

Marginal Citations

M47 [S.I. 1999/1322](#).

Table 4

The Road Transport (Passenger Vehicles Cabotage) Regulations 1999 ^{M48}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 3(1)	Use of vehicle for UK cabotage operations without Community licence
Regulation 4(1)	Use of vehicle for UK cabotage operations without control document
Regulation 7(1)	Failure to produce Community licence when requested
Regulation 7(3)	Failure to produce control document when requested

Marginal Citations

M48 [S.I. 1999/3413](#), to which there are amendments not relevant to this Order.

Table 6

The Vehicle Drivers (Certificate of Professional Competence) Regulations 2007 ^{M49}

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 10(1)	Driving on road without completing appropriate initial Certificate of Professional Competence (CPC) test, or driving on road if more than five years have elapsed since obtaining relevant CPC

Regulation 10(2)	Causing or permitting another person to drive in breach of regulation 10(1)
Regulation 11(1)	Failing to carry evidence of initial CPC
Regulation 11(3)	Failing to carry evidence of periodic CPC
Regulation 11(5)	Failing to carry National Vocational Training Certificate in the vehicle in which the person is driving
Regulation 11(7)	Failing to produce evidence of CPC or National Vocational Training Certificate when required
Regulation 13(1)	Forgery, alteration, etc. of certain documents

Marginal Citations

M49 [S.I. 2007/605](#), as amended by [S.I. 2008/1965](#); there are other amendments but none is relevant to this Order.

[^{F12}Table 7**The Goods Vehicles (Community Licences) Regulations 2011**

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 4	Using a vehicle in Great Britain in contravention of the requirement to possess a Community licence]

F12 [Sch. Pt. 2 Table 7](#) inserted (1.1.2019) by [The Financial Penalty Deposit and Fixed Penalty Offences \(Miscellaneous Provisions\) Order 2018 \(S.I. 2018/1236\)](#), arts. 1(2), 5

[^{F13}Table 8**The Trailer Registration Regulations 2018**

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 5	Keeping or using a trailer that has not been registered under those Regulations on a journey to or through a foreign country that is a contracting party to the 1968 Vienna Convention on Road Traffic (“the 1968 Convention”)
Regulation 19(1)(a)	Using a registered trailer with an expired registration document on a journey to or through a foreign country that is a contracting party to the 1968 Convention
Regulation 19(1)(f)	Failing to produce a trailer registration document when required to do so

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

<i>Provision creating offence</i>	<i>General nature of offence</i>
Regulation 19(1)(g)	Failing to fix a registration plate on a registered trailer in accordance with those Regulations
Regulation 19(1)(h)	Displaying a trailer registration mark on a trailer that is not assigned to that trailer
Regulation 20	Keeping or using an incorrectly registered trailer on a road
Regulation 21	Keeping or using a registered trailer on a road with a registration mark that is obscured
Regulation 22(a)	Wilfully obstructing a person carrying out an inspection of a trailer under those Regulations]

F13 Sch. Pt. 2 Table 8 inserted (28.3.2019) by [The Financial Penalty Deposit and Fixed Penalty Offences \(Miscellaneous Provisions\) Order 2018 \(S.I. 2018/1236\)](#), arts. 1(4), **11(b)**

[^{F14}Table 9

The Heavy Commercial Vehicles in Kent (No. 1) Order 2019

<i>Provision creating offence</i>	<i>General nature of offence</i>
Article 2(6)	Driver of a heavy commercial vehicle in Kent failing to comply with or contravening a direction given, or requirement imposed, by a traffic officer]

F14 Sch. Pt. 2 Table 9 inserted (31.10.2019) by [The Heavy Commercial Vehicles in Kent \(No. 3\) Order 2019 \(S.I. 2019/1210\)](#), arts. 1(1), **6**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies certain matters for the purposes of Part 3A of the Road Traffic Offenders Act 1988. That Part, which is inserted by section 11 of the Road Safety Act 2006, provides that constables or vehicle examiners may impose a financial penalty deposit requirement on a person if the constable or vehicle examiner has reason to believe that the person is committing or has on that occasion committed an offence relating to a motor vehicle and the person, offence and circumstances in which the offence is committed are of a description specified in an order made by the Secretary of State (new section 90A).

Articles 3 to 5, with the *Schedule* to the Order, specify the person, offences and circumstances in which a financial penalty deposit requirement can be imposed. *Article 6* specifies the manner of

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009. (See end of Document for details)

payment. *Article 7* sets out the steps to be followed by the Secretary of State where making an appropriate refund in accordance with Part 3A of the Act.

A full Impact Assessment of the effect this instrument will have on costs for the business and voluntary sectors has been produced and is available from the Licensing, Roadworthiness and Insurance Division, Department for Transport, Zone 2/09 Great Minister House, 76 Marsham Street, London SW1P 4DR and may be accessed on the Department's website at www.dft.gov.uk. A copy has been placed in the library of each House of Parliament.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009.