



2011 CHAPTER 24

PART 6

ALTERNATIVES TO PROSECUTION

CHAPTER 1

PENALTY NOTICES

Penalty notices

Penalty notices

60.—(1) A police officer who has reason to believe that a person over the age of 18 has committed a penalty offence may give that person a penalty notice in respect of the offence.

(2) Unless the notice is given in a police station, the police officer giving it must be in uniform.

(3) In this Chapter “penalty notice” means a notice offering the opportunity, by paying a penalty in accordance with this Chapter, to discharge any liability to be convicted of the offence to which the notice relates.

Form of penalty notice

61. A penalty notice must—

- (a) state the alleged offence;
- (b) give such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;

- (c) specify the suspended enforcement period (as to which see section 63) and explain its effect;
- (d) state the amount of the penalty;
- (e) state the fixed penalty clerk to whom, and the address at which, the penalty may be paid; and
- (f) inform the person to whom it is given of the right to ask to be tried for the alleged offence and explain how that right may be exercised.

Effect of penalty notice

62.—(1) This section applies if a penalty notice is given to a person (“A”) under section 60.

(2) If A asks to be tried for the alleged offence, proceedings may be brought against A.

(3) Such a request must be made by a notice given by A—

- (a) in the manner specified in the penalty notice; and
- (b) before the end of the suspended enforcement period (as to which see section 63).

(4) A request which is made in accordance with subsection (3) is referred to in this Chapter as a “request to be tried”.

(5) If, by the end of the suspended enforcement period—

- (a) the penalty has not been paid in accordance with this Chapter, and
- (b) A has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty may be registered under section 67 for enforcement against A as a fine.

General restriction on prosecution

63.—(1) Proceedings for the offence to which a penalty notice relates may not be brought until the end of the period of 28 days beginning with the date on which the notice was given (“the suspended enforcement period”).

(2) If the penalty is paid before the end of the suspended enforcement period, no proceedings may be brought for the offence.

(3) Subsection (1) does not apply if the person to whom the penalty notice was given has made a request to be tried.

Guidance

64. The Department may issue guidance—

- (a) about the exercise of the discretion given to police officers by this Chapter;
- (b) about the issuing of penalty notices;

- (c) with a view to encouraging good practice in connection with the operation of provisions of this Chapter.