



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Giving notices to suspected offenders

54 Notices on-the-spot [^{F1}etc.].

- (1) This section applies where [^{F2}in England and Wales] on any occasion a constable in uniform [^{F3}, or a vehicle examiner who produces his authority,] has reason to believe that a person he finds
 - [^{F4}(a) is committing or has on that occasion committed a fixed penalty offence; or
 - (b) has, within the period of 28 days before the day of that occasion, committed a Community drivers' hours offence.]
- (2) Subject to [^{F5}the following provisions of this section] , the constable [^{F6}or vehicle examiner] may give him a fixed penalty notice in respect of the offence.
- [^{F7}(3) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, the constable or vehicle examiner may only give him a fixed penalty notice under subsection (2) above in respect of the offence if—
 - (a) the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence, and
 - (b) in the case of a person who is the holder of a licence, he produces it for inspection by the constable or vehicle examiner and surrenders it to him to be retained and dealt with in accordance with this Part of this Act.
- (4) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, subsection (5) below applies if—
 - (a) the constable or vehicle examiner is unable to satisfy himself, by accessing information held on his driving record, that he would not be liable to be

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disqualified under section 35 of this Act if he were convicted of that offence,
or

(b) in the case of a person who is the holder of a licence, he does not produce it for inspection by the constable or vehicle examiner.

(5) Where this subsection applies, the constable or vehicle examiner may give the person a notice stating that if—

(a) he delivers the notice and (if he is the holder of a licence) his licence in accordance with subsection (5A) below, and

(b) the requirements of subsection (5B) below are met,

he will then be given a fixed penalty notice in respect of the offence.

(5A) Delivery must—

(a) if the notice is given by a constable, be made in person, within seven days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned),
or

(b) if the notice is given by a vehicle examiner, be made (either by post or in person), within fourteen days after the notice is given, to the Secretary of State at the place specified in the notice.

(5B) If a person to whom a notice has been given under subsection (5) above delivers the notice and (if he is the holder of a licence) his licence in accordance with subsection (5A) above, and the following requirements are met, that is—

(a) the person to whom the notice is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of the offence, and

(b) if he is the holder of a licence, it is delivered to be retained and dealt with in accordance with this Part of this Act,

the person to whom the notice is delivered must give him a fixed penalty notice in respect of the offence to which the notice under subsection (5) above relates.]

(6) A notice under subsection [F8(5)] above shall 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.

(7) A licence F9... surrendered [F10or delivered] in accordance with this section must be sent to the fixed penalty clerk [F11if the fixed penalty notice was given by a constable or authorised person].

F12(8)

[F13(8A) In a case where this section applies by virtue of subsection (1)(b), a constable or vehicle examiner may not give a person a fixed penalty notice for the Community drivers' hours offence if the constable or vehicle examiner has reason to believe that—

(a) a fixed penalty notice has already been given under this section to the person in relation to the offence;

(b) a conditional offer has already been issued to the person under section 75 of this Act in relation to the offence;

(c) proceedings have already been initiated against the person for the offence; or

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- (d) any other penalty has already been imposed on, or other proceedings have already been initiated against, the person in respect of the relevant breach in Northern Ireland, another member State or a contracting third country.
- (8B) In subsection (8A)(d) “relevant breach” means the breach of the applicable Community rules which constitutes the Community drivers’ hours offence concerned.]
- (9) In this Part of this Act “authorised person”, in relation to a fixed penalty notice given at a police station, means a person authorised for the purposes of this section by or on behalf of the chief officer of police for the area in which the police station is situated [F14 or a person authorised for those purposes by or on behalf of the chief constable of the British Transport Police].
- [F15(10) In determining for the purposes of [F16this section] whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.]

Textual Amendments

- F1 Word in s. 54 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(9)**; S.I. 2008/3164, art. 3(b)
- F2 Words in s. 54(1) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 103(2)**; S.I. 1992/1286, art. 2, **Sch.**
- F3 Words in s. 54(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(2)**; S.I. 2008/3164, art. 3(b)
- F4 Words in s. 54(1) substituted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **3(2)** (with reg. 11)
- F5 Words in s. 54(2) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(2)**; S.I. 2008/3164, art. 4(b)
- F6 Words in s. 54(2) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(3)**; S.I. 2008/3164, art. 3(b)
- F7 S. 54(3)-(5B) substituted for s. 54(3)-(5E) (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(4)**, 61(1)(10) (with s. 61(3)); S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F8 Word in s. 54(6) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(5)**, 61(1)(10); S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F9 Words in s. 54(7) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), **ss. 10(6)**, 61(1)(10), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F10 Words in s. 54(7) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(8)(a)**; S.I. 2008/3164, art. 3(b)
- F11 Words in s. 54(7) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 3(8)(b)**; S.I. 2008/3164, art. 3(b)
- F12 S. 54(8) repealed (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
- F13 S. 54(8A)(8B) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **3(3)** (with reg. 11)
- F14 Words in s. 54(9) inserted (1.10.2002) by 2002 c. 30, **s. 76(2)**; S.I. 2002/2306, **art. 2(d)(vii)**
- F15 S. 54(10) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 103(3)**; S.I. 1992/1286, art. 2, **Sch.**
- F16 Words in s. 54(10) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 14(6)**; S.I. 2008/3164, art. 4(b)

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Modifications etc. (not altering text)

- C1** S. 54 extended (*prosp.*) by 2002 c. 30, ss. 41, 108(2)-(5), **Sch. 5 para. 1(2)(a)**
- C2** S. 54 extended (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 para. 1(2)(b)**; S.I. 2002/2750, **art. 2(a)(ii)(a)**

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