

---

STATUTORY INSTRUMENTS

---

**2018 No. 24**

**The Community Drivers' Hours Offences  
(Enforcement) Regulations 2018**

**Amendment of section 75 of the Road Traffic Offenders Act 1988**

4.—(1) Section 75(1) of the Road Traffic Offenders Act 1988 (issue of conditional offer) is amended as follows.

(2) After subsection (3)(a), insert—

“(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,”.

(3) After subsection (3B)(a), insert—

“(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,”.

(4) After subsection (3B), insert—

“(3C) A constable or vehicle examiner may not hand a person a conditional offer under 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.”.

---

(1) Section 75 was substituted by section 34 of the Road Traffic Act 1991 and subsection (3B) was subsequently inserted by paragraph 15(3) of Schedule 1 to the Road Safety Act 2006.