



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Giving notices to suspected offenders

54 Notices on-the-spot [^{F1}etc.].

- (1) This section applies where ^{F2}... on any occasion a constable in uniform [^{F3}, or a vehicle examiner who produces his authority,] has reason to believe that a person he finds
- ^{F4}(a) is committing or has on that occasion committed a fixed penalty offence; or
 - (b) has, within the period of 28 days before the day of that occasion, committed a Community drivers' hours offence.]

- (2) Subject to [^{F5}the following provisions of this section], the constable [^{F6}or vehicle examiner] may give him a fixed penalty notice in respect of the offence.

- ^{F7}(3) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, the constable or vehicle examiner may only give him a fixed penalty notice under subsection (2) above in respect of the offence if—

- (a) the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence^{F8}...

^{F9}(b)

^{F10}(4)

^{F11}(5)

^{F12}(5A)

^{F13}(5B)

^{F14}(6)

Changes to legislation: Road Traffic Offenders Act 1988, Section 54 is up to date with all changes known to be in force on or before 03 June 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

^{F15}(7)

^{F16}(8)

^{F17}(8A) In a case where this section applies by virtue of subsection (1)(b), a constable or vehicle examiner may not give a person a fixed penalty notice for the Community drivers' hours offence if the constable or vehicle examiner has reason to believe that—

- (a) a fixed penalty notice has already been given under this section to the person in relation to the offence;
- (b) a conditional offer has already been issued to the person under section 75 of this Act in relation to the offence;
- (c) proceedings have already been initiated against the person for the offence; or
- (d) 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 [^{F18}, an EU member State], [^{F19}or in another contracting country].

(8B) In subsection (8A)(d) “relevant breach” means the breach of the applicable Community rules which constitutes the Community drivers' hours offence concerned.]

^{F20}(9)

^{F21}(10) In determining for the purposes of [^{F22}this section] whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.]

Textual Amendments

- F1** Word in s. 54 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(9)**; S.I. 2008/3164, art. 3(b)
- F2** Words in s. 54(1) omitted (30.11.2022 for S.) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 97(1), 208(1)**; S.I. 2022/1187, reg. 4(b) (with Pt. 3)
- F3** Words in s. 54(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(2)**; S.I. 2008/3164, art. 3(b)
- F4** Words in s. 54(1) substituted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **3(2)** (with reg. 11)
- F5** Words in s. 54(2) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(2)**; S.I. 2008/3164, art. 4(b)
- F6** Words in s. 54(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(3)**; S.I. 2008/3164, art. 3(b)
- F7** S. 54(3)-(5B) substituted for s. 54(3)-(5E) (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(4), 61(1)(10)** (with s. 61(3)); S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F8** Words in s. 54(3)(a) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(a)(i), 208(1)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F9** S. 54(3)(b) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(a)(ii), 208(1)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F10** S. 54(4) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b), 208(1)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F11** S. 54(5) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b), 208(1)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)

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- F12** S. 54(5A) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F13** S. 54(5B) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F14** S. 54(6) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F15** S. 54(7) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F16** S. 54(8) repealed (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
- F17** S. 54(8A)(8B) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **3(3)** (with reg. 11)
- F18** Words in s. 54(8A)(d) added (31.12.2020 immediately after the coming into force of S.I. 2019/453, Pts. 3, 4) by The Drivers' Hours and Tachographs (Amendment) Regulations 2020 (S.I. 2020/1658), regs. 1(3), **5(2)**
- F19** Words in s. 54(8A)(d) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **42**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** S. 54(9) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(3)(b)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F21** S. 54(10) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 103(3)**; S.I. 1992/1286, art. 2, **Sch.**
- F22** Words in s. 54(10) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(6)**; S.I. 2008/3164, art. 4(b)

Modifications etc. (not altering text)

- C1** S. 54 extended (*prosp.*) by 2002 c. 30, ss. 41, 108(2)-(5), **Sch. 5 para. 1(2)(a)**
- C2** S. 54 extended (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 para. 1(2)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(a)**
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Commencement Information

- I1** S. 54 not in force for S. at Royal Assent, see s. 99(3)(4); s. 54 in force for S. for all purposes except for the functions conferred by that section on vehicle examiners at 30.11.2022 by S.I. 2022/1187, reg. 5

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