Road Traffic Offenders Act 1988

1988 CHAPTER 53

An Act to consolidate certain enactments relating to the prosecution and punishment (including the punishment without conviction) of road traffic offences with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [15th November 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act amended by Road Traffic Act 1988 (c. 52, SIF 107:1), ss. 187(3), 188(1), 189(1), 190(1) and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 2(3)

C2 Act excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 5, 11 and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), **s. 7**

C3 Act applied by Road Traffic Act 1988 (c. 52, SIF 107:1), **ss. 109(2)**, 183

C4 By Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch. 1** it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

C5 Act modified (1.6.1997) by 1995 c. 13, **s. 5(7)** (with s. 8); S.I. 1997/267, **art. 2(2)**
Act applied (1.7.1997) by 1995 c. 13, **s. 9(2)** (with s. 8); S.I. 1997/267, **art. 2(2)**

C6 Act applied (26.8.2005) by River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), **art. 41(16)** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)

C7 Act modified (16.8.2006) by Dover Harbour Revision Order 2006 (S.I. 2006/2167), arts. 1(1), **27**

C8 Act: transfer of functions (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), **art. 2(1)**

C9 Act applied (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), **art. 40(17)** (with art. 51, Sch. 10 paras. 68, 85)

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Commencement Information

I1 Act partly in force at 15.5.89; see s. 99(2).

PART I

TRIAL

Introductory

1 Requirement of warning etc. of prosecutions for certain offences.

(1) Subject to section 2 of this Act, **[**[F1]a person shall not be convicted of an offence to which this section applies unless**]**—

(a) he was warned at the time the offence was committed that the question of prosecuting him for some one or other of the offences to which this section applies would be taken into consideration, or

(b) within fourteen days of the commission of the offence a summons (or, in Scotland, a complaint) for the offence was served on him, or

(c) within fourteen days of the commission of the offence a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was—

(i) in the case of an offence under section 28 or 29 of the [M1]Road Traffic Act 1988 (cycling offences), served on him,

(ii) in the case of any other offence, served on him or on the person, if any, registered as the keeper of the vehicle at the time of the commission of the offence.

[[F2](1A) A notice required by this section to be served on any person may be served on that person—

(a) by delivering it to him;

(b) by addressing it to him and leaving it at his last known address; or

(c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.**]**

(2) A notice shall be deemed for the purposes of subsection (1)(c) above to have been served on a person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

(3) The requirement of subsection (1) above shall in every case be deemed to have been complied with unless and until the contrary is proved.

(4) Schedule 1 to this Act shows the offences to which this section applies.

Textual Amendments

F1 Words in s. 1(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 80**; S.I. 1992/1286, art. 2, **Sch.**

F2 S. 1(1A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 6(3)**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

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Modifications etc. (not altering text)

C10 Ss. 1, 2 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 8, **11**

C11 S. 1: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

C12 S. 1 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(a)** (with reg. 3)

Marginal Citations

M1 1988 c. 52.

2 Requirement of warning etc: supplementary.

(1) The requirement of section 1(1) of this Act does not apply in relation to an offence if, at the time of the offence or immediately after it, an accident occurs owing to the presence on a road of the vehicle in respect of which the offence was committed.

(2) The requirement of section 1(1) of this Act does not apply in relation to an offence in respect of which—

(a) a fixed penalty notice (within the meaning of Part III of this Act) has been given or fixed under any provision of that Part, or

(b) a notice has been given under section **[**[F3]54(5)**]** of this Act.

(3) Failure to comply with the requirement of section 1(1) of this Act is not a bar to the conviction of the accused in a case where the court is satisfied—

(a) that neither the name and address of the accused nor the name and address of the registered keeper, if any, could with reasonable diligence have been ascertained in time for a summons or, as the case may be, a complaint to be served or for a notice to be served or sent in compliance with the requirement, or

(b) that the accused by his own conduct contributed to the failure.

[F4]**[**(4) Failure to comply with the requirement of section 1(1) of this Act in relation to an offence is not a bar to the conviction of a person of that offence by virtue of the provisions of—

(a) section 24 of this Act, or

(b) any of the enactments mentioned in section 24(6);

but a person is not to be convicted of an offence by virtue of any of those provisions if section 1 applies to the offence with which he was charged and the requirement of section 1(1) was not satisfied in relation to the offence charged.**]**

Textual Amendments

F3 Word in s. 2(2)(b) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(a)**

F4 S. 2(4) substituted (1.7.1992) for s. 2(4)-(6) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 81**; S.I. 1992/1286, **art. 2**,Sch.

Modifications etc. (not altering text)

C13 Ss. 1, 2 excluded by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193, Sch. 4 paras. 8, **11**

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C14 S. 2: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

3 Restriction on institution of proceedings for certain offences.

[[F5](1) . . .

.**]**

(2) In England and Wales, proceedings for an offence under section 94(3) of the Road Traffic Act 1988 (notice about relevant or prospective disability) shall not be instituted except by the Secretary of State or by a constable acting with the approval of the Secretary of State.

[[F6](2A) In subsection (2) above the reference to section 94(3) of the Road Traffic Act 1988 includes a reference to that section as applied by section 99D **[**[F7]or 109C**]** of that Act.**]**

Textual Amendments

F5 S. 3(1) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F6 S. 3(2A) inserted (1.1.1997) by S.I. 1996//1974, reg. 3, Sch. 2 para. 1

F7 Words in s. 3(2A) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 33**; S.I. 2004/2624, art. 2(1)(2)(b)

4 Offences for which local authorities in England and Wales may institute proceedings.

(1) The council of a county, metropolitan district or London Borough or the Common Council of the City of London may institute proceedings for an offence under section **[**[F8]15A of the Road Traffic Act 1988 (safety equipment for children in motor vehicles) or under section 17 or 18 of that Act**]** (helmets and other head-worn appliances for motor cyclists).

(2) The council of a county, metropolitan district or London Borough or the Common Council of the City of London may institute proceedings for an offence under section 27 of that Act (dogs on roads) relating to a road in their area.

(3) The council of a county, district or London borough or the Common Council of the City of London may institute proceedings for offences under section **[**[F9]35A(1), (2) or (5)**]** of the [M2]Road Traffic Regulation Act 1984 which are committed in connection with parking places provided by the council, or provided under any letting arrangements made by the council under section 33(4) of that Act.

(4) The council of a county, metropolitan district or London borough or the Common Council of the City of London may institute proceedings for an offence under section 47 or 52 of the Road Traffic Regulation Act 1984 in connection with a designated parking place controlled by the council.

(5) In England, the council of a county or metropolitan district and, in Wales, the council of a county **[**[F10]or county borough**]** may institute proceedings for an offence under

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section 53 of the Road Traffic Regulation Act 1984 in connection with a designated parking place in the council's area [F11]. . .

(6) In this section "parking place" means a place where vehicles, or vehicles of any class, may wait and "designated parking place" has the same meaning as in the [M3]Road Traffic Regulation Act 1984.

(7) This section extends to England and Wales only.

[[F12](8) In relation to Wales, any reference in subsections (1) to (4) above to a county shall be read as including a reference to a county borough.**]**

Textual Amendments

F8 Words in s. 4(1) substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 3(1)**.

F9 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 10**

F10 Words in s. 4(5) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II**, para. 41(2)(a); S.I. 1996/396, art. 3, **Sch. 1**

F11 Words in s. 4(5) repealed (1.4.1996) by 1994 c. 19, ss. 22(1), 66(8), Sch. 7 Pt. II, para. 41(2)(b), **Sch. 18**; S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**

F12 S. 4(8) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II**, para. 41(3); S.I. 1996/396, art. 3, **Sch. 1**

Marginal Citations

M2 1984 c. 27.

M3 1984 c. 27.

5 Exemption from Licensing Act offence.

A person liable to be charged with an offence under **[**[F13]section 3A, 4**]**, 5, 7 or 30 of the [M4]Road Traffic Act 1988 (drink and drugs) is not liable to be charged under section 12 of the [M5]Licensing Act 1872 with the offence of being drunk while in charge, on a highway or other public place, of a carriage.

Textual Amendments

F13 Words in s. 5 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 82**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M4 1988 c. 52.

M5 1872 c. 94.

6 Time within which summary proceedings for certain offences must be commenced.

(1) Subject to subsection (2) below, summary proceedings for an offence to which this section applies may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

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(2) No such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

(3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(5) In relation to proceedings in Scotland, subsection (3) of **[**[F14]section 136 of the Criminal Procedure (Scotland) Act 1995**]** (date of commencement of proceedings) shall apply for the purposes of this section as it applies for the purposes of that.

(6) Schedule 1 to this Act shows the offences to which this section applies.

Textual Amendments

F14 Words in s. 6(5) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 71(2)**

Modifications etc. (not altering text)

C15 S. 6 applied (1.1.1996) by 1995 c. 23, **s. 51**

C16 S. 6 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(b)** (with reg. 3)

7 Duty of accused to provide licence.

[[F15](1)**]** A person who is prosecuted for an offence involving **[**[F16]obligatory or discretionary disqualification**]** and who is the holder of a licence must—

(a) cause it to be delivered to the **[**[F17]proper officer**]**of the court not later than the day before the date appointed for the hearing, or

(b) post it, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or

(c) have it with him at the hearing

[F18]…

[[F19](1A) Subsection (1B) applies where—

(a) proceedings in relation to an offence involving obligatory or discretionary disqualification are instituted by a written charge and a single justice procedure notice,

(b) the person prosecuted is the holder of a licence, and

(c) after being convicted in proceedings conducted in accordance with section 16A of the Magistrates' Courts Act 1980, the person is given the opportunity to make representations or further representations under section 16C(2)(a) of that Act.

(1B) Where this subsection applies, the person must (instead of complying with subsection (1))—

(a) cause the licence to be delivered to the designated officer specified in the single justice procedure notice within such period as the person is allowed for indicating a wish to make such representations,

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(b) post it, at such time that in the ordinary course of post it would be delivered within that period, in a letter duly addressed to that officer and either registered or sent by the recorded delivery service, or

(c) if the person indicates a wish to make such representations, have the licence with him at the hearing appointed to be held because of that indication.

(1C) Subsection (1B) does not apply (and subsection (1) applies instead) if, before the period mentioned in subsection (1B)(a) comes to an end, a summons is issued under section 16B(3)(b) or 16C(3)(b) of the Magistrates' Courts Act 1980.**]**

[[F20](2) **[**[F21]In this section—

"proper officer" means—**]**

(a) in relation to a magistrates' court in England and Wales, the **[**[F22]designated officer**]** for the court, and

(b) in relation to any other court, the clerk of the court.

[[F23]"single justice procedure notice" and "written charge" have the same meaning as in section 29 of the Criminal Justice Act 2003.**]]**

Textual Amendments

F15 S. 7(1); s. 7 renumbered as s. 7(1) (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F16 Words in s. 7 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 83**; S.I. 1992/1286, art. 2, **Sch.**

F17 Words in s. 7(1)(a) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F18 Words in s. 7(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 31, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F19 S. 7(1A)-(1C) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 9(2)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

F20 S. 7(2) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 141** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F21 Words in s. 7(2) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 9(3)(a)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

F22 Words in s. 7(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 310**; S.I. 2005/910, art. 3(y)

F23 Words in s. 7(2) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 9(3)(b)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

Modifications etc. (not altering text)

C17 S. 7 applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

C18 S. 7: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

C19 S. 7 extended (1.6.1997) by 1995 c. 13, s. 6, **Sch. 1 Pt. II**, para. 3(2); S.I. 1997/267, **art. 2(2)**

C20 S. 7 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(a)**

8 Duty to include date of birth and sex in written plea of guilty.

A person who—

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(a) gives a notification **[**[F24]to **[**[F25]the designated officer for a magistrates' court**]** in pursuance of section 12(4)**]** of the [M6]Magistrates' Courts Act 1980 (written pleas of guilty),

[[F26](aa) serves a written notification on the designated officer for a magistrates' court stating a desire to plead guilty and to be tried in accordance with section 16A of the Magistrates' Courts Act 1980 (trial by single justice on the papers),**]** or

(b) gives a written intimation of a plea of guilty in pursuance of section 334(3) of the [M7]Criminal Procedure (Scotland) Act 1975,

in respect of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations under section 105 of the [M8]Road Traffic Act 1988, must include in the notification or intimation a statement of the date of birth and sex of the accused.

Textual Amendments

F24 Words in s. 8(a) substituted (1.4.2001) for words "to the clerk of a court in pursuance of section 12(2)" by virtue of 1999 c. 22, s. 90(1), **Sch. 13 para. 142** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F25 Words in s. 8(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 311**; S.I. 2005/910, art. 3(y)

F26 S. 8(aa) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 10**; S.I. 2015/778, art. 3, Sch. 1 para. 77

Modifications etc. (not altering text)

C21 S. 8: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

Marginal Citations

M6 1980 c. 43.

M7 1975 c. 21.

M8 1988 c. 52.

Trial

9 Mode of trial.

An offence against a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or regulations made under such a provision (the general nature of which offence is indicated in column 2) shall be punishable as shown against the offence in column 3 (that is, on summary conviction or on indictment or in either one way or the other).

10 Jurisdiction of district court in Scotland.

(1) Notwithstanding anything in any enactment or rule of law to the contrary, a **[**[F27]justice of the peace court**]** in Scotland may try—

(a) any fixed penalty offence (within the meaning of Part III of this Act), and

(b) any other offence in respect of which a conditional offer (within the meaning of sections 75 to **[**[F28]77A**]** of this Act) may be sent.

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[F29](2) . . . . . .

Textual Amendments

F27 Words in s. 10(1) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(a)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

F28 Word in s. 10(1)(b) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(b)**

F29 S. 10(2) repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480), arts. 1(1), **2(1)(a)**

11 Evidence by certificate as to driver, user or owner.

(1) In any proceedings in England and Wales for an offence to which this section applies, a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—

(a) that a particular **[**[F30]mechanically propelled vehicle**]** was being driven or used by, or belonged to, that person on a particular occasion, or

(b) that a particular **[**[F30]mechanically propelled vehicle**]** on a particular occasion was used by, or belonged to, a firm and that he was, at the time of the statement, a partner in that firm, or

(c) that a particular **[**[F30]mechanically propelled vehicle**]** on a particular occasion was used by, or belonged to, a corporation and that he was, at the time of the statement, a director, officer or employee of that corporation,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) above makes a certificate admissible as evidence in proceedings for an offence—

(a) unless a copy of it has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence, or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

[[F31](3A) **[**[F32]Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of—

(a) subsection (2), and

(b) in subsection (3), paragraph (b) and the word "or" immediately preceding it.**]]**

(4) In this section "prescribed" means prescribed by rules made by the Secretary of State by statutory instrument.

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(5) Schedule 1 to this Act shows the offences to which this section applies.

Textual Amendments

F30 Words in s. 11(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 84**; S.I. 1992/1286, art. 2, **Sch.**

F31 S. 11(3A) inserted (8.3.1997) (EW) by 1996 c. 25, s. 47, **Sch. 1 Pt. II**, para. 35 (with s. 78(1)); S.I. 1997/683, **art. 1(2)**

F32 S. 11(3A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(2), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

Modifications etc. (not altering text)

C22 S. 11 extended by Greater London Council (General Powers) Act 1974 (c. xxxiv, SIF 107:1), s. 15(2) (*b*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 12(a)**)

C23 S. 11: power to extend conferred by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), **s. 96(2)(d)** (as substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 25(e)**)

C24 S. 11 applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(c)** (with reg. 3)

12 Proof, in summary proceedings, of identity of driver of vehicle.

(1) Where on the summary trial in England and Wales of an information for an offence to which this subsection applies—

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by **[**[F33]Criminal Procedure Rules**]**, that a requirement under section 172(2) of the [M9]Road Traffic Act 1988 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

(2) Schedule 1 to this Act shows the offences to which subsection (1) above applies.

(3) Where on the summary trial in England and Wales of an information for an offence to which section 112 of the [M10]Road Traffic Regulation Act 1984 applies—

(a) it is proved to the satisfaction of the court, on oath or in manner prescribed by **[**[F34]Criminal Procedure Rules**]**, that a requirement under section 112(2) of the Road Traffic Regulation Act 1984 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post, and

(b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

[F35][(4) In summary proceedings in Scotland for an offence to which section 20(2) of the [[F36]this Act]] applies, where—

(a) it is proved to the satisfaction of the court that a requirement under section 172(2) of the Road Traffic Act 1988 to give information as to the identity of a driver on a particular occasion to which the complaint relates has been served on the accused by post, and

(b) a statement in writing is produced to the court, purporting to be signed by the accused, that the accused was the driver of that vehicle on that occasion,

that statement shall be sufficient evidence that the accused was the driver of the vehicle on that occasion.

Textual Amendments

F33 Words in s. 12(1)(a) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 30** (with art. 2(2))

F34 Words in s. 12(3)(a) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 30** (with art. 2(2))

F35 S. 12(4) added (1.4.1993 only for the purposes of summary criminal proceedings in Scotland which are commenced on or after 1.4.1993) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.85**; S.I. 1993/975, **art. 2 Sch.**

F36 Words in s. 12(4) (as proposed to be inserted by 1991 c. 40, **Sch. 4 para. 85**) substituted (S.) (29.3.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 5** (with s. 47(2), Sch. 6 paras. 1, 2)

Modifications etc. (not altering text)

C25 S. 12 extended by Greater London Council (General Powers) Act 1974 (c. xxiv, SIF 107:1, s. 15(2)(b) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 12(a)**)

C26 S. 12(1) applied (31.3.2009) by Road Safety (Immobilisation, Removal and Disposal of Vehicles) Regulations 2009 (S.I. 2009/493), regs. 1, **19(d)** (with reg. 3)

Marginal Citations

M9 1988 c. 52.

M10 1984 c. 27.

13 Admissibility of records as evidence.

(1) This section applies to a statement contained in a document purporting to be—

(a) a part of the records maintained by the Secretary of State in connection with any functions exercisable by him by virtue of Part III of the Road Traffic Act 1988 or a part of any other records maintained by the Secretary of State with respect to vehicles [or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment], or

(b) a copy of a document forming part of those records, or

(c) a note of any information contained in those records,

and to be authenticated by a person authorised in that behalf by the Secretary of State.

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(2) A statement to which this section applies shall be admissible in any proceedings as evidence (in Scotland, sufficient evidence) of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.

[[F37](3) In the preceding subsections, except in Scotland—

" copy ", in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

" document " means anything in which information of any description is recorded; and

" statement " means any representation of fact, however made.

[In any case where—

[F38](3A) (a) a person is convicted by a magistrates' court of a summary offence under the Traffic Acts or the Road Traffic (Driver Licensing and Information Systems) Act 1989,

(b) a statement to which this section applies is produced to the court in the proceedings,

(c) the statement specifies an alleged previous conviction of the accused of an offence involving obligatory endorsement or an order made on the conviction, and

(d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(3B) Section 104 of the Magistrates' Courts Act 1980 (under which previous convictions may be adduced in the absence of the accused after giving him seven days' notice of them) does not limit the effect of subsection (3A) above.**]**

(3A) In Scotland, in the preceding subsections " document " and " statement " have the same meanings as in section 17(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, and the reference to a copy of a document shall be construed in accordance with section 17(4) of that Act; but nothing in this subsection shall be construed as limiting to civil proceedings the references to proceedings in subsection (2) above. **]**

(4) In any case where—

(a) a statement to which this section applies is produced to a magistrates' court in any proceedings for an offence involving obligatory or discretionary disqualification, **[**[F39]other than a summary offence under any of the enactments mentioned in subsection (3A)(a) above**]**.

(b) the statement specifies an alleged previous conviction of an accused person of any such offence or any order made on the conviction,

(c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by **[**[F40]Criminal Procedure Rules**]**, that not less than seven days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction or order and stating that it is proposed to bring it to the notice of the court in the event of or, as the case may be, in view of his conviction, and

(d) the accused is not present in person before the court when the statement is so produced,

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the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(5) Nothing in the preceding provisions of this section enables evidence to be given in respect of any matter other than a matter of a description prescribed by regulations made by the Secretary of State.

(6) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[[F41](7) **[**[F42]Where the proceedings mentioned in subsection (2) above are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect as if—

(a) in subsection (2) the words "to the same extent as oral evidence of that fact is admissible in those proceedings" were omitted;

(b) in subsection (4) the word "and" were inserted at the end of paragraph (a);

(c) in subsection (4), paragraphs (c) and (d) and the words "as if the accused had appeared and admitted it" were omitted.**]]**

Textual Amendments

F37 S. 13(3) substituted for s. 13(3)(3A) (31.1.1997) by 1995 c. 38, s. 15(1), **Sch. 1 para. 15**; S.I. 1996/3217, **art. 2**

F38 S. 13(3A)(3B) inserted after s. 13(3) (1.9.1998) by 1998 c. 15 s. 2(1); S.I. 1998/1837, **arts. 2**, 3

F39 Words in s. 13(4)(a) inserted (1.9.1998) by 1998 c. 15, **s. 2(2)**; S.I. 1998/1837, **arts. 2**, 3

F40 Words in s. 13(4)(c) substituted (1.9.2004) by Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 31** (with art. 2(2))

F41 S. 13(7) inserted (8.3.1997) (EW) by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 36**; S.i. 1997/683, art. 1(2)

F42 S. 13(7) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(3), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

14 Use of records kept by operators of goods vehicles.

In any proceedings **[**[F43]for an offence under section 40A of the Road Traffic Act 1988 or**]** for a contravention of or failure to comply with construction and use requirements (within the meaning of Part II of the [M11]Road Traffic Act 1988) or regulations under section 74 of that Act, any record purporting to be made and authenticated in accordance with regulations under that section shall be evidence (and in Scotland sufficient evidence) of the matters stated in the record and of its due authentication.

Textual Amendments

F43 Words in s. 14 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.86**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M11 1988 c. 52.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

15 Use of specimens in proceedings for an offence under [F44any of sections 3A to 5A] of the Road Traffic Act.

(1) This section and section 16 of this Act apply in respect of proceedings for an offence under **[**F45**[**F46any of sections 3A to 5A**]** of the Road Traffic Act 1988 (driving offences connected with drink or drugs)**]**; and expressions used in this section and section 16 of this Act have the same meaning as in **[**F47sections 3A to 10**]** of that Act.

(2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by **[**F48or taken from**]** the accused shall, in all cases **[**F49(including cases where the specimen was not provided **[**F50or taken**]** in connection with the alleged offence)**]**, be taken into account **[**F51and—

(a) it is to be assumed, subject to subsection (3) below, that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen;

(b) it is to be assumed, subject to subsection (3A) below, that the proportion of a drug in the accused's blood or urine at the time of the alleged offence was not less than in the specimen.**]**

[F52(3) **[**F53The assumption in subsection (2)(a) above**]** shall not be made if the accused proves—

(a) that he consumed alcohol before he provided the specimen **[**F54or had it taken from him**]** and—

(i) in relation to an offence under section 3A, after the time of the alleged offence, and

(ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and

(b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.**]**

[F55(3A) The assumption in subsection (2)(b) above is not to be made if the accused proves—

(a) that he took the drug before he provided the specimen or had the specimen taken from him and—

(i) in relation to an offence under section 3A, after the time of the alleged offence, and

(ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and

(b) that had he not done so the proportion of the drug in his blood or urine—

(i) in the case of a specified controlled drug, would not have exceeded the specified limit for that drug, and

(ii) if it is alleged that he was unfit to drive through drugs, would not have been such as to impair his ability to drive properly.**]**

(4) A specimen of blood shall be disregarded **[**F56unless-

(a) it was taken from the accused with his consent **[**F57by a medical practitioner or a registered health care professional**]**, or

(b) it was taken from the accused by a medical practitioner **[**F58or a registered health care professional**]** under section 7A of the Road Traffic Act 1988 and the accused subsequently gave his permission for a laboratory test of the specimen.**]**

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(5) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and

(b) the other part was supplied to the accused.

[[F59](5A) Where a specimen of blood was taken from the accused under section 7A of the Road Traffic Act 1988, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and

(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.**]**

Textual Amendments

F44 Words in s. 15 heading substituted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 10(2)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F45 Words in s. 15(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(2)**; S.I. 1992/1286, art. 2, **Sch.**

F46 Words in s. 15(1) substituted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 10(3)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F47 Words in s. 15(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(2)**; S.I. 1992/1286, art. 2, **Sch.**

F48 Words in S. 15(2) inserted (1.10.2002) by 2002 c. 53, **s. 57(1)**, S.I. 2002/2306 art. 2(d)(v)

F49 Words in s. 15(2) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(3)**; S.I. 1992/1286, art. 2, **Sch.**

F50 Words in s. 15(2) inserted (1.10.2002) by 2002 c. 53, **s. 57(1)**, S.I 2002/2306, art. 2(d)(v)

F51 Words in s. 15(2) substituted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 10(4)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F52 S. 15(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 87(4)**; S.I. 1992/1286, art. 2, **Sch.**

F53 Words in s. 15(3) substituted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 10(5)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F54 Words in s. 15(3)(a) inserted (1.10.2002) by 2002 c. 53, **s. 57(2)**, S.I. 2002/2306, art. 2(d)(v)

F55 S. 15(3A) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 10(6)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F56 Words in s. 15(4) substituted (1.10.2002 except for the words "or a registered health care professional") by 2002 c. 30, **s. 57(3)**, S.I. 2002/2306, art. 2(d)(v)

F57 Words in s. 15(4)(a) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 10(a)**; S.I. 2015/994, art. 4

F58 Words in s. 15(4)(b) inserted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 10(b)**; S.I. 2015/994, art. 4

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F59 S. 15(5A) inserted (1.10.2002) by 2002 c. 53, **s. 57(4)**, S.I. 2002/2306, art. 2(d)(v)

Modifications etc. (not altering text)

C27 S. 15 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 83(1)**(3); S.I. 2004/827, arts. 2, 3(f)

C28 S. 15 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 96(1)**(3); S.I. 2004/827, arts. 2, 3(s)

16 Documentary evidence as to specimens in such proceedings.

(1) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to subsections (3) and (4) below and to section 15(5) **[**[F60]and (5A)**]**of this Act, be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say—

(a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement, and

(b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(2) Subject to subsections (3) and (4) below, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner **[**[F61]or a registered health care professional**]** may be given by the production of a document purporting to certify that fact and to be signed by a medical practitioner **[**[F61]or a registered health care professional**]**.

(3) Subject to subsection (4) below—

(a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in subsection (1)(a) above is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing, and

(b) any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing.

(4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(5) In Scotland—

(a) a document produced in evidence on behalf of the prosecution in pursuance of subsection (1) or (2) above and, where the person by whom the document was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the document, and

(b) a written execution purporting to be signed by the person who handed to or served on the accused or the prosecutor a copy of the document or of the notice in terms of subsection (3) or (4) above, together with, where appropriate,

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a post office receipt for the registered or recorded delivery letter shall be sufficient evidence of the handing or service of such a copy or notice.

(6) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecutor may be served personally or sent by registered post or recorded delivery service.

[[F62](6A) **[**[F63]Where the proceedings mentioned in section 15(1) of this Act are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of subsection (4).**]]**

(7) In this section "authorised analyst" means—

(a) any person possessing the qualifications prescribed by regulations made under **[**[F64]section 27 of the Food Safety Act 1990**]** as qualifying persons for appointment as public analysts under those Acts, and

(b) any other person authorised by the Secretary of State to make analyses for the purposes of this section.

Textual Amendments

F60 Words in s. 16(1) inserted (1.10.2002) by 2002 c. 53, **s. 57(5)**; S.I. 2002/2306 art. 2(d)(v)

F61 Words in s. 16(2) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 57(6)**, 108(2); S.I. 2003/808, art. 2(e)

F62 S. 16(6A) inserted (8.3.1997) (E.W.) by 1996 c. 25, s. 47, **Sch. 1 Pt. II**, para. 37, Pt. III para. 39; S.I. 1997/683, **art. 1(2)**

F63 S. 16(6A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

F64 Words substituted by Food Safety Act 1990 (c. 16, SIF 53:1, 2), s. 59(1), **Sch. 3 para. 38**

Modifications etc. (not altering text)

C29 S. 16 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 83(1)**(3); S.I. 2004/827, arts. 2, 3(f)

C30 S. 16 applied (with modifications) (29.3.2004 for specified purposes, 30.3.2004 in so far as not already in force) by Railways and Transport Safety Act 2003 (c. 20), **s. 96(1)**(3); S.I. 2004/827, arts. 2, 3(s)

17 Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment.

(1) If in any proceedings for an offence under **[**[F65]section 40A, 41A, 41B or 42 of the Road Traffic Act 1988 (using vehicle in dangerous condition or contravention**]** of construction and use regulations)—

(a) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle, and

(b) a weight of that description is marked on the vehicle,

it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.

(2) If, in any proceedings for an offence—

(a) under Part II of the Road Traffic Act 1988, except sections 47 and 75, or

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(b) under section 174(2) or (5) (false statements and deception) of that Act,

any question arises as to the date of manufacture of a vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under that Part of that Act shall be evidence (and in Scotland sufficient evidence) that the vehicle was manufactured on the date so marked.

(3) If in any proceedings for the offence of driving a [F66]. . . vehicle on a road, or causing or permitting a [F66]. . . vehicle to be so driven, in contravention of a prohibition under section 70(2) of the Road Traffic Act 1988 any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements **[**[F67], or so that it has ceased to be excessive,**]**, the burden of proof shall lie on the accused.

(4) If in any proceedings in Scotland for an offence under the Traffic Acts any question arises as to a weight of any description in relation to a vehicle—

(a) a certificate purporting to be signed by an inspector of weights and measures and certifying the accuracy of a weighbridge or other machine for weighing vehicles shall be sufficient evidence of the facts stated in the certificate, and

(b) where the inspector is called as a witness his evidence shall be sufficient evidence of those facts.

In this subsection "inspector of weights and measures" has the same meaning as in the [M12]Weights and Measures Act 1985, except that it includes a chief inspector within the meaning of that Act.

Textual Amendments

F65 Words in s. 17(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 88(2)**; S.I. 1992/1286, **art. 2**,Sch.

F66 Words in s. 17(3) 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

F67 Words in s. 17(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 88(3)**; S.I. 1992/1286, **art. 2**,Sch.

Marginal Citations

M12 1985 c. 72.

18 Evidence by certificate as to registration of driving instructors and licences to give instruction.

(1) A certificate signed by the Registrar and stating that, on any date—

(a) a person's name was, or was not, in the register,

(b) the entry of a person's name was made in the register or a person's name was removed from it,

[[F68](ba) a person's registration was, or was not, suspended,**]**

(c) a person was, or was not, the holder of a current licence under section 129 of the Road Traffic Act 1988, or

(d) a licence under that section granted to a person came into force or ceased to be in force,

shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate in pursuance of this section.

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(2) A certificate so stating and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proved.

(3) In this section "current licence", "Registrar" and "register" have the same meanings as in Part V of the [M13]Road Traffic Act 1988.

Textual Amendments

F68 S. 18(1)(ba) inserted (6.7.2012) by Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17), s. 7(3), **Sch. 1 para. 4**; S.I. 2012/1356, art. 4(b)

Marginal Citations

M13 1988 c. 52.

19 Evidence of disqualification in Scotland.

[[F69](1)**]**In any proceedings in Scotland for an offence under section 103(1)(b) of the Road Traffic Act 1988 (driving while disqualified) a conviction or extract conviction—

(a) of which a copy has been served on the accused not less than fourteen days before his trial,

(b) which purports to be signed by the clerk of court, and

(c) which shows that the person named in it is disqualified for holding or obtaining a licence,

shall be sufficient evidence of the application of that disqualification to the accused, unless not **[**[F70]more than seven days after the date of service of the copy**]** he serves notice on the prosecutor that he denies that it applies to him.

[[F71](2) A copy of a conviction or extract conviction served on the accused under subsection (1) above shall be served in such manner as may be prescribed by Act of Adjournal, and a written execution purporting to be signed by the person who served such copy conviction or extract conviction together with, where appropriate, the relevant post office receipt shall be sufficient evidence of service of such a copy.**]**

Textual Amendments

F69 S. 19 renumbered s. 19(1) (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(a); S.I. 1996/517, **art. 3(2)**

F70 Words in s. 19(1) (as renumbered by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(a)) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6** P. I, para. 171(b); S.I. 1996/517, **art. 3(2)**

F71 S. 19(2) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I**, para. 171(c); S.I. 1996/517, **art. 3(2)**

Modifications etc. (not altering text)

C31 S. 19 applied (20.10.1997) by 1997 c. 48, **s. 15(1)**; S.I. 1997/2323, art. 3, **Sch. 1**

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[F72 20 Speeding offences etc: admissibility of certain evidence.

(1) Evidence (which in Scotland shall be sufficient evidence) of a fact relevant to proceedings for an offence to which this section applies may be given by the production of—

(a) a record produced by a prescribed device, and

(b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the chief officer of police for the police area in which the offence is alleged to have been committed;

but subject to the following provisions of this section.

(2) This section applies to—

(a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act;

(b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section;

[F73 (ba) an offence under subsection (4) of section 17 of that Act consisting in a contravention of regulation 9 of the Motorways Traffic (England and Wales) Regulations 1982 (restriction on the use of hard shoulders) by the driving of a vehicle on the hard shoulder of a motorway;]

[F74 (bb) an offence under subsection (4) of section 17 of that Act consisting in a contravention of article [F75 1A(2),] 2(1), 3(2) or 3(4) of the Heavy Commercial Vehicles in Kent (No. 3) Order 2019 (prohibited use of the [F76 M20 and M2 Motorways] in Kent by the driver of a heavy commercial vehicle);

(bc) an offence under subsection (5) of section 20 of that Act consisting in a contravention of article [F77 3(A1),] 3(1) or 4(1) of the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 (prohibited use of local roads in Kent by the driver of a heavy commercial vehicle);]

(c) an offence under section 88(7) of that Act (temporary minimum speed limits);

(d) an offence under section 89(1) of that Act (speeding offences generally);

(e) an offence under section 36(1) of the Road Traffic Act 1988 consisting in the failure to comply with an indication given by a light signal that vehicular traffic is not to proceed.

[F78 (ea) an offence under section 36(1) of that Act consisting in the failure to comply with an indication given by a light signal to vehicular traffic not to enter, or proceed in, a traffic lane;]

[F79 (f) an offence under Part I or II of the Road Traffic Regulation Act 1984 of contravening or failing to comply with an order or regulations made under either of those Parts relating to the use of an area of road which is described as a bus lane or a route for use by buses only.]

[F80 (g) an offence under section 29(1) of the Vehicle Excise and Registration Act 1994 F81 (using or keeping an unlicensed vehicle on a public road).]

[F82 (h) an offence under section 11(1) of the HGV Road User Levy Act 2013 (using or keeping heavy goods vehicle if levy not paid).]

[F83 (i) an offence under article 2(6)(b) of the Heavy Commercial Vehicles in Kent (No. 1) Order 2019 (contravention of a direction given by a traffic officer).]

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(3) The Secretary of State may by order amend subsection (2) above by making additions to or deletions from the list of offences for the time being set out there; and an order under this subsection may make such transitional provision as appears to him to be necessary or expedient.

(4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this section applies unless—
   (a) the device is of a type approved by the Secretary of State, and
   (b) any conditions subject to which the approval was given are satisfied.

(5) Any approval given by the Secretary of State for the purposes of this section may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(6) In proceedings for an offence to which this section applies, evidence (which in Scotland shall be sufficient evidence)—
   (a) of a measurement made by a device, or of the circumstances in which it was made, or
   (b) that a device was of a type approved for the purposes of this section, or that any conditions subject to which an approval was given were satisfied,

   may be given by the production of a document which is signed as mentioned in subsection (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(7) For the purposes of this section a document purporting to be a record of the kind mentioned in subsection (1) above, or to be a certificate or other document signed as mentioned in that subsection or in subsection (6) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(8) Nothing in subsection (1) or (6) above makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence; and nothing in those subsections makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the hearing or trial of the person who signed the document.

[[[F85]Where the proceedings for an offence to which this section applies are proceedings
[F84](8A) before a magistrates' court inquiring into an offence as examining justices this section shall have effect as if in subsection (8) the words from "and nothing" to the end of the subsection were omitted.**]]**

[F86](8A) . . . . . .

(9) In this section "prescribed device" means device of a description specified in an order made by the Secretary of State.

(10) The powers to make orders under subsections (3) and (9) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

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Textual Amendments

F72 S. 20 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 23**; S.I. 1992/1286, art. 2, **Sch.**

F73 S. 20(2)(ba) inserted (5.4.2017) by The Road Traffic Offenders (Additional Offences) Order 2017 (S.I. 2017/294), arts. 1, **2(a)**

F74 S. 20(2)(bb)(bc) inserted (31.10.2019) by The Heavy Commercial Vehicles in Kent (No. 3) Order 2019 (S.I. 2019/1210), arts. 1(1), **4(2)(a)**

F75 Word in s. 20(2)(bb) inserted (1.12.2020) by The Heavy Commercial Vehicles in Kent (No. 3) (Amendment) Order 2020 (S.I. 2020/1146), arts. 1, **3(a)(i)**; S.I. 2020/1386, art. 1(b)

F76 Words in s. 20(2)(bb) substituted (1.12.2020) by The Heavy Commercial Vehicles in Kent (No. 3) (Amendment) Order 2020 (S.I. 2020/1146), arts. 1, **3(a)(ii)**; S.I. 2020/1386, art. 1(b)

F77 Word in s. 20(2)(bc) inserted (1.12.2020) by The Heavy Commercial Vehicles in Kent (No. 3) (Amendment) Order 2020 (S.I. 2020/1146), arts. 1, **3(b)**; S.I. 2020/1386, art. 1(b)

F78 S. 20(2)(ea) inserted (5.4.2017) by The Road Traffic Offenders (Additional Offences) Order 2017 (S.I. 2017/294), arts. 1, **2(b)**

F79 S. 20(2)(f) inserted (18.3.1997) by S.I. 1997/384, **art. 2**

F80 S. 20(2)(g) added (1.6.2001) by S.I. 2001/1814, **art. 3**

F81 1994 c. 22; section 29 was amended by Schedule 2 to the Finance Act 1996 (c. 8).

F82 S. 20(2)(h) added (1.4.2014) by The Road Traffic Offenders (Additional Offences) Order 2014 (S.I. 2014/260), arts. 1, **2**

F83 S. 20(2)(i) inserted (31.10.2019) by The Heavy Commercial Vehicles in Kent (No. 3) Order 2019 (S.I. 2019/1210), arts. 1(1), **4(2)(b)**

F84 S. 20(8A) inserted (E.W.) (8.3.1997) by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 38**, Pt. III para. 39 (with s. 78(1)); S.I. 1997/683, **art. 1**

F85 S. 20(8A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 61(5), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

F86 S. 20(8A) inserted (31.3.1996) by 1995 c. 20, s. 117(1), **Sch. 6 Pt. I para. 172** and repealed (S.) (1.4.1996) by 1995 c. 40, ss. 4, 6, 7(2), Sch. 3 Pt. I para. 16(3), Sch. 5 (with Sch. 3 paras. 1, 3, 6, 16, **17**); S.I. 1996/517, **art. 3(2)**

Modifications etc. (not altering text)

C32 S. 20(4) extended (1.7.1992) by S.I. 1992/1286, **art. 4(1)**

21 Proceedings in which evidence of one witness sufficient in Scotland.

(1) In any proceedings in Scotland for an offence to which this subsection applies the accused may be convicted on the evidence of one witness.

(2) Subsection (1) above applies to any offence created by or under an enactment and punishable on summary conviction, being an offence committed in respect of a vehicle—

(a) by its being on a road during the hours of darkness without the lights or reflectors required by law, or

(b) by its obstructing a road, or waiting, or being left or parked, or being loaded or unloaded, in a road, or

(c) by the non-payment of a charge made at a street parking place, or

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(d) by its being used in contravention of any provision of an order made or having effect as if made under section 1 or 9 of the [M14]Road Traffic Regulation Act 1984, being a provision—

(i) as to the route to be followed by vehicles of the class to which that vehicle belongs, or

(ii) as to roads or parts of carriageways which are not to be used for traffic by such vehicles, or

(iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn, or

[F87](e) . . . . . .

[F87](f) . . . . . .

(3) Subsection (1) above also applies to any offence under section 35 **[**[F88],36 or 172.**]**of the [M15]Road Traffic Act 1988.

(4) In subsection (2) above—

"hours of darkness" means the time between half-an-hour after sunset and half-an-hour before sunrise, and

"street parking place" means a parking place on land which forms part of a road.

(5) References in subsection (2) above to a class of vehicles are to be interpreted as references to a class defined or described by reference to any characteristics of the vehicles or to any other circumstances whatsoever.

Textual Amendments

F87 S. 21(2)(e)(f) repealed (1.9.1994) by 1994 c. 22, ss. 65, 66, **Sch. 5 Pt. I** (with s. 57(4), Sch. 4)

F88 Words in s. 21(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 89**; S.I. 1992/1286, art. 2, **Sch.**

Marginal Citations

M14 1984 c. 27.

M15 1988 c. 52.

22 Notification of disability.

(1) If in any proceedings for an offence committed in respect of a motor vehicle it appears to the court that the accused may be suffering from any relevant disability or prospective disability (within the meaning of Part III of the Road Traffic Act 1988) the court must notify the Secretary of State.

(2) A notice sent by a court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

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Modifications etc. (not altering text)

C33 S. 22: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Verdict

23 Alternative verdicts in Scotland.

(1) If on the trial on indictment in Scotland of a person for culpable homicide in connection with the driving of a **[**[F89] mechanically propelled vehicle**]** by him the jury are not satisfied that he is guilty of culpable homicide but are satisfied that he is guilty of **[**[F90]any of the relevant offences**]**, they may find him guilty of that offence.

[[F91](1A) For the purposes of subsection (1) above the following are the relevant offences—

(a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

[[F92](aa) an offence under section 1A of that Act (causing serious injury by dangerous driving),**]**

(b) an offence under section 2 of that Act (dangerous driving), and

(c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).**]**

[F93](2) . . . . . .

(3) If on the trial on indictment in Scotland of a person for stealing a motor vehicle the jury are not satisfied that he is guilty of stealing the motor vehicle but are satisfied that he is guilty of an offence under section 178 of that Act (taking motor vehicle without authority etc.), they may find him guilty of an offence under that section.

Textual Amendments

F89 Words in s. 23(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 90(2)(a)**; S.I. 1992/1286, **art. 2**,Sch.

F90 Words in s. 23(1) substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 32(2)**, 61(1)(10); S.I. 2007/2472, art. 2(j)

F91 S. 23(1A) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 32(3)**, 61(1)(10); S.I. 2007/2472, art. 2(j)

F92 S. 23(1A)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 3**; S.I. 2012/2770, art. 2(g)

F93 S. 23(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, 83, Sch. 4 para. 90(3), **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**Appendix

[[F94] 24 Alternative verdicts: general.

[Where—

[F95](A1) (a) a person charged with manslaughter in connection with the driving of a mechanically propelled vehicle by him is found not guilty of that offence, but

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(b) the allegations in the indictment amount to or include an allegation of any of the relevant offences,

he may be convicted of that offence.

(A2) For the purposes of subsection (A1) above the following are the relevant offences—

(a) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

[F96(aa) an offence under section 1A of that Act (causing serious injury by dangerous driving),]

(b) an offence under section 2 of that Act (dangerous driving),

[F97(ba) an offence under section 3ZC of that Act (causing death by driving: disqualified drivers),

(bb) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers),]

(c) an offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs), and

(d) an offence under section 35 of the Offences against the Person Act 1861 (furious driving).]

(1) Where—

(a) a person charged with an offence under a provision of the Road Traffic Act 1988 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but

(b) the allegations in the indictment or information (or in Scotland complaint) amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,

he may be convicted of that offence or of one or more of those offences.

Offence charged	Alternative
Section 1 (causing death by dangerous driving)	Section 2 (dangerous driving)
	[F98Section 2B (causing death by careless, or inconsiderate, driving)]
	Section 3 (careless, and inconsiderate, driving)
[F99Section 1A (causing serious injury by dangerous driving)]	[F99Section 2 (dangerous driving)]
	[F99Section 3 (careless, and inconsiderate, driving)]
Section 2 (dangerous driving)	Section 3 (careless, and inconsiderate, driving)
[F100Section 2B (causing death by careless, or inconsiderate, driving)]	[F100Section 3 (careless, and inconsiderate, driving),]
[F101Section 3ZC (causing death by driving: disqualified drivers)]	[F101Section 103(1)(b) (driving while disqualified)]

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[[F101]Section 3ZD (causing serious injury by driving: disqualified drivers)**]**	**[**[F101]Section 103(1)(b) (driving while disqualified)**]**
Section 3A (causing death by careless driving when under influence of drink or drugs)	**[**[F102]Section 2B (causing death by careless, or inconsiderate, driving)**]**
	Section 3 (careless, and inconsiderate, driving)
	Section 4(1) (driving when unfit to drive through drink or drugs)
	Section 5(1)(a) (driving with excess alcohol in breath, blood or urine)
	Section 7(6) (failing to provide specimen)
	[[F103]Section 7A(6) (failing to give permission for laboratory test)**]**
Section 4(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Section 4(2) (being in charge of a 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 vehicle with excess alcohol in breath, blood or urine)
[[F104]Section 5A(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit)**]**	**[**[F104]Section 5A(1)(b) and (2) (being in charge of a vehicle with concentration of specified controlled drug above specified limit)**]**
Section 28 (dangerous cycling)	Section 29 (careless, and inconsiderate, cycling)

(2) Where the offence with which a person is charged is an offence under section 3A of the Road Traffic Act 1988, subsection (1) above shall not authorise his conviction of any offence of attempting to drive.

(3) Where a person is charged with having committed an offence under section 4(1) **[**[F105], 5(1)(a) or 5A(1)(a) and (2)**]** of the Road Traffic Act 1988 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.

(4) Where by virtue of this section a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a magistrates' court would have had on convicting him of that offence.

(5) Where, in Scotland, by virtue of this section a person is convicted under solemn procedure of an offence triable only summarily, the penalty imposed shall not exceed that which would have been competent on a conviction under summary procedure.

(6) This section has effect without prejudice to section 6(3) of the Criminal Law Act 1967 (alternative verdicts on trial on indictment), **[**[F106]sections 295, 138(4), 256 and 293 of

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and Schedule 3 to the Criminal Procedure (Scotland) Act 1995**]** and section 23 of this Act.**]**

Textual Amendments

F94 S. 24 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 24**; S.I. 1992/1286, art. 2, **Sch.**

F95 S. 24(A1)(A2) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 33**, 61(1)(10); S.I. 2007/2472, **art. 2(k)**

F96 S. 24(A2)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 4(2)**; S.I. 2012/2770, art. 2(g)

F97 S. 24(A2)(ba)(bb) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 3(2)(a)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F98 Words in s. 24(1) inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(2)(a)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F99 Words in s. 24(1) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 4(3)**; S.I. 2012/2770, art. 2(g)

F100 Entry in s. 24(1) inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(2)(b)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F101 Words in s. 24(1) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 3(3)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F102 Words in s. 24(1) inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(2)(c)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F103 Words in s. 24(1) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 31(4)**, 61(1)(10); S.I. 2007/2472, art. 2(i)

F104 Words in s. 24(1) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 11(2)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F105 Words in s. 24(3) substituted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 11(3)** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F106 Words in s. 24(6) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 71(3)**

After conviction

25 Information as to date of birth and sex.

(1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations under section 105 of the [M16]Road Traffic Act 1988 the court does not know his date of birth, the court must order him to give that date to the court in writing.

(2) If a court convicting a person of such an offence in a case where—

(a) notification has been given **[**[F107]to **[**[F108]the designated officer for a magistrates' court**]** in pursuance of section 12(4)**]** of the [M17]Magistrates' Courts Act 1980 (written pleas of guilty), or written intimation of a plea of guilty has been given in pursuance of section 334(3) of the [M18]Criminal Procedure (Scotland) Act 1975, and

(b) the notification or intimation did not include a statement of the person's sex,

does not know the person's sex, the court must order the person to give that information to the court in writing.

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(3) A person who knowingly fails to comply with an order under subsection (1) or (2) above is guilty of an offence.

[F109](4) . . . . . .

(5) Where a person has given his date of birth in accordance with this section or section 8 of this Act, the Secretary of State may serve on that person a notice in writing requiring him to provide the Secretary of State—

(a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date, and

(b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time.

(6) A person who knowingly fails to comply with a notice under subsection (5) above is guilty of an offence.

(7) A notice to be served on any person under subsection (5) above may be served on him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this subsection and section 7 of the [M19]Interpretation Act 1978 in its application to this subsection the proper address of any person shall be his latest address as known to the person serving the notice.

Textual Amendments

F107 Words in s. 25(2)(a) substituted (1.4.2001) for words "to the clerk of a court in pursuance of section 12(2)" by virtue of 1999 c. 22, s. 90(1), **Sch. 13 para. 142** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F108 Words in s. 25(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 311**; S.I. 2005/910, art. 3(y)

F109 S. 25(4) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C34 S. 25: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

Marginal Citations

M16 1988 c. 52.

M17 1980 c. 43.

M18 1975 c. 21.

M19 1978 c. 30.

[[F110]26 Interim disqualification.

(1) Where a magistrates' court—

(a) commits an offender to the Crown Court under **[**[F111]section 20 of the Sentencing Code or any enactment mentioned in subsection (1) of that section**]**, or

(b) remits an offender to another magistrates' court under **[**[F112]section 28 of that Code**]**,

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to be dealt with for an offence involving obligatory or discretionary disqualification, it may order him to be disqualified until he has been dealt with in respect of the offence.

(2) Where a court in England and Wales—

(a) defers passing sentence on an offender under **[**[F113]**[**[F114]Chapter 1 of Part 2**]** of that Act**]** in respect of an offence involving obligatory or discretionary disqualification, or

(b) adjourns after convicting an offender of such an offence but before dealing with him for the offence,

it may order the offender to be disqualified until he has been dealt with in respect of the offence.

(3) Where a court in Scotland—

(a) adjourns a case under section 179 or section 380 of the Criminal Procedure (Scotland) Act 1975 (for inquiries to be made or to determine the most suitable method of dealing with the offender);

(b) remands a person in custody or on bail under section 180 or section 381 of the Criminal Procedure (Scotland) Act 1975 (to enable a medical examination and report to be made);

(c) defers sentence under section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975;

(d) remits a convicted person to the High Court for sentence under section 104 of the Criminal Procedure (Scotland) Act 1975,

in respect of an offence involving obligatory or discretionary disqualification, it may order the accused to be disqualified until he has been dealt with in respect of the offence.

(4) Subject to subsection (5) below, an order under this section shall cease to have effect at the end of the period of six months beginning with the day on which it is made, if it has not ceased to have effect before that time.

(5) In Scotland, where a person is disqualified under this section where section 219 or section 432 of the Criminal Procedure (Scotland) Act 1975 (deferred sentence) applies and the period of deferral exceeds 6 months, subsection (4) above shall not prevent the imposition under this section of any period of disqualification which does not exceed the period of deferral.

(6) Where a court orders a person to be disqualified under this section ("the first order"), no court shall make a further order under this section in respect of the same offence or any offence in respect of which an order could have been made under this section at the time the first order was made.

(7) Where a court makes an order under this section in respect of any person it must—

(a) require him to produce to the court any licence held by him [F115]..., and

(b) retain the licence [F116]... until it deals with him or (as the case may be) cause **[**[F117] it**]** to be sent to the **[**[F118]proper officer**]** of the court which is to deal with him.

[F119]**[**[F120](7A)**]** **[** In subsection (7) above " proper officer " means—

(a) in relation to a magistrates' court in England and Wales, the **[**[F121]designated officer**]** for the court, and

(b) in relation to any other court, the clerk of the court.**]**

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(8) If the holder of the licence has not caused it [F122]... to be delivered, or has not posted **[**[F123] it**]**, in accordance with section 7 of this Act and does not produce the licence [F124]...as required under subsection (7) above, then he is guilty of an offence.

(9) Subsection (8) above does not apply to a person who—

(a) satisfies the court that he has applied for a new licence and has not received it, or

(b) surrenders to the court a current receipt for his licence [F125]...issued under section 56 of this Act, and produces the licence [F126]... to the court immediately on **[**[F127]its **]** return.

(10) Where a court makes an order under this section in respect of any person, sections 44(1) and **[**[F128], 47(2)**][**[F129], 91ZA(7) and 91A(5) of this Act**]** shall not apply in relation to the order, but—

(a) the court must send notice of the order to the Secretary of State, and

(b) if the court which deals with the offender determines not to order him to be disqualified under section 34 or 35 of this Act, it must send notice of the determination to the Secretary of State.

(11) A notice sent by a court to the Secretary of State in pursuance of subsection (10) above must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.

(12) Where on any occasion a court deals with an offender—

(a) for an offence in respect of which an order was made under this section, or

(b) for two or more offences in respect of any of which such an order was made,

any period of disqualification which is on that occasion imposed under section 34 or 35 of this Act shall be treated as reduced by any period during which he was disqualified by reason only of an order made under this section in respect of any of those offences.

(13) Any reference in this or any other Act (including any Act passed after this Act) to the length of a period of disqualification shall, unless the context otherwise requires, be construed as a reference to its length before any reduction under this section.

[F130](14) . . . . . .**]**

Textual Amendments

F110 S. 26 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 25**; S.I. 1992/1286, art. 2, **Sch.**

F111 Words in s. 26(1)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 99(2)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F112 Words in s. 26(1)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 99(2)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F113 Words in s. 26(2)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 119(3)**

F114 Words in s. 26(2)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 99(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F115 Words in s. 26(7)(a) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F116 Words in s. 26(7)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(2)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F117 Word in s. 26(7)(b) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 32(2)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

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F118 Words in s. 26(7)(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 143** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F119 S. 26(7)(2) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 143** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2) it is provided (1.4.2001) that after subsection (7) there shall be inserted subsection (2)

F120 S. 26(7)(2) renumbered as s. 26(7A) (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 312(a)**; S.I. 2005/910, art. 3(y)

F121 Words in s. 26(7A) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 312(b)**; S.I. 2005/910, art. 3(y)

F122 Words in s. 26(8) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(3)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F123 Word in s. 26(8) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 32(3)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F124 Words in s. 26(8) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(3)(c), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F125 Words in s. 26(9)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(4)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F126 Words in s. 26(9)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(4)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F127 Word in s. 26(9)(b) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 32(4)(c)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F128 Words in s. 26(10) substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 2**

F129 Words in s. 26(10) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 34**; S.I. 2004/2624, art. 2(1)(2)(b)

F130 S. 26(14) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 32(5), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

Modifications etc. (not altering text)

C35 S. 26: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

PART II

SENTENCE

Introductory

27 Production of licence.

(1) Where a person who is the holder of a licence is convicted of an offence involving obligatory **[**[F131]or discretionary disqualification, and a court proposes to make an order disqualifying him or an order under section 44 of this Act, the court must, unless it has already received **[**[F132] it**]**,**]**, require the licence [F133]... to be produced to it.

[F134](2) . . . . . .

(3) If the holder of the licence has not caused it [F133]... to be delivered, or posted it [F133]..., in accordance with section 7 of this Act and does not produce it [F133]... as required **[**[F135]under this section or **[**[F136]section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000**]** or section 223A

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or 436A of the Criminal Procedure (Scotland) Act 1975][F137, or if the holder of the license does not produce it F133...as required by section 40B of the M20Child Support Act 1991, then,] unless he satisfies the court that he has applied for a new licence and has not received it—

(a) he is guilty of an offence, and

(b) the licence shall be suspended from the time when its production was required until [F138it F133... [F139is produced] to the court and shall, while suspended, be of no effect.

(4) [F140Subsection (3) above does not apply where the holder of the licence—

(a) has caused a current receipt for the licence F133... issued under section 56 of this Act to be delivered to the [F141proper officer] of the court not later than the day before the date appointed for the hearing, or

(b) has posted such a receipt, at such time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the [F141proper officer] and either registered or sent by the recorded delivery service, or

(c) surrenders such a receipt to the court at the hearing,

and produces the licence F133... to the court immediately on [F142its] return.]

F143(4A) [Subsection (3) does not apply where section 7(1B) applies in relation to the proceedings and the holder of the licence—

(a) has caused a current receipt for the licence issued under section 56 to be delivered to the designated officer specified in the single justice procedure notice within the period described in section 7(1B)(a),

(b) has posted it to that officer within that period in such manner as is described in section 7(1B)(b), or

(c) surrenders such a receipt to the court at the hearing described in section 7(1B)(c),

and produces the licence to the court immediately on its return.]

F144(5) [[F145In this section—

"proper officer" means—]

(a) in relation to a magistrates' court in England and Wales, the [F146designated officer] for the court, and

(b) in relation to any other court, the clerk of the court.

[F147"single justice procedure notice" has the same meaning as in section 29 of the Criminal Justice Act 2003.]]]

Textual Amendments

F131 Words in s. 27(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 91(2)**; S.I. 1992/1286, art. 2, **Sch.**

F132 Word in s. 27(1) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 33(3)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F133 Words in s. 27 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 33(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F134 S. 27(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 91(3), **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F135 Words in s. 27(3) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 91(4)**; S.I. 1992/1286, art. 2, **Sch.**

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F136 Words in s. 27(3) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 120**

F137 Words in s. 27(3) substituted (2.4.2001) by 2000 c. 19, **s. 16(5)** (with s. 83(6)); S.I. 2000/3354, **art. 2(3)**

F138 Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 3(b)**

F139 Words in s. 27(3)(b) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 33(4)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F140 S. 27(4) repealed (S.) (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F141 Words in s. 27(4)(a)(b) substituted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 144(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F142 Word in s. 27(4) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 33(5)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F143 S. 27(4A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 11(2)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

F144 S. 27(5) inserted (1.4.2001) by 1999 c. 22, s. 90(1), **Sch. 13 para. 144(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F145 Words in s. 27(5) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 11(3)(a)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

F146 Words in s. 27(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 313**; S.I. 2005/910, art. 3(y)

F147 Words in s. 27(5) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 11(3)(b)**; S.I. 2015/778, art. 3, Sch. 1 para. 77

Modifications etc. (not altering text)

C36 S. 27: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

C37 S. 27(1)(2) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
S. 27(1)(3) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(b)**

C38 S. 27(3) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)
S. 27(3) applied with modifications (1.1.1998) (EW) by 1997 c. 43, **s. 39(5)(b)**, 40(6); S.I. 1997/2200, **art. 3(b)(c)** (with art. 5)

C39 S. 27(3) extended by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 44(3)**(*a*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 11(b)**)
S. 27 extended (1.1.1998) by 1997 c. 43, **ss. 39(5)(b)**, 40(6); S.I. 1997/2200, **arts. 3(b)(c)**, 5

Marginal Citations

M20 1991 c. 48

F148[28 Penalty points to be attributed to an offence.

(1) Where a person is convicted of an offence involving obligatory endorsement, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is—

(a) the number shown in relation to the offence in the last column of Part I or Part II of Schedule 2 to this Act, or

(b) where a range of numbers is shown, a number within that range.

(2) Where a person is convicted of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory

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disqualification, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is ten.

[[F149](3) For the purposes of sections **[**[F150]57A(6)**]**[F151]and 77A(8)**]** of this Act, the number of penalty points to be attributed to an offence is—

(a) where both a range of numbers and a number followed by the words "(fixed penalty)" is shown in the last column of Part 1 of Schedule 2 to this Act in relation to the offence, that number,

(b) where a range of numbers followed by the words "or appropriate penalty points (fixed penalty)" is shown there in relation to the offence, the appropriate number of penalty points for the offence, and

(c) where only a range of numbers is shown there in relation to the offence, the lowest number in the range.

(3A) For the purposes of subsection (3)(b) above the appropriate number of penalty points for an offence is such number of penalty points as the Secretary of State may by order made by statutory instrument prescribe.

(3B) An order made under subsection (3A) above in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—

(a) the nature of the contravention or failure constituting the offence,

(b) how serious it is,

(c) the area, or sort of place, where it takes place, and

(d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.**]**

(4) Where a person is convicted (whether on the same occasion or not) of two or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(5) In a case where (apart from this subsection) subsection (4) above would apply to two or more offences, the court may if it thinks fit determine that that subsection shall not apply to the offences (or, where three or more offences are concerned, to any one or more of them).

(6) Where a court makes such a determination it shall state its reasons in open court and, if it is a magistrates' court, or in Scotland a court of summary jurisdiction, shall cause them to be entered in the register (in Scotland, record) of its proceedings.

(7) The Secretary of State may by order made by statutory instrument—

(a) alter a number or range of numbers shown in relation to an offence in the last column of Part I or Part II of Schedule 2 to this Act (by substituting one number or range for another, a number for a range, or a range for a number),

(b) where a range of numbers is shown in relation to an offence in the last column of Part I, add or delete a number together with the words "(fixed penalty)" **[**[F152]or the words "or appropriate penalty points (fixed penalty)"**]**,

[[F153](ba) substitute the words "or appropriate penalty points (fixed penalty)" for a number together with the words "(fixed penalty)", or substitute a number together with the words "(fixed penalty)" for the words "or appropriate

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penalty points (fixed penalty)", in relation to an offence in the last column of Part 1 or 2,**]** and

(c) alter the number of penalty points shown in subsection (2) above;

and an order under this subsection may provide for different numbers or ranges of numbers to be shown in relation to the same offence committed in different circumstances.

(8) Where the Secretary of State exercises his power under subsection (7) above by substituting or adding a number which appears together with the words "(fixed penalty)", that number shall not exceed the lowest number in the range shown in the same entry.

[F154](8A) **[** Before making any order under subsection (3A) above the Secretary of State must consult with such representative organisations as he thinks fit.**]**

(9) No order shall be made under **[**[F155]this section**]** unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

Textual Amendments

F148 S. 28 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 27**; S.I. 1992/1286, **art. 2**,Sch.

F149 S. 28(3)-(3B) substituted for s. 28(3) (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(2)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F150 Word in s. 28(3) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 34**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F151 Words in s. 28(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 3**; S.I. 2008/3164, **art. 4(b)**

F152 Words in s. 28(7)(b) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(3)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F153 S. 28(7)(ba) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(4)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F154 S. 28(8A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(5)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

F155 Words in s. 28(9) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 4(6)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

Modifications etc. (not altering text)

C40 S. 28: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992)) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

C41 S. 28(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 15(a)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

[F156]**[29 Penalty points to be taken into account on conviction.**

(1) Where a person is convicted of an offence involving obligatory endorsement, the penalty points to be taken into account on that occasion are (subject to subsection (2) below)—

(a) any that are to be attributed to the offence or offences of which he is convicted disregarding any offence in respect of which an order under section 34 of this Act is made, and

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(b) any that were on a previous occasion ordered to be endorsed on [F157]...[[F158]his driving record], unless the offender has since that occasion and before the conviction been disqualified under section 35 of this Act.

(2) If any of the offences was committed more than three years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.

[F159](3) . . . . . .]

Textual Amendments

F156 S. 29 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.28**; S.I. 1992/1286, **art. 2**,Sch.

F157 Words in s. 29(1)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 35(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F158 Words in s. 29(1)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 4**; S.I. 2008/3164, art. 4(b)

F159 S. 29(3) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 35(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

Modifications etc. (not altering text)

C42 S. 29: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)
S. 29 modified (1.7.1992) by S.I. 1992/1286, **art. 6(3)**

30 Penalty points: modification where fixed penalty also in question.

[[F160](1) Sections 28 and 29 of this Act shall have effect subject to this section in any case where—

(a) a person is convicted of an offence involving [[F161]obligatory endorsement], and

(b) the court is satisfied that [F162]... [[F163] his driving record] has been or is liable to be endorsed under section [[F164]57A][[F165]or 77A] of this Act in respect of an offence (referred to in this section as the " connected offence ") committed on the same occasion as the offence of which he is convicted.

(2) [F166] . . . the number of penalty points to be attributed to the offence of which he is convicted is—

(a) the number of penalty points to be attributed to that offence under section [[F167]28]of this Act apart from this section, less

(b) the number of penalty points required to be endorsed [F168]...[[F169]on his driving record] under section [[F170]57A][[F171]or 77A] of this Act in respect of the connected offence [[F172](except so far as they have already been deducted by virtue of this paragraph)].

[F173](3) . . . . . .]

Textual Amendments

F160 S. 30 repealed (S.) (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

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F161 Words in s. 30(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 92(2)**; S.I. 1992/1286, **art. 2**,Sch.
F162 Words in s. 30(1)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 36(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
F163 Words in s. 30(1)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(2)(a)**; S.I. 2008/3164, art. 4(b)
F164 Word in s. 30(1)(b) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 36(2)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
F165 Words in s. 30(1)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(2)(b)**; S.I. 2008/3164, **art. 4(b)**
F166 Words in s. 30(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 92(3)(a), **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.
F167 Word in s. 30(2)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 92(3)(b)**; S.I. 1992/1286, **art. 2**,Sch.
F168 Words in s. 30(2)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 36(3)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
F169 Words in s. 30(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(3)(a)**; S.I. 2008/3164, art. 4(b)
F170 Word in s. 30(2)(b) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 36(3)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
F171 Words in s. 30(2)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 5(3)(b)**; S.I. 2008/3164, **art. 4(b)**
F172 Words in s. 30(2)(b) added (1.7.1992) by Road Traffic Act 1991(c. 40, SIF 107:1), s. 48, Sch. 4 para. 92(3)(c); S.I. 1992/1286, **art. 2**,Sch.
F173 S. 30(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 48, 83, Sch. 4 para. 92(4), **Sch. 8**; S.I. 1992/1286, **art. 2**,Sch.

31 Court may take particulars endorsed [F174]... into consideration.

[[F175](1) Where a person is convicted of an offence involving obligatory or discretionary disqualification—

(a) any existing endorsement on [F176]... his driving record is prima facie evidence of the matters endorsed, and

(b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.**]**

(2) This section has effect notwithstanding anything in **[**[F177]section 166(1) to (6) of the Criminal Procedure (Scotland) Act 1995**]** (requirements as to notices of penalties and previous convictions).

Textual Amendments

F174 Words in s. 31 heading repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 2 para. 6(3), **Sch. 7(3)**; S.I. 2008/3164, art. 4(b)(c)
F175 S. 31(1) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 6(2)**; S.I. 2008/3164, art. 4(b)
F176 Words in s. 31(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 37, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
F177 Words in s. 31(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 71(4)**

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Modifications etc. (not altering text)

C43 S. 31: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

[F178]32 In Scotland, court may take extract from licensing records into account.

. . . . . .

Textual Amendments

F178 S. 32 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 38, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

Fine and imprisonment

33 Fine and imprisonment.

(1) Where a person is convicted of an offence against a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or regulations made under any such provision, the maximum punishment by way of fine or imprisonment which may be imposed on him is that shown in column 4 against the offence and (where appropriate) the circumstances or the mode of trial there specified.

(2) Any reference in column 4 of that Part to a period of years or months is to be construed as a reference to a term of imprisonment of that duration.

[[F179]33A Forfeiture of vehicles: Scotland.

(1) Where a person commits an offence to which this subsection applies by—

(a) driving, attempting to drive, or being in charge of a vehicle; or

(b) failing to comply with a requirement made under section 7 of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive or being in charge of a vehicle, or

(c) failing, as the driver of a vehicle, to comply with subsections (2) and (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident),

the court may, on an application under this subsection, make an order forfeiting the vehicle concerned; and any vehicle forfeited under this subsection shall be disposed of as the court may direct.

(2) Subsection (1) above applies—

(a) to an offence under the Road Traffic Act 1988 which is punishable with imprisonment; and

(b) to an offence of culpable homicide.

(3) An application under subsection (1) above shall be at the instance of the prosecutor made when he moves for sentence (or, if the person has been remitted for sentence

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under section 195 of the Criminal Procedure (Scotland) Act 1995) made before sentence is pronounced.

(4) Where—

(a) the court is satisfied, on an application under this subsection by the prosecutor—

(i) that proceedings have been, or are likely to be, instituted against a person in Scotland for an offence to which subsection (1) above applies allegedly committed in the manner specified in paragraph (a), (b) or (c) of that subsection; and

(ii) that there is reasonable cause to believe that a vehicle specified in the application is to be found in a place or in premises so specified; and

(b) it appears to the court that there are reasonable grounds for thinking that in the event of the person being convicted of the offence an order under subsection (1) above might be made in relation to the vehicle,

the court may grant a warrant authorising a person named therein to enter and search the place or premises and seize the vehicle.

(5) Where the court has made an order under subsection (1) above for the forfeiture of a vehicle, the court or any justice may, if satisfied on evidence on oath—

(a) that there is reasonable cause to believe that the vehicle is to be found in any place or premises; and

(b) that admission to the place or premises has been refused or that a refusal of such admission is apprehended,

issue a warrant of search which may be executed according to law.

(6) In relation to summary proceedings, the reference in subsection (5) above to a justice includes a reference to the sheriff and to a magistrate.

(7) Part II of the Proceeds of Crime (Scotland) Act 1995 shall not apply in respect of a vehicle in relation to which this section applies.

(8) This section extends to Scotland only.**]**

Textual Amendments

F179 S. 33A inserted (1.4.1996) by 1995 c. 40, s. 5, 7(2), **Sch. 4 para. 71(6)**

Disqualification

34 Disqualification for certain offences.

(1) Where a person is convicted of an offence involving obligatory disqualification, the court must order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

[[F180](1A) Where a person is convicted of an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking), the fact that he did not drive the vehicle in question at any particular time or at all shall not be regarded as a special reason for the purposes of subsection (1) above.**]**

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[[F181](2) Where a person is convicted of an offence involving discretionary disqualification, and either—

(a) the penalty points to be taken into account on that occasion number fewer than twelve, or

(b) the offence is not one involving obligatory endorsement,

the court may order him to be disqualified for such period as the court thinks fit.**]**

(3) [M21]Where a person convicted of an offence under any of the following provisions of the Road Traffic Act 1988, that is—

[[F182](aa) section 3A (causing death by careless driving when under the influence of drink or drugs),**]**

(a) section 4(1) (driving or attempting to drive while unfit),

(b) section 5(1)(a) (driving or attempting to drive with excess alcohol), [F183]. . .

[[F184](ba) section 5A(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit),**]**

(c) section 7(6) (failing to provide a specimen) where that is an offence involving obligatory disqualification,

[[F185](d) section 7A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification;**]**

has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him as if the reference to twelve months were a reference to three years.

[[F186](4) Subject to subsection (3) above, subsection (1) above shall apply as if the reference to twelve months were a reference to two years—

(a) in relation to a person convicted of—

(i) manslaughter, or in Scotland culpable homicide, or

(ii) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving), or

[an offence under section 1A of that Act (causing serious injury by [F187](iia) dangerous driving), or**]**

[an offence under section 3ZC of that Act (causing death by driving: [F188](iib) disqualified drivers), or

(iic) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers), or**]**

(iii) an offence under section 3A of that Act (causing death by careless driving while under the influence of drink or drugs), and

(b) in relation to a person on whom more than one disqualification for a fixed period of 56 days or more has been imposed within the three years immediately preceding the commission of the offence.

(4A) For the purposes of subsection (4)(b) above there shall be disregarded any disqualification imposed under section 26 of this Act or **[**[F189]section 147 of the Powers of Criminal Courts (Sentencing) Act 2000**][**[F190]or section 164 of the Sentencing Code**]** or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) and any disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence.**]**

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[[F191](4AA) For the purposes of subsection (4)(b), a disqualification is to be disregarded if the period of disqualification would have been less than 56 days but for an extension period added pursuant to—

(a) section 35A or 35C,

(b) section 248D of the Criminal Procedure (Scotland) Act 1995, or

(c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 **[**[F192]or section 166 of the Sentencing Code**].]**

[[F193](4B) Where a person convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc.) has within the three years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him as if the reference to twelve months were a reference to six months.**]**

(5) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.

[[F194](5A) In relation to Scotland, references in this section to the court include the **[**[F195]justice of the peace court**].]**

(6) This section is subject to section 48 of this Act.

Textual Amendments

F180 S. 34(1A) inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), **s. 3(2)**; S.I. 1992/764, **art. 2**

F181 S. 34(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 29(2)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

F182 S. 34(3)(aa) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 29(3)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

F183 Word in s. 34(3)(b) omitted (1.10.2002) and repealed (*prosp.*) by virtue of 2002 c. 30, ss. 56(3)(a), 107, **Sch. 8**; S.I. 2002/2306, **arts. 2(d)(v)(g)(iii)**

F184 S. 34(3)(ba) inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 12** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F185 S. 34(3)(d) inserted (1.10.2002) by 2002 c. 30, **s. 56(3)(b)**; S.I. 2002/2306, **art. 2(d)(v)**

F186 S. 34(4)(4A) substituted (1.7.1992) for s. 34(4) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 29(4)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

F187 S. 34(4)(a)(iia) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 5**; S.I. 2012/2770, art. 2(g)

F188 S. 34(4)(a)(iib)(iic) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 4** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F189 Words in s. 34(4A) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 121**

F190 Words in s. 34(4A) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 100(2)** (with Sch. 27); S.I. 2020/1236, reg. 2

F191 S. 34(4AA) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(2)** (with s. 180); S.I. 2018/733, art. 2(c)

F192 Words in s. 34(4AA)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 100(3)** (with Sch. 27); S.I. 2020/1236, reg. 2

F193 S. 34(4B) inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 25(2)**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(d)

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F194 S. 34(5A) inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480), arts. 1(1), **2(1)(b)**

F195 Words in s. 34(5A) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(d)**; S.S.I. 2008/42, art. 3, **sch.**; S.S.I. 2008/192, art. 3, **sch.**; S.S.I. 2008/329, art. 3, **sch.**; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

Modifications etc. (not altering text)

C44 S. 34: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch** (with art. 6(5)).

C45 S. 34(5) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 15(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Marginal Citations

M21 1988 c. 52.

[F196 34A Reduced disqualification period for attendance on courses.

(1) This section applies where—

(a) a person is convicted of a relevant drink offence or a specified offence by or before a court, and

(b) the court makes an order under section 34 of this Act disqualifying him for a period of not less than twelve months.

(2) In this section "relevant drink offence" means—

(a) an offence under paragraph (a) of subsection (1) of section 3A of the Road Traffic Act 1988 (causing death by careless driving when unfit to drive through drink) committed when unfit to drive through drink,

(b) an offence under paragraph (b) of that subsection (causing death by careless driving with excess alcohol),

(c) an offence under paragraph (c) of that subsection (failing to provide a specimen) where the specimen is required in connection with drink or consumption of alcohol,

(d) an offence under section 4 of that Act (driving or being in charge when under influence of drink) committed by reason of unfitness through drink,

(e) an offence under section 5(1) of that Act (driving or being in charge with excess alcohol),

(f) an offence under section 7(6) of that Act (failing to provide a specimen) committed in the course of an investigation into an offence within any of the preceding paragraphs, or

(g) an offence under section 7A(6) of that Act (failing to allow a specimen to be subjected to a laboratory test) in the course of an investigation into an offence within any of the preceding paragraphs.

(3) In this section "specified offence" means—

(a) an offence under section 3 of the Road Traffic Act 1988 (careless, and inconsiderate, driving),

(b) an offence under section 36 of that Act (failing to comply with traffic signs),

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(c) an offence under section 17(4) of the Road Traffic Regulation Act 1984 (use of special road contrary to scheme or regulations), or

(d) an offence under section 89(1) of that Act (exceeding speed limit).

(4) But the Secretary of State may by regulations amend subsection (3) above by adding other offences or removing offences.

(5) Where this section applies, the court may make an order that the period of disqualification imposed under section 34 of this Act ("the unreduced period") shall be reduced if, by the relevant date, the offender satisfactorily completes an approved course specified in the order.

(6) In subsection (5) above—

"an approved course" means a course approved by the appropriate national authority for the purposes of this section in relation to the description of offence of which the offender is convicted, and

"the relevant date" means such date, at least two months before the last day of the period of disqualification as reduced by the order, as is specified in the order.

(7) The reduction made in a period of disqualification by an order under this section is a period specified in the order of—

(a) not less than three months, and

(b) not more than one quarter of the unreduced period,

(and, accordingly, where the unreduced period is twelve months, the reduced period is nine months).

(8) A court shall not make an order under this section in the case of an offender convicted of a specified offence if—

(a) the offender has, during the period of three years ending with the date on which the offence was committed, committed a specified offence and successfully completed an approved course pursuant to an order made under this section or section 30A of this Act on conviction of that offence, or

(b) the specified offence was committed during his probationary period.

(9) A court shall not make an order under this section in the case of an offender unless—

(a) the court is satisfied that a place on the course specified in the order will be available for the offender,

(b) the offender appears to the court to be of or over the age of 17,

(c) the court has informed the offender (orally or in writing and in ordinary language) of the effect of the order and of the amount of the fees which he is required to pay for the course and when he must pay them, and

(d) the offender has agreed that the order should be made.**]**

Textual Amendments

F196 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by Road Safety Act 2006 (c. 49), **ss. 35**, 61(1)(10); S.I. 2012/2938, art. 2(1)(a)(b) (with art. 3)

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Modifications etc. (not altering text)

C46 S. 34A modified (temp.) (13.4.2015) by Coroners and Justice Act 2009 (c. 25), s. 182(5), Sch. 22 paras. 30, **31** (with s. 180); S.I. 2015/819, art. 2(c)

[F196 34B Certificates of completion of courses.

(1) An offender shall be regarded for the purposes of section 34A of this Act as having completed a course satisfactorily if (and only if) a certificate that he has done so is received by the proper officer of the supervising court before the end of the unreduced period.

(2) If a certificate under subsection (1) above is so received before the end of the unreduced period but after the end of the period which would (apart from this subsection) be the reduced period, the reduced period is to be taken to end with the day on which the certificate is so received.

(3) A certificate under subsection (1) above is to be given by the course provider and shall be in such form, and contain such particulars, as may be prescribed by, or determined in accordance with, regulations made by the appropriate national authority.

(4) A course provider must give a certificate under subsection (1) above to the offender not later than fourteen days after the date specified in the order as the latest date for the completion of the course unless the offender—

(a) fails to make due payment of fees for the course,

(b) fails to attend the course in accordance with the course provider's reasonable instructions, or

(c) fails to comply with any other reasonable requirement of the course provider.

(5) Where a course provider decides not to give a certificate under subsection (1) above to the offender, he shall give written notice of the decision to the offender as soon as possible, and in any event not later than fourteen days after the date specified in the order as the latest date for completion of the course.

(6) An offender to whom a notice is given under subsection (5) above may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider's decision not to give a certificate under subsection (1) above was contrary to subsection (4) above.

(7) If the court grants the application, section 34A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(8) If fourteen days after the date specified in the order as the latest date for completion of the course the course provider has given neither a certificate under subsection (1) above nor a notice under subsection (5) above, the offender may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider is in default.

(9) If the court grants the application, section 34A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

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(10) A notice under subsection (5) above shall specify the ground on which it is given; and the appropriate national authority may by regulations make provision as to the form of notices under that subsection and as to the circumstances in which they are to be treated as given.

(11) Where the proper officer of a court receives a certificate under subsection (1) above, or a court grants an application under subsection (6) or (8) above, the proper officer or court must send notice of that fact to the Secretary of State; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.**]**

Textual Amendments

F196 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by Road Safety Act 2006 (c. 49), **ss. 35**, 61(1)(10); S.I. 2012/2938, art. 2(1)(a)(b) (with art. 3)

Modifications etc. (not altering text)

C47 S. 34B modified (temp.) (13.4.2015) by Coroners and Justice Act 2009 (c. 25), s. 182(5), Sch. 22 paras. 30, **32** (with s. 180); S.I. 2015/819, art. 2(c)

[F196 34BA Approval of courses

(1) If an application is made to the appropriate national authority for the approval of a course for the purposes of section 34A of this Act, the appropriate national authority must decide whether to grant or refuse the application.

(2) In reaching that decision the appropriate national authority must have regard to—
- (a) the nature of the course, and
- (b) whether the course provider is an appropriate person to provide the course and administer its provision efficiently and effectively,

and may take into account any recommendations made by any persons appointed to consider the application.

(3) A course may be approved subject to conditions specified by the appropriate national authority.

(4) An approval of a course is for the period specified by the appropriate national authority (which must not exceed seven years), subject to withdrawal of approval.

(5) Regulations made by the appropriate national authority may make provision in relation to the approval of courses and may, in particular, include provision—
- (a) in relation to the making of applications for approval,
- (b) for the payment in respect of applications for approval, or of approvals, (or of both) of fees of such amounts as are prescribed by the regulations,
- (c) specifying the maximum fees that a person may be required to pay for a course and by when they are to be paid,
- (d) for the monitoring of courses and course providers,
- (e) in relation to withdrawing approval,

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(f) for an appeal to lie to the **[**[F197]First-tier Tribunal**]** against a refusal of an application for approval, the imposition of conditions on the grant of such an application or the withdrawal of approval, and

(g) authorising the appropriate national authority to make available (with or without charge) information about courses and course providers.**]**

Textual Amendments

F196 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by Road Safety Act 2006 (c. 49), **ss. 35**, 61(1)(10); S.I. 2012/2938, art. 2(1)(a)(b) (with art. 3)

F197 Words in s. 34BA(5)(f) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order (2009 SI1885), art. 1(1), Sch. 1 para. 16

[[F196]**34CProvisions supplementary to sections 34A and 34B.**

(1) The appropriate national authority may issue guidance to course providers, or to any category of course provider, as to the conduct of courses approved for the purposes of section 34A of this Act; and—

(a) course providers shall have regard to any guidance given to them under this subsection, and

(b) in determining for the purposes of section 34B of this Act whether any instructions or requirements of a course provider were reasonable, a court shall have regard to any guidance given to him under this subsection.

(2) The Secretary of State may by regulations make provision—

(a) amending section 34A(1)(b) of this Act by substituting for the period for the time being specified there a different period,

(b) amending section 34A(7) of this Act by substituting for the period for the time being specified there a different period, or by substituting for the fraction of the unreduced period for the time being specified there a different fraction of that period, (or by doing both), or

(c) amending section 34A(8)(a) of this Act by substituting for the period for the time being specified there a different period.

(3) In sections 34A to 34BA of this Act and this section—

"appropriate national authority" means (as respects Wales) the National Assembly for Wales and (otherwise) the Secretary of State;

"course provider", in relation to a course, means the person by whom it is, or is to be, provided;

"probationary period" has the meaning given in section 1 of the Road Traffic (New Drivers) Act 1995;

"proper officer" means—

(a) in relation to a magistrates' court in England and Wales, the designated officer for the court, and

(b) otherwise, the clerk of the court;

"relevant local court", in relation to an order under section 34A of this Act in the case of an offender, means—

(a) in England and Wales, a magistrates' court acting for the local justice area in which the offender resides, and

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(b) in Scotland, the sheriff court for the district where the offender resides or, where the order is made by a stipendiary magistrate and the offender resides within his commission area, the district court for that area; and

"supervising court", in relation to an order under section 34A of this Act, means—

(a) in England and Wales, if the Crown Court made the order the Crown Court and otherwise a magistrates' court acting for the same local justice area as the court which made the order, and

(b) in Scotland, the court which made the order.

(4) Any power to make regulations under section 34A, 34B or 34BA of this Act or this section includes power to make different provision for different cases, and to make such incidental or supplementary provision as appears necessary or appropriate.

(5) Any power to make regulations under section 34A, 34B or 34BA of this Act or this section shall be exercisable by statutory instrument.

(6) No regulations shall be made under section 34A of this Act or this section unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing regulations made under section 34B or 34BA of this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F196 Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by Road Safety Act 2006 (c. 49), **ss. 35**, 61(1)(10); S.I. 2012/2938, art. 2(1)(a)(b) (with art. 3)

Modifications etc. (not altering text)

C48 Ss. 34 - 48: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5)))

C49 S. 34C: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

35 Disqualification for repeated offences.

(1) Where—

(a) a person is convicted of an offence **[**[F198]to which this subsection applies**]**, and

(b) the penalty points to be taken into account on that occasion number twelve or more,

the court must order him to be disqualified for not less than the minimum period unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

[[F199](1A) Subsection (1) above applies to—

(a) an offence involving discretionary disqualification and obligatory endorsement, and

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(b) an offence involving obligatory disqualification in respect of which no order is made under section 34 of this Act.**]**

(2) The minimum period referred to in subsection (1) above is—

(a) six months if no previous disqualification imposed on the offender is to be taken into account, and

(b) one year if one, and two years if more than one, such disqualification is to be taken into account;

and a previous disqualification imposed on an offender is **[**[F200], subject to subsection (2A),**]** to be taken into account if it **[**[F201]was for a fixed period of 56 days or more and was imposed**]** within the three years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under section 29 of this Act.

[[F202](2A) A previous disqualification imposed on an offender for a fixed period is not to be taken into account for the purposes of subsection (2) if that period would have been less than 56 days but for an extension period added pursuant to—

(a) section 35A or 35C,

(b) section 248D of the Criminal Procedure (Scotland) Act 1995, or

(c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 **[**[F203]or section 166 of the Sentencing Code**]**.**]**

(3) Where an offender is convicted on the same occasion of more than one offence **[**[F204]to which subsection (1) above applies**]**—

(a) not more than one disqualification shall be imposed on him under subsection (1) above,

(b) in determining the period of the disqualification the court must take into account all the offences, and

(c) for the purposes of any appeal any disqualification imposed under subsection (1) above shall be treated as an order made on the conviction of each of the offences.

(4) No account is to be taken under subsection (1) above of any of the following circumstances—

(a) any circumstances that are alleged to make the offence or any of the offences not a serious one,

(b) hardship, other than exceptional hardship, or

(c) any circumstances which, within the three years immediately preceding the conviction, have been taken into account under that subsection in ordering the offender to be disqualified for a shorter period or not ordering him to be disqualified.

(5) References in this section to disqualification do not include a disqualification imposed under section 26 of this Act or **[**[F205]section 147 of the Powers of Criminal Courts (Sentencing) Act 2000**][**[F206]or section 164 of the Sentencing Code**][**[F207]or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) or a disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence**]**.

[[F208](5A) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling, procuring, or inciting to the

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commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.**]**

(6) In relation to Scotland, references in this section to the court include the **[**[F209]justice of the peace court**]**.

(7) This section is subject to section 48 of this Act.

Textual Amendments

F198 Words in s. 35(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F199 S. 35(1A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(3)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F200 Words in s. 35(2) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(6)(a)** (with s. 180); S.I. 2018/733, art. 2(c)

F201 Words in s. 35(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(4)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F202 S. 35(2A) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(6)(b)** (with s. 180); S.I. 2018/733, art. 2(c)

F203 Words in s. 35(2A)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 101(2)** (with Sch. 27); S.I. 2020/1236, reg. 2

F204 Words in s. 35(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(5)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F205 Words in s. 35(5) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 122**

F206 Words in s. 35(5) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 101(3)** (with Sch. 27); S.I. 2020/1236, reg. 2

F207 Words in s. 35(5) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(6)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F208 S. 35(5A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 95(7)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F209 Words in s. 35(6) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(d)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

Modifications etc. (not altering text)

C50 S. 35: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))).

C51 S. 35(5A) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 15(c)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

[[F210]**35A Extension of disqualification where custodial sentence also imposed**

(1) This section applies where a person is convicted in England and Wales of an offence for which the court—

(a) imposes a custodial sentence, and

(b) orders the person to be disqualified under section 34 or 35.

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(2) The order under section 34 or 35 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.

(3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 34 or 35.

(4) The appropriate extension period is—

(a) where an order under **[**[F211]section 321(2) of the Sentencing Code (life sentence: minimum term order)**]** is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;

(b) in the case of a detention and training order **[**[F212]within the meaning given by section 233 of that Code**]** (offenders under 18: detention and training orders), a period equal to half the term of that order;

[F213](c) . . . . . .

[F213](d) . . . . . .

(e) where **[**[F214]section 266 or 279 of that Code**]** (extended sentence for certain violent **[**[F215], sexual or terrorism**]** offences: persons 18 or over) applies in relation to the custodial sentence, a period equal to **[**[F216]two-thirds of**]** the term imposed pursuant to **[**[F217]section 266(a) or 279(a) of that Code**]**[F218]...;

(f) where **[**[F219]section 254 of that Code**]** (extended sentence for certain violent **[**[F220], sexual or terrorism**]** offences: persons under 18) applies in relation to the custodial sentence, a period equal to **[**[F221]two-thirds of**]** the term imposed pursuant to **[**[F222]section 254(a) of that Code**]**[F218]...;

[[F223](fa) in the case of a sentence under **[**[F224]section 265 or 278 of that Code**]** (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to **[**[F225]section 265(2)(a) or 278(2)(a) of that Code**]**;**]**

[F226](g) . . . . . .

(h) in any other case, a period equal to half the custodial sentence imposed [F227]....

(5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

[F228](6) . . . . . .

(7) This section does not apply where—

(a) the custodial sentence was a suspended sentence, **[**[F229]or**]**

[[F230](b) the court has made a whole life order under section 321(3) of the Sentencing Code in relation to the custodial sentence.**]**

(8) Subsection (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in section **[**[F231]243A(3)(a),**]** 244(3)(a) [F232]... of the Criminal Justice Act 2003 (release of prisoners in certain circumstances) is to be read as a reference to another proportion ("the new proportion").

(9) The Secretary of State may by order—

(a) if the amending order makes provision in respect of section **[**[F233] 243A(3)(a) or**]** 244(3)(a) of that Act, provide that the proportion specified in subsection (4)(h) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion;

[F234](b) . . . . . .

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(10) An order under subsection (9) is to be made by statutory instrument and a draft of the statutory instrument containing the order must be laid before, and approved by a resolution of, each House of Parliament.

(11) In this section—

"amending order" means an order under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence);

"custodial sentence" has the meaning given by **[**[F235]section 222 of the Sentencing Code**]**;

"suspended sentence" has the meaning given by **[**[F236]section 286 of the Sentencing Code**]**.

Textual Amendments

F210 Ss. 35A, 35B inserted (13.4.2015) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 16 para. 2(2)** (with s. 180, Sch. 22 para. 29); S.I. 2015/819, art. 2(b)

F211 Words in s. 35A(4)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F212 Words in s. 35A(4)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F213 S. 35A(4)(c)(d) omitted (3.12.2012) by virtue of 2012 c. 10, Sch. 10 para. 5; S.I. 2012/2906, art. 2(h)

F214 Words in s. 35A(4)(e) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(c)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F215 Words in s. 35A(4)(e) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 6(a)** (with s. 25(3)(4))

F216 Words in s. 35A(4)(e) substituted (3.12.2012) by 2012 c. 10, Sch. 21 para. 4(2)(b); S.I. 2012/2906, art. 2(s)

F217 Words in s. 35A(4)(e) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(c)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F218 Words in s. 35A(4)(e)(f) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), **ss. 30(1)(a)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25; S.I. 2015/778, art. 3, Sch. 1 para. 25

F219 Words in s. 35A(4)(f) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(d)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F220 Words in s. 35A(4)(f) substituted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 6(b)** (with s. 25(3)(4))

F221 Words in s. 35A(4)(f) substituted (3.12.2012) by 2012 c. 10, Sch. 21 para. 4(3)(b); S.I. 2012/2906, art. 2(s)

F222 Words in s. 35A(4)(f) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(d)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F223 S. 35A(4)(fa) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 11(3)**; S.I. 2015/778, art. 3, Sch. 1 para. 72

F224 Words in s. 35A(4)(fa) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(e)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F225 Words in s. 35A(4)(fa) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(e)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F226 S. 35A(4)(g) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(2)(f)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F227 Words in s. 35A(4)(h) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), **ss. 30(1)(b)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25

F228 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

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F229 Word in s. 35A(7)(a) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(3)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F230 S. 35A(7)(b) substituted for s. 35A(7)(b)(c) (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(3)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F231 Word in s. 35A(8) inserted (3.12.2012) by 2012 c. 10, Sch. 14 para. 1(a); S.I. 2012/2906, art. 2(l)

F232 Words in s. 35A(8) omitted (3.12.2012) by virtue of 2012 c. 10, Sch. 21 para. 4(4); S.I. 2012/2906, art. 2(s)

F233 Words in s. 35A(9)(a) inserted (3.12.2012) by 2012 c. 10, Sch. 14 para. 1(b); S.I. 2012/2906, art. 2(l)

F234 S. 35A(9)(b) omitted (3.12.2012) by virtue of 2012 c. 10, Sch. 21 para. 4(5); S.I. 2012/2906, art. 2(s)

F235 Words in s. 35A(11) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(4)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F236 Words in s. 35A(11) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 102(4)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C52 S. 35A excluded by 2003 c. 32, s. 54(3A)(a) (as inserted (1.8.2017 as notified in the London Gazette dated 1.8.2017 (Issue 62012, p. 14601)) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 7 para. 2(4)** (with Sch. 7 para. 27); S.I. 2017/189, art. 3)

C53 S. 35A modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1**, 5(2)(3); S.I. 2012/1236, reg. 2

C54 S. 35A(4)(h): power to modify conferred (13.4.2015) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 22 para. 34(2)** (with s. 180); S.I. 2015/819, art. 2(c)

35B Effect of custodial sentence in other cases

(1) This section applies where a person is convicted in England and Wales of an offence for which a court proposes to order the person to be disqualified under section 34 or 35 and—

(a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or

(b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.

(2) In determining the period for which the person is to be disqualified under section 34 or 35, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.

(3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.

(4) If the court proposes to order the person to be disqualified under section 34 or 35 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of subsection (2).

(5) In this section "custodial sentence" and "suspended sentence" have the same meaning as in section 35A.**]**

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Textual Amendments

F210 Ss. 35A, 35B inserted (13.4.2015) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 16 para. 2(2)** (with s. 180, Sch. 22 para. 29); S.I. 2015/819, art. 2(b)

[F237 35C Extension of disqualification where sentence of imprisonment also imposed: Scotland

(1) This section applies where a person is convicted in Scotland of an offence for which the court—

(a) imposes a sentence of imprisonment, and

(b) orders the person to be disqualified under section 34 or 35.

(2) The order under section 34 or 35 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.

(3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 34 or 35.

(4) The appropriate extension period is—

(a) in the case of a life prisoner, a period equal to the punishment part of the life sentence;

(b) in the case of a custody and community prisoner, a period equal to half the custody part of the sentence of imprisonment;

(c) in the case of a person serving an extended sentence, a period equal to half the confinement term;

(d) in any other case, a period equal to half the sentence of imprisonment imposed.

(5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

(6) For the purposes of subsection (4), a sentence is to be taken to start on the date of commencement of the sentence.

(7) Subsection (8) applies where an amending order provides for a different proportion ("the new proportion") to be substituted for the proportion of a prisoner's sentence referred to in section 6(4)(a) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) ("the 2007 Act").

(8) The Secretary of State may by order provide that the proportion specified in subsection (4)(b) and (c) of this section is to be read, in the case of a sentence of imprisonment to which the amending order applies, as a reference to the new proportion.

(9) An order under subsection (8) is to be made by statutory instrument and a draft of the statutory instrument containing the order must be laid before, and approved by a resolution of, each House of Parliament.

(10) In this section—

"amending order" means an order made by the Scottish Ministers under section 7 of the 2007 Act;

"confinement term" has the meaning given by section 210A(2)(a) of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act");

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"custody and community prisoner" has the meaning given by section 4 of the 2007 Act;

"custody part" has the meaning given by section 6(3) of the 2007 Act;

"extended sentence" has the meaning given by section 210A of the 1995 Act;

"life prisoner" has the meaning given by section 4 of the 2007 Act;

"punishment part" has the meaning given by section 4 of the 2007 Act;

"sentence of imprisonment" includes—

(a) an order for detention in residential accommodation under section 44 of the 1995 Act, and

(b) a sentence of detention under section 205, 207 or 208 of the 1995 Act.**]**

Textual Amendments

F237 Ss. 35C, 35D inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 16 para. 2(3)** (with s. 180, Sch. 22 paras. 29, 36); S.I. 2018/733, art. 2(b)

Modifications etc. (not altering text)

C55 S. 35C excluded by 2003 c. 32, s. 54(3A)(a) (as inserted (1.8.2017 as notified in the London Gazette dated 1.8.2017 (Issue 62012, p. 14601)) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 7 para. 2(4) (with Sch. 7 para. 27); S.I. 2017/189, art. 3)

[[F237]35D Effect of sentence of imprisonment in other cases: Scotland

(1) This section applies where a person is convicted in Scotland of an offence for which a court proposes to order the person to be disqualified under section 34 or 35 and—

(a) the court proposes to impose on the person a sentence of imprisonment for another offence, or

(b) at the time of sentencing for the offence, a sentence of imprisonment imposed on the person on an earlier occasion has not expired.

(2) In determining the period for which the person is to be disqualified under section 34 or 35, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.

(3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a sentence of imprisonment.

(4) If the court proposes to order the person to be disqualified under section 34 or 35 and to impose a sentence of imprisonment for the same offence, the court may not in relation to that disqualification take that sentence of imprisonment into account for the purposes of subsection (2).

(5) In this section "sentence of imprisonment" has the same meaning as in section 35C.**]**

Textual Amendments

F237 Ss. 35C, 35D inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 16 para. 2(3)** (with s. 180, Sch. 22 paras. 29, 36); S.I. 2018/733, art. 2(b)

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[F238 36 Disqualification until test is passed.

(1) Where this subsection applies to a person the court must order him to be disqualified until he passes the appropriate driving test.

(2) Subsection (1) above applies to a person who is disqualified under section 34 of this Act on conviction of—

(a) manslaughter, or in Scotland culpable homicide, by the driver of a motor vehicle, F239...

[F240(b) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving),

(c) an offence under section 1A of that Act (causing serious injury by dangerous driving),

(d) an offence under section 2 of that Act (dangerous driving),

(e) an offence under section 3ZC of that Act (causing death by driving: disqualified drivers), or

(f) an offence under section 3ZD of that Act (causing serious injury by driving: disqualified drivers).]

(3) Subsection (1) above also applies—

(a) to a person who is disqualified under section 34 or 35 of this Act in such circumstances or for such period as the Secretary of State may by order prescribe, or

(b) to such other persons convicted of such offences involving obligatory endorsement as may be so prescribed.

(4) Where a person to whom subsection (1) above does not apply is convicted of an offence involving obligatory endorsement, the court may order him to be disqualified until he passes the appropriate driving test (whether or not he has previously passed any test).

(5) In this section—

" appropriate driving test " means—

(a) an extended driving test, where a person is convicted of an offence involving obligatory disqualification or is disqualified under section 35 of this Act,

(b) a test of competence to drive, other than an extended driving test, in any other case,

" extended driving test " means a test of competence to drive prescribed for the purposes of this section, and

" test of competence to drive " means a test prescribed by virtue of section 89(3) of the Road Traffic Act 1988.

(6) In determining whether to make an order under subsection (4) above, the court shall have regard to the safety of road users.

(7) Where a person is disqualified until he passes the extended driving test—

(a) any earlier order under this section shall cease to have effect, and

(b) a court shall not make a further order under this section while he is so disqualified.

(8) Subject to subsection (9) below, a disqualification by virtue of an order under this section shall be deemed to have expired on production to the Secretary of State of evidence, in such form as may be prescribed by regulations under section 105 of the

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Road Traffic Act 1988, that the person disqualified has passed the test in question since the order was made.

(9) A disqualification shall be deemed to have expired only in relation to vehicles of such classes as may be prescribed in relation to the test passed by regulations under that section.

[F241](10) . . . . . .

[Where a person's driving record is endorsed with particulars of a disqualification under
[F242](10A) this section, it shall also be endorsed with the particulars of any test of competence to drive that he has passed since the order of disqualification was made.**]**

(11) For the purposes of an order under this section, a person shall be treated as having passed a test of competence to drive other than an extended driving test if he passes a corresponding test conducted—

(a) under the law of Northern Ireland, the Isle of Man, any of the Channel Islands, another **[**[F243]EEA State**]**, Gibraltar or a designated country or territory [F244]. . ., or

(b) for the purposes of obtaining a British Forces licence (as defined by section 88(8) of **[**[F245]the Road Traffic Act 1988**]**);

and accordingly subsections (8) to (10) above shall apply in relation to such a test as they apply in relation to a test prescribed by virtue of section 89(3) of that Act.

[For the purposes of subsection (11) above, "designated country or territory" means a
[F246](11A) country or territory designated by order under section 108(2) of the Road Traffic Act 1988 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in section 108(1) of that Act.**]**

(12) This section is subject to section 48 of this Act.

(13) The power to make an order under subsection (3) above shall be exercisable by statutory instrument; and no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

(14) The Secretary of State shall not make an order under subsection (3) above after the end of 2001 if he has not previously made such an order.**]**

Textual Amendments

F238 S. 36 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 32**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))

F239 Word in s. 36(2)(a) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 5(2)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F240 S. 36(2)(b)-(f) substituted for s. 36(2)(b) (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 5(3)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F241 S. 36(10) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 39, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F242 S. 36(10A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 7**; S.I. 2008/3164, art. 4(b)

F243 Words in s. 36 substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 3(2)(a)**

F244 Words in s. 36(11)(a) repealed by virtue of S.I. 1996/1974, reg. 3, **Sch. 2**, para. 3(2)(b)

F245 Words in s. 36(11)(b) substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 3(3)**

F246 S. 36(11A) substituted (31.8.1998) by 1998/1917, art. 3

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Modifications etc. (not altering text)

C56 S. 36: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.** (with art. 6(5))).

37 Effect of order of disqualification.

(1) Where the holder of a licence is disqualified by an order of a court, the licence shall be treated as being revoked with effect from the beginning of the period of disqualification.

[[F247](1A) Where—

(a) the disqualification is for a fixed period shorter than 56 days **[**[F248](disregarding any extension period)**]** in respect of an offence involving obligatory endorsement, or

(b) the order is made under section 26 of this Act,

subsection (1) above shall not prevent the licence from again having effect at the end of the period of disqualification **[**[F249](including any extension period)**]**.**]**

[[F250](1B) In subsection (1A) "extension period" means an extension period added pursuant to—

(a) section 35A or 35C,

(b) section 248D of the Criminal Procedure (Scotland) Act 1995, or

(c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 **[**[F251]or section 166 of the Sentencing Code**]**.**]**

(2) Where the holder of the licence appeals against the order and the disqualification is suspended under section 39 of this Act, the period of disqualification shall be treated for the purpose of subsection (1) above as beginning on the day on which the disqualification ceases to be suspended.

(3) Notwithstanding anything in Part III of the Road Traffic Act 1988, a person disqualified by an order of a court under section **[**[F252]36**]** of this Act is (unless he is also disqualified otherwise than by virtue of such an order) entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

[[F253](4) Notwithstanding anything in Part III of the Road Traffic Act 1988, a person who holds a Community licence which authorises that person to drive motor vehicles of a particular class, but who is disqualified by an order of a court under section 36 of this Act, is (unless the person is also disqualified otherwise than by virtue of such an order) entitled to drive a motor vehicle of that class in accordance with the same conditions as if the person were authorised to drive a motor vehicle of that class by a provisional licence.**]**

Textual Amendments

F247 S. 37(1A) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 33**; S.I. 1992/1286, **art. 2**,Sch. (with art. 6(5))

F248 Words in s. 37(1A)(a) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(7)(a)** (with s. 180); S.I. 2018/733, art. 2(c)

F249 Words in s. 37(1A) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(7)(b)** (with s. 180); S.I. 2018/733, art. 2(c)

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F250 S. 37(1B) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(7)(c)** (with s. 180); S.I. 2018/733, art. 2(c)

F251 Words in s. 37(1B)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 103** (with Sch. 27); S.I. 2020/1236, reg. 2

F252 Word in s. 37(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 96**; S.I. 1992/1286, **art. 2**,Sch. (with art. 6(5))

F253 S. 37(4) added (4.1.2016) by The Road Traffic Offenders Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2015 (S.I. 2015/2004), regs. 1, **2(2)**

Modifications etc. (not altering text)

C57 S. 37: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch. (with art. 6(5))).

C58 Ss. 36(4), 37(3) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(5)**

38 Appeal against disqualification.

(1) A person disqualified by an order of a magistrates' court under section 34 or 35 of this Act may appeal against the order in the same manner as against a conviction.

(2) A person disqualified by an order of a court in Scotland may appeal against the order in the same manner as against a sentence.

Modifications etc. (not altering text)

C59 S. 38: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

39 Suspension of disqualification pending appeal.

(1) Any court in England and Wales (whether a magistrates' court or another) which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(2) The court by or before which a person disqualified by an order of a court in Scotland was convicted may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(3) Where a court exercises its power under subsection (1) or (2) above, it must send notice of the suspension to the Secretary of State.

(4) The notice must be sent in such manner and to such address and must contain such particulars as the Secretary of State may determine.

Modifications etc. (not altering text)

C60 S. 39: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

40 Power of appellate courts in England and Wales to suspend disqualification.

(1) This section applies where a person has been convicted by or before a court in England and Wales of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section—

(a) any reference to a person ordered to be disqualified is to be construed as a reference to a person so convicted and so ordered to be disqualified, and

(b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.

(2) Where a person ordered to be disqualified—

(a) appeals to the Crown Court, or

(b) appeals or applies for leave to appeal to the Court of Appeal,

against his conviction or his sentence, the Crown Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(3) Where a person ordered to be disqualified has appealed or applied for leave to appeal to the **[**[F254]Senior Courts**]** —

(a) under section 1 of the [M22]Administration of Justice Act 1960 from any decision of a Divisional Court of the Queen's Bench Division which is material to his conviction or sentence, or

(b) under section 33 of the [M23]Criminal Appeal Act 1968 from any decision of the Court of Appeal which is material to his conviction or sentence,

the Divisional Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(4) Where a person ordered to be disqualified makes an application in respect of the decision of the court in question under section 111 of the [M24]Magistrates' Courts Act 1980 (statement of case by magistrates' court) or section 28 of the **[**[F255]Senior Courts Act 1981**]** (statement of case by Crown Court) the High Court may, if it thinks fit, suspend the disqualification.

(5) Where a person ordered to be disqualified—

(a) applies to the High Court for an order of certiorari to remove into the High Court any proceedings of a magistrates' court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or

(b) applies to the High Court for leave to make such an application,

the High Court may, if it thinks fit, suspend the disqualification.

(6) Any power of a court under the preceding provisions of this section to suspend the disqualification of any person is a power to do so on such terms as the court thinks fit.

(7) Where, by virtue of this section, a court suspends the disqualification of any person, it must send notice of the suspension to the Secretary of State.

(8) The notice must be sent in such manner and to such address and must contain such particulars as the Secretary of State may determine.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

Textual Amendments

F254 Words in s. 40(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 50**; S.I. 2009/1604, art. 2(d); and said amended words subsequently substituted on the same date by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 4**; S.I. 2009/1604, art. 2(d)

F255 Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

C61 S. 40: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

Marginal Citations

M22 1960 c. 65.
M23 1968 c. 19.
M24 1980 c. 43.

41 [F256Power of appellate courts in Scotland to suspend disqualification.]

(1) This section applies where a person has been convicted by or before a court in Scotland of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this section—

(a) any reference to a person ordered to be disqualified is to be construed as a reference to a person so convicted and so ordered to be disqualified, and

(b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.

(2) Where a person ordered to be disqualified appeals [F257]..., whether on appeal against a summary conviction or a conviction on indictment or his sentence, the court **[**[F258]hearing the appeal**]** may, if it thinks fit, suspend the disqualification on such terms as it thinks fit.

The powers conferred by this subsection on the court may be exercised by any single judge of the court.

[[F259](2A) Where the court hearing the appeal is the Sheriff Appeal Court, the reference in subsection (2) to a single judge of the court is a reference to an Appeal Sheriff.**]**

(3) Where, by virtue of this section, the **[**[F260]court hearing the appeal**]** suspends the disqualification of any person, it must send notice of the suspension to the Secretary of State.

(4) The notice must be sent in such manner and to such address and must contain such particulars as the Secretary of State may determine.

Textual Amendments

F256 S. 41 title substituted (S.) (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **sch. 2 para. 2(5)** (with art. 4)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

F257 Words in s. 41(2) repealed (S.) (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **sch. 2 para. 2(2)(a)** (with art. 4)

F258 Words in s. 41(2) inserted (S.) (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **sch. 2 para. 2(2)(b)** (with art. 4)

F259 S. 41(2A) inserted (S.) (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **sch. 2 para. 2(3)** (with art. 4)

F260 Words in s. 41(3) substituted (S.) (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **sch. 2 para. 2(4)** (with art. 4)

Modifications etc. (not altering text)

C62 S. 41: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

F261[41A Suspension of disqualification pending determination of applications under section 34B.

(1) Where a person makes an application to a court under section 34B of this Act, the court may suspend the disqualification to which the application relates pending the determination of the application.

(2) Where a court exercises its power under subsection (1) above it must send notice of the suspension to the Secretary of State.

(3) The notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.**]**

Textual Amendments

F261 S. 41A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.97**; S.I. 1992/1286, art. 2, **Sch.**

Modifications etc. (not altering text)

C63 Ss. 34 - 48: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)

42 Removal of disqualification.

(1) Subject to the provisions of this section, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification.

(2) On any such application the court may, as it thinks proper having regard to—

(a) the character of the person disqualified and his conduct subsequent to the order,

(b) the nature of the offence, and

(c) any other circumstances of the case,

either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

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(3) No application shall be made under subsection (1) above for the removal of a disqualification before the expiration of whichever is relevant of the following periods from **[**[F262]the relevant date**]**, that is—

(a) two years, if the disqualification is for less than four years **[**[F263](disregarding any extension period)**]**,

(b) one half of the **[**[F264]period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period)**]** for less than ten years but not less than four years,

(c) five years in any other case;

and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

[[F265](3A) In subsection (3) "the relevant date" means—

(a) the date of the order imposing the disqualification in question, or

(b) if the period of the disqualification is extended by an extension period, the date in paragraph (a) postponed by a period equal to that extension period.**]**

[[F266](3B) Extension period" means an extension period added pursuant to—

(a) section 35A or 35C,

(b) section 248D of the Criminal Procedure (Scotland) Act 1995, or

(c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 **[**[F267]or section 166 of the Sentencing Code**]**.**]**

(4) Where an application under subsection (1) above is refused, a further application under that subsection shall not be entertained if made within three months after the date of the refusal.

(5) If under this section a court orders a disqualification to be removed, the court—

[[F268](a) must send notice of the order to the Secretary of State,**]**

(b) may in any case order the applicant to pay the whole or any part of the costs of the application.

[[F269](5A) [F270]. . . . . .

[[F271](5AA) If the disqualification was imposed in respect of an offence involving obligatory endorsement, the Secretary of State must, on receiving notice of an order under subsection **[**[F272](5)(a)**]** above, make any necessary adjustments to the endorsements on the person's driving record to reflect the order.**]**

(5B) A notice under subsection **[**[F273](5)(a)**]** above must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.**]**

(6) The preceding provisions of this section shall not apply where the disqualification was imposed by order under section 36(1) of this Act.

Textual Amendments

F262 Words in s. 42(3) substituted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(8)(a)(i)** (with s. 180); S.I. 2018/733, art. 2(c)

F263 Words in s. 42(3)(a) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(8)(a)(ii)** (with s. 180); S.I. 2018/733, art. 2(c)

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F264 Words in s. 42(3)(b) substituted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(8)(a)(iii)** (with s. 180); S.I. 2018/733, art. 2(c)

F265 S. 42(3A) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(8)(b)** (with s. 180); S.I. 2018/733, art. 2(c)

F266 S. 42(3B) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(8)(c)** (with s. 180); S.I. 2018/733, art. 2(c)

F267 Words in s. 42(3B)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 104** (with Sch. 27); S.I. 2020/1236, reg. 2

F268 S. 42(5)(a) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 40(2)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F269 S. 42(5A)(5B) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 98**; S.I. 1992/1286, art. 2, **Sch.**

F270 S. 42(5A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 40(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F271 S. 42(5AA) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 8(4)**; S.I. 2008/3164, art. 4(b)

F272 Word in s. 42(5AA) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 40(4)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F273 Word in s. 42(5B) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 40(5)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

Modifications etc. (not altering text)

C64 S. 42 modified by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(6)**

C65 S. 42: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.)

C66 S. 42(5) excluded by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 44(3)**(*b*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 11(c)**)

C67 S. 42(5) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

S. 42(5) applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(c)**

C68 S. 42(6) extended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 5, **Sch. 4 para. 7(5)**

43 Rule for determining end of period of disqualification.

In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Modifications etc. (not altering text)

C69 S. 43: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

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Endorsement

44 [F274Orders for endorsement]

(1) Where a person is convicted of an offence involving obligatory endorsement, the court must order there to be endorsed on [F275his driving record] particulars of the conviction and also—

(a) if the court orders him to be disqualified, particulars of the disqualification, or

(b) if the court does not order him to be disqualified—

(i) particulars of the offence, including the date when it was committed, and

(ii) the penalty points to be attributed to the offence.

(2) Where the court does not order the person convicted to be disqualified, it need not make an order under subsection (1) above if for special reasons it thinks fit not to do so.

(3) In relation to Scotland, references in this section to the court include the [F276justice of the peace court].

F277(3A) . . . . . .

(4) This section is subject to section 48 of this Act.

Textual Amendments

F274 S. 44 heading substituted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(2)(b)**, 61(1)(8)(10); S.I. 2008/3164, art. 4(b)

F275 Words in s. 44(1) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(2)(a)**, 61(1)(10) (with s. 61(3)); S.I. 2015/560, art. 3(a) (with arts. 4-9)

F276 Words in s. 44(3) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), s. 84(1), **sch. para. 7(d)**; S.S.I. 2008/42, art. 3, sch.; S.S.I. 2008/192, art. 3, sch.; S.S.I. 2008/329, art. 3, sch.; S.S.I. 2008/362, art. 3, sch.; S.S.I. 2009/432, art. 3, sch. 1, sch. 2

F277 S. 44(3A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), ss. 10(2)(b), 61(1)(10), **Sch. 7(4)** (with s. 61(3)); S.I. 2015/560, art. 3 (with arts. 4-9)

Modifications etc. (not altering text)

C70 S. 44: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

[F278 44A Endorsement of driving record in accordance with order

(1) Where the court orders the endorsement of a person's driving record with any particulars or penalty points it must send notice of the order to the Secretary of State.

(2) On receiving the notice, the Secretary of State must endorse those particulars or penalty points on the person's driving record.

(3) A notice sent by the court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may require.]

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F278 S. 44A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(3)**, 61(1)(8)(10); S.I. 2008/3164, art. 4(b)

[F280]45 Effect of endorsement [[F279]of counterparts].

. . . . . .

Textual Amendments

F279 Words in s. 45 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 9(3)**; S.I. 2008/3164, art. 4(b)

F280 S. 45 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 41, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[[F281]45A Effect of endorsement of driving records

(1) An order that any particulars or penalty points are to be endorsed on a person's driving record shall operate as an order that his driving record is to be so endorsed until the end of the period for which the endorsement remains effective.

(2) At the end of the period for which the endorsement remains effective the Secretary of State must remove the endorsement from the person's driving record.

[[F282](3) An endorsement ordered on a person's conviction of an offence remains effective (subject to subsections (4) and (5) below)—

(a) if an order is made for the disqualification of the offender, until four years have elapsed since the conviction, and

(b) if no such order is made, until either—

(i) four years have elapsed since the commission of the offence, or

(ii) an order is made for the disqualification of the offender under section 35 of this Act.

[[F283](4) Where the offence was under one of the following sections of the Road Traffic Act 1988, the endorsement remains effective until four years have elapsed since the conviction—

(a) section 1 (causing death by dangerous driving),

(b) section 1A (causing serious injury by dangerous driving),

(c) section 2 (dangerous driving),

(d) section 3ZC (causing death by driving: disqualified drivers), or

(e) section 3ZD (causing serious injury by driving: disqualified drivers).**]**

(5) Where the offence was one—

(a) under section 3A, 4(1) **[**[F284], 5(1)(a) or 5A(1)(a) and (2)**]** of that Act (driving offences connected with drink or drugs),

(b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification, or

(c) under section 7A(6) of that Act (failing to allow a specimen to be subjected to laboratory test),

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the endorsement remains effective until eleven years have elapsed since the conviction.**]]**

Textual Amendments

F281 S. 45A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 10**; S.I. 2008/3164, art. 4(b)

F282 S. 45A(3)-(5) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 42**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F283 S. 45A(4) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 7** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F284 Words in s. 45A(5)(a) substituted (7.4.2015) by The Crime and Courts Act 2013 (Consequential Amendments) (No.2) Order 2015 (S.I. 2015/733), arts. 1(3), **2(3)** (with art. 1(6))

General

46 Combination of disqualification and endorsement with probation orders and orders for discharge. E+W

(1) Notwithstanding anything in **[**[F285]section 82(4) of the Sentencing Code**]** (conviction of offender [F286]. . . discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England and Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes—

[F287](a) . . . . . .

(b) an order discharging him absolutely or conditionally,

may on that occasion also exercise any power conferred, and must also discharge any duty imposed, on the court by sections 34, 35, 36 **[**[F288], 44 or 44A**]** of this Act.

(2) A conviction—

(a) in respect of which a court in England and Wales has ordered a person to be disqualified, or

(b) of which particulars have been endorsed on [F289]... **[**[F290] his driving record**]**,

is to be taken into account, notwithstanding anything in **[**[F291]section 82(2) of the Sentencing Code**]** (conviction of offender [F292]. . . discharged to be disregarded for the purpose of subsequent proceedings), in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

(3) Where—

(a) a person is charged in Scotland with an offence involving obligatory or discretionary disqualification, and

(b) the court makes an order in respect of the offence under **[**[F293]section 228 (probation) or 246(2) or (3) (absolute discharge) of the Criminal Procedure (Scotland) Act 1995**]**

then, for the purposes of sections 34, 35, 36, 44 [F294]**[**[F295]... and 45A**]** of this Act, he shall be treated as if he had been convicted of an offence of the kind in question and **[**[F296]section 247 of that Act shall not apply**]**.

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Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

F285 Words in s. 46(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 105(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F286 Words in s. 46(1) repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, 39:1), ss. 100, 101(2), Sch. 11 para. 38(1), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F287 S. 46(1)(a) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 54, **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(22), 44(4)(h) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F288 Words in s. 46(1) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(2)**; S.I. 2008/3164, art. 4(b)

F289 Words in s. 46(2)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 43, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F290 Words in s. 46(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(3)**; S.I. 2008/3164, art. 4(b)

F291 Words in s. 46(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 105(3)** (with Sch. 27); S.I. 2020/1236, reg. 2

F292 Words in s. 46(2) repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, 101(2), Sch. 11 para. 38(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F293 Words in s. 46(3)(b) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)(a)**

F294 Word in s. 46(3) 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. 3(c)**

F295 Words in s. 46(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(4)**; S.I. 2008/3164, art. 4(b)

F296 Words in s. 46 substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)(b)**

Modifications etc. (not altering text)

C71 S. 46: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)**(inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

46 Combination of disqualification and endorsement with probation orders and orders for discharge. S

(1) Notwithstanding anything in section 13(3) of the [M45]Powers of Criminal Courts Act 1973 (conviction of offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England and Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes—

[F287](a) . . . . . .

(b) an order discharging him absolutely or conditionally,

may on that occasion also exercise any power conferred, and must also discharge any duty imposed, on the court by sections 34, 35, 36 **[**[F288], 44 or 44A**]** of this Act.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

(2) A conviction—

(a) in respect of which a court in England and Wales has ordered a person to be disqualified, or

(b) of which particulars have been endorsed on [F289]... **[**[F290] his driving record**]**

is to be taken into account, notwithstanding anything in section 13(1) of the Powers of Criminal Courts Act 1973 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

(3) Where—

(a) a person is charged in Scotland with an offence involving obligatory or discretionary disqualification, and

(b) the court makes an order in respect of the offence under [F800]**[**[F801]... 246(2) or (3) (absolute discharge) of the Criminal Procedure (Scotland) Act 1995**]**

then, for the purposes of sections 34, 35, 36, 44 [F294]**[**[F295]... and 45A**]** and 45 of this Act, he shall be treated as if he had been convicted of an offence of the kind in question and **[**[F802]section 247 of that Act shall not apply**]**.

Extent Information

E3 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

F287 S. 46(1)(a) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 54, **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(22), 44(4)(h) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

F288 Words in s. 46(1) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(2)**; S.I. 2008/3164, art. 4(b)

F289 Words in s. 46(2)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 43, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F290 Words in s. 46(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(3)**; S.I. 2008/3164, art. 4(b)

F294 Word in s. 46(3) 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. 3(c)**

F295 Words in s. 46(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 11(4)**; S.I. 2008/3164, art. 4(b)

F800 Words in s. 46(3)(b) repealed (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 2 para. 37**; S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

F801 Words in s. 46(3)(b) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)(a)**

F802 Words in s. 46(7) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(7)**

Modifications etc. (not altering text)

C92 S. 46: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

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Marginal Citations

M45 1973 c. 62.

47 Supplementary provisions as to disqualifications and endorsements.

(1) In any case where a court exercises its power under section 34, 35 or 44 of this Act not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it must state the grounds for doing so in open court and, if it is a magistrates' court or, in Scotland, a court of summary jurisdiction, must cause them to be entered in the register (in Scotland, record) of its proceedings.

[[F297](2) Where a court orders the endorsement of a person's driving record it may, and where a court orders a person to be disqualified for a period of 56 days or more **[**[F298] (disregarding any extension period)**]** it must, send any licence of the person that is produced to the court, to the Secretary of State.**]**

[[F299](2ZA) In subsection (2) "extension period" means an extension period added pursuant to—

(a) section 35A or 35C,

(b) section 248D of the Criminal Procedure (Scotland) Act 1995, or

[[F300](c) section 166 of the Sentencing Code.**]]**

[[F301](2A) Subsection (2) above is subject to section 2(2) of and paragraph 7(2) of Schedule 1 to the Road Traffic (New Drivers) Act 1995 (obligation of court to send licence [F302]... to the Secretary of State).**]**

(3) Where on an appeal against **[**[F303]an order for the endorsement of [F304]...**[**[F305] a driving record**]** or the disqualification of a person**]** the appeal is allowed, the court by which the appeal is allowed must send notice of that fact to the Secretary of State.

[[F306](3A) On receiving such a notice [F307]... the Secretary of State must make any necessary adjustments to the endorsements on the person's driving record to reflect the outcome of the appeal.**]**

(4) A notice sent by a court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine, and a licence [F308]... so sent in pursuance of this section must be sent to such address as the Secretary of State may determine.

Textual Amendments

F297 S. 47(2) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 44(2)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F298 Words in s. 47(2) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(9)(a)** (with s. 180); S.I. 2018/733, art. 2(c)

F299 S. 47(2ZA) inserted (16.7.2018) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 21 para. 90(9)(b)** (with s. 180); S.I. 2018/733, art. 2(c)

F300 S. 47(2ZA)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 106** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F301 S. 47(2A) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 4** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

F302 Words in s. 47(2A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 44(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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F303 Words in s. 47(3) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 100(3)**; S.I. 1992/1286, art. 2, **Sch.**

F304 Words in s. 47(3) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 44(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F305 Words in s. 47(3) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 12(2)**; S.I. 2008/3164, art. 4(b)

F306 S. 47(3A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 12(3)**; S.I. 2008/3164, art. 4(b)

F307 Words in s. 47(3A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 44(5), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F308 Words in s. 47(4) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 44(6), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

Modifications etc. (not altering text)

C72 S. 47: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).
S. 47 applied (with modifications) (12.11.1999) by S.I. 1999/2864, **reg. 80(5)(d)**

C73 S. 47(2) applied with modifications by S.I. 1987/1378, **reg. 25(3)** (as amended by S.I. 1990/842, **reg. 9**)

C74 S. 47(2) modified (temp.) (13.4.2015) by Coroners and Justice Act 2009 (c. 25), s. 182(5), Sch. 22 paras. 30, **33** (with s. 180); S.I. 2015/819, art. 2(c)

C75 S. 47(4) applied by Criminal Justice Act 1972 (c. 71, SIF 39:1), **s. 24(3)(b)** (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 10(b)**)

C76 S. 47(4) applied by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **s. 44(3)**(*b*) (as amended by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 11(c)**)

[F309][48 Exemption from disqualification and endorsement for certain construction and use offences.

(1) Where a person is convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) the court must not—
   (a) order him to be disqualified, or
   (b) order any particulars or penalty points to be endorsed on [F310]...[[F311] his driving record],

   if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.

(2) Where a person is convicted of an offence under section 41A of the Road Traffic Act 1988 (breach of requirement as to brakes, steering-gear or tyres) the court must not—
   (a) order him to be disqualified, or
   (b) order any particulars or penalty points to be endorsed on [F310]...[[F311] his driving record],

   if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.

[F312](3) . . . . . .]

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Textual Amendments

F309 S. 48 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.101**; S.I. 1992/1286, **art. 2**,Sch.

F310 Words in s. 48(1)(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 45(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F311 Words in s. 48(1)(b)(2)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 13**; S.I. 2008/3164, art. 4(b)

F312 S. 48(3) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 45(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

Modifications etc. (not altering text)

C77 S. 48: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

49 Offender escaping consequences of endorseable offence by deception.

(1) This section applies where in dealing with a person convicted of an offence involving obligatory endorsement a court was deceived regarding any circumstances that were or might have been taken into account in deciding whether or for how long to disqualify him.

(2) If—

(a) the deception constituted or was due to an offence committed by that person, and

(b) he is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties regarding an order for disqualification as had the court which dealt with him for the offence involving obligatory endorsement but must, in dealing with him, take into account any order made on his conviction of the offence involving obligatory endorsement.

50 Powers of district court in Scotland.

Nothing in section 10 of this Act empowers a district court in Scotland in respect of any offence—

(a) to impose—

(i) a penalty of imprisonment which exceeds sixty days, or

(ii) a fine which exceeds level 4 on the standard scale, [F313]...

[F313](b) . . . . . .

Textual Amendments

F313 S. 50(b) and word repealed (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007 (S.I. 2007/3480), arts. 1(1), **2(1)(c)**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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PART III

FIXED PENALTIES

Modifications etc. (not altering text)

C78 Pt. III (ss. 51–90) amended by (E.W.) S.I. 1990/335, **art. 2(1)** and (S.) S.I. 1990/466, **art. 2(1)**
Pt. III (ss. 51-90) amended (1.8.1999) by S.I. 1999/1851, **art. 2(1)**

C79 Pt. III modified (16.8.2013) by The Fixed Penalty Offences Order 2013 (S.I. 2013/1565), arts. 1, **2**

C80 Definition in Pt. III (ss. 51-90) applied (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **ss. 18(7)(b)**, 101(1) (with Sch. 12 para. 6); S.I. 1992/333, art. 2(2), **Sch.2**

Introductory

51 Fixed penalty offences.

(1) Any offence in respect of a vehicle under an enactment specified in column 1 of Schedule 3 to this Act is a fixed penalty offence for the purposes of this Part of this Act, but subject to subsection (2) below and to any limitation or exception shown against the enactment in column 2 (where the general nature of the offence is also indicated).

(2) An offence under an enactment so specified is not a fixed penalty offence for those purposes if it is committed by causing or permitting a vehicle to be used by another person in contravention of any provision made or restriction or prohibition imposed by or under any enactment.

(3) The Secretary of State may by order provide for offences to become or (as the case may be) to cease to be fixed penalty offences for the purposes of this Part of this Act, and may make such modifications of the provisions of this Part of this Act as appear to him to be necessary forthe purpose.

52 Fixed penalty notices.

(1) In this Part of this Act "fixed penalty notice" means a notice offering the opportunity of the discharge of any liability to conviction of the offence to which the notice relates by payment of a fixed penalty in accordance with this Part of this Act.

(2) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

(3) A fixed penalty notice must state—

(a) the period during which, by virtue of section 78(1) of this Act, proceedings cannot be brought against any person for the offence to which the notice relates, being the period of twenty-one days following the date of the notice or such longer period (if any) as may be specified in the notice (referred to in this Part of this Act as the "suspended enforcement period"),

(b) the amount of the fixed penalty, and

(c) **[**[F314]the person to**]** whom and the address at which the fixed penalty may be paid.

[F315](4) . . . . . .

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F314 Words in s. 52(3)(c) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 2**; S.I. 2008/3164, art. 3(b)

F315 S. 52(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

[F316[53 Amount of fixed penalty.

(1) The fixed penalty for an offence is—

(a) such amount as the Secretary of State may by order prescribe, or

(b) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction **[**[F317]or, where there is no such maximum amount, the amount corresponding to level 4 on the standard scale for summary offences**]**,

whichever is the less.

[[F318](2) Any order made under subsection (1)(a) above in relation to an offence may make provision for the fixed penalty for the offence to be different depending on the circumstances, including (in particular)—

(a) the nature of the contravention or failure constituting the offence,

(b) how serious it is,

(c) the area, or sort of place, where it takes place, and

(d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.**]]**

Textual Amendments

F316 S. 53 substituted (1.4.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.102**; S.I. 1992/199, **arts. 3(2)(b)**, 4; but see S.I.1992/435 for an expressed substitution (S.) (1.4.1992) of penalties in the previous form of s. 53

F317 Words in s. 53(1)(b) inserted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 5 para. 5** (with reg. 5(1))

F318 S. 53(2) substituted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 3(2)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 2(a)

Giving notices to suspected offenders

54 Notices on-the-spot [F319etc.].

(1) This section applies where **[**[F320]in England and Wales**]** on any occasion a constable in uniform **[**[F321], or a vehicle examiner who produces his authority,**]** has reason to believe that a person he finds

[[F322](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 **[**[F323]the following provisions of this section**]** , the constable **[**[F324]or vehicle examiner**]** may give him a fixed penalty notice in respect of the offence.

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[[F325](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, and

(b) in the case of a person who is the holder of a licence, he produces it for inspection by the constable or vehicle examiner and surrenders it to him to be retained and dealt with in accordance with this Part of this Act.

(4) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, subsection (5) below applies if—

(a) the constable or vehicle examiner is unable to satisfy himself, by 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, or

(b) in the case of a person who is the holder of a licence, he does not produce it for inspection by the constable or vehicle examiner.

(5) Where this subsection applies, the constable or vehicle examiner may give the person a notice stating that if—

(a) he delivers the notice and (if he is the holder of a licence) his licence in accordance with subsection (5A) below, and

(b) the requirements of subsection (5B) below are met,

he will then be given a fixed penalty notice in respect of the offence.

(5A) Delivery must—

(a) if the notice is given by a constable, be made in person, within seven days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or

(b) if the notice is given by a vehicle examiner, be made (either by post or in person), within fourteen days after the notice is given, to the Secretary of State at the place specified in the notice.

(5B) If a person to whom a notice has been given under subsection (5) above delivers the notice and (if he is the holder of a licence) his licence in accordance with subsection (5A) above, and the following requirements are met, that is—

(a) the person to whom the notice is delivered 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 the offence, and

(b) if he is the holder of a licence, it is delivered to be retained and dealt with in accordance with this Part of this Act,

the person to whom the notice is delivered must give him a fixed penalty notice in respect of the offence to which the notice under subsection (5) above relates.**]**

(6) A notice under subsection **[**[F326](5)**]** above shall give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

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(7) A licence [F327]... surrendered **[**[F328]or delivered**]** in accordance with this section must be sent to the fixed penalty clerk **[**[F329]if the fixed penalty notice was given by a constable or authorised person**]**.

[F330](8) . . . . . .

[[F331](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, another member State or a contracting third country.

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

(9) In this Part of this Act "authorised person", in relation to a fixed penalty notice given at a police station, means a person authorised for the purposes of this section by or on behalf of the chief officer of police for the area in which the police station is situated **[**[F332]or a person authorised for those purposes by or on behalf of the chief constable of the British Transport Police**]**.

[[F333](10) In determining for the purposes of **[**[F334]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

F319 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)

F320 Words in s. 54(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 103(2)**; S.I. 1992/1286, art. 2, **Sch.**

F321 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)

F322 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)

F323 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)

F324 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)

F325 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)

F326 Word in s. 54(6) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(5)**, 61(1)(10); S.I. 2015/560, art. 3(a) (with arts. 4-9)

F327 Words in s. 54(7) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), ss. 10(6), 61(1)(10), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

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F328 Words in s. 54(7) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(8)(a)**; S.I. 2008/3164, art. 3(b)

F329 Words in s. 54(7) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(8)(b)**; S.I. 2008/3164, art. 3(b)

F330 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

F331 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)

F332 Words in s. 54(9) inserted (1.10.2002) by 2002 c. 30, **s. 76(2)**; S.I. 2002/2306, **art. 2(d)(vii)**

F333 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.**

F334 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)

C81 S. 54 extended (*prosp.*) by 2002 c. 30, ss. 41, 108(2)-(5), **Sch. 5 para. 1(2)(a)**

C82 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)**

55 Effect of fixed penalty notice given under section 54.

(1) This section applies where a fixed penalty notice relating to an offence has been given to any person under section 54 of this Act, and references in this section to the recipient are to the person to whom the notice was given.

(2) No proceedings shall be brought against the recipient for the offence to which the fixed penalty notice relates unless before the end of the suspended enforcement period he has given notice requesting a hearing in respect of that offence in the manner specified in the fixed penalty notice.

(3) Where—

(a) the recipient has not given notice requesting a hearing in respect of the offence to which the fixed penalty notice relates in the manner so specified, and

(b) the fixed penalty has not been paid in accordance with this Part of this Act before the end of the suspended enforcement period,

a sum equal to the fixed penalty plus one–half of the amount of that penalty may be registered under section 71 of this Act for enforcement against the recipient as a fine.

56 Licence receipts.

(1) A **[**[F335]person**]** to whom a person surrenders **[**[F336]or delivers**]** his licence [F337]... on receiving a fixed penalty notice given to him under section 54 of this Act must issue a receipt for the licence [F337]... under this section.

(2) **[**[F338]Where the duty in section 54(7) of this Act applies, the**]** fixed penalty clerk may, on the application of a person who has surrendered **[**[F339]or delivered**]** his licence [F337]... in those circumstances, issue a new receipt for **[**[F340]it**]**.

(3) A receipt issued under this section ceases to have effect—

(a) if issued **[**[F341]under subsection (1) above**]**, on the expiration of the period of one month beginning with the date of issue or such longer period as may be prescribed, and

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(b) if issued **[**[F342]under subsection (2) above**]**, on such date as he may specify in the receipt,

or, if earlier, on the return of the licence [F337]... to the licence holder.

Textual Amendments

F335 Word in s. 56(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(2)(a)**; S.I. 2008/3164, art. 3(b)

F336 Words in s. 56(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(2)(b)**; S.I. 2008/3164, art. 3(b)

F337 Words in s. 56 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 46(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F338 Words in s. 56(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(3)(a)**; S.I. 2008/3164, art. 3(b)

F339 Words in s. 56(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(3)(b)**; S.I. 2008/3164, art. 3(b)

F340 Word in s. 56(2) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 46(3)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F341 Words in s. 56(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(4)(a)**; S.I. 2008/3164, art. 3(b)

F342 Words in s. 56(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 4(4)(b)**; S.I. 2008/3164, art. 3(b)

[F344]57 Endorsement of [[F343]counterparts] without hearings.

. . . . . .

Textual Amendments

F343 Word in s. 57 heading substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 15(3)**; S.I. 2008/3164, art. 4(b)

F344 S. 57 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), ss. 10(7), 61(1)(10), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[[F345]57A Endorsement of driving records without hearings

(1) Subject to subsection (2) below, where a person [F346]... has been given a fixed penalty notice under section 54 of this Act in respect of an offence involving obligatory endorsement, his driving record may be endorsed in accordance with this section without any order of a court.

(2) A person's driving record may not be endorsed under this section if at the end of the suspended enforcement period—

(a) he has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and

(b) the fixed penalty has not been paid in accordance with this Part of this Act.

(3) If payment of the fixed penalty is made before the end of the suspended enforcement period and the person to whom the payment is made is the fixed penalty clerk, the fixed penalty clerk must send to the Secretary of State notice of the relevant particulars

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which are to be endorsed on the person's driving record **[**[F347]and return to that person any licence surrendered by him under section 54 of this Act.**]**

(4) Where any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the person as a fine in a case where the fixed penalty is required to be paid to the fixed penalty clerk, the fixed penalty clerk must send to the Secretary of State notice of the relevant particulars which are to be endorsed on the person's driving record **[**[F348]and return to that person any licence surrendered by him under section 54 of this Act**]**—

(a) if he is himself the person who registers the sum, on the registration of that sum, and

(b) in any other case, on being notified of the registration by the person who registers that sum.

(5) The Secretary of State must endorse the relevant particulars on the person's driving record if—

(a) he receives notice of them under subsection (3) or (4) above,

(b) the fixed penalty is paid to him before the end of the suspended enforcement period, or

(c) in a case where the fixed penalty is required to be paid to the Secretary of State, any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the person as a fine.

(6) References in this section to the relevant particulars are to—

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.**]**

Textual Amendments

F345 S. 57A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 9(5)**, 61(1)(8)(10) (with s. 61(3)); S.I. 2008/3164, art. 4(b)

F346 Words in s. 57A(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), ss. 10(9), 61(1)(10), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F347 Words in s. 57A(3) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(10)**, 61(1)(10); S.I. 2015/560, art. 3(a) (with arts. 4-9)

F348 Words in s. 57A(4) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(11)**, 61(1)(10); S.I. 2015/560, art. 3(a) (with arts. 4-9)

[F350]58 Effect of endorsement [[F349]of counterpart] without hearing.

. . . . . .

Textual Amendments

F349 Words in s. 58 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 16**; S.I. 2008/3164, art. 4(b)

F350 S. 58 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 47, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

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[[F351]58A Effect of endorsement of driving record without hearing

(1) Where a person's driving record is endorsed under section 57A of this Act he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—

(a) he had been convicted of the offence,

(b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and

(c) the particulars of the offence endorsed by virtue of section 57A(6)(a) of this Act were particulars of his conviction of that offence.

(2) In relation to any endorsement of a person's driving record under section 57A of this Act, the references in section 13(4) of this Act to any order made on a person's conviction are to be read as references to the endorsement itself.**]**

Textual Amendments

F351 S. 58A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 17**; S.I. 2008/3164, art. 4(b)

PROSPECTIVE

[F352]59 Notification of court and date of trial in England and Wales.

. . . . . .

Textual Amendments

F352 S. 59 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

[F353]60 . . . . . .

Textual Amendments

F353 S. 60 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

Modifications etc. (not altering text)

C83 S. 60 expressed to be amended (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(8)(a)(b)(c)(i)(ii)**

[F355]61 Fixed penalty notice mistakenly given [[F354]to licence holder]: exclusion of fixed penalty procedures.

. . . . . .

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Textual Amendments

F354 Words in s. 61 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 18**; S.I. 2008/3164, art. 4(b)

F355 S. 61 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 48, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[F356 61A Fixed penalty notice mistakenly given F357...: exclusion of fixed penalty procedures

(1) This section applies where, on accessing information held on the driving record of a person to whom a fixed penalty notice was given under section 54 of this Act, F358... it appears to the fixed penalty clerk or the Secretary of State that the person would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The person's driving record must not be endorsed under section 57A of this Act.

(3) In a case where the fixed penalty is required to be paid to the fixed penalty clerk he must not send notice to the Secretary of State under section 57A of this Act but instead must notify the chief officer of police that the person to whom the fixed penalty notice was given would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given **[**F359and send the chief officer of police any licence sent to him under section 54(7) of this Act.**]**

(4) Nothing in this Part of this Act prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of six months beginning with the date on which that notice was given.

(5) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(6) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of this Part of this Act by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—
   (a) the registration under section 71 of this Act of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person to whom the fixed penalty notice was given, and
   (b) any proceedings for enforcing payment of any such sum within the meaning of sections 73 and 74 of this Act (defined in section 74(5))).

(7) In determining for the purposes of subsection (1) above 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 1 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.**]**

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Textual Amendments

F356 S. 61A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 19**; S.I. 2008/3164, art. 4(b)

F357 Words in s. 61A heading repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 49(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F358 Words in s. 61A(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 49(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F359 Words in s. 61A(3) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 49(3)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

Notices fixed to vehicles

62 Fixing notices to vehicles.

(1) Where on any occasion a constable **[**[F360]or a vehicle examiner**]** has reason to believe in the case of any stationary vehicle that a fixed penalty offence is being or has on that occasion been committed in respect of it, he may fix a fixed penalty notice in respect of the offence to the vehicle unless the offence appears to him to involve obligatory endorsement.

(2) A person is guilty of an offence if he removes or interferes with any notice fixed to a vehicle under this section, unless he does so by or under the authority of the driver or person in charge of the vehicle or the person liable for the fixed penalty offence in question.

Textual Amendments

F360 Words in s. 62(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 7**; S.I. 2008/3164, art. 3(b)

63 Service of notice to owner if penalty not paid.

(1) This section applies where a fixed penalty notice relating to an offence has been fixed to a vehicle under section 62 of this Act.

(2) Subject to subsection (3) below, if at the end of the suspended enforcement period the fixed penalty has not been paid in accordance with this Part of this Act, a notice under this section may be served by or on behalf of the **[**[F361]relevant person**]** on any person who appears to him (or to any person authorised to act on his behalf for the purposes of this section) to be the owner of the vehicle.

Such a notice is referred to in this Part of this Act as a "notice to owner".

[[F362](2A) In this section "the relevant person" means—

(a) if the fixed penalty notice was fixed by a constable, the chief officer of police, and

(b) if it was fixed by a vehicle examiner, the Secretary of State.**]**

(3) Subsection (2) above does not apply where before the end of the suspended enforcement period—

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(a) any person has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice, and

(b) the notice so given contains a statement by that person to the effect that he was the driver of the vehicle at the time when the offence is alleged to have been committed.

That time is referred to in this Part of this Act as the "time of the alleged offence".

(4) A notice to owner—

(a) must give particulars of the alleged offence and of the fixed penalty concerned,

(b) must state the period allowed for response to the notice, and

(c) must indicate that, if the fixed penalty is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period to the **[**[F363]relevant person**]** a statutory statement of ownership (as defined in Part I of Schedule 4 to this Act).

(5) For the purposes of this Part of this Act, the period allowed for response to a notice to owner is the period of twenty-one days from the date on which the notice is served, or such longer period (if any) as may be specified in the notice.

(6) A notice to owner relating to any offence must indicate that the person on whom it is served may, before the end of the period allowed for response to the notice, either—

(a) give notice requesting a hearing in respect of the offence in the manner indicated by the notice, or

(b) if—

(i) he was not the driver of the vehicle at the time of the alleged offence, and

(ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, together with a statutory statement of ownership provided as requested in that notice, a statutory statement of facts (as defined by Part II of Schedule 4 to this Act) having the effect referred to in paragraph 3(2) of that Schedule (that is, as a notice requesting a hearing in respect of the offence given by the driver).

(7) In any case where a person on whom a notice to owner relating to any offence has been served provides a statutory statement of facts in pursuance of subsection (6)(b) above—

(a) any notice requesting a hearing in respect of the offence that he purports to give on his own account shall be of no effect, and

(b) no sum may be registered for enforcement against him as a fine in respect of the offence unless, within the period of two months immediately following the period allowed for response to the notice to owner, no summons or, in Scotland, complaint in respect of the offence in question is served on the person identified in the statement as the driver.

Textual Amendments

F361 Words in s. 63(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 8(2)**; S.I. 2008/3164, art. 3(b)

F362 S. 63(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 8(3)**; S.I. 2008/3164, art. 3(b)

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F363 Words in s. 63(4)(c) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 8(4)**; S.I. 2008/3164, art. 3(b)

64 Enforcement or proceedings against owner.

(1) This section applies where—

(a) a fixed penalty notice relating to an offence has been fixed to a vehicle under section 62 of this Act,

(b) a notice to owner relating to the offence has been served on any person under section 63(2) of this Act before the end of the period of six months beginning with the day on which the fixed penalty notice was fixed to the vehicle, and

(c) the fixed penalty has not been paid in accordance with this Part of this Act before the end of the period allowed for response to the notice to owner.

(2) Subject to subsection (4) below and to section 63(7)(b) of this Act, a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered under section 71 of this Act for enforcement against the person on whom the notice to owner was served as a fine.

(3) Subject to subsection (4) below and to section 65 of this Act, proceedings may be brought in respect of the offence against the person on whom the notice to owner was served.

(4) If the person on whom the notice to owner was served—

(a) was not the owner of the vehicle at the time of the alleged offence, and

(b) provides a statutory statement of ownership to that effect in response to the notice before the end of the period allowed for response to the notice,

he shall not be liable in respect of the offence by virtue of this section nor shall any sum determined by reference to the fixed penalty for the offence be so registered by virtue of this section for enforcement against him as a fine.

(5) Subject to subsection (6) below—

(a) for the purposes of the institution of proceedings by virtue of subsection (3) above against any person on whom a notice to owner has been served, and

(b) in any proceedings brought by virtue of that subsection against any such person,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at the time of the alleged offence and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

(6) That presumption does not apply in any proceedings brought against any person by virtue of subsection (3) above if, in those proceedings, it is proved that at the time of the alleged offence the vehicle was in the possession of some other person without the consent of the accused.

(7) Where—

(a) by virtue of subsection (3) above proceedings may be brought in respect of an offence against a person on whom a notice to owner was served, and

(b) section 74(1) of this Act does not apply,

section 127(1) of the [M25]Magistrates' Courts Act 1980 (information must be laid within six months of time offence committed) and **[**[F364]section 136(1) of the Criminal

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Procedure (Scotland) Act 1995**]** (proceedings must be commenced within six months of that time) shall have effect as if for the reference to six months there were substituted a reference to twelve months.

Textual Amendments

F364 Words in s. 64(7) substituted (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(9)**

Marginal Citations

M25 1980 c. 43.

65 Restrictions on proceedings against owner and others.

(1) In any case where a notice to owner relating to an offence may be served under section 63 of this Act, no proceedings shall be brought in respect of the offence against any person other than a person on whom such a notice has been served unless he is identified as the driver of the vehicle at the time of the alleged offence in a statutory statement of facts provided in pursuance of section 63(6)(b) of this Act by a person on whom such a notice has been served.

(2) Proceedings in respect of an offence to which a notice to owner relates shall not be brought against the person on whom the notice was served unless, before the end of the period allowed for response to the notice, he has given notice, in the manner indicated by the notice to owner, requesting a hearing in respect of the offence.

(3) Proceedings in respect of an offence to which a notice to owner relates may not be brought against any person identified as the driver of the vehicle in a statutory statement of facts provided in response to the notice if the fixed penalty is paid in accordance with this Part of this Act before the end of the period allowed for response to the notice.

(4) Once any sum determined by reference to the fixed penalty for an offence has been registered by virtue of section 64 of this Act under section 71 for enforcement as a fine against a person on whom a notice to owner relating to that offence has been served, no proceedings shall be brought against any other person in respect of that offence.

66 Hired vehicles.

(1) This section applies where—

(a) a notice to owner has been served on a vehicle-hire firm,

(b) at the time of the alleged offence the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies, and

(c) within the period allowed for response to the notice the firm provides the **[**[F365]relevant person**]** with the documents mentioned in subsection (2) below.

(2) Those documents are a statement on an official form, signed by or on behalf of the firm, stating that at the time of the alleged offence the vehicle concerned was hired under a hiring agreement to which this section applies, together with—

(a) a copy of that hiring agreement, and

(b) a copy of a statement of liability signed by the hirer under that hiring agreement.

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(3) In this section a "statement of liability" means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any fixed penalty offence which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed.

(4) In any case where this section applies, sections 63, 64 and 65 of this Act shall have effect as if—

(a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and

(b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring,

and accordingly references in this Part of this Act (with the exceptions mentioned below) to a notice to owner include references to a notice served under section 63 of this Act as it applies by virtue of this section.

This subsection does not apply to references to a notice to owner in this section or in section 81(2)(b) of or Part I of Schedule 4 to this Act.

(5) In any case where this section applies, a person authorised in that behalf by the **[**[F366]person**]** to whom the documents mentioned in subsection (2) above are provided may, at any reasonable time within six months after service of the notice to owner (and on the production of his authority) require the firm to produce the originals of the hiring agreement and statement of liability in question.

(6) If a vehicle-hire firm fails to produce the original of a document when required to do so under subsection (5) above, this section shall thereupon cease to apply (and section 64 of this Act shall apply accordingly in any such case after that time as it applies in a case where the person on whom the notice to owner was served has failed to provide a statutory statement of ownership in response to the notice within the period allowed).

(7) This section applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than six months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(8) In this section—

"hiring agreement" refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the [M26]Consumer Credit Act 1974, [F367]...

[[F368] "relevant person" means—

(a) if the fixed penalty notice was fixed by a constable, the chief officer of police by or on whose behalf the notice to owner was served, and

(b) if it was fixed by a vehicle examiner, the Secretary of State, and**]**

"vehicle-hire firm" means any person engaged in hiring vehicles in the course of a business.

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Textual Amendments

F365 Words in s. 66(1)(c) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 9(2)**; S.I. 2008/3164, art. 3(b)

F366 Word in s. 66(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 9(3)**; S.I. 2008/3164, art. 3(b)

F367 Word in s. 66(8) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 7(2)**; S.I. 2008/3164, art. 3(d)

F368 Words in s. 66(8) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 9(4)**; S.I. 2008/3164, art. 3(b)

Modifications etc. (not altering text)

C84 Definitions in s. 66 applied (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 82(1)**; S.I. 1991/2054, **art. 3**,Sch

Marginal Citations

M26 1974 c. 39.

67 False statements in response to notices to owner.

A person who, in response to a notice to owner, provides a statement which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.

68 "Owner", "statutory statement" and "official form".

(1) For the purposes of this Part of this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and for the purposes of determining, in the course of any proceedings brought by virtue of section 64(3) of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.

(2) Notwithstanding the presumption in subsection (1) above, it is open to the defence in any proceedings to prove that the person who was the registered keeper of a vehicle at a particular time was not the person by whom the vehicle was kept at that time and to the prosecution to prove that the vehicle was kept by some other person at that time.

(3) References in this Part of this Act to statutory statements of any description are references to the statutory statement of that description defined in Schedule 4 to this Act; and that Schedule shall also have effect for the purpose of requiring certain information to be provided in official forms for the statutory statements so defined to assist persons in completing those forms and generally in determining what action to take in response to a notice to owner.

(4) In this Part of this Act "official form", in relation to a statutory statement mentioned in Schedule 4 to this Act or a statement under section 66(2) of this Act, means a document supplied by or on behalf of a chief officer of police **[**[F369]or the Secretary of State**]** for use in making that statement.

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Textual Amendments

F369 Words in s. 68(4) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 10**; S.I. 2008/3164, art. 3(b)

The fixed penalty procedure

69 Payment of penalty.

(1) **[**[F370]Where a fixed penalty notice has been given or fixed by a constable or authorised person under this Part of this Act, payment of the fixed penalty**]** must be made to such **[**[F371]designated officer for a magistrates' court**]** or, in Scotland, clerk of court as may be specified in the fixed penalty notice relating to that penalty.

[[F372](1A) Where a fixed penalty notice has been given or fixed by a vehicle examiner, or given by the Secretary of State, under this Part of this Act, payment of the fixed penalty must be made to the Secretary of State.**]**

(2) Without prejudice to payment by any other method, payment of a fixed penalty under this Part of this Act may be made by properly addressing, pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) and, unless the contrary is proved, shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(3) A letter is properly addressed for the purposes of subsection (2) above if it is addressed to the fixed penalty clerk **[**[F373], or the Secretary of State,**]** at the address specified in the fixed penalty notice relating to the fixed penalty as the address at which the fixed penalty may be paid.

(4) References in this Part of this Act **[**[F374](except in sections 75 to **[**[F375]77A**]**)**]**, in relation to any fixed penalty or fixed penalty notice, to the fixed penalty clerk are references to the **[**[F376]designated officer or**]** clerk specified in accordance with subsection (1) above in the fixed penalty notice relating to that penalty or (as the case may be) in that fixed penalty notice.

Textual Amendments

F370 Words in s. 69(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(2)**; S.I. 2008/3164, art. 3(b)

F371 Words in s. 69(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 315(2)**; S.I. 2005/910, art. 3(y)

F372 S. 69(1A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(3)**; S.I. 2008/3164, art. 3(b)

F373 Words in s. 69(3) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(4)**; S.I. 2008/3164, art. 3(b)

F374 Words in s. 69(4) inserted (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 48, **Sch. 4 para. 105**; S.I. 1992/1286, art. 2, **Sch.**

F375 Word in s. 69(4) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 20**; S.I. 2008/3164, art. 4(b)

F376 Words in s. 69(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 315(3)**; S.I. 2005/910, art. 3(y)

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70 Registration certificates.

(1) This section and section 71 of this Act apply where by virtue of section 55(3) or 64(2) of this Act a sum determined by reference to the fixed penalty for any offence may be registered under section 71 of this Act for enforcement against any person as a fine.

In this section and section 71 of this Act—

(a) that sum is referred to as a "sum payable in default", and

(b) the person against whom that sum may be so registered is referred to as the "defaulter".

(2) Subject to subsection (3) below, the **[**[F377]relevant person**]** may in respect of any sum payable in default issue a certificate (referred to in this section and section 71 as a "registration certificate") stating that the sum is registrable under section 71 for enforcement against the defaulter as a fine.

[[F378](2A) In subsection (2) above "the relevant person" means—

(a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the chief officer of police, and

(b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.**]**

(3) Where the fixed penalty notice in question was given to the defaulter under section 54 in respect of an offence committed in Scotland—

(a) subsection (2) above does not apply, but

(b) the **[**[F379]appropriate person**]** must, unless the defaulter appears to him to reside within the jurisdiction of the court of summary jurisdiction of which he is himself the clerk, issue a registration certificate in respect of the sum payable in default.

[[F380](3A) In subsection (3) above "the appropriate person" means—

(a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the fixed penalty clerk, and

(b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.**]**

(4) Where **[**[F381]a person**]** issues a registration certificate under this section, he must—

(a) if the defaulter appears to him to reside in England and Wales, cause it to be sent to the **[**[F382]designated officer for the local justice**]** area in which the defaulter appears to him to reside, [F383]...

(b) if the defaulter appears to him to reside in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the defaulter appears to him to reside, **[**[F384]and

(c) otherwise—

(i) if the offence to which the fixed penalty notice or conditional offer relates was committed in England or Wales, cause it to be sent to the designated officer for the local justice area in which the offence was committed, or

(ii) if the offence was committed in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the offence was committed.**]**

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(5) A registration certificate issued under this section in respect of any sum payable in default must—

(a) give particulars of the offence to which the fixed penalty notice relates,

(b) indicate whether registration is authorised under section 55(3) or 64(2) of this Act, and

(c) state the name and last known address of the defaulter and the amount of the sum payable in default.

Textual Amendments

F377 Words in s. 70(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(2)**; S.I. 2008/3164, art. 3(b)

F378 S. 70(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(3)**; S.I. 2008/3164, art. 3(b)

F379 Words in s. 70(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(4)**; S.I. 2008/3164, art. 3(b)

F380 S. 70(3A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(5)**; S.I. 2008/3164, art. 3(b)

F381 Words in s. 70(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(6)**; S.I. 2008/3164, art. 3(b)

F382 Words in s. 70(4)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 316**; S.I. 2005/910, art. 3(y)

F383 Word in s. 70(4) repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(8)(10), **Sch. 7(3)**; S.I. 2008/3164, art. 4(c)

F384 S. 70(4)(c) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 21(1)**; S.I. 2008/3164, art. 4(b)

71 Registration of sums payable in default.

[[F385](1) Where, in England and Wales, **[**[F386]the designated officer for a local justice area**]** receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—

(a) if it appears to him that the defaulter resides in a **[**[F387]local justice area for which he is the designated officer**]**, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court **[**[F388]acting in**]** that area, **[**[F389]or**]**

(b) if it appears to him that the defaulter resides in any **[**[F390]other local justice**]** area in England and Wales, he must send the certificate to the **[**[F391]designated officer for**]** that area, or

(c) if it appears to him that the defaulter resides in Scotland, he must send the certificate to the clerk of the court of summary jurisdiction for the area in which the defaulter appears to him to reside, **[**[F392]or

(d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—

(i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the local justice area for which he is the designated officer, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court acting in that area,

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(ii) in a case where it was committed in another local justice area in England and Wales, he must send the certificate to the designated officer for that area, and

(iii) in a case where it was committed in Scotland, he must send the certificate to the clerk of a court of summary jurisdiction for the area in which the offence was committed.**]**

(2) Where, in Scotland, the clerk of a court receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—

(a) if it appears to him that the defaulter resides in the area of the court, he must register that sum for enforcement as a fine by that court, **[**[F393]or**]**

(b) if it appears to him that the defaulter resides in the area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, or

(c) if it appears to him that the defaulter resides in England and Wales, he must send the certificate to the **[**[F394]designated officer for the local justice**]** area in which the defaulter appears to him to reside, **[**[F395]or

(d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—

(i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the area of the court, he must register that sum for enforcement as a fine by that court,

(ii) in a case where it was committed in an area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, and

(iii) in a case where it was committed in England or Wales, he must send the certificate to the designated officer for the local justice area in which the offence was committed.**]**

(2A) Subsections (1) and (2) apply to **[**[F396]officers**]** and clerks who receive certificates pursuant to the provision they contain as they apply to the original recipients.**]**

(3) Where—

(a) the fixed penalty notice in question was given to the defaulter under section 54 of this Act in respect of an offence committed in Scotland, and

(b) the defaulter appears to the fixed penalty clerk to reside within the jurisdiction of the court of summary jurisdiction of which he is himself the clerk,

the fixed penalty clerk must register the sum payable in default for enforcement as a fine by that court.

[F397](4) . . . . . .

(5) . . . . . .

(6) On registering any sum under this section for enforcement as a fine, the **[**[F398]designated officer for a local justice**]** area or, as the case may be, the clerk of a court of summary jurisdiction must give to the defaulter notice of registration—

(a) specifying the amount of that sum, and

(b) giving the information with respect to the offence and the authority for registration included in the registration certificate by virtue of section 70(5)(a) and (b) of this Act or (in a case within subsection (3) above) the corresponding information.

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(7) On the registration of any sum in a magistrates' court or a court of summary jurisdiction by virtue of this section any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of such a court shall have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(8) Accordingly, in the application by virtue of this section of the provisions of the [M27]Magistrates' Courts Act 1980 relating to the satisfaction and enforcement of sums adjudged to be paid on the conviction of a magistrates' court, section 85 of that Act (power to remit a fine in whole or in part) is not excluded by subsection (2) of that section (references in that section to a fine not to include any other sum adjudged to be paid on a conviction) from applying to a sum registered in a magistrates' court by virtue of this section.

(9) For the purposes of this section, where the defaulter is a body corporate, the place where that body resides and the address of that body are either of the following—
   (a) the registered or principal office of that body, and
   (b) the address which, with respect to the vehicle concerned, is the address recorded in the record kept under **[**[F399]the Vehicle Excise and Registration Act 1994**]** as being that body's address.

Textual Amendments

F385 S. 71(1)-(2A) substituted (1.4.2001) for subsections (1) and (2) by 1999 c. 22, s. 90, **Sch. 13 para. 150(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F386 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(a)**; S.I. 2005/910, art. 3(y)

F387 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(b)**; S.I. 2005/910, art. 3(y)

F388 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(c)**; S.I. 2005/910, art. 3(y)

F389 Word in s. 71(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(2)**; S.I. 2008/3164, art. 4(b)

F390 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(d)**; S.I. 2005/910, art. 3(y)

F391 Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(e)**; S.I. 2005/910, art. 3(y)

F392 S. 71(1)(d) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(2)**; S.I. 2008/3164, art. 4(b)

F393 Word in s. 71(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(3)**; S.I. 2008/3164, art. 4(b)

F394 Words in s. 71(2)(c) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(3)**; S.I. 2005/910, art. 3(y)

F395 S. 71(2)(d) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(3)**; S.I. 2008/3164, art. 4(b)

F396 Word in s. 71(2A) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(4)**; S.I. 2005/910, art. 3(y)

F397 S. 71(4)(5) repealed (1.4.2001) by 1999 c. 22, s. 90, **Sch. 15 Pt. V(7)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)

F398 Words in s. 71(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(5)**; S.I. 2005/910, art. 3(y)

F399 Words in S. 71(9)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 25(1)** (with s. 57(4))

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Marginal Citations

M27 1980 c. 43.

72 Notices on-the-spot [F400etc.]: when registration and endorsement invalid.

(1) This section applies where—

(a) a person who has received notice of the registration, by virtue of section 55(3) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and

(b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the **[**F401proper officer**]** of the relevant court.

(2) The statutory declaration must state—

(a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or

(b) that he gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within subsection (2)(a) above, the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

F402(4) . . . . . .

[F403(4A) Where in any case within subsection (2)(a) above the driving record of the person to whom the relevant fixed penalty notice was given was endorsed under section 57A of this Act in respect of the offence in respect of which the notice was given, the endorsement shall be void.**]**

(5) In any case within subsection (2)(b) above—

(a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and any endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under section F404... **[**F405**]**57A of this Act before the declaration was served, shall be void, and

(b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

F406(6) . . . . . .

[F407(6A) The proper officer of the relevant court must send notice to the Secretary of State of any endorsement of a person's driving record that is void by virtue of this section and the Secretary of State must adjust the endorsements on that record accordingly.**]**

(7) References in this section to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

Textual Amendments

F400 Word in s. 72 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 13(3)**; S.I. 2008/3164, art. 3(b)

F401 Words in s. 72(1)(b)(6) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 151** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F402 S. 72(4) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 50(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F403 S. 72(4A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(2)**; S.I. 2008/3164, art. 4(b)

F404 Words in s. 72(5) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 50(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F405 Words in s. 72(5)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(3)**; S.I. 2008/3164, art. 4(b)

F406 S. 72(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 50(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F407 S. 72(6A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(4)**; S.I. 2008/3164, art. 4(b)

73 Notices fixed to vehicles: when registration invalid.

(1) This section applies where—

(a) a person who has received notice of the registration, by virtue of section 64(2) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and

(b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the **[**[F408]proper officer**]** of the relevant court.

(2) The statutory declaration must state either—

(a) that the person making the declaration did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to that penalty until he received notice of the registration, or

(b) that he was not the owner of the vehicle at the time of the alleged offence of which particulars are given in the relevant notice to owner and that he has a reasonable excuse for failing to comply with that notice, or

(c) that he gave notice requesting a hearing in respect of that offence as permitted by the relevant notice to owner before the end of the period allowed for response to that notice.

(3) In any case within subsection (2)(a) or (b) above—

(a) the relevant notice to owner,

(b) the registration, and

(c) any proceedings taken before the declaration was served for enforcing payment of the sum registered,

shall be void but without prejudice, in a case within subsection (2)(a) above, to the service of a further notice to owner under section 63 of this Act on the person making the declaration.

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This subsection applies whether or not the relevant notice to owner was duly served in accordance with that section on the person making the declaration.

(4) In any case within subsection (2)(c) above—

(a) no proceedings shall be taken, after the statutory declaration is served until the end of the period of twenty-one days following the date of that declaration, for enforcing payment of the sum registered, and

(b) where before the end of that period a notice is served by or on behalf of **[**[F409]the relevant person**]** on the person making the declaration asking him to provide a new statutory statement of ownership to **[**[F409]the relevant person**]** before the end of the period of twenty-one days from the date on which the notice is served, no such proceedings shall be taken until the end of the period allowed for response to that notice.

[[F410](4A) In subsection (4) above "the relevant person" means—

(a) if the fixed penalty notice concerned was fixed by a constable, the fixed penalty clerk, and

(b) if it was fixed by a vehicle examiner, the Secretary of State.**]**

(5) Where in any case within subsection (2)(c) above—

(a) no notice is served [F411]... in accordance with subsection (4) above, or

(b) [F412]... a notice is so served and the person making the declaration provides a new statutory statement of ownership in accordance with the notice,

then—

(i) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and

(ii) the case shall be treated after the time mentioned in subsection (6) below as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The time referred to in subsection (5) above is—

(a) in a case within paragraph (a) of that subsection, the end of the period of twenty-one days following the date of the statutory declaration,

(b) in a case within paragraph (b) of that subsection, the time when the statement is provided.

(7) In any case where notice is served [F413]... in accordance with subsection (4) above, **[**[F414]the person by whom it is served**]** must cause the **[**[F408]proper officer**]** of the relevant court to be notified of that fact immediately on service of the notice.

(8) References in this section to the relevant notice to owner are to the notice to owner relating to the fixed penalty concerned.

Textual Amendments

F408 Words in s. 73(1)(b)(7) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 151** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F409 Words in s. 73(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(2)**; S.I. 2008/3164, art. 3(b)

F410 S. 73(4A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(3)**; S.I. 2008/3164, art. 3(b)

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F411 Words in s. 73(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(4)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F412 Word in s. 73(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(4)(b), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F413 Words in s. 73(7) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(5)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F414 Words in s. 73(7) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(5)(b)**; S.I. 2008/3164, art. 3(b)

74 Provisions supplementary to sections 72 and 73.

(1) In any case within section 72(2)(b) or 73(2) of this Act—

(a) section 127(1) of the [M28]Magistrates' Courts Act 1980 (limitation of time), and

(b) section 331(1) of the [M29]Criminal Procedure (Scotland) Act 1975 (statutory offences time limit),

shall have effect as if for the reference to the time when the offence was committed or (as the case may be) the time when the contravention occurred there were substituted a reference to the date of the statutory declaration made for the purposes of section 72(1) or, as the case may be, 73(1).

(2) Where, on the application of a person who has received notice of the registration of a sum under section 71 of this Act for enforcement against him as a fine, it appears to the relevant court (which for this purpose may be composed of a single justice) that it was not reasonable to expect him to serve, within twenty-one days of the date on which he received the notice, a statutory declaration to the effect mentioned in section 72(2) or, as the case may be, 73(2) of this Act, the court may accept service of such a declaration by that person after that period has expired.

(3) A statutory declaration accepted under subsection (2) above shall be taken to have been served as required by section 72(1) or, as the case may be, section 73(1) of this Act.

(4) For the purposes of sections 72(1) and 73(1) of this Act, a statutory declaration shall be taken to be duly served on the **[**[F415]proper officer**]** of the relevant court if it is delivered to him, left at his office, or sent in a registered letter or by the recorded delivery service addressed to him at his office.

(5) In sections 72, 73 and this section—

(a) references to the relevant court are—

(i) in the case of a sum registered under section 71 of this Act for enforcement as a fine in a **[**[F416]local justice**]** area in England and Wales, references to any magistrates' court acting **[**[F417]in that area**]**, and

(ii) in the case of a sum registered under that section for enforcement as a fine by a court of summary jurisdiction in Scotland, references to that court,

[[F418](b) references to the proper officer of the relevant court are—

(i) in the case of a magistrates' court, references to the **[**[F419]designated officer**]** for that court, and

(ii) in the case of a court of summary jurisdiction in Scotland, references to the clerk of the court, and**]**

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(c) references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum.

(6) For the purposes of sections 72, 73 and this section, a person shall be taken to receive notice of the registration of a sum under section 71 of this Act for enforcement against him as a fine when he receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.

(7) Nothing in the provisions of sections 72 or 73 or this section is to be read as prejudicing any rights a person may have apart from those provisions by virtue of the invalidity of any action purportedly taken in pursuance of this Part of this Act which is not in fact authorised by this Part of this Act in the circumstances of the case; and, accordingly, references in those provisions to the registration of any sum or to any other action taken under or by virtue of any provision of this Part of this Act are not to be read as implying that the registration or action was validly made or taken in accordance with that provision.

Textual Amendments

F415 Words in s. 74(4) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 152(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F416 Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(a)**; S.I. 2005/910, art. 3(y)

F417 Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(b)**; S.I. 2005/910, art. 3(y)

F418 S. 74(5)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 152(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F419 Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(c)**; S.I. 2005/910, art. 3(y)

Marginal Citations

M28 1980 c. 43.

M29 1975 c. 21.

[F420 *[Conditional offer of fixed penalty]*

Textual Amendments

F420 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s.34**; S.I. 1992/1286, **art. 2**,Sch.

[F421 75 Issue of conditional offer.

(1) Where in England and Wales—

(a) a constable has reason to believe that a fixed penalty offence has been committed, and

(b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,

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a notice under this section may be sent to the alleged offender by or on behalf of the chief officer of police **[**[F422]or, if the constable is a member of the British Transport Police, by or on behalf of the chief constable of the British Transport Police.**]**

[F423](1A) **[** Where in England and Wales—

(a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and

(b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,

a notice under this section may be sent to the alleged offender by the Secretary of State.**]**

(2) Where in Scotland a procurator fiscal receives a report that—

(a) an offence specified in Schedule 3 to this Act has been committed,

(b) an offence specified in Schedule 5 to this Act has been committed,

(c) an offence referred to in paragraph (a) or (b) above has been committed, being an offence of causing or permitting a vehicle to be used by another person in contravention of any provision made or any restriction or prohibition imposed by or under any enactment, or

(d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence referred to in this subsection, has been committed,

he may send a notice under this section to the alleged offender.

(3) Where in Scotland, a constable—

(a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,

[F424](aa) **[** on any occasion has reason to believe that a person he finds has, within the period of 28 days before the day of that occasion, committed a Community drivers' hours offence, he may hand to that person,**]**

(b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the chief constable may send to the alleged offender,

a notice under this section.

[F425](3A) **[** Where a constable is a constable of the British Transport Police Force subsection (3) shall have effect as if the reference to the chief constable were a reference to the chief constable of that force.**]**

[F426](3B) **[** Where in Scotland a vehicle examiner—

(a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,

[F427](aa) **[** on any occasion has reason to believe that a person he finds has, within the period of 28 days before the day of that occasion, committed a Community drivers' hours offence, he may hand to that person,**]**

(b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the Secretary of State may send to the alleged offender,

a notice under this section.**]**

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[A constable or vehicle examiner may not hand a person a conditional offer under [F428](3C) subsection (3) or (3B) for a Community drivers' hours offence where the constable or vehicle examiner has reason to believe that—

(a) a fixed penalty notice has already been given to the person under section 54 of this Act in relation to the offence;

(b) a conditional offer has already been issued to the person under this section 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, another member State or a contracting third country.

(3D) In subsection (3C)(d) "relevant breach" means the breach of the applicable Community rules which constitutes the Community drivers' hours offence concerned.**]**

(4) Subsections (2) **[**[F429]to (3B)**]** above shall not apply where a fixed penalty notice has been fixed to a vehicle under section 62 of this Act.

(5) A notice under this section is referred to in this section and sections 76 **[**[F430]and 77A**]** as a "conditional offer".

(6) Where a **[**[F431]conditional offer is issued by a person under subsection (1), (2) or (3) above**]**, he must notify the **[**[F432]designated officer**]**, or in Scotland clerk of court, specified in it of its issue and its terms; and **[**[F433]he**]** is referred to in this section and sections 76 **[**[F430]and 77A**]** as "the fixed penalty clerk".

(7) A conditional offer must—

(a) give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence,

(b) state the amount of the fixed penalty for that offence, and

(c) state that proceedings against the alleged offender cannot be commenced in respect of that offence until the end of the period of twenty-eight days following the date on which the conditional offer was issued or such longer period as may be specified in the conditional offer.

[F434](8) . . . . . .

[A conditional offer sent to an alleged offender [F436]... must indicate that if the following [F435](8A) conditions are fulfilled, that is—

(a) within the period of twenty-eight days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender

[[F437](i) makes payment of the fixed penalty to the appropriate person, and

(ii) where he is the holder of a licence and the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence to the appropriate person, and**]**

(b) the appropriate person is satisfied, on accessing information held on the driving record of the alleged offender, that if he were convicted of the offence, he would not be liable to be disqualified under section 35 of this Act,

any liability to conviction of the offence shall be discharged.**]**

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(9) For the purposes of the **[**[F438]conditions**]** set out in subsection [F439]... **[**[F440](8A)(b)**]** above, 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.

(10) The Secretary of State may by order provide for offences to become or (as the case may be) to cease to be offences in respect of which a conditional offer may be sent under subsection (2)(b) above, and may make such modifications of the provisions of this Part of this Act as appear to him to be necessary for the purpose.

(11) An offence committed by aiding, abetting, counselling, procuring or inciting the commission of an offence which is an offence involving obligatory endorsement is itself an offence involving obligatory endorsement for the purposes of the application of this Part of this Act in Scotland.

[F441](11A) **[** In this section and sections 76 **[**[F442]and 77A**]** of this Act "the appropriate person" means—

(a) where the conditional offer was issued under subsection (1), (2) or (3) above, the fixed penalty clerk, and

(b) where the conditional offer was issued under subsection (1A) or (3B) above, the Secretary of State.**]**

[F443](12) . . . . . .**]**

Textual Amendments

F421 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 34**; S.I. 1992/1286, art. 2, **Sch.**

F422 Words in s. 75((1) inserted (1.10.2002) by 2002 c. 30, **s. 76(3)**; S.I. 2002/2306 art. 2(d)(vii)

F423 S. 75(1A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(2)**; S.I. 2008/3164, art. 3(b)

F424 S. 75(3)(aa) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **4(2)** (with reg. 11)

F425 S. 75(3A) inserted (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **s. 69(2)**; S.I. 2004/1572, art. 3(zz)

F426 S. 75(3B) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(3)**; S.I. 2008/3164, art. 3(b)

F427 S. 75(3B)(aa) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **4(3)** (with reg. 11)

F428 S. 75(3C)(3D) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **4(4)** (with reg. 11)

F429 Words in s. 75(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(4)**; S.I. 2008/3164, art. 3(b)

F430 Words in s. 75(5)(6) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 51(2)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F431 Words in s. 75(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(5)**; S.I. 2008/3164, art. 3(b)

F432 Words in s. 75(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 319**; S.I. 2005/910, art. 3(y)

F433 Words in s. 75(6) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 153(a)(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)

F434 S. 75(8) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 51(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

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F435 S. 75(8A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(5)**; S.I. 2008/3164, art. 4(b)

F436 Words in s. 75(8A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 51(4)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F437 Words in s. 75(8A)(a) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 51(4)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F438 Word in s. 75(9) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(6)(a)**; S.I. 2008/3164, art. 4(b)

F439 Words in s. 75(9) 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. 3(d)**

F440 Words in s. 75(9) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 24(6)(b)**; S.I. 2008/3164, art. 4(b)

F441 S. 75(11A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 15(7)**; S.I. 2008/3164, art. 3(b)

F442 Words in s. 75(11A) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 51(5)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F443 S. 75(12) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 51(6), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[F444]76 Effect of offer and payment of penalty.

(1) This section applies where a conditional offer has been **[**[F445]issued**]** to a person under section 75 of this Act.

[[F446](2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless subsection (3) below applies.

(3) This subsection applies where—

(a) it appears to the appropriate person, on [F447]... **[**[F448]accessing information held on **[**[F449]the alleged offender's**]** driving record**]**, that the alleged offender would be liable to be disqualified under section 35 of this Act if he were convicted of the offence to which the conditional offer relates,

(b) the appropriate person returns the payment to the alleged offender together with **[**[F450] (where he is the holder of a licence)**]** his licence [F451]..., and

(c) where the appropriate person is not the Secretary of State, the appropriate person gives notice that he has done so to the person required to be notified.

(4) Where the requirements specified in the conditional offer in accordance with sub-paragraphs (i) and (ii) of section **[**[F452]75(8A)(a)**]** of this Act have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates—

(a) until the end of the period of twenty-eight days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and

(b) where the appropriate person is not the Secretary of State, unless the appropriate person notifies the person required to be notified that proceedings may be brought by virtue of this subsection.

(5) In this section and section **[**[F453]77A**]** of this Act " the person required to be notified " means—

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(a) if the conditional offer was issued under subsection (1) of section 75 of this Act, the chief officer of police,

(b) if it was issued under subsection (2) of that section, the procurator fiscal, and

(c) if it was issued under subsection (3) of that section, the chief constable or (as the case may be) the chief constable of the British Transport Police Force.**]**

(6) In determining for the purposes of subsection **[**[F454](3)(a)**]** above 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.

(7) In any proceedings a certificate that by a date specified in the certificate payment of a fixed penalty was or was not received by **[**[F455]the appropriate person**]** shall, if the certificate purports to be signed by **[**[F455]the appropriate person**]**, be evidence, or in Scotland sufficient evidence, of the facts stated.

[F456](8) . . . . . .

(9) In Scotland, the Secretary of State may by regulations vary the provisions of subsection **[**[F457](5)(b) or (c)**]** above.

Textual Amendments

F444 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , **s. 34** ; S.I. 1992/1286 , art. 2 , **Sch.**

F445 Word in s. 76(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(2)** ; S.I. 2008/3164 , art. 3(b)

F446 S. 76(2)-(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(3)** ; S.I. 2008/3164 , art. 3(b)

F447 Words in s. 76(3)(a) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 52(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F448 Words in s. 76(3)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 25(2)(a)**; S.I. 2008/3164, art. 4(b)

F449 Words in s. 76(3)(a) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 52(2)(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F450 Words in s. 76(3)(b) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 25(2)(b)**; S.I. 2008/3164, art. 4(b)

F451 Words in s. 76(3)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 52(2)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F452 Word in s. 76(4) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 52(3)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F453 Word in s. 76(5) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(e)**

F454 Word in s. 76(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(4)** ; S.I. 2008/3164 , art. 3(b)

F455 Words in s. 76(7) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(5)** ; S.I. 2008/3164 , art. 3(b)

F456 S. 76(8) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 52(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F457 Words in s. 76(9) substituted (31.3.2009) by Road Safety Act 2006 (c. 49) , s. 61(1)(10) , **Sch. 1 para. 16(7)** ; S.I. 2008/3164 , art. 3(b)

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[F459]77 Endorsement [[F458]of counterparts] where penalty paid.

. . . . . .

Textual Amendments

F458 Words in s. 77 heading inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 26(3)**; S.I. 2008/3164, art. 4(b)

F459 S. 77 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 53, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[[F460]77A Endorsement of driving records where penalty paid

(1) Where—

(a) in pursuance of a conditional offer issued under subsection (1), (2) or (3) of section 75 of this Act a person [F461]... (referred to in this section as the "alleged offender") makes payment of the fixed penalty to the fixed penalty clerk **[**[F462]and (if he is the holder of a licence) delivers his licence to the fixed penalty clerk**]**, and

(b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,

the fixed penalty clerk must forthwith send to the Secretary of State notice of the relevant particulars to be endorsed on the alleged offender's driving record **[**[F463]together with any licence delivered under paragraph (a) above**]**.

(2) The Secretary of State must endorse the relevant particulars on a person's driving record **[**[F464]and return any licence delivered to him under this section to the alleged offender**]**—

(a) on receiving notice under subsection (1) above, or

(b) if, in pursuance of a conditional offer issued under subsection (1A) or (3B) of section 75 of this Act, a person [F465]... (also referred to in this section as the "alleged offender") makes payment of the fixed penalty to him **[**[F466]and (if he is the holder of a licence) delivers his licence to him,**]** and proceedings against the alleged offender are excluded by section 76 of this Act.

(3) Where in Scotland the appropriate person is the fixed penalty clerk and it appears to him that there is an error in an endorsement made by virtue of this section on a person's driving record, he may send to the Secretary of State notice of the error.

(4) Subject to subsection (5) below, where a cheque tendered in payment is subsequently dishonoured—

(a) any endorsement made by the Secretary of State under subsection (2) above remains effective notwithstanding that the alleged offender is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and

(b) unless the appropriate person is the Secretary of State, the appropriate person must upon expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person required to be notified that no payment has been made.

(5) When proceedings are brought against an alleged offender where subsection (4) above applies, the court—

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(a) must order the removal of the fixed penalty endorsement from the driving record of the alleged offender,

(b) may, on finding the alleged offender guilty, make any competent order of endorsement or disqualification and pass any competent sentence, and

(c) must send to the Secretary of State notice of any order made under paragraph (a) or (b) above.

(6) On receiving notice under subsection (3) above, the Secretary of State may correct the error in the endorsement on the driving record; and any endorsement corrected shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.

(7) On receiving a notice under subsection (5)(c) above, the Secretary of State must make any necessary adjustments to the endorsements on the alleged offender's driving record.

(8) The references in subsection (1) and (2) above to the relevant particulars are to—

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.

(9) Where a person's driving record is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—

(a) he had been convicted of the offence,

(b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and

(c) the particulars of the offence endorsed by virtue of subsection (8)(a) above were particulars of his conviction of that offence.

(10) In relation to any endorsement of a person's driving record under this section, the references in section 13(4) of this Act to any order made on a person's conviction are to be read as references to the endorsement itself.**]**

Textual Amendments

F460 S. 77A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 27**; S.I. 2008/3164, art. 4(b)

F461 Words in s. 77A(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 54(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F462 Words in s. 77A(1) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(2)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F463 Words in s. 77A(1) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(2)(c)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F464 Words in s. 77A(2) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(3)(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F465 Words in s. 77A(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 54(3)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F466 Words in s. 77A(2) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(3)(c)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

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Proceedings in fixed penalty cases

78 General restriction on proceedings.

(1) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates until the end of the suspended enforcement period.

(2) Proceedings shall not be brought against any person for the offence to which a fixed penalty notice relates if the fixed penalty is paid in accordance with this Part of this Act before the end of the suspended enforcement period.

79 Statements by constables.

(1) In any proceedings a certificate that a copy of a statement by a constable **[**[F467]or vehicle examiner**]** with respect to the alleged offence (referred to in this section as a "**[**[F468]relevant**]** witness statement") was included in or given with a fixed penalty notice or a notice under section **[**[F469]54(5)**]** of this Act given to the accused on a date specified in the certificate shall, if the certificate purports to be signed by the [F470]... person who gave the accused the notice, be evidence of service of a copy of that statement by delivery to the accused on that date.

(2) In any proceedings a certificate that a copy of a **[**[F471]relevant**]** witness statement was included in or served with a notice to owner served on the accused in the manner and on a date specified in the certificate shall, if the certificate purports to be signed by any person employed **[**[F472]as a civilian police employee**]****[**[F473], or by a police volunteer designated under section 38 of the Police Reform Act 2002,**]** for the police area in which the offence to which the proceedings relate is alleged to have been committed **[**[F474]or on behalf of the Secretary of State**]**, be evidence of service in the manner and on the date so specified both of a copy of that statement and of the notice to owner.

(3) Any address specified in any such certificate as is mentioned in subsection (2) above as being the address at which service of the notice to owner was effected shall be taken for the purposes of any proceedings in which the certificate is tendered in evidence to be the accused's proper address, unless the contrary is proved.

(4) Where a copy of a **[**[F475]relevant**]** witness statement is included in or served with a notice to owner served in any manner in which the notice is authorised to be served under this Part of this Act, the statement shall be treated as duly served for the purposes of section 9 of the [M30]Criminal Justice Act 1967 (proof by written statement) notwithstanding that the manner of service is not authorised by **[**[F476]Criminal Procedure Rules**]**.

(5) In relation to any proceedings in which service of a **[**[F475]relevant**]** witness statement is proved by certificate under this section—

(a) that service shall be taken for the purposes of subsection (2)(c) of that section (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it) to have been effected by or on behalf of the prosecutor, and

(b) subsection (2)(d) of that section (time for objection) shall have effect with the substitution, for the reference to seven days from the service of the copy of the statement, of a reference to seven days from the relevant date.

[[F477](5A) For the purposes of subsection (2), a person is employed as a civilian police employee for a police area if—

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(a) in the case of a police area listed in Schedule 1 to the Police Act 1996, the person is a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) maintained for that area;

(b) in the case of the metropolitan police district, the person is a member of the civilian staff of the metropolitan police force (within the meaning of that Part of that Act);

(c) in the case of the City of London, the person is employed by the Common Council of the City of London in its capacity as police authority.**]**

(6) In subsection (5)(b) above "relevant date" means—

(a) where the accused gives notice requesting a hearing in respect of the offence in accordance with any provision of this Part of this Act, the date on which he gives that notice, and

(b) where a notice in respect of the offence was given to the accused under section **[**[F478]54(5)**]** of this Act but no fixed penalty notice is given in respect of it, the last day for **[**[F479]delivery of the notice**]**.

(7) This section does not extend to Scotland.

Textual Amendments

F467 Words in s. 79(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(2)(a)**; S.I. 2008/3164, art. 3(b)

F468 Word in s. 79(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(2)(b)**; S.I. 2008/3164, art. 3(b)

F469 Word in s. 79(1) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(f)(i)**

F470 Words in s. 79(1) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 18(2)(c), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)

F471 Word in s. 79(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(3)(a)**; S.I. 2008/3164, art. 3(b)

F472 Words in s. 79(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 198(2)**; S.I. 2011/3019, art. 3, Sch. 1

F473 Words in s. 79(2) inserted (E.W.) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 9**

F474 Words in s. 79(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(3)(b)**; S.I. 2008/3164, art. 3(b)

F475 Word in s. 79(4)(5) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(4)**; S.I. 2008/3164, art. 3(b)

F476 Words in s. 79(4) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(6)(b)**, 115(7); S.I. 2015/994, art. 6(m)

F477 S. 79(5A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 198(3)**; S.I. 2011/3019, art. 3, Sch. 1

F478 Word in s. 79(6)(b) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(f)(ii)**

F479 Words in s. 79(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 18(5)**; S.I. 2008/3164, art. 3(b)

Marginal Citations

M30 1967 c. 80.

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80 Certificates about payment.

In any proceedings a certificate—

(a) that payment of a fixed penalty was or was not received, by a date specified in the certificate, by the **[**[F480]person to whom it was required to be paid**]**, or

(b) that a letter containing an amount sent by post in payment of a fixed penalty was marked as posted on a date so specified,

shall, if the certificate purports to be signed by the **[**[F480]person to whom it was required to be paid**]**, be evidence (and, in Scotland, sufficient evidence) of the facts stated.

Textual Amendments

F480 Words in s. 80 substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 19**; S.I. 2008/3164, art. 3(b)

81 Documents signed by the accused.

(1) Where—

(a) any person is charged with a fixed penalty offence, and

(b) the prosecutor produces to the court a document to which this subsection applies purporting to have been signed by the accused,

the document shall be presumed, unless the contrary is proved, to have been signed by the accused and shall be evidence (and, in Scotland, sufficient evidence) in the proceedings of any facts stated in it tending to show that the accused was the owner, the hirer or the driver of the vehicle concerned at a particular time.

(2) Subsection (1) above applies to any document purporting to be—

(a) a notice requesting a hearing in respect of the offence charged given in accordance with a fixed penalty notice relating to that offence, or

(b) a statutory statement of any description defined in Schedule 4 to this Act or a copy of a statement of liability within the meaning of section 66 of this Act provided in response to a notice to owner.

Miscellaneous

82 Accounting for fixed penalties: England and Wales.

(1) In England and Wales, sums paid **[**[F481]to the fixed penalty clerk**]** by way of fixed penalty for an offence shall be treated for the purposes of **[**[F482]section 38 of the Courts Act 2003 (application of receipts of designated officers)**]** as if they were fines imposed on summary conviction for that offence.

[F483](2) . . . . . .

[F483](2A) . . . . . .

[F483](3) . . . . . .

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Textual Amendments

F481 Words in s. 82(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 20**; S.I. 2008/3164, art. 3(b)

F482 Words in s. 82(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 320(2)**; S.I. 2005/910, art. 3(y)

F483 S. 82(2)(2A)(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 320(3), **Sch. 10**; S.I. 2005/910, art. 3(y)

Modifications etc. (not altering text)

C85 S. 82 modified (*temp.*) (1.4.1995) by S.I. 1995/685, **reg. 6(2)(b)**
S. 82 modified (19.6.1997) by 1997 c. 25, s. 73(1), 74, **Sch. 4 Pt. II**, para. 7(2)(d)(i)

C86 S. 82(1)(2): Functions of the Secretary of State transferred to the Lord Chancellor (1.4.1992) by S.I. 1992/709, art. 2(1), **Sch. 1**

83 Powers of court [F484in cases of deception].

F485(1) . . . . . .

[F486(1A) This section F487... applies where—

(a) particulars are endorsed on a person's driving record under section 57A of this Act because the fixed penalty clerk or the Secretary of State is deceived as to whether endorsement under that section is excluded by section 61A(2) of this Act by virtue of the fact that the person to whom the fixed penalty notice was given would be liable to be disqualified under section 35 of this Act if he were convicted of the offence, or

(b) particulars are endorsed on a person's driving record under section 77A of this Act because the appropriate person or court is deceived as to whether proceedings against the person are excluded by section 76 of this Act by virtue of the fact that the person to whom the conditional offer is issued would be liable to be disqualified under section 35 of this Act if he were convicted of the offence.]

(2) If—

(a) the deception constituted or was due to an offence committed by the [F488person to whom the fixed penalty notice was given or conditional offer was issued] , and

(b) [F489he] is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties as it would have had if he had also been convicted by or before it of the offence of which particulars were endorsed under section F490... [F491]57A] or, as the case may be, F492... [F493]77A] of this Act.

Textual Amendments

F484 Words in s. 83 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 21(3)**; S.I. 2008/3164, art. 3(b)

F485 S. 83(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F486 S. 83(1A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(2)**; S.I. 2008/3164, art. 4(b)

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F487 Word in s. 83(1A) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F488 Words in s. 83(2)(a) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(a)**; S.I. 2008/3164, art. 4(b)

F489 Word in s. 83(2)(b) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(b)**; S.I. 2008/3164, art. 4(b)

F490 Words in s. 83(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(4)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F491 Words in s. 83(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(c)**; S.I. 2008/3164, art. 4(b)

F492 Words in s. 83(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 55(4)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F493 Words in s. 83(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 28(3)(d)**; S.I. 2008/3164, art. 4(b)

84 Regulations.

The Secretary of State may by regulations make provision as to any matter incidental to the operation of this Part of this Act, and in particular—

(a) for prescribing any information or further information to be provided in any notice, notification, certificate or receipt under section 52(1), **[**[F494]54(5)**]**, 56, 59(1), [F495]... 63(2), 70(2) and (3)(b), 73(4)(b), **[**[F496]75(1), (1A), (2), (3) or (3B) or 76(3)(c) or (4)(b)**]** of this Act or in any official form for a statutory statement mentioned in Schedule 4 to, or a statement under section 66(2) of, this Act, **[**[F497]and

(b) the amount of the penalty stated in the offer is less than the fixed penalty applicable in the circumstances,**]**

Textual Amendments

F494 Word in s. 84(1)(a) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 56**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F495 Words in s. 84(a) repealed (8.11.2006) by Road Safety Act 2006 (c. 49), s. 61(9), **Sch. 7(19)**

F496 Words in s. 84 substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 22**; S.I. 2008/3164, art. 3(b)

F497 S. 84(b) and word substituted for s. 84(b)(c) (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 3(3)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 2(a)

[[F498]84A Notices to Secretary of State

Any notice sent to the Secretary of State under this Part must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.**]**

Textual Amendments

F498 S. 84A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 30**; S.I. 2008/3164, art. 4(b)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

85 Service of documents.

(1) Subject to any requirement of this Part of this Act with respect to the manner in which a person may be provided with any such document, he may be provided with the following documents by post (but without prejudice to any other method of providing him with them), that is to say—

(a) any of the statutory statements mentioned in Schedule 4 to this Act, and

(b) any of the documents mentioned in section 66(2) of this Act.

(2) Where a notice requesting a hearing in respect of an offence is permitted by a fixed penalty notice or notice to owner relating to that offence to be given by post, section 7 of the [M31]Interpretation Act 1978 (service of documents by post) shall apply as if that notice were permitted to be so given by this Act.

(3) A notice to owner may be served on any person—

(a) by delivering it to him or by leaving it at his proper address, or

(b) by sending it to him by post,

and where the person on whom such a notice is to be served is a body corporate it is duly served if it is served on the secretary or clerk of that body.

(4) For the purposes of this Part of this Act and of section 7 of the [M32]Interpretation Act 1978 as it applies for the purposes of subsection (3) above the proper address of any person in relation to the service on him of a notice to owner is—

(a) in the case of the secretary or clerk of a body corporate, that of the registered or principal office of that body or the registered address of the person who is or was the registered keeper of the vehicle concerned at the time of service, and

(b) in any other case, his last known address at the time of service.

(5) In subsection (4) above, "registered address", in relation to the registered keeper of a vehicle, means the address recorded in the record kept under **[**[F499]the Vehicle Excise and Registration Act 1994**]** with respect to that vehicle as being that person's address.

Textual Amendments

F499 Words in s. 85(5) substituted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(1)** (with s. 57(4))

Marginal Citations

M31 1978 c. 30.

M32 1978 c. 30.

86 Functions of traffic wardens.

(1) An order under section 95(5) of the [M33]Road Traffic Regulation Act 1984 may not authorise the employment of a traffic warden to discharge any function under this Part of this Act in respect of an offence if the offence appears to the traffic warden to be an offence involving obligatory endorsement **[**[F500]unless that offence was committed whilst the vehicle concerned was stationary.**]**.

(2) In so far as an order under that section authorises the employment of traffic wardens for the purposes of this Part of this Act, references in this Part of this Act to a constable or, as the case may be, to a constable in uniform include a traffic warden.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

Textual Amendments

F500 Words in s. 86(1) added (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 106**; S.I. 1991/2054, art. 3, **Sch**

Marginal Citations

M33 1984 c. 27.

87 Guidance on application of Part III.

The Secretary of State must issue guidance to chief officers of police for police areas **[**[F501]and to the chief constable of the British Transport Police**]**in respect of the operation of this Part of this Act with the objective so far as possible of working towards uniformity.

Textual Amendments

F501 Words in s. 87 inserted (1.10.2002) by 2002 c. 30, **s. 76**; S.I. 2002/2306, **art. 2(d)(vii)**

88 Procedure for regulations and orders.

(1) Any power conferred by this Part of this Act on the Secretary of State to make any order or regulations shall be exercisable by statutory instrument.

(2) Before making—

(a) an order under section 51, 53 or 75 of this Act, or

(b) regulations under section 84 of this Act,

the Secretary of State must consult with such representative organisations as he thinks fit.

(3) A statutory instrument containing regulations or an order under any provision of this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations under this Part of this Act may—

(a) make different provision for different cases, and

(b) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations.

89 Interpretation.

(1) In this Part of this Act—

[[F502]"the applicable Community rules" means any directly applicable EU provision for the time being in force about the driving of road vehicles and includes the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970, as amended, as applied by Article 2(3) of the Community Drivers' Hours Regulation,**]**

"authorised person" has the meaning given by section 54(9) of this Act,

[[F503]**[**[F504] "British Transport Police" means the force of constables appointed under the British Transport Commission Act 1949 (c. xxix);**]]**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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[[F505] "chief constable" means, in Scotland in relation to any conditional offer, the chief constable **[**[F506]of the Police Service of Scotland**]** .**]**

"chief officer of police" (except in the definition of "authorised person") means, in relation to any fixed penalty notice **[**[F507], notice to owner or conditional offer**]**, the chief officer of police for the police area in which the fixed penalty offence in question is alleged to have been committed,

[[F508]"the Community Drivers' Hours Regulation" means Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006 on the harmonisation of certain social legislation relating to road transport (and amending and repealing certain Council Regulations), as amended from time to time,**]**

[[F508]"contracting third country" means a country other than a member State which is a contracting party to—

(a) the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970, as amended; or

(b) the EEA agreement,**]**

"court of summary jurisdiction" has the same meaning as in **[**[F509]section 307(1) of the Criminal Procedure (Scotland) Act 1995**]**,

"driver" except in section 62 of this Act means, in relation to an alleged fixed penalty offence, the person by whom, assuming the offence to have been committed, it was committed,

[F510] . . .

"petty sessions area" has the same meaning as in the [M34]Magistrates' Courts Act 1980, and

"proceedings", except in relation to proceedings for enforcing payment of a sum registered under section 71 of this Act, means criminal proceedings.

[[F511]"vehicle examiner" means an examiner appointed under section 66A of the Road Traffic Act 1988.**]**

(2) In this Part of this Act—

(a) references to a notice requesting a hearing in respect of an offence are references to a notice indicating that the person giving the notice wishes to contest liability for the offence or seeks a determination by a court with respect to the appropriate punishment for the offence,

(b) references to an offence include an alleged offence, and

(c) references to the person who is or was at any time the registered keeper of a vehicle are references to the person in whose name the vehicle is or was at that time registered under **[**[F512]the Vehicle Excise and Registration Act 1994**]**.

[[F513](3) For the purposes of this Part of this Act, a person commits a "Community drivers' hours offence" if the person commits a fixed penalty offence under—

(a) section 96(11A) of the Transport Act 1968 (permitted driving time and periods of duty);

(b) section 98(4)(b) of the Transport Act 1968 (written records);

(c) section 99C of the Transport Act 1968 (failure to comply with prohibition), where the prohibition is imposed under section 99A(1)(b)(ii); or

(d) section 3(1) of the Road Traffic (Foreign Vehicles) Act 1972 (enforcement provisions) where the offence arises as a result of a contravention of the applicable Community rules.**]**

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Textual Amendments

F502 Words in s. 89(1) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **5(2)(a)**

F503 Definition in s. 89 ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)

F504 S. 89(1): Definition of British Transport Police inserted (1.10.2002) by 2002 c. 30, **s. 76(6)**; S.I. 2002/2306, **art. 2(d)(vii)**

F505 Definition in s. 89(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 107(2)**; S.I. 1992/1286, art. 2, **Sch.**

F506 Words in s. 89(1) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 23**

F507 Words in s. 89(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 107(3)**; S.I. 1992/1286, art. 2, **Sch.**

F508 Words in s. 89(1) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **5(2)(b)**

F509 S. 89(1): words in definition of "court of summary jurisdiction" substituted (1.4.1996) by 1995 c. 13, s. 5, **Sch. 4 para. 71(10)**

F510 S. 89(1): Definition of "justices' clerk" repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(7)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)

F511 Definition in s. 89(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 23**; S.I. 2008/3164, art. 3(b)

F512 Words in s. 89(2)(c) substituted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(1)**

F513 S. 89(3) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **5(3)**

Marginal Citations

M34 1980 c. 43.

90 Index to Part III.

The expressions listed in the left hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

[[F514]The applicable Community rules	Section 89(1)**]**
Authorised person	Section 54(9)
[[F515]Community drivers' hours offence	Section 89(3)**]**
[[F516]The Community Drivers' Hours Regulation	Section 89(1)**]**
[[F517]Contracting third country	Section 89(1)**]**
Conditional offer	**[**[F518]75(5)**]**
Fixed penalty	Section 53
Fixed penalty clerk	Section 69(4) **[**[F519]and **[**[F520]75(6)**]]**
Fixed penalty notice	Section 52
Fixed penalty offence	Section 51

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Notice to owner	Sections 63(2) and 66(4)
Notice requesting a hearing in respect of an offence	Section 89(2)
Offence	Section 89(2)
Official form	Section 68(4)
Owner	Section 68(1)
Period allowed for response to a notice to owner	Section 63(5)
Proper address, in relation to the service of a notice to owner	Section 85(4)
Registered keeper	Section 89(2)
Statutory statement of facts	Part II of Schedule 4
Statutory statement of hiring	Part I of Schedule 4
Statutory statement of ownership	Part I of Schedule 4
Suspended enforcement period	Section 52(3)(a)
Time of the alleged offence	Section 63(3)

Textual Amendments

F514 Words in s. 90 inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **6(2)**

F515 Words in s. 90 inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **6(3)**

F516 Words in s. 90 inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **6(4)**

F517 Words in s. 90 inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **6(5)**

F518 Words in s. 90 substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(5)(a)**, 61(9)

F519 Words in s. 90 added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 108(b)**; S.I. 1992/1286, **art. 2**,Sch.

F520 Words in s. 90 substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(5)(b)**, 61(9)

[F521 PART 3A

FINANCIAL PENALTY DEPOSITS

Textual Amendments

F521 Pt. 3A (ss. 90A-90F) inserted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 11(1)**, 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 2(b)

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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90A Power to impose financial penalty deposit requirement

(1) A constable or vehicle examiner may impose a financial penalty deposit requirement on a person on any occasion if the conditions in this section are satisfied.

(2) The constable or vehicle examiner must have reason to believe—

[[F522](a) that the person—

(i) is committing or has on that occasion committed an offence relating to a motor vehicle **[**[F523]or trailer**]**; or

(ii) 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, and**]**

(b) 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.

(3) The person must be—

(a) given written notification that it appears likely that proceedings will be brought against him in respect of the offence, or

(b) (if the offence is a fixed penalty offence) either given such notification or given a fixed penalty notice (or, in Scotland, handed a conditional offer) in respect of the offence.

(4) The person must fail to provide a satisfactory address; and for this purpose "a satisfactory address" is an address in the United Kingdom at which the constable or vehicle examiner considers it likely that it would be possible to find the person whenever necessary to do so in connection with the proceedings, fixed penalty notice or conditional offer.

(5) The person who is to impose the financial penalty deposit requirement—

(a) if a constable, must be in uniform, and

(b) if a vehicle examiner, must produce his authority.

[[F524](6) A constable or vehicle examiner may not impose a financial penalty deposit requirement on a person under this section in relation to a Community drivers' hours offence where the constable or vehicle examiner has reason to believe that—

(a) a financial penalty deposit requirement has already been imposed on the person under this section in relation to the offence;

(b) proceedings have already been initiated against the person for the offence; or

(c) 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, another member State or a contracting third country.

(7) In subsection (6)(c) "relevant breach" means the breach of the applicable Community rules which constitutes the Community drivers' hours offence.**]**

Textual Amendments

F522 S. 90A(2)(a) substituted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **7(2)** (with reg. 11)

F523 Words in s. 90A(2)(a)(i) inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), s. 27(1), **Sch. para. 5**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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F524 S. 90A(6)(7) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **7(3)** (with reg. 11)

90B Financial penalty deposit requirement

(1) For the purposes of this Part of this Act a financial penalty deposit requirement is a requirement to make a payment of the appropriate amount to the Secretary of State—
  (a) in a manner specified in an order made by him, and
  (b) either immediately or within the relevant period.

(2) In this Part of this Act "the appropriate amount", in relation to an offence and a person, is an amount specified in relation to the offence in an order made by the Secretary of State; and different amounts may be so specified—
  (a) by reference to whether the person is given notification that it appears likely that proceedings will be brought against him or given a fixed penalty notice (or handed a conditional offer), and
  (b) otherwise by reference to the circumstances of the offence.

(3) In this Part of this Act "the relevant period" means—
  (a) if the person was given a fixed penalty notice and proceedings are not brought in respect of the offence by virtue of this Act before the end of the suspended enforcement period, the suspended enforcement period,
  (b) if he was handed a conditional offer and proceedings are not brought in respect of the offence by virtue of this Act before the end of the period of 28 days following the date on which the conditional offer was given or any longer period specified in the conditional offer, that period, and
  (c) otherwise, the period ending with the person being charged with the offence.

90C Making of payment in compliance with requirement

(1) This section applies where a person on whom a financial penalty deposit requirement is imposed in respect of an offence makes a payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it).

(2) On payment by the person of the appropriate amount the person by whom the payment is received must issue him with a written receipt for the payment specifying the effect of the following provisions of this section.

(3) If the person was handed a conditional offer—
  (a) the person is entitled to give notice requesting a hearing in respect of the offence, and
  (b) the written receipt must specify the manner in which such notice is to be given.

(4) In a case where—
  (a) a fixed penalty notice relating to the offence has been given to the person or a conditional offer so relating has been handed to him,
  (b) the person does not give notice requesting a hearing in respect of the offence before the end of the relevant period in the appropriate manner, and
  (c) proceedings are not brought in respect of the offence by virtue of this Act,

subsection (6) below applies.

(5) In subsection (4)(b) above "the appropriate manner" means—

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(a) if the person was given a fixed penalty notice, the manner specified in the fixed penalty notice, and

(b) if he was handed a conditional offer, the manner specified in the written receipt under subsection (2) above.

(6) Where this subsection applies, the Secretary of State must—

(a) apply so much of the payment as does not exceed the amount of the fixed penalty in or towards payment of the fixed penalty, and

(b) take the appropriate steps to make any appropriate refund to the person.

(7) In any other case—

(a) if the person is informed that he is not to be prosecuted for the offence, is acquitted of the offence or is convicted but not fined in respect of it, or the prosecution period comes to an end without a prosecution having been commenced against him in respect of it, subsection (9) below applies, and

(b) if a fine is imposed on the person in respect of the offence (otherwise than as a result of a conviction obtained on a prosecution commenced after the end of the prosecution period), subsection (10) below applies.

(8) In this Part of this Act "the prosecution period" means the period of twelve months beginning with the imposition of the financial penalty deposit requirement or, if shorter, any period after which no prosecution may be commenced in respect of the offence.

(9) Where this subsection applies, the Secretary of State must take the appropriate steps to make the appropriate refund to the person.

(10) Where this subsection applies, the Secretary of State must—

(a) apply so much of the payment as does not exceed the amount of the fine in or towards payment of the fine, and

(b) take the appropriate steps to make any appropriate refund to the person.

(11) Where the Secretary of State is required by this section to take the appropriate steps to make an appropriate refund, he must take such steps to trace the person and to make the refund to him, by such means, as are specified in an order made by the Secretary of State.

(12) In this Part of this Act "the appropriate refund", in any case, is a refund of—

(a) where subsection (6) above applies, so much of the payment as exceeds the amount of the fixed penalty,

(b) where subsection (9) above applies, the amount of the payment, and

(c) where subsection (10) above applies, so much of the amount of the payment as exceeds the amount of the fine,

together with interest calculated in accordance with provision made by order made by the Treasury.

90D Prohibition on driving on failure to make payment

(1) This section applies where a person on whom a financial penalty deposit requirement is imposed does not make an immediate payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it).

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(2) The constable or vehicle examiner by whom the requirement was imposed may prohibit the driving on a road of any vehicle of which the person was in charge at the time of the offence by giving to the person notice in writing of the prohibition.

(3) The prohibition—
- (a) shall come into force as soon as the notice is given, and
- (b) shall continue in force until the happening of whichever of the events in subsection (4) below occurs first.

(4) Those events are—
- (a) the person making a payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it) at any time during the relevant period,
- (b) (where a fixed penalty notice was given, or a conditional offer handed, to the person in respect of the offence) payment of the fixed penalty,
- (c) the person being convicted or acquitted of the offence,
- (d) the person being informed that he is not to be prosecuted for the offence, and
- (e) the coming to an end of the prosecution period.

(5) A constable or vehicle examiner may by direction in writing require the person to remove the vehicle to which the prohibition relates (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition does not apply to the removal of the vehicle (or trailer) in accordance with the direction.

(6) A person who—
- (a) drives a vehicle in contravention of a prohibition under this section,
- (b) causes or permits a vehicle to be driven in contravention of such a prohibition, or
- (c) fails to comply within a reasonable time with a direction under subsection (5) above,

is guilty of an offence.

(7) The Secretary of State may by order provide for exceptions from subsection (6) above.

(8) Schedule 4 to the Road Safety Act 2006 makes provision about the immobilisation of vehicles the driving of which has been prohibited under this section and about their removal and disposal.

90E Orders about financial penalty deposits

(1) Any power conferred by section 90A, 90B, 90C or 90D of this Act on the Secretary of State or the Treasury to make an order shall be exercisable by statutory instrument.

(2) Before making an order under any of those sections the Secretary of State or the Treasury must consult with such representative organisations as appear appropriate.

(3) An order under any of those sections may make different provision for different cases.

(4) No order shall be made under section 90B(2) of this Act unless a draft of the instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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(5) A statutory instrument containing an order under section 90A, 90B(1), 90C or 90D of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

90F Financial penalty deposits: interpretation

In sections 90A to 90D of this Act—

[[F525]"the applicable Community rules" has the meaning given by section 89(1) of this Act,**]**

"the appropriate amount" has the meaning given by section 90B(2) of this Act,

"the appropriate refund" has the meaning given by section 90C(12) of this Act,

[[F526]"Community drivers' hours offence" has the meaning given by section 89(3) of this Act,**]**

"conditional offer" means a notice under section 75(3)(a) **[**[F527]or (3B)(a)**]** of this Act,

[[F528]"contracting third country" has the meaning given by section 89(1) of this Act.**]**

"financial penalty deposit requirement" has the meaning given by section 90B(1) of this Act,

"fixed penalty notice" has the meaning given by section 52 of this Act,

"fixed penalty offence" is to be construed in accordance with section 51 of this Act,

"the prosecution period" has the meaning given by section 90C(8) of this Act,

"the relevant period" has the meaning given by section 90B(3) of this Act,

"suspended enforcement period" is to be construed in accordance with section 52(3)(a) of this Act, and

"vehicle examiner" means an examiner appointed under section 66A of the Road Traffic Act 1988.**]**

Textual Amendments

F525 Words in s. 90F inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **8(2)**

F526 Words in s. 90F inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **8(3)**

F527 Words in s. 90F inserted (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 128**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

F528 Words in s. 90F inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **8(4)**

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PART IV

MISCELLANEOUS AND GENERAL

91 Penalty for breach of regulations.

If a person acts in contravention of or fails to comply with—

(a) any regulations made by the Secretary of State under the [M35]Road Traffic Act 1988 other than regulations made under section 31, 45 or 132 **[**[F529]or under section 160 by virtue of Schedule 2A**]**,

(b) any regulations made by the Secretary of State under the [M36]Road Traffic Regulation Act 1984, other than regulations made under section 28, Schedule 4, Part III of Schedule 9 or Schedule 12,

and the contravention or failure to comply is not made an offence under any other provision of the Traffic Acts, he shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F529 Words in s. 91(a) inserted (16.5.2011) by Road Safety Act 2006 (c. 49), **ss. 22(4)**, 61(1)(10); S.I. 2011/1119, art. 2(a)

Marginal Citations

M35 1988 c. 52.

M36 1984 c. 27.

[F530]91ZA Application to Northern Ireland licence holders

(1) The references to a licence in the following provisions of this Act include references to a Northern Ireland licence—

(a) section 7,

(b) section 26(7) and (8) [F531]...,

(c) section 27,

[F532](d) . . . . . .

[F532](e) . . . . . .

[F532](f) . . . . . .

[F533](g) . . . . . .

[F534](h) . . . . . .

[F534](i) . . . . . .

[F534](j) . . . . . .

(k) section 47(2) [F535]...,

[F536](l) . . . . . .

(2) Accordingly, the reference in section 27(3)(b) of this Act to the suspension of a licence is to be construed in relation to a Northern Ireland licence holder as a reference to his ceasing to be authorised by virtue of section 109(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.

[F537](3) . . . . . .

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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[F537](4) . . . . . .

[F537](5) . . . . . .

[F537](6) . . . . . .

(7) Where a court orders the holder of a Northern Ireland licence to be disqualified, it must send the Northern Ireland licence [F538]..., on **[**[F539]its**]** being produced to the court, to the Secretary of State.

(8) The licence [F540]... must be sent to such address as the Secretary of State may determine.

(9) Where—

(a) a notice is sent to the Secretary of State under **[**[F541]section 44A above of an order for the endorsement of a person's driving record**]**, and

(b) the particulars contained in the notice include—

(i) particulars of an offence in respect of which the holder of a Northern Ireland licence **[**[F542], or a person normally resident in Northern Ireland who does not hold a licence,**]** is disqualified by an order of a court, and

(ii) particulars of the disqualification,

the Secretary of State must send a notice containing the particulars mentioned in paragraph (b)(i) and (ii) to the licensing authority in Northern Ireland.**]**

Textual Amendments

F530 Ss. 91ZA, 91ZB inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 77(2)**, 94(1); S.I. 2004/2624, art. 2(1)(2)(a)

F531 Words in s. 91ZA(1)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F532 S. 91ZA(1)(d)-(f) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(2)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F533 S. 91ZA(1)(g) 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. 3(g)**

F534 S. 91ZA(1)(h)-(j) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(2)(c), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F535 Words in s. 91ZA(1)(k) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(2)(d), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F536 S. 91ZA(1)(l) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(2)(e), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F537 S. 91ZA(3)-(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F538 Words in s. 91ZA(7) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(4)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F539 Word in s. 91ZA(7) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 57(4)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F540 Words in s. 91ZA(8) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 57(5), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F541 Words in s. 91ZA(9)(a) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 57(6)(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F542 Words in s. 91ZA(9)(b)(i) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 57(6)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

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[F543]91ZBEffect of endorsement on Northern Ireland licence holders

. . . . . .

Textual Amendments

F543 S. 91ZB repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 58, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[[F544]91A Application to Community licence holders.

(1) The references in sections 7, 26(7) and (8) and (9)(b), **[**[F545]and 27**]** of this Act to a licence includes references to a Community licence; and accordingly the reference in section 27(3)(b) of this Act to the suspension of a licence is to be construed in relation to a Community licence as a reference to the Community licence holder ceasing to be authorised by virtue of section 99(A)(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.

[F546](2) . . . . . .

[F546](3) . . . . . .

[F546](4) . . . . . .

(5) Where a court orders the holder of a Community licence to be disqualified, it must send the Community licence [F547]..., on **[**[F548]its**]** being produced to the court, to the Secretary of State.

[F549](6) . . . . . .

[[F550](7) Where—

(a) a notice is sent to the Secretary of State under section 44A above for the endorsement of a person's driving record with any particulars or penalty points, and

(b) the particulars contained in the notice include—

(i) particulars of an offence in respect of which the holder of a Community licence, or a person normally resident in another EEA state who does not hold a licence, is disqualified by an order of a court, and

(ii) particulars of the disqualification,

the Secretary of State must send a notice containing the particulars mentioned in paragraph (b)(i) and (ii) to the licensing authority in the EEA state in respect of which the Community licence was issued or, where the person disqualified is not the holder of a licence, the licensing authority in the EEA state where the person is normally resident.

(7A) Where a Community licence has been sent to the Secretary of State in pursuance of subsection (5) above, he must return the Community licence to the holder—

(a) on the expiry of the period of disqualification, or

(b) if earlier, on being satisfied that the holder has left Great Britain and is not normally resident there.**]**

[F551](8) . . . . . .

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[F551](9) . . . . . .

[F551](10) . . . . . .]

Textual Amendments

F544 S. 91A inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 4**

F545 Words in s. 91A(1) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(h)**

F546 S. 91A(2)-(4) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 59(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F547 Words in s. 91A(5) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 59(4)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F548 Word in s. 91A(5) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 59(4)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F549 S. 91A(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 59(5), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F550 S. 91A(7)(7A) substituted for s. 91A(7) (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 59(6)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F551 S. 91A(8)-(10) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 59(7), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

[F552]91B Effect of endorsement on Community licence holders.

. . . . . .

Textual Amendments

F552 S. 91B repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 60, **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

92 Application to Crown.

The following provisions of this Act apply to vehicles and persons in the public service of the Crown: sections 1, 2, 3, 15, 16 **[**[F553]20**]** and 49 and the provisions connected with the licensing of drivers.

Textual Amendments

F553 Word in s. 92 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.109**; S.I. 1992/1286, **art. 2**,Sch.

93 Application of sections 15 and 16 to persons subject to service discipline.

(1) Sections 15 and 16, in their application to persons subject to service discipline, apply outside as well as within Great Britain and have effect as if—

(a) references to proceedings for an offence under any enactment included references to proceedings for the corresponding service offence,

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(b) references to the court included a reference to any naval, military, or air force authority before whom the proceedings take place,

(c) references to a constable included references to a member of the provost staff, and

(d) in section 15, subsection (4) were omitted.

(2) Expressions used in this section have the same meaning as in sections **[**[F554]3A**]** to 10 of the Road Traffic Act 1988.

Textual Amendments

F554 Words in s. 93(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 110**; S.I. 1992/1286, **art. 2**,Sch.

94 Proceedings in respect of offences in connection with Crown vehicles.

(1) Where an offence under the Traffic Acts is alleged to have been committed in connection with a vehicle in the public service of the Crown, proceedings may be brought in respect of the offence against a person nominated for the purpose on behalf of the Crown.

(2) Subject to subsection (3) below, where any such offence is committed any person so nominated shall also be guilty of the offence as well as any person actually responsible for the offence (but without prejudice to proceedings against any person so responsible).

(3) Where any person is convicted of an offence by virtue of this section—

(a) no order is to be made on his conviction save an order imposing a fine,

(b) payment of any fine imposed on him in respect of that offence is not to be enforced against him, and

(c) apart from the imposition of any such fine, the conviction is to be disregarded for all purposes other than any appeal (whether by way of case stated or otherwise).

95 Destination of Scottish fines.

[[F555](1)**]** There shall be paid into the Consolidated Fund all fines imposed in respect of the following offences—

(a) offences committed in Scotland under the provisions of the [M37]Road Traffic Act 1988 down to section 178 or regulations made under those provisions, except—

(i) offences under sections 1, 4(2), 17, 27, 31, 33, 37, 47, 67 **[**[F556]67A(6) and (7)(including the last two subsections as applied by section 67B(4)), 67B**]**, 77, 169, 174(3) and (4) and 177, and

(ii) an offence under section 164(6) consisting of a contravention of subsection (3) or (4) of that section,

(b) offences under section 115 of the [M38]Road Traffic Regulation Act 1984 of which the offenders have been convicted on indictment in Scotland,

(c) offences committed in Scotland under the provisions of that Act down to the end of Part IX or regulations made under those provisions, being offences of

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which the offenders have been convicted otherwise than on indictment, except offences under—

(i) sections 28(3), 29(3), 47, 104(5) and (6), 105(5), 108(2) and (3),

(ii) the provisions of subsections (2) and (3) of section 108 as modified by subsections (2) and (3) of section 109, and

(iii) Schedule 12 (other than paragraph 3(5)),

(d) offences committed in Scotland under this Act.

[[F557](2) There shall be paid into the Scottish Consolidated Fund all fixed penalties imposed in respect of offences, committed in Scotland, to which subsection (2) of section 46 of the Local Government in Scotland Act 2003 (road traffic offences in relation to which Scottish Ministers may provide funding) applies.**]**

Textual Amendments

F555 S. 95 renumbered as s. 95(1) (26.3.2004) by virtue of Local Government in Scotland Act 2003 (Destination of Fixed Penalties in Scotland) Order 2004 (S.I. 2004/956), arts. 1, **2**

F556 Words inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 29**

F557 S. 95(2) added (26.3.2004) by Local Government in Scotland Act 2003 (Destination of Fixed Penalties in Scotland) Order 2004 (S.I. 2004/956), arts. 1, **2**

Marginal Citations

M37 1988 c. 52.

M38 1984 c. 27.

96 Meaning of "offence involving obligatory endorsement".

For the purposes of this Act, an offence involves obligatory endorsement if it is an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word "obligatory" (without qualification) appears in column 6 (in the case of Part I) or column 3 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions relating to the offence which are satisfied.

Modifications etc. (not altering text)

C87 S. 96: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (which was inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, art. 2, **Sch.**).

97 Meaning of "offence involving obligatory disqualification" and "offence involving discretionary disqualification".

(1) For the purposes of this Act, an offence involves obligatory disqualification if it is an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule and either—

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(a) the word "obligatory" (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

(2) For the purposes of this Act, an offence involves discretionary disqualification if it is an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word "discretionary" (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

Modifications etc. (not altering text)

C88 S. 97: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (which was inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**,Sch.).

[F558 97A Meaning of "driving record"

(1) In this Act "driving record", in relation to a person, means a record in relation to the person maintained by the Secretary of State and designed to be endorsed with particulars relating to offences committed by the person under the Traffic Acts.

(2) The Secretary of State may make arrangements for the following persons to have access, by such means as the Secretary of State may determine, to information held on a person's driving record—

(a) courts,

(b) constables,

(c) fixed penalty clerks,

(d) the person in respect of whom the record is maintained and persons authorised by him, and

(e) other persons prescribed in regulations made by the Secretary of State.

(3) The power to make regulations under subsection (2)(e) above shall be exercisable by statutory instrument.

(4) No regulations shall be made under subsection (2)(e) above unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

F558 S. 97A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), **ss. 8**, 61(1)(10); S.I. 2008/3164, art. 4(a)

98 General interpretation.

(1) In this Act—

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"disqualified" means disqualified for holding or obtaining a licence and "disqualification" is to be construed accordingly,

"drive" has the same meaning as in the [M39]Road Traffic Act 1988,

"licence" means a licence to drive a motor vehicle granted under Part III of that Act [F559]. . .,

"provisional licence" means a licence granted by virtue of section 97(2) of that Act,

"the provisions connected with the licensing of drivers" means sections 7, 8, 22, 25 to 29, 31, [F560]... 34 to 48, **[**[F561]91ZA, 91A**]**, 96 and 97 of this Act,

"road"—

(a) in relation to England and Wales, 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, **[**[F562]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,**]**,

"the Road Traffic Acts" means the [M40]Road Traffic Act 1988, the Road Traffic (Consequential Provisions) Act 1988 (so far as it reproduces the effect of provisions repealed by that Act) and this Act, and

"the Traffic Acts" means the Road Traffic Acts and the [M41]Road Traffic Regulation Act 1984.

[[F563] and "Community licence", [F564]... **[**[F565], "EEA State" and "Northern Ireland licence"**]** have the same meanings as in Part III of the Road Traffic Act 1988 **]**

(2) Sections 185 and 186 of the Road Traffic Act 1988 (meaning of "motor vehicle" and other expressions relating to vehicles) apply for the purposes of this Act as they apply for the purposes of that **[**[F566]Act**]**.

(3) In the Schedules to this Act—

"RTRA" is used as an abbreviation for the Road Traffic Regulation Act 1984, and

"RTA" is used as an abbreviation for the Road Traffic Act 1988 **[**[F567]or, if followed by "1989", the Road Traffic (Driver Licensing and Information Systems) Act 1989**]**.

(4) Subject to any express exception, references in this Act to any Part of this Act include a reference to any Schedule to this Act so far as relating to that Part.

Textual Amendments

F559 S. 98(1): words in definition of "licence" repealed (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2**, para. 6(a)(i)

F560 Word in s. 98(1) 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. 3(i)**

F561 Words in s. 98(1) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 61(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

F562 Words in s. 98(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 111(1)**; S.I. 1992/1286, art. 2, **Sch.**

F563 S. 98(1): definition inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 6(b)**

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F564 Words in s. 98(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 61(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F565 Words in s. 98(1) substituted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 35(b)**; S.I. 2004/2624, art. 2(1)(2)(b)

F566 Word in s. 98(2) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 111(2)**; S.I. 1992/1286, art. 2, **Sch.**

F567 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 26**

Marginal Citations

M39 1988 c. 52.

M40 1988 c. 54.

M41 1984 c. 27.

99 Short title, commencement and extent.

(1) This Act may be cited as the Road Traffic Offenders Act 1988.

(2) This Act, except so far as it may be brought into force under subsection (3) or (5) below, shall come into force at the end of the period of six months beginning with the day on which it is passed.

(3) The provisions mentioned in subsection (4) below, so far as they relate to Scotland, shall come into force on such day or days as the Secretary of State may by order made by statutory instrument appoint.

(4) Those provisions are—

section 27(4),

section 30, except so far as relating to sections 75 to 77, and

Part III, except sections 51, 52(1) to (3), 53, 62 to 78, 80, 81 and 83 to 90.

[F568](5) . . . . . .

(6) An order under subsection (3) or (5) above may contain such transitional provisions and savings (whether or not involving the modification of any provisions contained in an Act or in subordinate legislation (within the meaning of the [M42]Interpretation Act 1978)) as appear to the Secretary of State necessary or expedient in connection with the provisions brought (wholly or partly) into force by the order, and different days may be appointed for different purposes.

(7) This Act, except as provided by section 93, does not extend to Northern Ireland.

Textual Amendments

F568 S. 99(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Modifications etc. (not altering text)

C89 Power of appointment conferred by s. 99(3)(5) not yet exercised

Marginal Citations

M42 1978 c. 30.

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SCHEDULES

SCHEDULE 1

Sections 1 etc.

OFFENCES TO WHICH SECTIONS 1, 6, 11 AND 12(1) APPLY

1 (1) Where section 1, 6, 11 or 12(1) of this Act is shown in column 3 of this Schedule against a provision of the [M43]Road Traffic Act 1988 specified in column 1, the section in question applies to an offence under that provision.

(2) The general nature of the offence is indicated in column 2.

Marginal Citations

M43 1988 c. 52.

[F569]**[**1A Section 1 also applies to—

(a) an offence under section 16 of the Road Traffic Regulation Act 1984 consisting in the contravention of a restriction on the speed of vehicles imposed under section 14 of that Act,

(b) an offence under subsection (4) of section 17 of that Act consisting in the contravention of a restriction on the speed of vehicles imposed under that section, and

(c) an offence under section 88(7) or 89(1) of that Act (speeding offences).**]**

Textual Amendments

F569 Sch. 1 para. 1A inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , s. 22 , **Sch. 1 para. 2** ; S.I. 1992/1286 , **art. 2** , Sch.

2 Section 6 also applies—

(a) to an offence under section 67 of this Act, [F570]. . .

(b) in relation to Scotland, to an offence under section 173 of the Road Traffic Act 1988 (forgery, etc., of licences, test certificates, certificates of insurance and other documents and things), [F571]. . .

(c) [F572]... **[**[F573]and

(d) to an offence under paragraph 3(5) of Schedule 1 to the Road Traffic (New Drivers) Act 1995.**]**

Textual Amendments

F570 Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 27(a), **Sch. 6**

F571 Word in Sch. 1 para. 2(b) repealed (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 7** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

F572 Sch. 1 para. 2(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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F573 Word in Sch. 1 para. 2(c) and Sch. 1 para. 2(d) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 7** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

3 Section 11 also applies to—

(a) any offence to which section 112 of the [M44]Road Traffic Regulation Act 1984 (information as to identity of driver or rider) applies except an offence under section 61(5) of that Act,

(b) any offence which is punishable under section 91 of this Act, **[**[F574]and**]**

[F575](bb) . . . . . .

(c) any offence against any other enactment relating to the use of vehicles on roads.

Textual Amendments

F574 Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 27(b), **Sch. 6**

F575 Sch. 1 para. 3(bb) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Marginal Citations

M44 1984 c. 27.

4 Section 12(1) also applies to—

(a) any offence which is punishable under section 91 of this Act, **[**[F576]and**]**

[F577](aa) . . . . . .

(b) any offence against any other enactment relating to the use of vehicles on roads.

(1) Provision creating offence	(2) General nature of offence	(3) Applicable provisions of this Act
RTA section 1	Causing death by **[**[F578]dangerous**]** driving.	Section 11 of this Act.
[[F579]RTA section 1A**]**	**[**[F579]Causing serious injury by dangerous driving.**]**	**[**[F579]Sections 11 and 12(1) of this Act.**]**
RTA section 2	**[**[F578]Dangerous**]** driving.	Sections 1, 11 and 12(1) of this Act.
[[F580]RTA section 2B **]**	**[**[F580]Causing death by careless, or inconsiderate, driving.**]**	**[**[F580]Sections 11 and 12(1) of this Act.**]**
RTA section 3	Careless, and inconsiderate, driving.	Sections 1, 11 and 12(1) of this Act.
[[F581]RTA section 3ZB**]**	**[**[F581]Causing death by driving: unlicensed [F582] ... or uninsured drivers.**]**	**[**[F581]Sections 11 and 12(1) of this Act.**]**

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[[F583]RTA section 3ZC**]**	**[**[F583]Causing death by driving: disqualified drivers**]**	**[**[F583]Section 11 of this Act.**]**
[[F583]section 3ZD**]**	**[**[F583]Causing serious injury by driving: disqualified drivers**]**	**[**[F583]Sections 11 and 12(1) of this Act.**]**
[[F584]RTA section 3A**]**	**[**[F584]Causing death by careless driving when under influence of drink or drugs.**]**	**[**[F584]Section 11 of this Act.**]**
RTA section 4	Driving or attempting to drive, or being in charge of a **[**[F585]mechanically propelled vehicle**]**, when unfit to drive through drink or drugs.	Sections 11 and 12(1) of this Act.
RTA section 5	Driving or attempting to drive, or being in charge of a motor vehicle, with excess alcohol in breath, blood or urine.	Sections 11 and 12(1) of this Act.
[[F586]RTA section 5A**]**	**[**[F586]Driving or attempting to drive, or being in charge of a motor vehicle, with concentration of specified controlled drug above specified limit.**]**	**[**[F586]Sections 11 and 12(1) of this Act.**]**
RTA section 6	**[**[F587]Failing to co-operate with a preliminary test**]**	Sections 11 and 12(1) of this Act.
RTA section 7	Failing to provide specimen for analysis or laboratory test.	Sections 11 and 12(1) of this Act.
[[F588]RTA section 7A	Failing to allow specimen of blood to be subjected to laboratory test	Sections 11 and 12(1).**]**
RTA section 12	Motor racing and speed trials.	Sections 11 and 12(1) of this Act.
RTA section 14	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts.	Sections 11 and 12(1) of this Act.
RTA section 15	Driving motor vehicle with child not wearing seat belt **[**[F589]or with child in a rear-facing child	Sections 11 and 12(1) of this Act.

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	restraint in front seat with an active air bag**]**.	
RTA section 19	Prohibition of parking of heavy commercial vehicles on verges and footways.	Sections 11 and 12(1) of this Act.
[[F590]RTA section 19A**]**	**[**[F590] Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.**]**	**[**[F590]Sections 11 and 12 of this Act.**]**
RTA section 22	Leaving vehicles in dangerous positions.	Sections 1, 11 and 12(1) of this Act.
RTA section 23	Carrying passenger on motor-cycle contrary to section 23.	Sections 11 and 12(1) of this Act.
RTA section 24	Carrying passenger on bicycle contrary to section 24.	Sections 11 and 12(1) of this Act.
RTA section 25	Tampering with motor vehicles.	Section 11 of this Act.
RTA section 26(1)	Holding or getting onto vehicle in order to be carried.	Section 11 of this Act.
RTA section 26(2)	Holding onto vehicle in order to be towed.	Sections 11 and 12(1) of this Act.
RTA section 28	**[**[F591]Dangerous**]** cycling.	Sections 1, 11 and 12(1) of this Act.
RTA section 29	Careless, and inconsiderate, cycling.	Sections 1, 11 and 12(1) of this Act.
RTA section 30	Cycling when unfit through drink or drugs.	Sections 11 and 12(1) of this Act.
RTA section 31	Unauthorised or irregular cycle racing, or trials of speed.	Sections 11 and 12(1) of this Act.
RTA section 33	Unauthorised motor vehicle trial on footpaths or bridleways.	Sections 11 and 12(1) of this Act.
RTA section 34	Driving motor vehicles elsewhere than on roads.	Sections 11 and 12(1) of this Act.
RTA section 35	Failing to comply with traffic directions.	Sections 1, 11 and 12(1) of this Act.
RTA section 36	Failing to comply with traffic signs.	Sections 1, 11 and 12(1) of this Act.

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[[F592]RTA section 40A**]**	**[**[F592] Using vehicle in dangerous condition etc.**]**	**[**[F592]Sections 11 and 12(1) of this Act.**]**
[[F592]RTA section 41A**]**	**[**[F592]Breach of requirement as to brakes, steering-gear or tyres.**]**	**[**[F592]Sections 11 and 12(1) of this Act.**]**
[[F592]RTA section 41B**]**	**[**[F592]Breach of requirement as to weight: goods and passenger vehicles.**]**	**[**[F592]Sections 11 and 12(1) of this Act.**]**
[[F593]RTA section 41D.**]**	**[**[F593] Breach of requirements as to control of vehicle, mobile telephones etc.**]**	**[**[F593]Sections 11 and 12(1) of this Act.**]**
RTA section 42	**[**[F594]Breach of other construction and use requirements**]**	Sections 11 and 12(1) of this Act.
RTA section 47	Using, etc., vehicle without required test certificate being in force.	Sections 11 and 12(1) of this Act.
RTA section 53	Using, etc., goods vehicle without required plating certificate or goods vehicle test certificate being in force, or 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.	Sections 11 and 12(1) of this Act.
RTA section 63	Using, etc., vehicle without required certificate being in force showing that it, or a part fitted to it, complies with type approval requirements applicable to it, or using, etc., certain goods vehicles for drawing trailer when plating certificate does not specify maximum laden weight for vehicle and trailer, or using, etc., goods vehicle where Secretary of State has not been but is required to be	Sections 11 and 12(1) of this Act.

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	notified under section 48 of alteration to it or its equipment.	
RTA section 71	Driving, etc., [F595] . . .vehicle in contravention of prohibition on driving it as being unfit for service or overloaded, or refusing, neglecting or otherwise failing to comply with a direction to remove a [F595] . . . vehicle found overloaded.	Sections 11 and 12(1) of this Act.
RTA section 78	Failing to comply with requirement about weighing motor vehicle or obstructing authorised person.	Sections 11 and 12(1) of this Act.
RTA section 87(1)	Driving **[**[F596]otherwise than in accordance with**]** a licence.	Sections 11 and 12(1) of this Act.
RTA section 87(2)	Causing or permitting a person to drive **[**[F596]otherwise than in accordance with**]** a licence.	Section 11 of this Act.
[[F597]RTA section 92(10)**]**	**[**[F597]Driving after making false declaration as to physical fitness.**]**	**[**[F597]Sections 6, 11 and 12(1) of this Act.**]**
RTA **[**[F598]Section 94(3)**][**[F599]and that subsection as applied by RTA section 99D**][**[F600]or 109C**]**	Failure to notify the Secretary of State of onset of, or deterioration in, relevant or prospective disability.	Section 6 of this Act.
[[F601]RTA section 94(3A)**][**[F602] and that subsection as applied by RTA section 99D(b)**][**[F603]or 109C(c)**]**	**[**[F601]Driving after such a failure.**]**	**[**[F601]Sections 6, 11 and 12(1) of this Act.**]**
[[F601]RTA section 94A**]**	**[**[F601]Driving after refusal of licence under section 92(3)	**[**[F601]Sections 6, 11 and 12(1) of this Act.**]**

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	[[F604], revocation under section 93 or service of a notice under section 99C**][**[F605]or 109B**].]**	
[[F606]RTA section 99(5)**]**	**[**[F606]Driving licence holder failing to surrender licence F607 ....**]**	**[**[F606]Section 6 of this Act.**]**
F608 . . .	F608 . . .	F608 . . .
F608 . . .	F608 . . .	F608 . . .
F609 . . .	F609 . . .	F609 . . .
[[F610]RTA section 99B(11)**]**.	**[**[F610]Driving after failing to comply with a requirement under section 99B(7) or (10)**]**	**[**[F610]Section 6 of this Act.**]**
RTA section 103(1)(a)	Obtaining driving licence while disqualified.	Section 6 of this Act.
RTA section 103(1)(b)	Driving while disqualified.	Sections 6, 11 and 12(1) of this Act.
[[F611]RTA section 114(1)**]**	**[**[F611]Failing to comply with conditions of LGV**[**[F612]PCV licence or LGV Community licence**].]**	**[**[F611]Sections 11 and 12(1) of this Act.**]**
[[F611]RTA section 114(2)**]**	**[**[F611] Causing or permitting a person under 21 to drive LGV or PCV in contravention of conditions of that person's licence.**]**	**[**[F611]Section 11 of this Act.**]**
[[F613]RTA section 110(1)**]**	**[**[F613] Driving HGV without HGV driver's licence.**]**	**[**[F613]Sections 11 and 12(1) of this Act.**]**
[[F613]RTA section 110(2)**]**	**[**[F613] Causing or permitting person to drive HGV without HGV driver's licence.**]**	**[**[F613]Section 11 of this Act.**]**
[[F613]RTA section 112(6)**]**	**[**[F613] Failing to comply with conditions of HGV driver's licence.**]**	**[**[F613]Sections 11 and 12(1) of this Act.**]**

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[F613RTA section 112(7)**]**	**[**F613 Causing or permitting a person under 21 to drive HGV in contravention of conditions of HGV driver's licence.**]**	**[**F613Section 11 of this Act.**]**
RTA section 143	Using motor vehicle, or causing or permitting it to be used, while uninsured F614	Sections 6, 11 and 12(1) of this Act.
[F615RTA section 144A**]**	**[**F615Keeping vehicle which does not meet insurance requirements.**]**	**[**F615Sections 11 and 12(1) of this Act.**]**
RTA section 163	Failing to stop vehicle when required **[**F616by constable**]**.	Sections 11 and 12(1) of this Act.
RTA section 164(6)	Failing to produce driving licence F617 ... or to state date of birth.	Sections 11 and 12(1) of this Act.
RTA section 165(3)	Failing to give constable certain names and addresses or to produce certificate of insurance or certain test and other like certificates.	Sections 11 and 12(1) of this Act.
RTA section 165(6)	Supervisor of learner driver failing to give constable certain names and addresses.	Section 11 of this Act.
RTA section 168	Refusing to give, or giving false, name and address in case of reckless, careless or inconsiderate driving or cycling.	Sections 11 and 12(1) of this Act.
RTA section 170	Failure by driver to stop, report accident or give information or documents.	Sections 11 and 12(1) of this Act.
RTA section 171	Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance	Sections 11 and 12(1) of this Act.

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	F618	
	....	
X1 RTA section 174(1) or [F619(5)]	Making false statements in connection with licences under this Act and with registration as an approved driving instructor; or making false statement or withholding material information in order to obtain the issue of insurance certificates, etc.	Section 6 of this Act.
RTA section 175	Issuing false documents [F620falsely amending certificate of conformity].	Section 6 of this Act.

Editorial Information

X1 The figure "(5)" stands in the text by virtue of a correction notice issued by the Queen's Printer dated November 1990 and Road Traffic Act 1991 (c. 40, SIF 107:1) , **Sch. 1 para. 17** .

Textual Amendments

F576 Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 27(c), **Sch. 6**

F577 Sch. 1 para. 4(aa) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F578 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 5**; S.I. 1992/1286, art. 2, **Sch.**

F579 Words in Sch. 1 inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 27 para. 9**; S.I. 2012/2770, art. 2(g)

F580 Entry in Sch. 1 inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(3)**, 61(1)(10); S.I. 2008/1918, art. 2(a)

F581 Entry in Sch. 1 inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 21(2)**, 61(1)(10); S.I. 2008/1918, art. 2(b)

F582 Word in Sch. 1 omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 8(2)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F583 Words in Sch. 1 inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 8(3)** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F584 Entry in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 6**; S.I. 1992/1286, art. 2, **Sch.**

F585 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 7**; S.I. 1992/1286, art. 2, **Sch.**

F586 Words in Sch. 1 Table inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 22 para. 13** (with Sch. 22 para. 14); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

F587 Words in Sch. 1 substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 7 para. 7**; S.I. 2004/827, art. 3(ii)

F588 Entry in table inserted (1.10.2002) by 2002 c. 30, **s. 56(4)**; S.I. 2002/2306, **art. 2(d)(v)**

F589 Words in Sch. 1 inserted (18.9.2006) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), regs. 1(1), **7**

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F590 Entry inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(b), **Sch. 2 Pt. II para. 22(3)**

F591 Word in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 8**; S.I. 1992/1286, art. 2, **Sch.**

F592 Entries in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 9**; S.I. 1992/1286, art. 2, **Sch.**

F593 Entry in Sch. 1 inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(3)**, 61(1)(10); S.I. 2007/237, art. 2(a)

F594 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 10**; S.I. 1992/1286, art. 2, **Sch.**

F595 Word in Sch. 1 Table repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , ss. 22 , 83 , Sch. 1 para. 11 , **Sch. 8** ; S.I. 1992/1286 , art. 2 , **Sch.** , Appendix

F596 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 12**; S.I. 1992/1286, art. 2, **Sch.**

F597 Entry in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 13**; S.I. 1992/1286, art. 2, **Sch.**

F598 Words in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 14**; S.I. 1992/1286, art. 2, **Sch.**

F599 Words in entry inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 7(a)**

F600 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(a)**; S.I. 2004/2624, art. 2(1)(2)(b)

F601 Entries in Sch. 1 Table inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 15**; S.I. 1992/1286, art. 2, **Sch.**

F602 Words in entry inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 1 para. 7(b)**

F603 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(b)**; S.I. 2004/2624, art. 2(1)(2)(b)

F604 Words in entry substituted (1.1.1997) by S.I. 1996/1974 , reg. 3, Sch. 1 para. 7(c)

F605 Words in Sch. 1 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 36(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

F606 Entry in Sch. 1 inserted (8.11.2006) by Road Safety Act 2006 (c. 49) , **ss. 58(6)** , 61(9) (with s. 61(9)(b))

F607 Words in Sch. 1 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 62(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F608 Entries in Sch. 1 Table 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

F609 Sch. 1 entry in Table repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

F610 Words in Sch. 1 para. 4 table substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(j)**

F611 Entry inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 27(e)**

F612 Words in entry substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 1 para. 7(e)**

F613 Entries repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F614 Words in Sch. 1 omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 29(2)** (with reg. 5)

F615 Words in Sch. 1 inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(5)**, 61(1)(10); S.I. 2011/19, art. 2(c)

F616 Words in Sch. 1 repealed (E.W.) (4.10.2004 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), s. 99(1), **Sch. 12 Pt. 2**; S.I. 2004/2380, art. 2(h); S.I. 2006/2826, art. 2(1)(2)(e)

F617 Words in Sch. 1 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 62(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F618 Words in Sch. 1 omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 29(3)** (with reg. 5)

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F619 Word in Sch. 1 Table substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 22, **Sch. 1 para. 17**; S.I. 1992/1286, art. 2, **Sch.**

F620 Words added (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1) , **ss. 24(3)** , 76(2) , (as amended (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1) , s. 4 , **Sch. 2 Pt. I para. 13(c)(iv)**)

SCHEDULE 2

Section 9 etc.

PROSECUTION AND PUNISHMENT OF OFFENCES

X2F621 PART I

OFFENCES UNDER THE TRAFFIC ACTS

Editorial Information

X2 Sch. 2 Pt. I: due to the large number of entries contained in Sch. 2 Pt. I and the frequency with which it has been amended, no separate versions are retained in respect of amendments coming into force after 27.06.1991 until 29.1.2004 or which are not yet in force. Historic information relating to all such amendments is reflected in the relevant retained versions.

Textual Amendments

F621 Words in Sch. 2 Pt. I inserted (2.3.2015 for E.W., 1.3.2018 for S., 1.3.2018 for N.I.) by Crime and Courts Act 2013 (c. 22), **ss. 56(4)**, 61(2) (with s. 56(5)(6)); S.I. 2014/3268, art. 2; S.I. 2018/161, art. 2; S.I. 2018/162, art. 2

Modifications etc. (not altering text)

C90 Sch. 2 Pt. I modified (temp.) (8.11.2006) by Road Safety Act 2006 (c. 49), s. 61(1)**(5)** (with s. 61(3))

C91 Sch. 2 Pt. I modified (temp.) (26.3.2015 for specified purposes, 8.6.2015 in so far as not already in force) by Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 2 para. 32**; S.I. 2015/994, art. 7(a) (with Sch. Pt. 3)

(1) Provision creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty points
Offences under the Road Traffic Regulation Act 1984						
RTRA section 5	Contravention of traffic regulation order.	Summarily.	Level 3 on the standard scale.			
RTRA section 8	Contravention of order regulating traffic in Greater London.	Summarily.	Level 3 on the standard scale.			

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RTRA section 11	Contravention of experimental traffic order.	Summarily.	Level 3 on the standard scale.			
RTRA section 13	Contravention of experimental traffic scheme in Greater London.	Summarily.	Level 3 on the standard scale.			
RTRA section 16 (1)	Contravention of temporary prohibition or restriction.	Summarily.	Level 3 on the standard scale.	[F622Discretionary if committed in respect of a speed restriction.]	[F622Obligatory if committed in respect of a speed restriction.]	[F622 3-6 or 3 (fixed penalty)]
[F623RTRA section 16(C)(1).]	[F623Contravention of prohibition or restriction relating to relevant event.]	[F623Summarily.]	[F623Level 3 on the standard scale.]			
RTRA section 17 (4)	Use of special road contrary to scheme or regulations.	Summarily.	Level 4 on the standard scale.	Discretionary if committed in respect of a motor vehicle otherwise than by unlawfully stopping or allowing the vehicle to remain at rest on a part of a special road on which vehicles are in certain circumstances permitted to remain at rest.	Obligatory if committed as mentioned in the entry in column 5.	[F624 3-6 or 3 (fixed penalty) if committed in respect of a speed restriction, 3 in any other case.]

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RTRA section 18 (3)	One-way traffic on trunk road.	Summarily.	Level 3 on the standard scale.			
RTRA section 20 (5)	Contravention of prohibition or restriction for roads of certain classes.	Summarily.	Level 3 on the standard scale.			
RTRA section 25 (5)	Contravention of pedestrian crossing regulations.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	3
RTRA section 28 (3)	Not stopping at school crossing.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	3
RTRA section 29 (3)	Contravention of order relating to street playground.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect of a motor vehicle.	Obligatory if committed in respect of a motor vehicle.	2
[[F625]RTRA section 30(5)**]**	**[**[F625]As above (Greater London).**]**	**[**[F625]Summarily.**]**	**[**[F625]Level 3 on the standard scale.**]**	**[**[F625]Discretionary if committed in respect of a motor vehicle.**]**	**[**[F625]Obligatory if committed in respect of a motor vehicle.**]**	**[**[F625]2**]**
RTRA section **[**[F626]35A(1)**]**	Contravention of order as to use of parking place.	Summarily.	(a) Level 3 on the standard scale in the case of an offence committed by a person in a street parking place reserved for disabled persons' vehicles or in an off-street parking place reserved for such vehicles, where that person would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person's vehicle. (b) Level 2 on the standard scale in any other case.			
RTRA section **[**[F627]35A(2)**]**	**[**[F628]Misuse of apparatus for	Summarily.	Level 3 on the standard scale.			

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	collecting charges or of parking device or connected apparatus**]**		
RTRA section **[**[F629]35A(5)**]**	Plying for hire in parking place.	Summarily.	Level 2 on the standard scale.
RTRA section 43 (5)	Unauthorised disclosure of information in respect of licensed parking place.	Summarily.	Level 3 on the standard scale.
RTRA section 43 (10)	Failure to comply with term or conditions of licence to operate parking place.	Summarily.	Level 3 on the standard scale.
RTRA section 43 (12)	Operation of public off-street parking place without licence.	Summarily.	Level 5 on the standard scale.
RTRA section 47 (1)	Contraventions relating to designated parking places.	Summarily.	(a) Level 3 on the standard scale in the case of an offence committed by a person in a street parking place reserved for disabled persons' vehicles where that person would not have been guilty of that offence if the motor vehicle in respect of which it was committed had been a disabled person's vehicle. (b) Level 2 in any other case.
RTRA section 47 (3)	Tampering with parking meter.	Summarily.	Level 3 on the standard scale.
RTRA section 52 (1)	Misuse of parking device.	Summarily.	Level 2 on the standard scale.

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RTRA section 53 (5)	Contravention of certain provisions of designation orders.	Summarily.	Level 3 on the standard scale.			
RTRA section 53 (6)	Other contraventions of designation orders.	Summarily.	Level 2 on the standard scale.			
RTRA section 61 (5)	Unauthorised use of loading area.	Summarily.	Level 3 on the standard scale.			
RTRA section 88 (7)	Contravention of minimum speed limit.	Summarily.	Level 3 on the standard scale.			
RTRA section 89 (1)	Exceeding speed limit.	Summarily.	Level 3 on the standard scale.	Discretionary	Obligatory.	**[**[F630]3-6 or 3 (fixed penalty)**]**
RTRA section 104 (5)	Interference with notice as to immobilisation device.	Summarily.	Level 2 on the standard scale.			
RTRA section 104 (6)	Interference with immobilisation device.	Summarily.	Level 3 on the standard scale.			
RTRA section 105 (5)	Misuse of disabled person's badge (immobilisation devices).	Summarily.	Level 3 on the standard scale.			
[[F631]RTRA section 105(6A)	**[**[F631]Misuse of recognised badge (immobilisation devices).**]**	**[**[F631]Summarily.**]**	**[**[F631]Level 3 on the standard scale.**]**			
RTRA section 108 (2) (or that subsection	Non-compliance with notice	Summarily.	Level 3 on the standard scale.			

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as modified by section 109 (2) and (3)).	(excess charge).		
RTRA section 108 (3) (or that subsection as modified by section 109 (2) and (3)).	False response to notice (excess charge).	Summarily.	Level 5 on the standard scale.
RTRA section 112 (4)	Failure to give information as to identity of driver.	Summarily.	Level 3 on the standard scale.
RTRA section 115 (1)	Mishandling or faking parking documents.	(a) Summarily.	(a) The statutory maximum.
		(b) On indictment.	(b) 2 years.
RTRA section 115 (2)	False statement for procuring authorisation.	Summarily.	Level 4 on the standard scale.
RTRA section 116 (1)	Non-delivery of suspect document or article.	Summarily.	Level 3 on the standard scale.
RTRA section [F632;117(1)]	Wrongful use of disabled person's badge.	Summarily.	Level 3 on the standard scale.
[F633RTRA section 117(1A)]	[F633Wrongful use of recognised badge.]	[F633Summarily.]	[F633Level 3 on the standard scale.]
RTRA section 129 (3)	Failure to give	Summarily.	Level 3 on the standard scale.

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	evidence at inquiry.					

Textual Amendments

F622 Words in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 2**; S.I. 1992/1286, art. 2, **Sch.**

F623 Entry in Sch. 2 Pt. I inserted (3.5.1994) by 1994 c. 11, **s. 1(2)**.

F624 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 3**; S.I. 1992/1286, art. 2, **Sch.**

F625 Entry in Sch. 2 Pt. I repealed (1.11.1991 for E.W. and 1.1.1993 for S.) by New Roads and Street Works Act 1991 (c. 22, SIF 59), ss. 168(2), 170, **Sch. 9** (with s. 25(2)); S.I. 1991/2288, art. 2(2), **Sch.**; S.I. 1992/2990, art. 2(2), **Sch.**

F626 "35A(1)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(a)**

F627 "35A(2)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(b)(i)**

F628 Words substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(b)(ii)**

F629 "35A(5)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 11(c)**

F630 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 4**; S.I. 1992/1286, art. 2, **Sch.**

F631 Sch. 2 entry inserted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 45(2)**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b)

F632 Word in Sch. 2 substituted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 45(3)**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b)

F633 Sch. 2 entry inserted (E.W.) (30.6.2005 for E., 30.3.2008 for W.) by Disability Discrimination Act 2005 (c. 13), s. 20(4), **Sch. 1 para. 45(4)**; S.I. 2005/1676, art. 3(b); S.I. 2007/3285, art. 2(b)

Offences under the Road Traffic Act 1988

RTA section 1	Causing death by [F634dangerous] driving.	On indictment.	[F635 14 years]	Obligatory.	Obligatory.	[F636 3-11]
[F637RTA section 1A]	[F637Causing serious injury by dangerous driving.]	[F637(a) Summarily.]	[F637(a) 12 months or the statutory maximum or both.]	[F637Obligatory.]	[F637Obligatory.]	[F637 3-11.]
		[F637(b) On indictment.]	[F637(b) 5 years or a fine or both.]			
RTA section 2	[F638 Dangerous] driving.	(a) Summarily.	(a) 6 months or the statutory	(i) [F639Obligatory]	Obligatory.	(i) [F640 3-11]

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			maximum or both.			
				(ii) [F639Obligatory]		(ii) [F640 3-11]
		(b) On indictment.	(b) 2 years or a fine or both.			
[F641RTA section 2B]	[F641Causing death by careless, or inconsiderate, driving.]	[F641(a) Summarily.]	[F641(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both.]	[F641Obligatory.]	[F641Obligatory.]	[F641 3-11]
		[F641(b) On indictment.]	[F641(b) 5 years or a fine or both.]			
RTA section 3	Careless, and inconsiderate, driving.	Summarily.	[F642Level 5] on the standard scale.	Discretionary	Obligatory.	3–9
[F643RTA section 3ZB]	[F643Causing death by driving: unlicensed, F644 ... or uninsured drivers.]	[F643(a) Summarily.]	[F643(a) 12 months (in England and Wales) or 6 months (in Scotland) or the statutory maximum or both.]	[F643Obligatory.]	[F643Obligatory.]	[F643 3-11]
		[F643(b) On indictment.]	[F643(b) 2 years or a fine or both.]			
[F645RTA section 3ZC]	[F645Causing death by driving: disqualified drivers]	[F645On indictment]	[F645 10 years or a fine or both]	[F645Obligatory]	[F645Obligatory]	[F645 3-11]
[F645RTA section 3ZD]	[F645Causing serious	[F645(a) Summarily]	[F645(a) On conviction	[F645Obligatory]	[F645Obligatory]	[F645 3-11]

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	injury by driving: disqualified drivers]		in England and Wales: 12 months or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.			
		[F645(b) On indictment]	[F645(b) 4 years or a fine or both]			
[F646RTA section 3A]	[F646Causing death by careless driving when under influence of drink or drugs.]	[F646On indictment.]	[F646[F647 14 years] or a fine or both.]	[F646Obligatory.]	[F646Obligatory.]	[F646 3-11.]
RTA section 4(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	Summarily.	6 months or level 5 on the standard scale or both.	Obligatory.	Obligatory.	[F648 3-11]
RTA section 4(2)	Being in charge of a [F649mechanically propelled vehicle] when unfit to drive through drink or drugs.	Summarily.	3 months or level 4 on the standard scale or both.	Discretionary	Obligatory.	10
RTA section 5(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine.	Summarily.	6 months or level 5 on the standard scale or both.	Obligatory.	Obligatory.	[F650 3-11]

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RTA section 5(1)(b)	Being in charge of a motor vehicle with excess alcohol in breath, blood or urine.	Summarily.	3 months or level 4 on the standard scale or both.	Discretionary.	Obligatory.	10
[F621 RTA section 5A(1)(a) and (2)]	[F621 Driving or attempting to drive with concentration of specified controlled drug above specified limit.]	[F621 Summarily.]	[F621 On conviction in England and Wales: 51 weeks or level 5 on the standard scale or both. On conviction in Scotland: 6 months or level 5 on the standard scale or both.]	[F621 Obligatory.]	[F621 Obligatory.]	[F621 3-11]
[F621 RTA section 5A(1)(b) and (2)]	[F621 Being in charge of a motor vehicle with concentration of specified controlled drug above specified limit.]	[F621 Summarily.]	[F621 On conviction in England and Wales: 51 weeks or level 4 on the standard scale or both. On conviction in Scotland: 3 months or level 4 on the standard scale or both.]	[F621 Discretionary.]	[F621 Obligatory.]	[F621 10]
RTA section 6	[F651 Failing to co-operate with a	Summarily.	Level 3 on the standard scale.	Discretionary.	Obligatory.	4

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	preliminary test**]**					
RTA section 7	Failing to provide specimen for analysis or laboratory test.	Summarily.	(a) Where the specimen was required to ascertain ability to drive or proportion of alcohol **[**[F652]or proportion of a specified controlled drug**]** at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both.	(a) Obligatory in case mentioned in column 4(a).	Obligatory.	(a) **[**[F653]3-11 in case**]** mentioned in column 4(a).
			(b) In any other case, 3 months or level 4 on the standard scale or both.	(b) Discretionary in any other case.		(b) 10 in any other case.
[[F654]RTA section 7A	Failing to allow specimen to be subjected to laboratory test	Summarily	(a) Where the test would be for ascertaining ability to drive or proportion of alcohol **[**[F655]or proportion of a specified	(a) Obligatory in the case mentioned in column 4(a) (b) Discretionary in any other case	Obligatory	3-11, in case mentioned in column 4(a) 10, in any other case.**]**

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			controlled drug] at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both. (b) In any other case, 3 months or level 4 on the standard scale or both			
RTA section 12	Motor racing and speed trials on public ways.	Summarily.	Level 4 on the standard scale.	Obligatory.	Obligatory.	[F656 3-11]
RTA section 13	Other unauthorised or irregular competitions or trials on public ways.	Summarily.	Level 3 on the standard scale.			
RTA section 14	Driving or riding in a motor vehicle in contravention of regulations requiring wearing of seat belts.	Summarily.	Level 2 on the standard scale.			
RTA section 15(2)	Driving motor vehicle with child in front not wearing seat belt	Summarily.	Level 2 on the standard scale.			

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	[[F657]or with child in a rear-facing child restraint in front seat with an active air bag**]**.		
RTA section 15(4)	Driving motor vehicle with child in rear not wearing seat belt.	Summarily.	**[**[F658]Level 2**]** on the standard scale.
[[F659]RTA section 15A(3) or (4)**]**	**[**[F659] Selling etc. in certain circumstances equipment as conducive to the safety of children in motor vehicles.**]**	**[**[F659]Summarily.**]**	**[**[F659]Level 3 on the standard scale.**]**
[[F660]RTA section 15B**]**	**[**[F660]Failure to notify bus passengers of the requirement to wear seat belts.**]**	**[**[F660]Summarily.**]**	**[**[F660]Level 4 on the standard scale.**]**
RTA section 16	Driving or riding motor cycles in contravention of regulations requiring wearing of protective headgear.	Summarily.	Level 2 on the standard scale.
RTA section 17	Selling, etc., helmet not of the	Summarily.	Level 3 on the standard scale.

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	prescribed type as helmet for affording protection for motor cyclists.					
RTA section 18(3)	Contravention of regulations with respect to use of head-worn appliances on motor cycles.	Summarily.	Level 2 on the standard scale.			
RTA section 18(4)	Selling, etc., appliance not of prescribed type as approved for use on motor cycles.	Summarily.	Level 3 on the standard scale.			
RTA section 19	Prohibition of parking of heavy commercial vehicles on verges, etc.	Summarily.	Level 3 on the standard scale.			
[F661RTA section 19A]	[F661 Prohibition of parking of vehicles other than heavy commercial vehicles on verges, etc.]	[F661Summarily.]	[F661Level 3 on the standard scale.]			
RTA section 21	Driving or parking on cycle track.	Summarily.	Level 3 on the standard scale.			
RTA section 22	Leaving vehicles in dangerous positions.	Summarily.	Level 3 on the standard scale.	Discretionary if committed in respect	Obligatory if committed in respect	3

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				of a motor vehicle.	of a motor vehicle.	
[[F662]RTA section 22A**]**	**[**[F662]Causing danger to road-users.**]**	**[**[F662](a) Summarily.**]**	**[**[F662](a) 6 months or the statutory maximum or both.**]**	–	–	–
		[[F662](b) On indictment.**]**	**[**[F662](b) 7 years or a fine or both.**]**			
RTA section 23	Carrying passenger on motor-cycle contrary to section 23.	Summarily.	Level 3 on the standard scale.	Discretionary	Obligatory.	**[**[F663]3**]**
RTA section 24	Carrying passenger on bicycle contrary to section 24.	Summarily.	Level 1 on the standard scale.			
RTA section 25	Tampering with motor vehicles.	Summarily.	Level 3 on the standard scale.			
RTA section 26	Holding or getting on to vehicle, etc., in order to be towed or carried.	Summarily.	Level 1 on the standard scale.			
RTA section 27	Dogs on designated roads without being held on lead.	Summarily.	Level 1 on the standard scale.			
RTA section 28	**[**[F664] dangerous**]** cycling.	Summarily.	**[**[F665]Level 4**]** on the standard scale.			
RTA section 29	Careless, and inconsiderate, cycling.	Summarily.	**[**[F666]Level 3**]** on the standard scale.			

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RTA section 30	Cycling when unfit through drink or drugs.	Summarily.	Level 3 on the standard scale.			
RTA section 31	Unauthorised or irregular cycle racing or trials of speed on public ways.	Summarily.	Level 1 on the standard scale.			
RTA section 32	Contravening prohibition on persons under 14 driving electrically assisted pedal cycles.	Summarily.	Level 2 on the standard scale.			
RTA section 33	Unauthorised motor vehicle trial on footpaths or bridleways.	Summarily.	Level 3 on the standard scale.			
RTA section 34	Driving **[**[F667]mechanically propelled**]** vehicles elsewhere than on roads.	Summarily.	Level 3 on the standard scale.			
RTA section 35	Failing to comply with traffic directions.	Summarily	Level 3 on the standard scale.	Discretionary, if committed in respect of a motor vehicle by failure to comply with a direction of a constable **[**[F668]**[**[F669], traffic officer**]** or traffic	Obligatory if committed as described in column 5.	3

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				warden**]**[F668or traffic officer**]**.		
RTA section 36	Failing to comply with traffic signs.	Summarily	Level 3 on the standard scale.	Discretionary, if committed in respect of a motor vehicle by failure to comply with an indication given by a sign specified for the purposes of this paragraph in regulations under RTA section 36.	Obligatory if committed as described in column 5.	3
RTA section 37	Pedestrian failing to stop when directed **[**F670by constable regulating traffic**]**.	Summarily.	Level 3 on the standard scale.			
[F671RTA section 40A**]**	**[**F671 Using vehicle in dangerous condition etc.**]**	**[**F671Summarily.**]**	**[**F671(a) Level 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.**]**	**[**F672(a) Obligatory if committed within three years of a previous conviction of the offender under section 40A.**]**	**[**F671Obligatory.**]**	**[**F671**]**3
			[F671(b) Level 4 on the standard	**[**F672(b) Discretionary in any other case.**]**		

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			scale in any other case.]			
[F671RTA section 41A]	[F671Breach of requirement as to brakes, steering-gear or tyres.]	[F671Summarily.]	[F671 (a) Level 5 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.]	[F671 Discretionary.]	[F671Obligatory.]	[F671 3]
			[F671(b) Level 4 on the standard scale in any other case.]			
[F671RTA section 41B]	[F671Breach of requirement as to weight: goods and passenger vehicles.]	[F671Summarily.]	[F671Level 5 on the standard scale .]	–	–	–
[F673RTA section 41D]	[F673 Breach of requirements as to control of vehicle, mobile telephones etc.]	[F673Summarily.]	[F673(a) Level 4 on the standard scale if committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.]	[F673Discretionary.]	[F673Obligatory.]	[F674(a) 3, in the case of an offence under section 41D(a). (b) 6, in the case of an offence under section 41D(b).]
			[F673(b) Level 3 on the standard scale in any other case.]			
[F671RTA section 42]	[F671Breach of other construction and use requirements.]	[F671Summarily.]	[F671(a) Level 4 on the standard scale if	–	–	

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			committed in respect of a goods vehicle or a vehicle adapted to carry more than eight passengers.**]**
			[[F671]Level 3 on the standard scale in any other case.**]**
RTA section 47	Using, etc., vehicle without required test certificate being in force.	Summarily.	(a) Level 4 on the standard scale in the case of a vehicle adapted to carry more than eight passengers.
			(b) Level 3 on the standard scale in any other case.
Regulations under RTA section 49 made by virtue of section 51(2)	Contravention of requirement of regulations (which is declared by regulations to be an offence) that driver of goods vehicle being tested be present throughout test or drive, etc., vehicle as and when directed.	Summarily.	Level 3 on the standard scale.
RTA section 53(1)	Using, etc., goods vehicle without required plating	Summarily.	Level 3 on the standard scale.

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	certificate being in force.		
RTA section 53(2)	Using, etc., goods vehicle without required goods vehicle test certificate being in force.	Summarily.	Level 4 on the standard scale.
RTA 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.	Summarily.	Level 3 on the standard scale.
Regulations under RTA section 61 made by virtue of subsection (4)	Contravention of requirement of regulations (which is declared by regulations to be an offence) that driver of goods vehicle being tested after notifiable alteration be present	Summarily.	Level 3 on the standard scale.

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	throughout test and drive, etc., vehicle as and when directed.		
RTA section 63(1)	Using, etc., goods vehicle without required certificate being in force showing that it complies with type approval requirements applicable to it.	Summarily.	Level 4 on the standard scale.
RTA section 63(2)	Using, etc., certain goods vehicles for drawing trailer when plating certificate does not specify maximum laden weight for vehicle and trailer.	Summarily.	Level 3 on the standard scale.
RTA 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	Summarily.	Level 3 on the standard scale.

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	but has not been notified.		
RTA section 64	Using goods vehicle with unauthorised weights as well as authorised weights marked on it.	Summarily.	Level 3 on the standard scale.
F675	F675	F675	F675
. . .	. . .	. . .	. . .
RTA section 65	Supplying vehicle or vehicle part without required certificate being in force showing that it complies with type approval requirements applicable to it.	Summarily.	Level 5 on the standard scale.
[F676RTA section 65A]	Light passenger vehicles [F677and motor cycles] not to be sold without EC certificate of conformity.	Summarily.	Level 5 on the standard scale.
[F678RTA section 66C(1)]	[F678Impersonating a stopping officer etc. with intent to deceive]	[F678Summarily]	[F678Level 5 on the standard scale]

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[[F678]RTA section 66C(2)**]**	**[**[F678]Resisting or wilfully obstructing a stopping officer**]**	**[**[F678]Summarily.**]**	**[**[F678]One month or level 3 on the standard scale or both**]**
RTA section 67	Obstructing testing of vehicle by examiner on road or failing to comply with requirements of RTA section 67 or Schedule 2.	Summarily.	Level 3 on the standard scale.
[[F679]RTA section 67A(including application by section 67B(4))**]**	**[**[F679]Failure of driver of apparently defective vehicle to give required certificate or declaration, or failure of person in charge of vehicle being tested to give information.**]**	**[**[F679]Summarily.**]**	**[**[F679]Level 3 on the standard scale.**]**
[[F679]RTA section 67B**]**	**[**[F679] Obstructing further testing of vehicle by Secretary of State's officer or failing to comply with requirements of RTA section 67B or paragraph	**[**[F679]Summarily.**]**	**[**[F679]Level 3 on the standard scale.**]**

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	3 or 4 of Schedule 2.]		
RTA section 68	Obstructing inspection, etc., of [F680goods] vehicle by examiner or failing to comply with requirement to take [F680goods] vehicle for inspection.	Summarily.	Level 3 on the standard scale.
RTA section 71	Driving, etc., [F680goods] vehicle in contravention of prohibition on driving it as being unfit for service, or refusing, neglecting or otherwise failing to comply with direction to remove a [F680goods] vehicle found overloaded.	Summarily.	Level 5 on the standard scale.
RTA section 74	Contravention of regulations requiring goods vehicle operator to inspect, and keep records of inspection	Summarily.	Level 3 on the standard scale.

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	of, goods vehicles.		
RTA section 75	Selling, etc., unroadworthy vehicle or trailer or altering vehicle or trailer so as to make it unroadworthy.	Summarily.	Level 5 on the standard scale.
RTA section 76(1)	Fitting of defective or unsuitable vehicle parts.	Summarily.	Level 5 on the standard scale.
RTA section 76(3)	Supplying defective or unsuitable vehicle parts.	Summarily.	Level 4 on the standard scale.
RTA section 76(8)	Obstructing examiner testing vehicles to ascertain whether defective or unsuitable part has been fitted, etc.	Summarily.	Level 3 on the standard scale.
RTA section 77	Obstructing examiner testing condition of used vehicles at sale rooms, etc.	Summarily.	Level 3 on the standard scale.
RTA section 78	Failing to comply with requirement about weighing motor vehicle or obstructing	Summarily.	Level 5 on the standard scale.

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	authorised person.					
RTA section 81	Selling, etc., pedal cycle in contravention of regulations as to brakes, bells, etc.	Summarily.	Level 3 on the standard scale.			
RTA section 83	Selling, etc., wrongly made tail lamps or reflectors.	Summarily.	Level 5 on the standard scale.			
[F681RTA section 87(1)]	[F681Driving otherwise than in accordance with a licence.]	[F681Summarily.]	[F681Level 3 on the standard scale.]	[F681Discretionary in a case where the offender's driving would not have been in accordance with any licence that could have been granted to him.]	[F681Obligatory in the case mentioned in column 5.]	[F681]3-6]
RTA section 87(2)	Causing or permitting a person to drive [F682otherwise than in accordance with] a licence.	Summarily.	Level 3 on the standard scale.			
[F683RTA section 92(7C)]	[F683Failure to deliver licence revoked by virtue of section 92(7A) F684	[F683Summarily.]	[F683Level 3 on the standard scale.]			

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	... to Secretary of State.]				
[F685RTA section 92(10)]	[F685Driving after making false declaration as to physical fitness.]	[F685Summarily.]	[F685Level 4 on the standard scale.]	[F685Discretionary.]	[F685Obligatory.]	[F685]3-6]
[F683RTA section 93(3)]	[F683Failure to deliver revoked licence F686 ... to Secretary of State.]	[F683Summarily.]	[F683Level 3 on the standard scale.]			
RTA[F687Section 94(3)]	Failure to notify Secretary of State of onset of, or deterioration in, relevant or prospective disability [F688and that subsection as applied by RTA section 99D][F689or 109C].	Summarily.	Level 3 on the standard scale.			
[F690RTA section 94(3A)]	[F690 Driving after such a failure][F688 and that subsection as applied by RTA section 99D(b)][F691or 109C(c)]	[F690Summarily.]	[F690Level 3 on the standard scale.]	[F690Discretionary.]	[F690Obligatory.]	[F690]3-6]
[F690RTA section 94A]	[F690Driving after refusal of licence under	[F690Summarily.]	[F690]6 months or level 5 on the	[F690Discretionary.]	[F690Obligatory.]	[F690]3-6]

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	section 92(3)**][**[F692], revocation under section 93 or service of a notice under section 99C **][**[F693]or 109B**]**		standard scale or both.**]**		
RTA section 96	Driving with uncorrected defective eyesight, or refusing to submit to test of eyesight.	Summarily.	Level 3 on the standard scale.	DiscretionaryObligatory.	**[**[F694]3**]**
[[F695]RTA section 97**]**	**[**[F695]Failing to comply with any conditions prescribed for driving under provisional licence.**]**	**[**[F695]Summarily.**]**	**[**[F695]Level 3 on the standard scale.**]**	**[**[F695]Discretionary.**]**	**[**[F695]Obligatory.**]** **[**[F695] 2**]**
[[F695]RTA section 98**]**	**[**[F695]Failing to comply with any conditions prescribed for driving under provisional licence where conditions applicable to driving under full licence.**]**	**[**[F695]Summarily.**]**	**[**[F695]Level 3 on the standard scale.**]**	**[**[F695]Discretionary.**]**	**[**[F695]Obligatory.**]** **[**[F695]2**]**
RTA section 99 **[**[F696](5)**]**	Driving licence holder failing **[**[F697]to surrender licence	Summarily.	Level 3 on the standard scale.		

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	F698 ...].					
[F699RTA section 99B(1)]	[F699Driving after failing to comply with a requirement under section 99B(7) or (10)]	[F699Summarily.]	[F699Level 3 on the standard scale]	'	'	'
[F688RTA section 99(C)(4)]	[F688Failure to deliver Community licence to Secretary of State when required by notice under section 99C.]	[F688Summarily.]	[F688Level 3 on the standard scale.]	'	'	'
RTA section 103(1)(a)	Obtaining driving licence while disqualified.	Summarily.	Level 3 on the standard scale.			
RTA section 103(1)(b)	Driving while disqualified.	(a) Summarily, in England and Wales.	(a) 6 months or level 5 on the standard scale or both.	Discretionary	Obligatory.	[F700 6]
		(b) Summarily, in Scotland.	(b) 6 months or the statutory maximum or both.			
		(c) On indictment, in Scotland.	(c) 12 months or a fine or both.			
F701 . . .	F701 . . .	F701 . . .	F701 . . .			
[F702RTA section 109B(4)]	[F702Failure to deliver Northern	[F702Summarily.]	[F702Level 3 on the standard scale.]			

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	Ireland licence to Secretary of State when required by notice under section 109B.]		
F703			
F703			
[F704RTA section 114]	[F704 Failing to comply with conditions of LGV][F692 PCV licence or LGV Community licence [F705 and counterpart], or causing or permitting person under 21 to drive LGV or PCV in contravention of such conditions.]	[F704Summarily.]	[F704Level 3 on the standard scale.]
[F688RTA section 115A(4)]	[F688 Failure to deliver LGV or PCV Community licence when required by notice under section 115A.]	[F688Summarily.]	[F688Level 3 on the standard scale.]
[F704RTA section 118]	[F704 Failing to surrender	[F704Summarily.]	[F704Level 3 on the standard scale.]

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	revoked or suspended LGV or PCV licence F706 ....]		
Regulations made by virtue of RTA[F707 section 120(5)]	Contravention of provision of regulations (which is declared by regulations to be an offence) about [F708 LGV or PCV] drivers' licences [F688 or LGV or PCV Community licence.]	Summarily.	Level 3 on the standard scale.
RTA section 123(4)	Giving of paid driving instruction by unregistered and unlicensed persons or their employers.	Summarily.	Level 4 on the standard scale.
RTA section 123(6)	Giving of paid instruction without there being exhibited on the motor car a certificate of registration or a licence under RTA Part V.	Summarily.	Level 3 on the standard scale.

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[F709RTA section [F710125(3B)]]	[F709Failure, on application [F711to be registered in respect of driving instruction], to notify Registrar of F712 ... relevant or prospective disability.]	[F709Summarily.]	[F709Level 3 on the standard scale.]
[F709RTA section 133C(4)]	[F709Failure by registered or licensed F713 ... driving instructor to notify Registrar of onset of, or deterioration in, relevant or prospective disability.]	[F709Summarily.]	[F709Level 3 on the standard scale.]
[F709RTA section 133D]	[F709Giving of paid driving instruction by [F714persons required to hold emergency control certificates] or their employees without emergency control certificate or in	[F709Summarily.]	[F709Level 3 on the standard scale.]

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	unauthorised motor car.]					
RTA section 135	Unregistered instructor using title or displaying badge, etc., prescribed for registered instructor, or employer using such title, etc., in relation to his unregistered instructor or issuing misleading advertisement, etc.	Summarily.	Level 4 on the standard scale.			
RTA section 136	Failure of instructor to surrender to Registrar certificate or licence.	Summarily.	Level 3 on the standard scale.			
RTA section 137	Failing to produce certificate of registration or licence as driving instructor.	Summarily.	Level 3 on the standard scale.			
RTA section 143	Using motor vehicle while uninsured [F715]	Summarily.	[F716]Level 5]on the standard scale.	Discretionary	Obligatory.	6–8
[F717]RTA section 144A]	[F717]Keeping vehicle which does not meet	[F717]Summarily.]	[F717]Level 3 on the standard scale.]			

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	insurance requirements.]		
RTA section 147	Failing to surrender certificate of insurance [F718]	Summarily.	Level 3 on the standard scale.
	... to insurer on cancellation or to make statutory declaration of loss or destruction.		
RTA section 154	Failing to give information, or wilfully making a false statement, as to insurance [F719]	Summarily.	Level 4 on the standard scale.
	... when claim made.		
[[F720]Regulations under RTA section 160 made by virtue of paragraph 2(1) of Schedule 2A]	[[F720]Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting removal of or interference with immobilisation notice.]	[[F720]Summarily.]	[[F720]Level 2 on the standard scale.]
[[F720]Regulations under RTA section 160 made by	[[F720]Contravention of provision of	[[F720]Summarily.]	[[F720]Level 3 on the standard scale.]

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virtue of paragraph 2(2) of Schedule 2A**]**	regulations (which is declared by regulations to be an offence) prohibiting removal or attempted removal of immobilisation device.**]**		
[[F720]Regulations under RTA section 160 made by virtue of paragraph 2(3) of Schedule 2A**]**	**[**[F720]Contravention of provision of regulations (which is declared by regulations to be an offence) about display of disabled person's badge.**]**	**[**[F720]Summarily.	**[**[F720]Level 3 on the standard scale.**]**
[[F720]Regulations under RTA section 160 made by virtue of paragraph 2(4) of Schedule 2A**]**	**[**[F720]Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting making of false or misleading declaration to secure release of vehicle from immobilisation device.**]**	**[**[F720](a) Summarily. (b) On indictment.**]**	**[**[F720](a) The statutory maximum. (b) 2 years or a fine or both.**]**
[[F720]Regulations under RTA section 160	**[**[F720]Contravention of provision	**[**[F720](a) Summarily.	**[**[F720](a) The statutory maximum. (b) 2 years or a fine or both.**]**

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made by virtue of paragraph 4 of Schedule 2A**]**	of regulations (which is declared by regulations to be an offence) prohibiting making of false or misleading declaration to secure possession of vehicle in person's custody.**]**	(b) On indictment.**]**	
RTA section 163	Failing to stop motor vehicle or cycle when required **[**F670by constable**]**.	Summarily.	**[**F721(a) Level 5 on the standard scale if committed by a person driving a mechanically propelled vehicle.**]** **[**F721(b) Level 3 on the standard scale if committed by a person riding a cycle.**]**
RTA section 164	Failing to produce driving licence F722 ... or to state date of birth, or failing to provide the Secretary of State with evidence	Summarily.	Level 3 on the standard scale.

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	of date of birth, etc.					
RTA section 165	Failing to give **[**[F723]constable**]** certain names and addresses or to produce certain documents.	Summarily.	Level 3 on the standard scale.			
RTA section 168	Refusing to give, or giving false, name and address in case of reckless, careless or inconsiderate driving or cycling.	Summarily.	Level 3 on the standard scale.			
RTA section 169	Pedestrian failing to give constable his name and address after failing to stop when directed by constable controlling traffic.	Summarily.	Level 1 on the standard scale.			
RTA section 170(4)	Failing to stop after accident and give particulars or report accident.	Summarily.	**[**[F724]Six months or level 5 on the standard scale or both**]**	Discretionary	Obligatory.	**[**[F725]5-10**]**
RTA section 170(7)	Failure by driver, in case of accident involving injury to another, to	Summarily.	Level 3 on the standard scale.			

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	produce evidence of insurance [F726] ... or to report accident.				
RTA section 171	Failure by owner of motor vehicle to give police information for verifying compliance with requirement of compulsory insurance [F727]	Summarily.	Level 4 on the standard scale.		
RTA section 172	Failure of person keeping vehicle and others to give police information as to identity of driver, etc., in the case of certain offences.	Summarily.	Level 3 on the standard scale.	[[F728] Discretionary, if committed otherwise than by virtue of subsection (5) or (11).]	[[F728]Obligatory, if committed otherwise than by virtue of subsection (5) or (11).] [[F729]6]
RTA section 173	Forgery, etc., of licences, [F730] [[F688]...test certificates, certificates of insurance and other documents and things.]	(a) Summarily.	(a) The statutory maximum.		
		(b) On indictment.	(b) 2 years.		

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RTA section 174	Making certain false statements, etc., and withholding certain material information.	[F731(a) Summarily	[F731(a) 6 months or the statutory maximum or both		
		(b) On indictment]	(b) 2 years or a fine or both.]		
RTA section [F732 175][F732 175(1)]	Issuing false documents.	Summarily.	Level 4 on the standard scale.		
[F733RTA section 175(2)]	[F734Falsely amending certificate of conformity.]	[F734Summarily.]	[F735Level 4 on the standard scale]		[F736 . . .]
RTA section 177	Impersonation of, or of person employed by, authorised examiner.	Summarily.	Level 3 on the standard scale.		
RTA section 178	Taking, etc. , in Scotland a motor vehicle without authority or, knowing that it has been so taken, driving it or allowing oneself to be carried in it without authority.	(a) Summarily.	(a) 3 months or the statutory maximum or both.	Discretionary	[F737Obligatory.][F738]
		(b) On indictment.	(b) 12 months or a fine or both.		
RTA section 180	Failing to attend, give	Summarily.	Level 3 on the standard scale.		

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	evidence or produce documents to, inquiry held by Secretary of State, etc.		
RTA section 181	Obstructing inspection of vehicles after accident.	Summarily.	Level 3 on the standard scale.
RTA Schedule 1 paragraph 6	Applying warranty to [F738 equipment, protective helmet, appliance or information in defending proceedings under RTA section 15A,] 17 or 18(4) where no warranty given, or applying false warranty.	Summarily.	Level 3 on the standard scale.

Textual Amendments

F634 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 5(a)**; S.I. 1992/1286, art. 2, **Sch.**

F635 Words in Sch. 2 Pt. I substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), **ss. 285(2)**(3), 336(3)(4) (with s. 285(8)); S.I. 2004/81, art. 5(1)(2)(b)

F636 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26 , **Sch. 2 para. 5(b)**; S.I. 1992/1286, art. 2, **Sch.**

F637 Words in Sch. 2 Pt. I inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 143(5)**, 151(1) (with s. 143(6)); S.I. 2012/2770, art. 2(b)

F638 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 6(a)**; S.I. 1992/1286, art. 2, **Sch.**

F639 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 6(b)**; S.I. 1992/1286, art. 2, **Sch.**

F640 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 6(c)**; S.I. 1992/1286, art. 2, **Sch.**

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F641 Entry in Sch. 2 Pt. I inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 20(4)**, 61(1)(10) (with s. 61(3)); S.I. 2008/1918, art. 2(a)

F642 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 23**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(b)

F643 Entry in Sch. 2 Pt. I inserted (18.8.2008) by Road Safety Act 2006 (c. 49), **ss. 21(3)**, 61(1)(10) (with s. 61(3)); S.I. 2008/1918, art. 2(b)

F644 Word in Sch. 2 Pt. I omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 9** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75

F645 Words in Sch. 2 Pt. I inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 29(2)**, 95(1) (with s. 29(3)(5)); S.I. 2015/778, art. 3, Sch. 1 para. 24

F646 Entry in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 7**; S.I. 1992/1286, art. 2, **Sch.**

F647 Words in Sch. 2 Pt. I substituted (27.2.2004) by Criminal Justice Act 2003 (c. 44), **ss. 285(2)**(4), 336(3)(4) (with s. 285(8)); S.I. 2004/81, art. 5(1)(2)(b)

F648 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para.8**; S.I. 1992/1286, art. 2, **Sch.**

F649 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 9**; S.I. 1992/1286, art. 2, **Sch.**

F650 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 10**; S.I. 1992/1286, art. 2, **Sch.**

F651 Words in Sch. 2 substituted (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), **Sch. 7 para. 8**; S.I. 2004/827, art. 3(ii)

F652 Words in Sch. 2 Pt. I inserted (7.4.2015 for E.W. and 1.3.2018 for S.) by The Crime and Courts Act 2013 (Consequential Amendments) (No.2) Order 2015 (S.I. 2015/733), art. 1(4)(5), **3(2)** (with art. 1(7))

F653 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 11**; S.I. 1992/1286, art. 2, **Sch.**

F654 Sch 2 Pt. I: words in entry inserted (1.10.2002) by 2002 c. 30, **s. 56(5)**; S.I. 2002/2306, **art. 2(d)(v)**

F655 Words in Sch. 2 Pt. I inserted (7.4.2015 for E.W. and 1.3.2018 for S.) by The Crime and Courts Act 2013 (Consequential Amendments) (No.2) Order 2015 (S.I. 2015/733), art. 1(4)(5), **3(3)** (with art. 1(7))

F656 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 12**; S.I. 1992/1286, art. 2, **Sch.**

F657 Words in Sch. 2 Pt. I inserted (18.9.2006) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), regs. 1(1), **8(a)**

F658 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 24**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(c)

F659 Entry in Sch. 2 Pt. I inserted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 3(2)** .

F660 Words in Sch. 2 Pt. I inserted (18.9.2006) by Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (S.I. 2006/1892), regs. 1(1), **8(b)**

F661 Entry inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4 , 8(3)(b), **Sch. 2 Pt. II para. 22(4)**, which Pt. II para. 22 is repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 49, 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F662 Entry in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 13**; S.I. 1992/1286, art. 2, **Sch.**

F663 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 14**; S.I. 1992/1286, art. 2, **Sch.**

F664 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 15(a)**; S.I. 1992/1286, art. 2, **Sch.**

F665 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 15(b)**; S.I. 1992/1286, art. 2, **Sch.**

F666 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 16**; S.I. 1992/1286, art. 2, **Sch.**

F667 Words in Sch. 2 Pt. I substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 8**

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F668 Words in Sch. 2 Pt. I substituted (E.W.) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 13 para. 3**

F669 Words in Sch. 2 Pt. I inserted (4.10.2004 for E., 1.5.2009 for W.) by Traffic Management Act 2004 (c. 18), **ss. 6(5)**, 99(1); S.I. 2004/2380, art. 2(a); S.I. 2009/1095, art. 2(a)

F670 Words in Sch. 2 Pt. I repealed (4.10.2004 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), s. 99(1), **Sch. 12 Pt. 2**; S.I. 2004/2380, art. 2(h); S.I. 2006/2826, art. 2(1)(2)(e)

F671 Entries in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 17**; S.I. 1992/1286, art. 2, **Sch.**

F672 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 25(1)**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(d)

F673 Words in Sch. 2 Pt. I inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(4)**, 61(1)(10) (with s. 61(3)); S.I. 2007/237, art. 2(a)

F674 Words in Sch. 2 Pt. I substituted (1.3.2017) by The Road Traffic Offenders Act 1988 (Penalty Points) (Amendment) Order 2017 (S.I. 2017/104), arts. 1(1), **2** (with art. 1(2))

F675 Words in Sch. 2 Pt. I omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 22(2)(b)**

F676 Entry in Sch. 2 Pt. I inserted (1.1.1996) by S.I. 1992/3107, reg. 16, **Sch. 2 para. 7**

F677 Sch. 2 Pt. I: words in entry inserted (30.11.1999) by S.I. 1999/2920, reg. 19, **Sch. 2 para. 5(3)**

F678 Words in Sch. 2 Pt. I inserted (30.3.2011) by The Road Vehicles (Powers to Stop) Regulations 2011 (S.I. 2011/996), regs. 1, **3**

F679 Entry inserted (*prosp.*) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 4, 8(3)(c), **Sch. 2 Pt. III para. 30**, which Pt. III para. 30 is repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 49, 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**

F680 Words in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 18, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F681 Entry in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 19**; S.I. 1992/1286, art. 2, **Sch.**

F682 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 20**; S.I. 1992/1286, art. 2, **Sch.**

F683 Entry inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(a)**

F684 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F685 Entry in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 21**; S.I. 1992/1286, art. 2, **Sch.**

F686 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(2)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F687 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 22**; S.I. 1992/1286, art. 2, **Sch.**

F688 Words and entries in Sch. 2 Pt. I inserted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 8(a)(b)(d)(f)-(h)**

F689 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(a)**; S.I. 2004/2624, art. 2(1)(2)(b)

F690 Entries in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 23**; S.I. 1992/1286, art. 2, **Sch.**

F691 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(b)**; S.I. 2004/2624, art. 2(1)(2)(b)

F692 Words in Sch. 2 Pt. I substituted (1.1.1997) by S.I. 1996/1974, reg. 3, **Sch. 2 para. 8(c)(e)**

F693 Words in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(c)**; S.I. 2004/2624, art. 2(1)(2)(b)

F694 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 24**; S.I. 1992/1286, art. 2, **Sch.**

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F695 Entries in Sch. 2 Pt. I 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.

F696 "(5)" inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(b)(i)**

F697 Words in Sch. 2 Pt. I substituted (1.7.1998) by S.I. 1998/1420, **reg. 16(3)**

F698 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(2)(d), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F699 Words in Sch. 2 Pt. I table substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 3(k)**

F700 Word in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 25**; S.I. 1992/1286, art. 2, **Sch.**

F701 Sch. 2 entry repealed (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), Sch. 5 para. 37(e), **Sch. 6**; S.I. 2004/2624, art. 2(1)(2)(b)(c)

F702 Entry in Sch. 2 inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 5 para. 37(f)**; S.I. 2004/2624, art. 2(1)(2)(b)

F703 Entries repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F704 Entries inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(c)**

F705 Words inserted by virtue of S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(5)(c)**

F706 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(2)(e), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F707 Words "section 120(5)" substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(d)(i)**

F708 Words "LGV or PCV" substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 28(d)(ii)**

F709 Entries in Sch. 2 Pt. I inserted (9.9.1996) by 1993 c. 31, s. 6, **Sch. para. 11**; S.I. 1996/1980, **art. 2**.

F710 Word in Sch. 2 Pt. I substituted (26.3.2015 for specified purposes) by Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 2 para. 31(2)(a)**

F711 Words in Sch. 2 Pt. I substituted (26.3.2015 for specified purposes) by Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 2 para. 31(2)(b)**

F712 Words in Sch. 2 Pt. I omitted (26.3.2015 for specified purposes) by virtue of Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 2 para. 31(2)(c)**

F713 Word in Sch. 2 Pt. I omitted (26.3.2015 for specified purposes) by virtue of Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 2 para. 31(3)**

F714 Words in Sch. 2 Pt. I substituted (26.3.2015 for specified purposes) by Deregulation Act 2015 (c. 20), s. 115(2)(e), **Sch. 2 para. 31(4)**

F715 Words in Sch. 2 Pt. I omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 30(2)** (with reg. 5)

F716 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 26**; S.I. 1992/1286, art. 2, **Sch.**

F717 Words in Sch. 2 Pt. I inserted (4.2.2011) by Road Safety Act 2006 (c. 49), **ss. 22(7)**, 61(1)(10) (with s. 61(3)); S.I. 2011/19, art. 2(e)

F718 Words in Sch. 2 Pt. I omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 30(3)** (with reg. 5)

F719 Words in Sch. 2 Pt. I omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 30(4)** (with reg. 5)

F720 Words in Sch. 2 Pt. I inserted (16.5.2011 for specified purposes) by Road Safety Act 2006 (c. 49), **ss. 22(8)**, 61(1)(10) (with s. 61(3)); S.I. 2011/1119, art. 2(c)

F721 Words in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 27**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(e)

F722 Words in Sch. 2 Pt. I repealed (8.6.2015) by virtue of Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

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F723 Word in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 28, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F724 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 29(a)**; S.I. 1992/1286, art. 2, **Sch.**

F725 Words in Sch. 2 Pt. I substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 29(b)**; S.I. 1992/1286, art. 2, **Sch.**

F726 Words in Sch. 2 Pt. I omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 30(5)** (with reg. 5)

F727 Words in Sch. 2 Pt. I omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 30(6)** (with reg. 5)

F728 Words in Sch. 2 Pt. I inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch. 2 para. 30**; S.I. 1992/1286, art. 2(2), **Sch.**

F729 Figure in Sch. 2 Pt. I substituted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 29**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(g)

F730 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F731 Words in Sch. 2 Pt. I substituted (29.1.2004) by Criminal Justice Act 2003 (c. 44), **ss. 286**, 336(3)(4); S.I. 2004/81, art. 4(1)(2)(l)

F732 "175(1)" substituted (*prosp.*) for "175" by Transport Act 1982 (c. 49, SIF 107:1), **ss. 24(3)(a)**, 76(2) (as amended (15.5.1989) by Road Traffic Act (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 13(c)(i)(iii)**

F733 Words substituted (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 13(c)(i)(iii)**.

F734 Entry inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 107:1), **ss. 24(3)(b)**, 76(2) (as amended (15. 5. 1989) by Road Traffic Act (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 2 Pt. I para. 13(c)(i)(iii)**)

F735 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

F736 Words repealed (15.5.1989) by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 4, 5, Sch. 1 Pt. I, Sch. 2 Pt. I para. 13(c)(i)(iii), **Sch. 4 paras. 1-3**

F737 Entries in Sch. 2 Pt. I repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 31, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.** Appendix.

F738 Words in Sch. 2 Pt. I substituted by Motor Vehicles (Safety Equipment for Children) Act 1991 (c. 14, SIF 107:1), **s. 3(3)**.

OFFENCES UNDER THIS ACT

Section 25 of this Act.	Failing to give information as to date of birth or sex to court or to provide Secretary of State with evidence of date of birth, etc.	Summarily.	Level 3 on the standard scale.
Section 26 of this Act.	Failing to produce driving licence **F739** ... to court making order for interim disqualification **[F740**	Summarily.	Level 3 on the standard scale.

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	on committal for sentence etc.**]**		
Section 27 of this Act.	Failing to produce licence [F741]	Summarily.	Level 3 on the standard scale.
	... to court for endorsement on conviction of offence involving obligatory endorsement or on committal for sentence, etc. , for offence involving obligatory or discretionary disqualification when no interim disqualification ordered.		
[[F742] . . .**]**			
Section 62 of this Act.	Removing fixed penalty notice fixed to vehicle.	Summarily.	Level 2 on the standard scale.
Section 67 of this Act.	False statement in response to notice to owner.	Summarily.	Level 5 on the standard scale.
[[F743]Section 90D(6) of this Act**]**	**[**[F743] Driving, etc. , vehicle in contravention of prohibition for failure to pay financial penalty deposit, etc.**]**	**[**[F743]Summarily.**]**	**[**[F743]Level 5 on the standard scale.**]**

Textual Amendments

F739 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(2)(f), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F740 Words in Sch. 2 Pt. I 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.

F741 Words in Sch. 2 Pt. I repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 63(2)(g), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F742 Entry repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F743 Entry in Sch. 2 Pt. I inserted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 11(2)**, 61(1)(10); S.I. 2008/3164, art. 2(b)

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[F744 ...]

Textual Amendments

F744 Sch. 2 Pt. I entries repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

PART II

OTHER OFFENCES

(1) Offence	(2) Disqualification	(3) Endorsement	(4) Penalty points
Manslaughter or, in Scotland, culpable homicide by the driver of a motor vehicle.	Obligatory.	Obligatory.	**[**[F745]3-11**]**
[[F746]An offence under section 35 of the Offences against the Person Act 1861 (furious driving).**]**	**[**[F746]Discretionary.**]**	**[**[F746]Obligatory if committed in respect of a mechanically propelled vehicle.**]**	**[**[F746]3-9**]**
[[F747]An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking)	Obligatory.	Obligatory.	3- 11**]**
Stealing or attempting to steal a motor vehicle.	Discretionary.	F748 . . .	F748 . . .
An offence or attempt to commit an offence in respect of a motor vehicle under section 12 of the Theft Act 1968 (taking conveyance without consent of owner etc. or, knowing it has been so taken, driving it or allowing oneself to be carried in it).	Discretionary.	F748 . . .	F748 . . .
An offence under section 25 of the Theft Act 1968 (going equipped for stealing, etc.)	Discretionary	F748 . . .	F748 . . .

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committed with reference to the theft or taking of motor vehicles.

Textual Amendments

F745 Words in Sch. 2 Pt. II substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, **Sch 2 para. 32(2)**; S.I. 1992/1286, **art. 2**,Sch.

F746 Words in Sch. 2 Pt. II inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 28**, 61(1)(10) (with s. 61(3)); S.I. 2007/2472, art. 2(f)

F747 Entry in Sch. 2 Pt. II inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), **s. 3(1)**; S.I. 1992/764, **art 2**

F748 Entries in Sch. 2 Pt. II repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 26, 83, Sch. 2 para. 32(3), **Sch.8**; S.I. 1992/1286, **art. 2**,Sch.

SCHEDULE 3 E+W

Section 51.

FIXED PENALTY OFFENCES

Extent Information

E2 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

F749 . . .

F749	**F749**
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F749	**F749**
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F749	**F749**
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Textual Amendments

F749 Entries repealed (1.9.1994) by 1994 c. 22, s. 65, **Sch. 5 Pt. I**

[F750 OFFENCES UNDER THE TRANSPORT ACT 1968 (C.73)

Section 96(11) of the Transport Act 1968	Contravention of any requirement of domestic drivers' hours code

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Section 96(11A) of that Act	Contravention of any requirement of applicable Community rules as to periods of driving, etc.
Section 97(1) of that Act	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with **[**[F751]EU Tachographs Regulation**]**
[[F752]Section 97ZA(1) and (2) of that Act	Using vehicle in contravention of requirements relating to installation, use or repair or recording equipment in accordance with the AETR.**]**
Section 98(4) of that Act	Contravention of regulations made under section 98 or any requirement as to books, records or documents of applicable Community rules
Section 99(4) of that Act	Failing to comply with requirements relating to inspection of records or obstructing an officer, but only insofar as the offence relates to:— (i) failing to comply with any requirement under section 99(1)(a); or (ii) obstructing an officer in exercise of powers under 99(2)(a) or 99(3).
Section 99ZD(1) of that Act	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 except where that offence is committed by:— (i) failing to sign a hard copy of downloaded data when required to do so under section 99ZC(1); or (ii) obstructing an officer in exercise of powers under section 99ZF.
Section 99C of that Act	Failure to comply with prohibition or direction in relation to driving vehicle.**]**

Textual Amendments

F750 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 1**

F751 Words in Sch. 3 substituted (2.3.2016) by The Passenger and Goods Vehicles (Tachographs) (Amendment) Regulations 2016 (S.I. 2016/248), regs. 1(2), **13**

F752 Words in Sch. 3 inserted (26.3.2019) by The Drivers Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(2), **20**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

[F750 OFFENCE UNDER THE ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (C.27)

Section 3(1) of the Road Traffic (Foreign Vehicles) Act 1972	Driving, etc., foreign goods vehicle or foreign public service vehicle in contravention of prohibition etc.**]**

OFFENCE UNDER THE GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1974 (C. XXIV)

Section 15 of the Greater London Council (General Powers) Act 1974.	Parking vehicles on footways, verges, etc.

OFFENCE UNDER THE HIGHWAYS ACT 1980 (C. 66)

Section 137 of the Highways Act 1980.	Obstructing a highway, but only where the offence is committed in respect of a vehicle.

[F753 OFFENCE UNDER THE PUBLIC PASSENGER VEHICLES ACT 1981 (C.14)

Section 12(5) of the Public Passenger Vehicles Act 1981	Using public service vehicle on road except under PSVoperators' licence.**]**

Textual Amendments

F753 Entry in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 2**

OFFENCES UNDER THE ROAD TRAFFIC REGULATION ACT 1984 (C. 27)

RTRAsection 5(1)	Using a vehicle in contravention of a traffic regulation order outside Greater London.
RTRAsection 8(1)	Breach of traffic regulation order in Greater London.
RTRAsection 11	Breach of experimental traffic order.
RTRAsection 13	Breach of experimental traffic scheme regulations in Greater London.
RTRAsection 16(1)	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works, etc.
RTRAsection 17(4)	Wrongful use of special road.
RTRAsection 18(3)	Using a vehicle in contravention of provision for one-way traffic on trunk road.
RTRAsection 20(5)	Driving a vehicle in contravention of order prohibiting or restricting driving vehicles on certain classes of roads.

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
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RTRAsection 25(5)	Breach of pedestrian crossing regulations, except an offence in respect of a moving motor vehicle **[**[F754]other than a contravention of regulations 23, 24, 25 and 26 of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997**]**.
RTRAsection 29(3)	**F755** Using a vehicle in contravention of a street playground order . . ..
F756 . . .	**F756** . . .
RTRAsection **[**[F757]35A(1)**]**	Breach of an order regulating the use, etc., of a parking place provided by a local authority, but only where the offence is committed in relation to a parking place provided on a road.
RTRAsection 47(1)	Breach of a provision of a parking place designation order and other offences committed in relation to a parking place designated by such an order, except any offence of failing to pay an excess charge within the meaning of section 46.
RTRAsection 53(5)	Using vehicle in contravention of any provision of a parking place designation order having effect by virtue of section 53(1)(a) (inclusion of certain traffic regulation provisions).
RTRAsection 53(6)	Breach of a provision of a parking place designation order having effect by virtue of section 53(1)(b) (use of any part of a road for parking without charge).
RTRAsection 88(7)	Driving a motor vehicle in contravention of an order imposing a minimum speed limit under section 88(1)(b).
RTRAsection 89(1)	Speeding offences under RTRAand other Acts.

Textual Amendments

F754 Words in Sch. 3 substituted (1.8.1999) by S.I. 1999/1851, **art. 2(3)(a)**

F755 Words in Sch. 3 repealed (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59) , s. 168(2) , **Sch. 9** (with s. 25(2)); S.I. 1991/2286 , art. 2(2) , **Sch. 2** (for Scotland); S.I. 1991/2288 , art. 3 , **Sch.** (for E.W.)

F756 Entry in Sch. 3 repealed (1.11.1991 for E.W. and 1.1.1993 for S.) by New Roads and Street Works Act 1991 (c. 22, SIF 59), s. 168(2), **Sch. 9** (with s. 25(2)); S.I. 1991/2288, art. 3, **Sch.**; S.I. 1992/2990, art. 2(2), **Sch. 2**

F757 "35A(1)" substituted by Parking Act 1989 (c. 16, SIF 107:1), s. 4, **Sch. para. 12**

Status: *Point in time view as at 01/12/2020. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 01 July 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)*

[F758 OFFENCES UNDER THE ROAD TRANSPORT (INTERNATIONAL PASSENGER SERVICES) REGULATIONS 1984 (S.I. 1984/748)

Regulation 19(1) of the Road Transport (International Passenger Services) Regulations 1984	Using vehicle for Community regulated carriage of passengers by road otherwise than in accordance with authorisation or certificate, etc.
Regulation 19(2) of those Regulations	Using vehicle for ASOR regulated or Community regulated carriage of passengers by road without having correctly completed passenger waybill or without carrying top copy of waybill on vehicle throughout journey.**]**

Textual Amendments

F758 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 3**

OFFENCES UNDER THE ROAD TRAFFIC ACT 1988 (C. 52)

[F759 RTA section 3**]**	**[**F759 Driving mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration.**]**
RTAsection 14	Breach of regulations requiring wearing of seat belts.
RTAsection 15(2)	Breach of restriction on carrying children in the front of vehicles.
[F760 RTAsection 15(4)	Breach of restriction on carrying children in the rear of vehicles.**]**
RTAsection 16	Breach of regulations relating to protective headgear for motor cycle drivers and passengers.
[F761 RTAsection 18(3)**]**	**[**F761 Breach of regulations relating to head-worn appliances (eye protectors) for use on motor cycles**]**
RTAsection 19	Parking a heavy commercial vehicle on verge or footway.
RTAsection 22	Leaving vehicle in dangerous position.
RTAsection 23	Unlawful carrying of passengers on motor cycles.
[F762 RTAsection 24**]**	**[**F762 Carrying more than one person on a pedal cycle.**]**

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RTAsection 34	Driving [F763mechanically propelled] vehicle elsewhere than on a road.
RTAsection 35	Failure to comply with traffic directions.
RTAsection 36	Failure to comply with traffic signs.
[F764RTAsection 40A]	[F764Using vehicle in dangerous condition etc.]
[F764RTAsection 41A]	[F764Breach of requirement as to brakes, steering-gear or tyres.]
[F764RTAsection 41B]	[F764Breach of requirement as to weight: goods and passenger vehicles.]
[F765RTAsection 41D]	[F765Breach of requirement as to control of vehicle, mobile telephone etc.]
RTAsection 42	[F766Breach of other construction and use requirements]
[F767RTA section 47]	[F767Using, etc, vehicle without required test certificate being in force]
[F768RTAsection 71(1)	Driving, etc., vehicle in contravention of prohibition on driving it as being unfit for service or overloaded, or failing to comply with direction to remove a vehicle found overloaded.]
RTAsection 87(1)	Driving vehicle [F769otherwise than in accordance with] requisite licence.
[F770RTA section 143]	[F770Using motor vehicle while uninsured F771 ...]
F772 . . .	F772 . . .
RTAsection 163	F773 Failure to stop vehicle on being so required ....
[F774RTA section 172]	[F774Failure of person keeping vehicle and others to give the police information as to identity of driver, etc, in the case of certain offences]

Textual Amendments

F759 Words in Sch. 3 inserted (16.8.2013) by The Fixed Penalty Offences Order 2013 (S.I. 2013/1565), arts. 1, **3**

F760 Entry in Sch. 3 inserted (1.4.1992) by S.I. 1992/345, **art. 2**

F761 Words in Sch. 3 inserted (1.12.2004) by Fixed Penalty Offences Order 2004 (S.I. 2004/2922), arts. 1, **2(2)**

F762 Entry in Sch. 3 inserted (E.W.)(1.8.1999) by S.I. 1999/1851, **art. 3(3)(a)**

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F763 Words in entry in Sch. 3 substituted (20.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 9**

F764 Entries in Sch. 3 inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 112(2)**; S.I. 1992/1286, art. 2, **Sch.**

F765 Words in Sch. 3 inserted (27.2.2007) by Road Safety Act 2006 (c. 49), **ss. 26(5)**, 61(1)(10); S.I. 2007/237, art. 2(a)

F766 Words in Sch. 3 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 112(3)**; S.I. 1992/1286, art. 2, **Sch.**

F767 Words in Sch. 3 inserted (1.6.2003) by The Fixed Penalty Offences Order 2003 (S.I. 2003/1253), **arts. 1**, 2(3)(a)

F768 Entry in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 4**

F769 Words in Sch. 3 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 112(4)**; S.I. 1992/1286, art. 2, **Sch.**

F770 Words in Sch. 3 inserted (1.6.2003) by The Fixed Penalty Offences Order 2003 (S.I. 2003/1253), **arts. 1**, 2(3)(b)

F771 Words in Sch. 3 omitted (1.11.2019) by virtue of The Motor Vehicles (Compulsory Insurance) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1047), reg. 1, **Sch. 1 para. 31** (with reg. 5)

F772 Entry in Sch. 3 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

F773 Words in Sch. 3 repealed (4.10.2004 for E., 26.10.2006 for W.) by Traffic Management Act 2004 (c. 18), s. 99(1), **Sch. 12 Pt. 2**; S.I. 2004/2380, art. 2(h); S.I. 2006/2826, art. 2(1)(2)(e)

F774 Words in Sch. 3 inserted (1.6.2003) by The Fixed Penalty Offences Order 2003 (S.I. 2003/1253), **arts. 1**, 2(3)(c)

[F775 OFFENCE UNDER THIS ACT

Section 90D(6)	Driving, etc., vehicle in contravention of prohibition on driving, or failing to comply with direction to remove vehicle on failure to make a financial penalty deposit payment.**]**

Textual Amendments

F775 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 5**

[F775 OFFENCES UNDER THE GOODS VEHICLES (COMMUNITY AUTHORISATIONS) REGULATIONS 1992 (S.I. 1992/3077)

Regulation 3 of the Goods Vehicles (Community Authorisations) Regulations 1992	Using goods vehicle without Community authorisation.
Regulation 7 of those Regulations	Using vehicle under Community authorisation in contravention of conditions governing authorisation.**]**

F776[*OFFENCES UNDER THE VEHICLE EXCISE AND REGISTRATION ACT 1994 (C. 22)*

F777	**F777**

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. . .	. . .
[[F778]Section 34 of that Act	Using trade licence for unauthorised purposes or in unauthorised circumstances, etc.**]**
Section 42 of that Act.	Driving or keeping a vehicle without required registration mark.
Section 43 of that Act.	Driving or keeping a vehicle with registration mark obscured etc.
[[F779]Section 43C of that Act**]**	**[**[F779]Using an incorrectly registered vehicle.**]**
[[F780]Section 59 of that Act**]**	**[**[F780]Failure to fix a prescribed registration mark to a vehicle in accordance with regulations made under section 23(4)(a) of that Act.**]]**

Textual Amendments

F776 Entry inserted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(2)**

F777 Words in Sch. 3 omitted (1.10.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 19 paras. 21**, 22

F778 Entry in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 6**

F779 Words in Sch. 3 inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 150(2)**, 178(8); S.I. 2005/1521, art. 3(1)(u)

F780 Entry in Sch. 3 inserted (1.8.1999) by S.I. 1999/1851, **art. 2(3)(b)**

[[F781]*OFFENCE UNDER THE GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995 (C. 23)*

Section 2(5) of the Goods Vehicles (Licensing of Operators) Act 1995	Using goods vehicle on road for carriage of goods except under operator's licence.**]**

Textual Amendments

F781 Entries in Sch. 3 inserted (31.3.2009) by Fixed Penalty Offences Order 2009 (S.I. 2009/483), art. 1, **Sch. para. 7**

[[F781]*OFFENCES UNDER THE PUBLIC SERVICE VEHICLES (COMMUNITY LICENCES) REGULATIONS 1999 (S.I. 1999/1322)*

Regulation 3 of the Public Service Vehicles (Community Licences) Regulations 1999	Using public service vehicle on road without Community licence.
Regulation 7 of those Regulations	Using public service vehicle under Community licence in contravention of conditions governing use of licence.**]**

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[F781 OFFENCES UNDER THE ROAD TRANSPORT (PASSENGER VEHICLES CABOTAGE) REGULATIONS 1999 (S.I. 1999/3413)

Regulation 3 of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999	Using vehicle on road for UKcabotage operations without Community licence.
Regulation 4 of those Regulations	Using vehicle on road for UKcabotage operations without control document.
Regulation 7(1) of those Regulations	Driver failing to produce Community licence on request when vehicle required to have licence on board.
Regulation 7(3) of those Regulations	Driver failing to produce control document on request when vehicle required to have control document on board.**]**

[F781 OFFENCE UNDER THE VEHICLE DRIVERS (CERTIFICATES OF PROFESSIONAL COMPETENCE) REGULATIONS 2007(S.I. 2007/605)

Regulation 11(7) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007	Driver of relevant vehicle failing to produce on request evidence or document required to be carried under regulation 11(1), (3) or (5).**]**

[F782 OFFENCE UNDER THE GOODS VEHICLES (COMMUNITY LICENCES) REGULATIONS 2011 (S.I. 2011/2633)

Regulation 4 of the Goods Vehicles (Community Licences) Regulations 2011	Using a vehicle in Great Britain in contravention of the requirement to possess a Community licence.**]**

Textual Amendments

F782 Sch. 3 entry inserted (1.1.2019) by The Financial Penalty Deposit and Fixed Penalty Offences (Miscellaneous Provisions) Order 2018 (S.I. 2018/1236), arts. 1(2), **3(2)**

[F783 OFFENCES UNDER THE HIGHWAYS ACT 1835 AND THE ROADS (SCOTLAND) ACT 1984

Section 72 of the Highways Act 1835	Driving on the footway
	[F784 Cycling on the footway**]**
Section 129(5) of the Roads (Scotland) Act 1984	Driving on the footway**]**

Textual Amendments

F783 Entries in Sch. 3 inserted (1.8.1999) by S.I. 1999/1851, **art. 2(3)(c)**

F784 Entry in Sch. 3 inserted (E.W.)(1.8.1999) by S.I. 1999/1851, **art. 3(3)(b)**

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[F785 OFFENCE UNDER THE HGV ROAD USER LEVY ACT 2013 (C. 7)

Section 11 of the HGV Road User Levy Act 2013	Using or keeping heavy goods vehicle if HGV road user levy not paid.**]**

Textual Amendments

F785 Words in Sch. 3 inserted (30.1.2014 for specified purposes, 1.4.2014 in so far as not already in force) by HGV Road User Levy Act 2013 (c. 7), **ss. 13**, 21(1); S.I. 2014/175, art. 2; S.I. 2014/797, art. 2

[F786 OFFENCES UNDER THE HAULAGE PERMITS AND TRAILER REGISTRATION ACT 2018 (C. 19)

Section 8(1) of the Haulage Permits and Trailer Registration Act 2018	Operator using a goods vehicle in breach of regulations made under section 1(1) of that Act without reasonable excuse.
Section 8(2) of that Act	Driver of a goods vehicle breaching a requirement under section 6(2)(a) of that Act to produce a permit without reasonable excuse.
Section 8(3) of that Act	Wilfully obstructing an examiner exercising powers under section 6 of that Act.
Section 8(4)(a) of that Act	Breaching a prohibition under section 7 of that Act without reasonable excuse.**]**

Textual Amendments

F786 Sch. 3 entry inserted (1.1.2019) by The Financial Penalty Deposit and Fixed Penalty Offences (Miscellaneous Provisions) Order 2018 (S.I. 2018/1236), arts. 1(3), **6(2)**

[F787 OFFENCES UNDER THE TRAILER REGISTRATION REGULATIONS 2018 (S.I. 2018/1203)

Regulation 5 of the Trailer Registration Regulations 2018	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) of those Regulations	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) of those Regulations	Failing to produce a trailer registration document when required to do so.

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

Textual Amendments

F787 Sch. 3 entry inserted (28.3.2019) by The Financial Penalty Deposit and Fixed Penalty Offences (Miscellaneous Provisions) Order 2018 (S.I. 2018/1236), arts. 1(4), **9(2)**

[F788 OFFENCE UNDER THE HEAVY COMMERCIAL VEHICLES IN KENT (NO. 1) ORDER 2019

Article 2(6) of the Heavy Commercial Vehicles in Kent (No. 1) Order 2019	Driver of a heavy commercial vehicle in Kent failing to comply with or contravening a direction given, or requirement imposed, by a traffic officer.**]**

Textual Amendments

F788 Words in Sch. 3 inserted (31.10.2019) by The Heavy Commercial Vehicles in Kent (No. 3) Order 2019 (S.I. 2019/1210), arts. 1(1), **4(4)**

SCHEDULE 4

Section 68.

STATUTORY STATEMENTS

PART I

STATUTORY STATEMENT OF OWNERSHIP OR HIRING

1 (1) For the purposes of Part III of this Act, a statutory statement of ownership is a statement on an official form signed by the person providing it and stating whether he was the owner of the vehicle at the time of the alleged offence and, if he was not the owner of the vehicle at that time, whether—

(a) he was never the owner, or

(b) he ceased to be the owner before, or became the owner after, that time,

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and in a case within paragraph (b) above, stating, if the information is in his possession, the name and address of the person to whom, and the date on which, he disposed of the vehicle or (as the case may be) the name and address of the person from whom, and the date on which, he acquired it.

(2) An official form for a statutory statement of ownership shall—

(a) indicate that the person providing the statement in response to a notice to owner relating to an offence may give notice requesting a hearing in respect of the offence in the manner specified in the form, and

(b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) below in any official form for a statutory statement of facts.

2 (1) For the purposes of Part III of this Act, a statutory statement of hiring is a statement on an official form, signed by the person providing it, being a person by whom a statement of liability was signed, and stating—

(a) whether at the time of the alleged offence the vehicle was let to him under the hiring agreement to which the statement of liability refers, and

(b) if it was not, the date on which he returned the vehicle to the possession of the vehicle-hire firm concerned.

(2) An official form for a statutory statement of hiring shall—

(a) indicate that the person providing the statement in pursuance of a notice relating to an offence served under section 63 of this Act by virtue of section 66 of this Act may give notice requesting a hearing in respect of the offence in the manner specified in the form, and

(b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) below in any official form for a statutory statement of facts.

(3) In sub-paragraph (1) above " statement of liability ", " hiring agreement " and " vehicle-hire firm " have the same meanings as in section 66 of this Act.

PART II

STATUTORY STATEMENT OF FACTS

3 (1) For the purposes of Part III of this Act, a statutory statement of facts is a statement on an official form, signed by the person providing it, which—

(a) states that the person providing it was not the driver of the vehicle at the time of the alleged offence, and

(b) states the name and address at the time when the statement is provided of the person who was the driver of the vehicle at the time of the alleged offence.

(2) A statutory statement of facts has effect as a notice given by the driver requesting a hearing in respect of the offence if it is signed by the person identified in the statement as the driver of the vehicle at the time of the alleged offence.

(3) An official form for a statutory statement of facts shall indicate—

(a) that if a person identified in the statement as the driver of the vehicle at the time of the alleged offence signs the statement he will be regarded as having given notice requesting a hearing in respect of the offence,

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(b) that the person on whom the notice to owner relating to the offence is served may not give notice requesting a hearing in respect of the offence on his own account if he provides a statutory statement of facts signed by a person so identified, and

(c) that if the fixed penalty is not paid before the end of the period stated in the notice to owner as the period for response to the notice, a sum determined by reference to that fixed penalty may be registered without any court hearing for enforcement as a fine against the person on whom the notice to owner is served, unless he has given notice requesting a hearing in respect of the offence,

but that, in a case within paragraph (c) above, the sum in question may not be so registered if the person on whom the notice to owner is served provides a statutory statement of facts as mentioned in paragraph (b) above until two months have elapsed from the end of the period so stated without service of a summons or, in Scotland, complaint in respect of the offence on the person identified in that statement as the driver of the vehicle.

SCHEDULE 5

Section 75.

SCOTLAND: ADDITIONAL OFFENCES OPEN TO CONDITIONAL OFFER

(1) Provision creating offence	(2) General nature of offence
F789	
. . .	
F789	**F789**
. . .	. . .

Textual Amendments

F789 Entry in Sch. 5 repealed (3.5.1994) by 1994 c. 9, s. 258, **Sch. 26 Pt. I**

Offence under the Road Traffic Regulation Act 1984 (c. 27)	
Section 53(6) of the Road Traffic Regulation Act 1984.	Breach of provision of parking place designation order having effect by virtue of section 53(1)(b).

Offences under the Roads (Scotland) Act 1984 (c. 54)	
Section 65(1) of the Roads (Scotland) Act 1984	Conveying insecure load on drawn vehicle.
Section 65(2) of that Act	Permitting child to drive drawn vehicle.
Section 95(1) of that Act	Dropping and failing to remove mud, etc.
Section 129(3) of that Act.	Carrying projecting load.

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Section 129(5) of that Act.	Driving on footway, etc.
Section 129(6) of that Act.	Parking motor vehicle on cycle track.

Offences under the Road Traffic Act 1988 (c. 52)	
RTA section 24	Unlawful carrying of passengers on bicycle.
RTA section 26	Holding or getting onto a moving vehicle to be carried, or holding onto a moving vehicle to be towed.
RTA section 27	Causing or permitting dog to be on designated road without a lead.
RTA section 37	Failure by pedestrians to comply with directions of constable regulating vehicular traffic.
RTA section 47	Using a vehicle without a valid test certificate.
Regulations made by virtue of RTA section 51(2)	Failure of driver of goods vehicle to be present throughout testing of vehicle.
RTA section 53(1)	Using goods vehicle without valid required plating certificate.
RTA section 53(3)	Using altered goods vehicle where alteration not notified to Secretary of State under section 49.
Regulations made by virtue of RTA section 61(4)	Failure of driver of vehicle to be present throughout testing of vehicle after notification of alteration.
RTA section 63	Using vehicle without valid type approval certificate, or using goods vehicle to draw trailer where plating certificate does not state maximum laden weight for vehicle and trailer or using altered vehicle where alteration not notified to Secretary of State under section 59.
RTA section 64	Using goods vehicle with unauthorised as well as authorised weights marked on it.
RTA section 87(2)	Causing or permitting person to drive **[**[F790]otherwise than in accordance with**]** licence.
RTA section 94(3)	Failure to notify relevant or prospective disability.
RTA section 96(1)	Driving with uncorrected defective eyesight.
RTA section 99(5)	Driving licence holder failing **[**[F791]when his licence is revoked, to surrender it [F792]

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	... or**]**, when his particulars become incorrect, to surrender licence [F793]
	... and give particulars.
[[F794]RTA section 110 **]**	**[**[F794] Driving HGV without HGV driver's licence or causing or permitting person to drive HGV without HGV driver's licence. **]**
RTA **[**[F795]section 112**][**[F795]section 114**]**	Failure to comply with conditions of **[**[F796]HGV**][**[F796]LGV or PCV **]** driver's licence or employing person under 21 to drive **[**[F796]HGV**][**[F796]LGV or PCV **]** in contravention of conditions of his licence.
Regulations under RTA **[**[F797]section 117**][**[F797]section 120(5)**]**	Contravention of provisions of regulations about **[**[F798]HGV**][**[F798]LGV or PCV **]** drivers' licences which is declared by the regulations to be an offence.
RTA section 136	Failure of driving instructor to surrender licence or certificate to Registrar when required.
RTA section 137	Failure to produce certificate of registration or licence as driving instructor.
RTA section 147	Failure to surrender certificate of insurance on cancellation or to make statutory declaration.
RTA section 164(8)	Failure to furnish Secretary of State with evidence of date of birth, etc.
RTA section 165	Failure to give constable certain names and addresses or to produce certificate of insurance or certain test and other like documents or failure of person supervising learner driver to give constable certain names and addresses.
RTA section 169	Failure of pedestrian contravening section 37 to give name and address to constable.
RTA section 170	Failure of driver in accident involving injury to another to produce evidence of insurance or report the accident.

Textual Amendments

F790 Words in Sch. 5 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 113**; S.I. 1992/1286, art. 2, **Sch.**

F791 Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1) , s. 7 , **Sch. 3 para. 30(a)** (as amended (insertion of words "and its counterpart") by S.I. 1990/144 , reg. 2(3) , **Sch. 3 para. 3(6)**)

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F792 Words in Sch. 5 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 64(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F793 Words in Sch. 5 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 64(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

F794 Entry repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F795 Words "section 114" substituted (1.4.1991) for "section 112" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(b)(i)**

F796 Words "LGV or PCV" substituted (1.4.1991) for "HGV" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(b)(ii)**

F797 Words "section 120(5)" substituted (1.4.1991) for "section 117" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(c)(i)**

F798 Words "LGV or PCV" substituted (1.4.1991) for "HGV" by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 30(c)(ii)**

Offence under this Act	
Section 25(6) of this Act	Failure to provide Secretary of State when required with evidence of date of birth.

F799

...

Textual Amendments

F799 Sch. 5 entries repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

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