



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Introductory

51 Fixed penalty offences.

- (1) Any offence in respect of a vehicle under an enactment specified in column 1 of Schedule 3 to this Act is a fixed penalty offence for the purposes of this Part of this Act, but subject to subsection (2) below and to any limitation or exception shown against the enactment in column 2 (where the general nature of the offence is also indicated).
- (2) An offence under an enactment so specified is not a fixed penalty offence for those purposes if it is committed by causing or permitting a vehicle to be used by another person in contravention of any provision made or restriction or prohibition imposed by or under any enactment.
- (3) The Secretary of State may by order provide for offences to become or (as the case may be) to cease to be fixed penalty offences for the purposes of this Part of this Act, and may make such modifications of the provisions of this Part of this Act as appear to him to be necessary for the purpose.

52 Fixed penalty notices.

- (1) In this Part of this Act “fixed penalty notice” means a notice offering the opportunity of the discharge of any liability to conviction of the offence to which the notice relates by payment of a fixed penalty in accordance with this Part of this Act.
- (2) A fixed penalty notice must give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.
- (3) A fixed penalty notice must state—

Status: Point in time view as at 01/05/2009.

Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 24 June 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)

- (a) the period during which, by virtue of section 78(1) of this Act, proceedings cannot be brought against any person for the offence to which the notice relates, being the period of twenty-one days following the date of the notice or such longer period (if any) as may be specified in the notice (referred to in this Part of this Act as the “suspended enforcement period”),
- (b) the amount of the fixed penalty, and
- (c) [^{F1}the person to] whom and the address at which the fixed penalty may be paid.

^{F2}(4)

Textual Amendments

- F1** Words in s. 52(3)(c) substituted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 1 para. 2**; [S.I. 2008/3164](#), art. 3(b)
- F2** S. 52(4) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 14**

^{F3}[53 Amount of fixed penalty.

- (1) The fixed penalty for an offence is—
- (a) such amount as the Secretary of State may by order prescribe, or
 - (b) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction,
- whichever is the less.

- [^{F4}(2) Any order made under subsection (1)(a) above in relation to an offence may make provision for the fixed penalty for the offence to be different depending on the circumstances, including (in particular)—
- (a) the nature of the contravention or failure constituting the offence,
 - (b) how serious it is,
 - (c) the area, or sort of place, where it takes place, and
 - (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.]]

Textual Amendments

- F3** S. 53 substituted (1.4.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para.102**; [S.I. 1992/199](#), **arts. 3(2)(b)**, 4; but see [S.I.1992/435](#) for an expressed substitution (S.) (1.4.1992) of penalties in the previous form of s. 53
- F4** S. 53(2) substituted (5.1.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 3(2)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 2(a)

Status:

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