



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III **E+W+S**

FIXED PENALTIES

[^{F1}Conditional offer of fixed penalty]

[^{F177} Endorsement where penalty paid. **E+W+S**

- (1) Where—
 - (a) in pursuance of a conditional offer a person (referred to in this section as the “licence holder”) makes payment of the fixed penalty to the fixed penalty clerk and delivers his licence and its counterpart to the clerk, and
 - (b) the clerk is not required by subsection (4) of section 76 of this Act to return the licence and its counterpart to him and did not, before the payment was tendered, notify the person referred to in section 76(2)(a) or (b) of this Act under subsection (5) of that section,

the clerk must forthwith endorse the relevant particulars on the counterpart of the licence and return it to the licence holder together with the licence.
- (2) Where it appears to a fixed penalty clerk in Scotland that there is an error in an endorsement made by virtue of this section on the counterpart of a licence he may amend the endorsement so as to correct the error; and the amended endorsement shall have effect and shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.
- (3) Subject to subsection (4) below, where a cheque tendered in payment is subsequently dishonoured—
 - (a) any endorsement made by a clerk under subsection (1) above remains effective, notwithstanding that the licence holder is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and

Status: Point in time view as at 01/07/1992. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 77 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the clerk must, upon the expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person referred to in section 76(2)(a) or (b) of this Act that no payment has been made.
- (4) When proceedings are brought against a licence holder after a notice has been given in pursuance of subsection (3)(b) above, the court—
- (a) must order the removal of the fixed penalty endorsement from the counterpart of the licence, and
- (b) may, on finding the licence holder guilty, make any competent order of endorsement or disqualification and pass any competent sentence.
- (5) The reference in subsection (1) above to the relevant particulars is 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) The fixed penalty clerk must send notice to the Secretary of State—
- (a) of any endorsement under subsection (1) above and of the particulars endorsed,
- (b) of any amendment under subsection (2) above, and
- (c) of any order under subsection (4)(a) above.
- (7) Where the counterpart of a person's licence is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45 of this Act and of the 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 subsection (5)(a) above were particulars of his conviction of that offence.
- (8) In relation to any endorsement of the counterpart of a person's licence under this section—
- (a) the reference in section 45(4) of this Act to the order for endorsement, and
- (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.
- (9) In relation to licences which came into force before 1st June 1990, the references in this section to the counterpart of a licence shall be disregarded or, as the case may require, construed as references to the licence itself.]

Textual Amendments

F1 Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s.34; S.I. 1992/1286, art. 2, Sch.

Status:

Point in time view as at 01/07/1992. This version of this provision has been superseded.

Changes to legislation:

Road Traffic Offenders Act 1988, Section 77 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.