



# Road Traffic Offenders Act 1988

## CHAPTER 53

### ROAD TRAFFIC OFFENDERS ACT 1988

#### PART I

#### TRIAL

##### *Introductory*

- 1 Requirement of warning etc. of prosecutions for certain offences.
- 2 Requirement of warning etc: supplementary.
- 3 Restriction on institution of proceedings for certain offences.
- 4 Offences for which local authorities in England and Wales may institute proceedings.
- 5 Exemption from Licensing Act offence.
- 6 Time within which summary proceedings for certain offences must be commenced.
- 7 Duty of accused to provide licence.
- 8 Duty to include date of birth and sex in written plea of guilty.

##### *Trial*

- 9 Mode of trial.
- 10 Jurisdiction of district court in Scotland.
- 11 Evidence by certificate as to driver, user or owner.
- 12 Proof, in summary proceedings, of identity of driver of vehicle.
- 13 Admissibility of records as evidence.
- 14 Use of records kept by operators of goods vehicles.
- 15 Use of specimens in proceedings for an offence under section 4 or 5 of the Road Traffic Act.
- 16 Documentary evidence as to specimens in such proceedings.

*Status: Point in time view as at 27/02/2004.*

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- 17 Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment.
- 18 Evidence by certificate as to registration of driving instructors and licences to give instruction.
- 19 Evidence of disqualification in Scotland.
- 20 Speeding offences etc: admissibility of certain evidence.
- 21 Proceedings in which evidence of one witness sufficient in Scotland.
- 22 Notification of disability.

#### *Verdict*

- 23 Alternative verdicts in Scotland.
- 24 Alternative verdicts: general.

#### *After conviction*

- 25 Information as to date of birth and sex.
- 26 Interim disqualification.

### **PART II**

#### SENTENCE

#### *Introductory*

- 27 Production of licence.
- 28 Penalty points to be attributed to an offence.
- 29 Penalty points to be taken into account on conviction.
- 30 Penalty points: modification where fixed penalty also in question.
- 31 Court may take particulars endorsed on licence into consideration.
- 32 In Scotland, court may take extract from licensing records into account.

#### *Fine and imprisonment*

- 33 Fine and imprisonment.
- 33A Forfeiture of vehicles: Scotland.

#### *Disqualification*

- 34 Disqualification for certain offences.
- 34A Reduced disqualification period for attendance on courses.
- 34B Certificates of completion of courses.
- 34C Provisions supplementary to sections 34A and 34B.
- 35 Disqualification for repeated offences.
- 36 Disqualification until test is passed.
- 37 Effect of order of disqualification.
- 38 Appeal against disqualification.
- 39 Suspension of disqualification pending appeal.
- 40 Power of appellate courts in England and Wales to suspend disqualification.
- 41 Power of High Court of Justiciary to suspend disqualification.
- 41A Suspension of disqualification pending determination of applications under section 34B.
- 42 Removal of disqualification.
- 43 Rule for determining end of period of disqualification.

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### *Endorsement*

- 44 Endorsement of licences.
- 45 Effect of endorsement.

### *General*

- 46 Combination of disqualification and endorsement with probation orders and orders for discharge.
- 47 Supplementary provisions as to disqualifications and endorsements.
- 48 Exemption from disqualification and endorsement for certain construction and use offences.
- 49 Offender escaping consequences of endorseable offence by deception.
- 50 Powers of district court in Scotland.

## **PART III**

### **FIXED PENALTIES**

#### *Introductory*

- 51 Fixed penalty offences.
- 52 Fixed penalty notices.
- 53 Amount of fixed penalty.

#### *Giving notices to suspected offenders*

- 54 Notices on-the-spot or at a police station.
- 55 Effect of fixed penalty notice given under section 54.
- 56 Licence receipts.
- 57 Endorsement of licences without hearings.
- 58 Effect of endorsement without hearing.
- 59 Notification of court and date of trial in England and Wales.
- 60 Court procedure in Scotland.
- 61 Fixed penalty notice mistakenly given: exclusion of fixed penalty procedures.

#### *Notices fixed to vehicles*

- 62 Fixing notices to vehicles.
- 63 Service of notice to owner if penalty not paid.
- 64 Enforcement or proceedings against owner.
- 65 Restrictions on proceedings against owner and others.
- 66 Hired vehicles.
- 67 False statements in response to notices to owner.
- 68 “Owner”, “statutory statement” and “official form”.

#### *The fixed penalty procedure*

- 69 Payment of penalty.
- 70 Registration certificates.
- 71 Registration of sums payable in default.
- 72 Notices on-the-spot or at a police station: when registration and endorsement invalid.
- 73 Notices fixed to vehicles: when registration invalid.
- 74 Provisions supplementary to sections 72 and 73.

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### *Conditional offer of fixed penalty*

- 75 Issue of conditional offer.
- 76 Effect of offer and payment of penalty.
- 77 Endorsement where penalty paid.

### *Proceedings in fixed penalty cases*

- 78 General restriction on proceedings.
- 79 Statements by constables.
- 80 Certificates about payment.
- 81 Documents signed by the accused.

### *Miscellaneous*

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- 83 Powers of court where clerk deceived.
- 84 Regulations.
- 85 Service of documents.
- 86 Functions of traffic wardens.
- 87 Guidance on application of Part III.
- 88 Procedure for regulations and orders.
- 89 Interpretation.
- 90 Index to Part III.

## **PART IV**

### MISCELLANEOUS AND GENERAL

- 91 Penalty for breach of regulations.
- 91A Application to Community licence holders.
- 91B Effect of endorsement on Community licence holders.
- 92 Application to Crown.
- 93 Application of sections 15 and 16 to persons subject to service discipline.
- 94 Proceedings in respect of offences in connection with Crown vehicles.
- 95 Destination of Scottish fines.
- 96 Meaning of “offence involving obligatory endorsement”.
- 97 Meaning of “offence involving obligatory disqualification” and “offence involving discretionary disqualification”.
- 98 General interpretation.
- 99 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Offences to which sections 1, 6, 11 and 12(1) apply

- 1 (1) Where section 1, 6, 11 or 12(1) of this...
- 1A Section 1 also applies to— (a) an offence under section...
- 2 Section 6 also applies— (a) to an offence under section...
- 3 Section 11 also applies to— (a) any offence to which...
- 4 Section 12(1) also applies to— (a) any offence which is...

### SCHEDULE 2 — Prosecution and Punishment of Offences

#### Part I — OFFENCES UNDER THE TRAFFIC ACTS

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## Part II — OTHER OFFENCES

### SCHEDULE 3 — Fixed Penalty Offences

### SCHEDULE 4 — Statutory Statements

#### Part I — STATUTORY STATEMENT OF OWNERSHIP OR HIRING

1 (1) For the purposes of Part III of this Act,...

2 (1) For the purposes of Part III of this Act,...

#### Part II — STATUTORY STATEMENT OF FACTS

3 (1) For the purposes of Part III of this Act,...

### SCHEDULE 5 — Scotland: Additional Offences Open to Conditional Offer

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