



# 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>(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** 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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## 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 [<sup>F11</sup>and its counterpart] on receiving a fixed penalty notice given to him under section 54 of this Act must issue a receipt for the licence [<sup>F11</sup>and its counterpart] under this section.
- (2) The fixed penalty clerk may, on the application of a person who has surrendered his licence [<sup>F12</sup>and its counterpart] in those circumstances, issue a new receipt for [<sup>F13</sup>them].
- (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 [<sup>F14</sup>and its counterpart] to the licence holder.

### Textual Amendments

**F11** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 16(a)(i)(ii)

**F12** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 16(b)(i)(ii)

**F13** Word substituted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 16(b)(i)(ii)

**F14** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 16(c)

## 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 [<sup>F15</sup>and its counterpart] to a constable or authorised person on the occasion when he was given a fixed penalty notice under section 54 of this Act, [<sup>F15</sup>the counterpart of] his licence may be endorsed in accordance with this section without any order of a court.

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- (2) <sup>F16</sup>The counterpart of] 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 <sup>F17</sup>counterpart of the] licence and return it <sup>F17</sup>together with the licence] 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 <sup>F17</sup>counterpart of the] licence and return it <sup>F17</sup>together with the licence] 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 <sup>F18</sup>the counterpart of] 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.

#### Textual Amendments

**F15** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 17(a)(i)(ii)

**F16** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 17(b)

**F17** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 17(c)(i)(ii)

**F18** Words inserted by S.I. 1990/144, regs. 2(2), 3, Sch. 2 para. 17(d)

## 58 Effect of endorsement without hearing.

- (1) Where <sup>F19</sup>the counterpart of] 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 <sup>M1</sup>Rehabilitation of Offenders Act 1974 as if—
- (a) he had been convicted of the offence,
  - (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 <sup>F20</sup>the counterpart 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

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- (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.

**Textual Amendments**

- F19** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 18(a)**  
**F20** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 18(b)**

**Marginal Citations**

- M1** 1974 c. 53.

PROSPECTIVE

**<sup>F21</sup>59 Notification of court and date of trial in England and Wales.**

**Textual Amendments**

- F21** S. 59 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

**<sup>F22</sup>60 .....**

**Textual Amendments**

- F22** S. 60 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**

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

- C1** S. 60 expressed to be amended (1.4.1996) by 1995 c. 40, s. 5, **Sch. 4 para. 71(8)(a)(b)(c)(i)(ii)**

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

- (1) This section applies where, on inspection of a licence [<sup>F23</sup>and its counterpart] 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 [<sup>F24</sup>counterpart of the] licence under section 57 of this Act but must instead send it [<sup>F24</sup>together with the licence] 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.

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- (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))).
- [<sup>F25</sup>(6) In determining for the purposes of subsection (1) 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

**F23** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 19(a)**

**F24** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 19(b)(i)(ii)**

**F25** S. 61(6) added (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 48, **Sch. 4 para.104**; S.I. 1992/1286, **art. 2**,Sch.

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