



# 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 [<sup>F1</sup>in England and Wales] 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 [<sup>F2</sup>and its counterpart] for inspection by the constable,
  - (b) the constable is satisfied, on inspecting the licence [<sup>F2</sup>and its counterpart], 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 [<sup>F2</sup>and its counterpart] 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 [<sup>F3</sup>and its counterpart] 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 [<sup>F4</sup>and its counterpart] in person to a constable or authorised person at the police station specified in the notice (being a

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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 [<sup>F5</sup>and its counterpart] 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 [<sup>F6</sup>and its counterpart], 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 [<sup>F7</sup>and its counterpart] 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 [<sup>F8</sup>and a counterpart of a licence] surrendered in accordance with this section must be sent to the fixed penalty clerk.
- <sup>F9</sup>(8) .....
- (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 [<sup>F10</sup>or a person authorised for those purposes by or on behalf of the chief constable of the British Transport Police].
- <sup>F11</sup>(10) In determining for the purposes of subsections (3)(b) and (5)(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.]

#### Textual Amendments

- F1** 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.**
- F2** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(a)**
- F3** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(b)(i)**
- F4** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(b)(ii)**
- F5** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(c)(i)**
- F6** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(c)(ii)**
- F7** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(c)(iii)**
- F8** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 15(d)**
- F9** 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
- F10** Words in s. 54(9) inserted (1.10.2002) by 2002 c. 30, s. 76(2); S.I. 2002/2306, art. 2(d)(vii)
- F11** 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.**

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**Modifications etc. (not altering text)**

**C1** S. 54 extended (*prosp.*) by 2002 c. 30, ss. 41, 108(2)-(5), **Sch. 5 para. 1(2)(a)**

**C2** S. 54 extended (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 para. 1(2)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(a)**

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