



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

The fixed penalty procedure

72 Notices on-the-spot or at a police station: when registration and endorsement invalid

- (1) This section applies where—
 - (a) a person who has received notice of the registration, by virtue of section 55(3) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and
 - (b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the clerk of the relevant court.
- (2) The statutory declaration must state—
 - (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
 - (b) that he gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.
- (3) In any case within subsection (2)(a) above, the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.
- (4) Where in any case within subsection (2)(a) above the person to whom the relevant fixed penalty notice was given surrendered a licence held by the person making the declaration, any endorsement of that licence made under section 57 of this Act in respect of the offence in respect of which that notice was given shall be void.

Status: This is the original version (as it was originally enacted).

- (5) In any case within subsection (2)(b) above—
- (a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and any endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under section 57 of this Act before the declaration was served, shall be void, and
 - (b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.
- (6) The clerk of the relevant court must—
- (a) cancel an endorsement of a licence under section 57 of this Act that is void by virtue of this section on production of the licence to him for that purpose, and
 - (b) send notice of the cancellation to the Secretary of State.
- (7) References in this section to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.