



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 5

#### ROAD TRAFFIC

##### *Surrender of driving licences*

#### **94 Removal of requirement to deliver up licence where conditional offer**

(1) The Road Traffic Offenders Act 1988 is amended as follows.

(2) In section 75 (issue of conditional offer)—

(a) in subsection (7), after paragraph (b) (but before the “and” immediately after it) insert—

“(ba) give details of the identification information that may be required where the conditional offer relates to an offence involving obligatory endorsement,”;

(b) in subsection (8A)(a), for sub-paragraph (ii) substitute—

“(ii) where the conditional offer relates to an offence involving obligatory endorsement, fulfils the identification requirements,”;

(c) after subsection (8A) insert—

“(8B) For the purposes of subsection (8A)(a)(ii), an alleged offender fulfils the identification requirements if—

(a) the alleged offender provides the appropriate person with identification information, or

(b) the appropriate person is otherwise satisfied of the alleged offender’s identity.

(8C) In this section “identification information” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the alleged offender’s name and date of birth, and
  - (b) if the alleged offender is the holder of a licence, the licence number.”
- (3) In section 76 (effect of offer and payment of penalty)—
  - (a) in subsection (2), for “makes payment of the fixed penalty in accordance with the conditional offer” substitute “has fulfilled the conditions specified in the conditional offer under section 75(8A)(a)”;
  - (b) in subsection (3)(b), omit the words from “together” to “his licence”;
  - (c) in subsection (4), for the words from “requirements” to “fulfilled” substitute “alleged offender has not fulfilled the conditions specified in the conditional offer under section 75(8A)(a)”.
- (4) In section 77A (endorsement of driving records where penalty paid)—
  - (a) for subsection (1)(a) substitute—
    - “(a) a conditional offer has been issued to a person (“the alleged offender”) under section 75(1), (2) or (3),”;
  - (b) in subsection (1)(b), for “76” substitute “76(2)”;
  - (c) in subsection (1), in the words after paragraph (b), omit “together with any licence delivered under paragraph (a) above”;
  - (d) in subsection (2), in the words before paragraph (a), omit “and return any licence delivered to him under this section to the alleged offender”;
  - (e) for subsection (2)(b) substitute—
    - “(b) in a case where—
      - (i) a conditional offer is issued to a person (“the alleged offender”) under section 75(1A) or (3B), and
      - (ii) proceedings against the alleged offender are excluded by section 76(2).”