



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Giving notices to suspected offenders

54 Notices on-the-spot or at a police station

- (1) This section applies where on any occasion a constable in uniform has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence.
- (2) Subject to subsection (3) below, the constable may give him a fixed penalty notice in respect of the offence.
- (3) Where the offence appears to the constable to involve obligatory endorsement, the constable may only give him a fixed penalty notice under subsection (2) above in respect of the offence if—
 - (a) he produces his licence for inspection by the constable,
 - (b) the constable is satisfied, on inspecting the licence, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence, and
 - (c) he surrenders his licence to the constable to be retained and dealt with in accordance with this Part of this Act.
- (4) Where—
 - (a) the offence appears to the constable to involve obligatory endorsement, and
 - (b) the person concerned does not produce his licence for inspection by the constable,

the constable may give him a notice stating that if, within seven days after the notice is given, he produces the notice together with his licence in person to a constable or authorised person at the police station specified in the notice (being a police station

chosen by the person concerned) and the requirements of subsection (5)(a) and (b) below are met he will then be given a fixed penalty notice in respect of the offence.

- (5) If a person to whom a notice has been given under subsection (4) above produces the notice together with his licence in person to a constable or authorised person at the police station specified in the notice within seven days after the notice was so given to him and the following requirements are met, that is—
- (a) the constable or authorised person is satisfied, on inspecting the licence, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of the offence, and
 - (b) he surrenders his licence to the constable or authorised person to be retained and dealt with in accordance with this Part of this Act,
- the constable or authorised person must give him a fixed penalty notice in respect of the offence to which the notice under subsection (4) above relates.
- (6) A notice under subsection (4) 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.
- (7) A licence surrendered in accordance with this section must be sent to the fixed penalty clerk.
- (8) Subsection (4) above does not apply in respect of offences committed in Scotland and a notice under that subsection may not specify a police station in Scotland.
- (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.

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 constable or authorised person to whom a person surrenders his licence on receiving a fixed penalty notice given to him under section 54 of this Act must issue a receipt for the licence under this section.

- (2) The fixed penalty clerk may, on the application of a person who has surrendered his licence in those circumstances, issue a new receipt for the licence.
- (3) A receipt issued under this section ceases to have effect—
 - (a) if issued by a constable or authorised person, on the expiration of the period of one month beginning with the date of issue or such longer period as may be prescribed, and
 - (b) if issued by the fixed penalty clerk, on such date as he may specify in the receipt,or, if earlier, on the return of the licence to the licence holder.

57 Endorsement of licences without hearings

- (1) Subject to subsection (2) below, where a person (referred to in this section as “the licence holder”) has surrendered his licence to a constable or authorised person on the occasion when he was given a fixed penalty notice under section 54 of this Act, his licence may be endorsed in accordance with this section without any order of a court.
- (2) A person’s licence 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) On the payment of the fixed penalty before the end of the suspended enforcement period, the fixed penalty clerk must endorse the relevant particulars on the licence and return it to the licence holder.
- (4) Where any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the licence holder as a fine, the fixed penalty clerk must endorse the relevant particulars on the licence and return it to the licence holder—
 - (a) if he is himself the clerk who registers that sum, on the registration of that sum, and
 - (b) in any other case, on being notified of the registration by the clerk who registers that sum.
- (5) 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.
- (6) On endorsing a person’s licence under this section the fixed penalty clerk must send notice of the endorsement and of the particulars endorsed to the Secretary of State.

58 Effect of endorsement without hearing

- (1) Where a person’s licence is endorsed under section 57 of this Act he shall be treated for the purposes of sections 13(4), 28, 29 and 45 of this Act and of the Rehabilitation of Offenders Act 1974 as if—
 - (a) he had been convicted of the offence,

Status: This is the original version (as it was originally enacted).

- (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 57(5)(a) of this Act were particulars of his conviction of that offence.
- (2) In relation to any endorsement of a person's licence under section 57 of this Act—
- (a) the reference in section 45(4) of this Act to the order for endorsement, and
 - (b) 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.

59 Notification of court and date of trial in England and Wales

- (1) On an occasion when a person is given a fixed penalty notice under section 54 of this Act in respect of an offence, he may be given written notification specifying the magistrates' court by which and the date on which the offence will be tried if he gives notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice.
- (2) Subject to subsections (4) and (5) below, where—
- (a) a person has been notified in accordance with this section of the court and date of trial of an offence in respect of which he has been given a fixed penalty notice, and
 - (b) he has given notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice,
- the provisions of the Magistrates' Courts Act 1980 shall apply as mentioned in subsection (3) below.
- (3) Those provisions are to have effect for the purpose of any proceedings in respect of that offence as if—
- (a) the allegation in the fixed penalty notice with respect to that offence were an information duly laid in accordance with section 1 of that Act, and
 - (b) the notification of the court and date of trial were a summons duly issued on that information by a justice of the peace for the area for which the magistrates' court notified as the court of trial acts, requiring the person notified to appear before that court to answer to that information and duly served on him on the date on which the notification was given.
- (4) If, in a case within subsection (2) above, notice is served by or on behalf of the chief officer of police on the person who gave notice requesting a hearing stating that no proceedings are to be brought in respect of the offence concerned, that subsection does not apply and no such proceedings are to be brought against the person who gave notice requesting a hearing.
- (5) Section 14 of that Act (proceedings invalid where accused did not know of them) is not applied by subsection (2) above in a case where a person has been notified in accordance with this section of the court and date of trial of an offence.
- (6) This section does not extend to Scotland.

60 Court procedure in Scotland

- (1) Where a person is given a fixed penalty notice under section 54(2) of this Act in respect of an offence committed in Scotland, he may be given written notification specifying the court at which and the date on which the case will first call if he gives notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice.
- (2) Such written notification may either be included in the fixed penalty notice or be given to the person when he is given the fixed penalty notice.
- (3) Where—
 - (a) a person has been notified in accordance with this section of the court and date of first calling of a case concerning an offence in respect of which he has been given a fixed penalty notice, and
 - (b) he has given notice requesting a hearing in respect of the offence as permitted by the fixed penalty notice,the following provisions of this section apply for the purpose of any proceedings in respect of the offence.
- (4) The notification of the court and date of first calling shall have effect as if it were a citation to an accused person by virtue of section 315 of the Criminal Procedure (Scotland) Act 1975 notwithstanding that such notification may not be in the form referred to in subsection (2) of that section.
- (5) A copy of the fixed penalty notice given under section 54(2) of this Act shall have effect as if it were a complaint under Part II of that Act, and the provisions of that Part shall accordingly apply—
 - (a) to the copy fixed penalty notice as if it were a complaint, and
 - (b) to the fixed penalty notice as if it were a copy complaint served on the accused under that Part.
- (6) For the purposes of subsection (5) above—
 - (a) it is not necessary for the fixed penalty notice to be signed by the prosecutor or by a solicitor on behalf of a prosecutor other than the public prosecutor of a court,
 - (b) a copy fixed penalty notice having effect as if it were a complaint shall not be held to be irrelevant by reason only—
 - (i) that the charge in the fixed penalty notice is not in the form referred to in section 312 of that Act, or
 - (ii) that no further specification is given than the specification required for a fixed penalty notice by section 52(2) of this Act,and without prejudice to the generality of subsection (5) above, paragraphs (a) to (z) of section 312 of that Act shall apply in respect of the charge referred to in sub-paragraph (i) above, and
 - (c) section 311(5) of that Act shall not apply in respect of a copy fixed penalty notice having effect as if it were a complaint, but there shall be given to the alleged offender along with the fixed penalty notice a notice stating the penalties to which he would be liable in the event of his conviction for the offence.

61 Fixed penalty notice mistakenly given: exclusion of fixed penalty procedures

- (1) This section applies where, on inspection of a licence sent to him under section 54(7) of this Act, it appears to the fixed penalty clerk that the person whose licence it is 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 fixed penalty clerk must not endorse the licence under section 57 of this Act but must instead send it to the chief officer of police.
- (3) 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.
- (4) 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.
- (5) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of any provision 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 whose licence it is as a fine, 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))).