



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Miscellaneous

83 Powers of court where clerk deceived.

(1) This section applies where—

- (a) in endorsing [^{F1}the counterpart of] any person's licence under section 57 of this Act, the fixed penalty clerk is deceived as to whether endorsement under that section is excluded by section 61(2) of this Act by virtue of the fact that the licence holder would be liable to be disqualified under section 35 of this Act if he were convicted of the offence, or
- (b) in endorsing [^{F2}the counterpart of] any person's licence under section 77 of this Act the [^{F3}designated officer or] clerk of court specified in the conditional offer (within the meaning of that section) is deceived as to whether he is required by section 76(5) of this Act to return the licence [^{F4}and its counterpart without endorsing the counterpart] by virtue of the fact that the licence holder would be liable to be disqualified under section 35 of this Act if he were convicted of the offence.

(2) If—

- (a) the deception constituted or was due to an offence committed by the licence holder, and
- (b) the licence holder is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties as it would have had if he had also been convicted by or before it of the offence of which particulars were endorsed under section 57 or, as the case may be, 77 of this Act.

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 83 is up to date with all changes known to be in force on or before 05 September 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)

Textual Amendments

- F1** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 24(a)**
- F2** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2**, para. 24(b)(i)(ii)
- F3** Words in s. 83(1)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 321**; S.I. 2005/910, art. 3(y)
- F4** Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2**, para. 24(b)(i)(ii)

Status:

Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation:

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