

Status: Point in time view as at 30/11/2022.

Changes to legislation: Road Safety Act 2006, Cross Heading: Road Traffic Offenders Act 1988 (c. 53) is up to date with all changes known to be in force on or before 20 July 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)

SCHEDULES

SCHEDULE 1

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

Road Traffic Offenders Act 1988 (c. 53)

- 1 Part 3 of the Road Traffic Offenders Act 1988 (fixed penalties) is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 2 In section 52(3)(c) (fixed penalty notice must state to whom and where fixed penalty may be paid), for the words from the beginning to “to” substitute “ the person to ”.

Commencement Information

I2 Sch. 1 para. 2 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 3 (1) Section 54 (notices on-the-spot or at a police station) is amended as follows.
- (2) In subsection (1), after “uniform” insert “, or a vehicle examiner who produces his authority, ”.
- (3) In subsection (2), after “constable” insert “ or vehicle examiner ”.
- ^{F1}(4)
- ^{F1}(5)
- ^{F1}(6)
- ^{F1}(7)
- ^{F2}(8)
- (9) In the heading, for “**or at a police station**” substitute “ etc. ”

Textual Amendments

F1 Sch. 1 para. 3(4)-(7) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

F2 Sch. 1 para. 3(8) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 32(a); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

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Commencement Information

I3 Sch. 1 para. 3 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

F3 4

Textual Amendments

F3 Sch. 1 para. 4 omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 32(b); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

F4 5

Textual Amendments

F4 Sch. 1 para. 5 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

F5 6

Textual Amendments

F5 Sch. 1 para. 6 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

7 In section 62(1) (fixing notices to vehicles), after “constable” insert “ or a vehicle examiner ”.

Commencement Information

I4 Sch. 1 para. 7 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 8 (1) Section 63 (service of notice to owner if penalty not paid) is amended as follows.
- (2) In subsection (2), for “chief officer of police” substitute “ relevant person ”.
- (3) After that subsection insert—
 - “(2A) In this section “the relevant person” means—
 - (a) if the fixed penalty notice was fixed by a constable, the chief officer of police, and
 - (b) if it was fixed by a vehicle examiner, the Secretary of State.”
- (4) In subsection (4)(c), for “chief officer of police by or on whose behalf the notice was served” substitute “ relevant person ”.

Commencement Information

I5 Sch. 1 para. 8 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

9 (1) Section 66 (hired vehicles) is amended as follows.

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- (2) In subsection (1)(c), for “chief officer of police by or on whose behalf the notice was served” substitute “relevant person”.
- (3) In subsection (5), for “chief officer of police” substitute “person”.
- (4) In subsection (8), after the definition of “hiring agreement” insert—
 - ““relevant person” means—
 - (a) if the fixed penalty notice was fixed by a constable, the chief officer of police by or on whose behalf the notice to owner was served, and
 - (b) if it was fixed by a vehicle examiner, the Secretary of State, and”.

Commencement Information

I6 Sch. 1 para. 9 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 10 In section 68(4) (meaning of “official form”), after “police” insert “or the Secretary of State”.

Commencement Information

I7 Sch. 1 para. 10 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 11 (1) Section 69 (payment of fixed penalty) is amended as follows.
 - (2) In subsection (1), for “Payment of a fixed penalty under this Part of this Act” substitute “Where a fixed penalty notice has been given or fixed by a constable or authorised person under this Part of this Act, payment of the fixed penalty”.
 - (3) After that subsection insert—
 - “(1A) Where a fixed penalty notice has been given or fixed by a vehicle examiner, or given by the Secretary of State, under this Part of this Act, payment of the fixed penalty must be made to the Secretary of State.”
 - (4) In subsection (3), after “clerk” insert “, or the Secretary of State,”.

Commencement Information

I8 Sch. 1 para. 11 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 12 (1) Section 70 (registration certificates) is amended as follows.
 - (2) In subsection (2), for “chief officer of police” substitute “relevant person”.
 - (3) After that subsection insert—
 - “(2A) In subsection (2) above “the relevant person” means—
 - (a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the chief officer of police, and
 - (b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.”

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- (4) In subsection (3), for “fixed penalty clerk” substitute “ appropriate person ”.
- (5) After that subsection insert—
- “(3A) In subsection (3) above “the appropriate person” means—
- (a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the fixed penalty clerk, and
- (b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.”
- (6) In subsection (4), for “the chief officer of police or the fixed penalty clerk” substitute “ a person ”.

Commencement Information

I9 Sch. 1 para. 12 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 13 (1) Section 72 (notices on-the-spot or at a police station: when registration and endorsement invalid) is amended as follows.

^{F6}(2)

- (3) In the heading, for “**or at a police station**” substitute “ etc. ”

Textual Amendments

F6 Sch. 1 para. 13(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

Commencement Information

I10 Sch. 1 para. 13 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

- 14 (1) Section 73 (notices fixed to vehicles: when registration invalid) is amended as follows.

- (2) In subsection (4), for—
- (a) “the chief officer of police”, and
- (b) “that chief officer of police”,
- substitute “ the relevant person ”.

- (3) After that subsection insert—

“(4A) In subsection (4) above “the relevant person” means—

(a) if the fixed penalty notice concerned was fixed by a constable, the fixed penalty clerk, and

(b) if it was fixed by a vehicle examiner, the Secretary of State.”

- (4) In subsection (5), omit—
- (a) “by or on behalf of the chief officer of police”, and
- (b) “such”.

- (5) In subsection (7)—

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- (a) omit “by or on behalf of the chief officer of police”, and
- (b) for “he” substitute “ the person by whom it is served ”.

Commencement Information

I11 Sch. 1 para. 14 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

15 (1) Section 75 (issue of conditional offer) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where in England and Wales—

- (a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,

a notice under this section may be sent to the alleged offender by the Secretary of State.”

(3) After subsection (3A) insert—

“(3B) Where in Scotland a vehicle examiner—

- (a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,
- (b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the Secretary of State may send to the alleged offender,

a notice under this section.”

(4) In subsection (4), for “and (3)” substitute “ to (3B) ”.

(5) In subsection (6), for “person issues a conditional offer” substitute “ conditional offer is issued by a person under subsection (1), (2) or (3) above ”.

^{F7}(6)

(7) After subsection (11) insert—

“(11A) In this section and sections 76 and 77 of this Act “the appropriate person” means—

- (a) where the conditional offer was issued under subsection (1), (2) or (3) above, the fixed penalty clerk, and
- (b) where the conditional offer was issued under subsection (1A) or (3B) above, the Secretary of State.”

Textual Amendments

F7 Sch. 1 para. 15(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

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Commencement Information

I12 Sch. 1 para. 15 in force at 31.3.2009 by [S.I. 2008/3164](#), [art. 3\(b\)](#)

- 16 (1) Section 76 (effect of order and payment of penalty) is amended as follows.
- (2) In subsection (1), for “sent” substitute “ issued ”.
- (3) For subsections (2) to (5) substitute—
- “(2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless subsection (3) below applies.
- (3) This subsection applies where—
- (a) it appears to the appropriate person, on inspecting the licence and its counterpart, that the alleged offender would be liable to be disqualified under section 35 of this Act if he were convicted of the offence to which the conditional offer relates,
- (b) the appropriate person returns the payment to the alleged offender together with his licence and its counterpart, and
- (c) where the appropriate person is not the Secretary of State, the appropriate person gives notice that he has done so to the person required to be notified.
- (4) Where the requirements specified in the conditional offer in accordance with sub-paragraphs (i) and (ii) of section 75(8)(a) of this Act have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates—
- (a) until the end of the period of twenty-eight days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and
- (b) where the appropriate person is not the Secretary of State, unless the appropriate person notifies the person required to be notified that proceedings may be brought by virtue of this subsection.
- (5) In this section and section 77 of this Act “the person required to be notified” means—
- (a) if the conditional offer was issued under subsection (1) of section 75 of this Act, the chief officer of police,
- (b) if it was issued under subsection (2) of that section, the procurator fiscal, and
- (c) if it was issued under subsection (3) of that section, the chief constable or (as the case may be) the chief constable of the British Transport Police Force.”
- (4) In subsection (6), for “(4)(b)” substitute “ (3)(a) ”.
- (5) In subsection (7), for—
- (a) “the fixed penalty clerk”, and
- (b) “that clerk”,
- substitute “ the appropriate person ”.

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^{F8}(6)

(7) In subsection (9), for “(2)(b)” substitute “ (5)(b) or (c) ”.

Textual Amendments

F8 Sch. 1 para. 16(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

Commencement Information

I13 Sch. 1 para. 16 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

^{F9}17

Textual Amendments

F9 Sch. 1 para. 17 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

18 (1) Section 79 (statements by constables) is amended as follows.

(2) In subsection (1)—

- (a) after “constable”, in the first place, insert “ or vehicle examiner ”,
- (b) for “constable's” substitute “ relevant ”, and
- (c) omit “constable or authorised”.

(3) In subsection (2)—

- (a) for “constable's” substitute “ relevant ”, and
- (b) after “committed” insert “ or on behalf of the Secretary of State ”.

(4) In subsections (4) and (5), for “constable's” substitute “ relevant ”.

^{F10}(5)

Textual Amendments

F10 Sch. 1 para. 18(5) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 32(c); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

Commencement Information

I14 Sch. 1 para. 18 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

19 In section 80 (certificates about payment), for “fixed penalty clerk”, in both places, substitute “ person to whom it was required to be paid ”.

Commencement Information

I15 Sch. 1 para. 19 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

20 In section 82(1) (accounting for fixed penalties), after “paid” insert “ to the fixed penalty clerk ”.

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Commencement Information

I16 Sch. 1 para. 20 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

21 (1) Section 83 (powers of court where clerk deceived) is amended as follows.

^{F11}(2)

(3) In the heading, for “**where clerk deceived**” substitute “ in cases of deception ”.

Textual Amendments

F11 Sch. 1 para. 21(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 7(4); S.I. 2015/560, art. 3(b) (with arts. 4-9)

Commencement Information

I17 Sch. 1 para. 21 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

22 In section 84(1) (regulations), for “75(2) and (3) or 76(5) and (6)” substitute “ 75(1), (1A), (2), (3) or (3B) or 76(3)(c) or (4)(b) ”.

Commencement Information

I18 Sch. 1 para. 22 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

23 In section 89(1) (interpretation), after the definition of “proceedings” insert “and “vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.”

Commencement Information

I19 Sch. 1 para. 23 in force at 31.3.2009 by S.I. 2008/3164, art. 3(b)

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