



# Road Traffic Offenders Act 1988

## CHAPTER 53

### ROAD TRAFFIC OFFENDERS ACT 1988

#### PART I

#### TRIAL

##### *Introductory*

- 1 Requirement of warning etc. of prosecutions for certain offences.
- 2 Requirement of warning etc: supplementary.
- 3 Restriction on institution of proceedings for certain offences.
- 4 Offences for which local authorities in England and Wales may institute proceedings.
- 5 Exemption from Licensing Act offence.
- 6 Time within which summary proceedings for certain offences must be commenced.
- 7 Duty of accused to provide licence.
- 8 Duty to include date of birth and sex in written plea of guilty.

##### *Trial*

- 9 Mode of trial.
- 10 Jurisdiction of district court in Scotland.
- 11 Evidence by certificate as to driver, user or owner.
- 12 Proof, in summary proceedings, of identity of driver of vehicle.
- 13 Admissibility of records as evidence.
- 14 Use of records kept by operators of goods vehicles.
- 15 Use of specimens in proceedings for an offence under any of sections 3A to 5A of the Road Traffic Act.
- 16 Documentary evidence as to specimens in such proceedings.

*Status: Point in time view as at 12/04/2019.*

*Changes to legislation: Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 03 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)*

---

- 17 Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment.
- 18 Evidence by certificate as to registration of driving instructors and licences to give instruction.
- 19 Evidence of disqualification in Scotland.
- 20 Speeding offences etc: admissibility of certain evidence.
- 21 Proceedings in which evidence of one witness sufficient in Scotland.
- 22 Notification of disability.

#### *Verdict*

- 23 Alternative verdicts in Scotland.
- 24 Alternative verdicts: general.

#### *After conviction*

- 25 Information as to date of birth and sex.
- 26 Interim disqualification.

### **PART II**

#### SENTENCE

#### *Introductory*

- 27 Production of licence.
- 28 Penalty points to be attributed to an offence.
- 29 Penalty points to be taken into account on conviction.
- 30 Penalty points: modification where fixed penalty also in question.
- 31 Court may take particulars endorsed ... into consideration.
- 32 In Scotland, court may take extract from licensing records into account.

#### *Fine and imprisonment*

- 33 Fine and imprisonment.
- 33A Forfeiture of vehicles: Scotland.

#### *Disqualification*

- 34 Disqualification for certain offences.
- 34A Reduced disqualification period for attendance on courses.
- 34B Certificates of completion of courses.
- 34BA Approval of courses
- 34C Provisions supplementary to sections 34A and 34B.
- 35 Disqualification for repeated offences.
- 35A Extension of disqualification where custodial sentence also imposed
- 35B Effect of custodial sentence in other cases
- 35C Extension of disqualification where sentence of imprisonment also imposed: Scotland
- 35D Effect of sentence of imprisonment in other cases: Scotland
- 36 Disqualification until test is passed.
- 37 Effect of order of disqualification.
- 38 Appeal against disqualification.
- 39 Suspension of disqualification pending appeal.
- 40 Power of appellate courts in England and Wales to suspend disqualification.

*Status: Point in time view as at 12/04/2019.*

*Changes to legislation: Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 03 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)*

---

- 41 Power of appellate courts in Scotland to suspend disqualification.
- 41A Suspension of disqualification pending determination of applications under section 34B.
- 42 Removal of disqualification.
- 43 Rule for determining end of period of disqualification.

#### *Endorsement*

- 44 Orders for endorsement
- 44A Endorsement of driving record in accordance with order
- 45 Effect of endorsement of counterparts.
- 45A Effect of endorsement of driving records

#### *General*

- 46 Combination of disqualification and endorsement with probation orders and orders for discharge.
- 47 Supplementary provisions as to disqualifications and endorsements.
- 48 Exemption from disqualification and endorsement for certain construction and use offences.
- 49 Offender escaping consequences of endorseable offence by deception.
- 50 Powers of district court in Scotland.

### **PART III**

#### **FIXED PENALTIES**

#### *Introductory*

- 51 Fixed penalty offences.
- 52 Fixed penalty notices.
- 53 Amount of fixed penalty.

#### *Giving notices to suspected offenders*

- 54 Notices on-the-spot etc..
- 55 Effect of fixed penalty notice given under section 54.
- 56 Licence receipts.
- 57 Endorsement of counterparts without hearings.
- 57A Endorsement of driving records without hearings
- 58 Effect of endorsement of counterpart without hearing.
- 58A Effect of endorsement of driving record without hearing
- 59 Notification of court and date of trial in England and Wales.
- 60 Giving notices to suspected offenders
- 61 Fixed penalty notice mistakenly given to licence holder: exclusion of fixed penalty procedures.
- 61A Fixed penalty notice mistakenly given ...: exclusion of fixed penalty procedures

#### *Notices fixed to vehicles*

- 62 Fixing notices to vehicles.
- 63 Service of notice to owner if penalty not paid.
- 64 Enforcement or proceedings against owner.
- 65 Restrictions on proceedings against owner and others.
- 66 Hired vehicles.

*Status: Point in time view as at 12/04/2019.*

*Changes to legislation: Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 03 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)*

---

- 67 False statements in response to notices to owner.
- 68 “Owner”, “statutory statement” and “official form”.

#### *The fixed penalty procedure*

- 69 Payment of penalty.
- 70 Registration certificates.
- 71 Registration of sums payable in default.
- 72 Notices on-the-spot etc.: when registration and endorsement invalid.
- 73 Notices fixed to vehicles: when registration invalid.
- 74 Provisions supplementary to sections 72 and 73.

#### *Conditional offer of fixed penalty*

- 75 Issue of conditional offer.
- 76 Effect of offer and payment of penalty.
- 77 Endorsement of counterparts where penalty paid.
- 77A Endorsement of driving records where penalty paid

#### *Proceedings in fixed penalty cases*

- 78 General restriction on proceedings.
- 79 Statements by constables.
- 80 Certificates about payment.
- 81 Documents signed by the accused.

#### *Miscellaneous*

- 82 Accounting for fixed penalties: England and Wales.
- 83 Powers of court in cases of deception.
- 84 Regulations.
- 84A Notices to Secretary of State
- 85 Service of documents.
- 86 Functions of traffic wardens.
- 87 Guidance on application of Part III.
- 88 Procedure for regulations and orders.
- 89 Interpretation.
- 90 Index to Part III.

### **PART 3A**

#### FINANCIAL PENALTY DEPOSITS

- 90A Power to impose financial penalty deposit requirement
- 90B Financial penalty deposit requirement
- 90C Making of payment in compliance with requirement
- 90D Prohibition on driving on failure to make payment
- 90E Orders about financial penalty deposits
- 90F Financial penalty deposits: interpretation

### **PART IV**

#### MISCELLANEOUS AND GENERAL

- 91 Penalty for breach of regulations.
- 91ZA Application to Northern Ireland licence holders
- 91ZB Effect of endorsement on Northern Ireland licence holders

*Status: Point in time view as at 12/04/2019.*

*Changes to legislation: Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 03 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)*

---

- 91A Application to Community licence holders.
- 91B Effect of endorsement on Community licence holders.
- 92 Application to Crown.
- 93 Application of sections 15 and 16 to persons subject to service discipline.
- 94 Proceedings in respect of offences in connection with Crown vehicles.
- 95 Destination of Scottish fines.
- 96 Meaning of “offence involving obligatory endorsement”.
- 97 Meaning of “offence involving obligatory disqualification” and “offence involving discretionary disqualification”.
- 97A Meaning of “driving record”
- 98 General interpretation.
- 99 Short title, commencement and extent.

---

## SCHEDULES

SCHEDULE 1 — Offences to which sections 1, 6, 11 and 12(1) apply

- 1 (1) Where section 1, 6, 11 or 12(1) of this...
- 1A Section 1 also applies to— (a) an offence under section...
- 2 Section 6 also applies— (a) to an offence under section...
- 3 Section 11 also applies to— (a) any offence to which...
- 4 Section 12(1) also applies to— (a) any offence which is...

SCHEDULE 2 — Prosecution and Punishment of Offences

Part I — OFFENCES UNDER THE TRAFFIC ACTS

Part II — OTHER OFFENCES

SCHEDULE 3 — Fixed Penalty Offences

SCHEDULE 4 — Statutory Statements

Part I — STATUTORY STATEMENT OF OWNERSHIP OR HIRING

- 1 (1) For the purposes of Part III of this Act,...
  - 2 (1) For the purposes of Part III of this Act,...
- Part II — STATUTORY STATEMENT OF FACTS
- 3 (1) For the purposes of Part III of this Act,...

SCHEDULE 5 — Scotland: Additional Offences Open to Conditional Offer

**Status:**

Point in time view as at 12/04/2019.

**Changes to legislation:**

Road Traffic Offenders Act 1988 is up to date with all changes known to be in force on or before 03 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.