
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 2

AMENDMENT OF ENACTMENTS

The Transport Act 1982 (c.49)

- 26 In section 42 (which relates to fixed penalties)—
- (a) in subsections (2)(c)(i) and (7), for the word " tenders" there shall be substituted the word " makes ";
 - (b) in subsection (11), for the word " applies" there shall be substituted the words " and section 43 below apply. ".
- 27 In section 43 (which relates to the endorsement of licences)—
- (a) in subsection (2), for the words " the fixed penalty is paid " there shall be substituted the words " payment of the fixed penalty is tendered ";
 - (b) after subsection (2) there shall be inserted the following subsections—
 - “(2A) Where it appears to a clerk of court that there is an error in an endorsement made by virtue of this section on a licence he may amend the endorsement so as to correct the error; and the amended endorsement shall have effect and shall be treated for all purposes as if it had been correctly made on acceptance of the fixed penalty.
 - (2B) On amending an endorsement under subsection (2A) above, the clerk of court shall send notice of the amendment to the Secretary of State.
 - (2C) Subject to subsection (2D) below, where a cheque tendered in payment is subsequently dishonoured—
 - (a) any endorsement made by a clerk of court in terms of subsection (2) above shall remain effective, notwithstanding that the licence-holder is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and
 - (b) the clerk of the court shall, upon the expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the procurator fiscal who made the offer that no payment has been made.
 - (2D) When proceedings are brought against a licence-holder after notification has been made in terms of subsection (2C)(b) above the court—
 - (a) shall order the removal of the fixed penalty endorsement from the licence, and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) may, on finding the licence-holder guilty, make any competent order of endorsement or disqualification, and pass any competent sentence.
- (2E) The clerk of the court shall send to the Secretary of State notice of any order made by a court under subsection (2D)(a) above.”.