



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

The fixed penalty procedure

70 Registration certificates.

- (1) This section and section 71 of this Act apply where by virtue of section 55(3) or 64(2) of this Act a sum determined by reference to the fixed penalty for any offence may be registered under section 71 of this Act for enforcement against any person as a fine.

In this section and section 71 of this Act—

- (a) that sum is referred to as a “sum payable in default”, and
 - (b) the person against whom that sum may be so registered is referred to as the “defaulter”.
- (2) Subject to subsection (3) below, the [^{F1}relevant person] may in respect of any sum payable in default issue a certificate (referred to in this section and section 71 as a “registration certificate”) stating that the sum is registrable under section 71 for enforcement against the defaulter as a fine.
- [^{F2}(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.]
- (3) Where the fixed penalty notice in question was given to the defaulter under section 54 in respect of an offence committed in Scotland—
- (a) subsection (2) above does not apply, but
 - (b) the [^{F3}appropriate person] must, unless the defaulter appears to him to reside within the jurisdiction of the court of summary jurisdiction of which he is

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Changes to legislation: Road Traffic Offenders Act 1988, Section 70 is up to date with all changes known to be in force on or before 31 August 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)

himself the clerk, issue a registration certificate in respect of the sum payable in default.

[^{F4}(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.]

(4) Where [^{F5}a person] issues a registration certificate under this section, he must—

- (a) if the defaulter appears to him to reside in England and Wales, cause it to be sent to the [^{F6}designated officer for the local justice] area in which the defaulter appears to him to reside, ^{F7}...
- (b) if the defaulter appears to him to reside in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the defaulter appears to him to reside, [^{F8}and
- (c) otherwise—
 - (i) if the offence to which the fixed penalty notice or conditional offer relates was committed in England or Wales, cause it to be sent to the designated officer for the local justice area in which the offence was committed, or
 - (ii) if the offence was committed in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the offence was committed.]

(5) A registration certificate issued under this section in respect of any sum payable in default must—

- (a) give particulars of the offence to which the fixed penalty notice relates,
- (b) indicate whether registration is authorised under section 55(3) or 64(2) of this Act, and
- (c) state the name and last known address of the defaulter and the amount of the sum payable in default.

Textual Amendments

- F1** Words in s. 70(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(2)**; S.I. 2008/3164, art. 3(b)
- F2** S. 70(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(3)**; S.I. 2008/3164, art. 3(b)
- F3** Words in s. 70(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(4)**; S.I. 2008/3164, art. 3(b)
- F4** S. 70(3A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(5)**; S.I. 2008/3164, art. 3(b)
- F5** Words in s. 70(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(6)**; S.I. 2008/3164, art. 3(b)
- F6** Words in s. 70(4)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 316**; S.I. 2005/910, art. 3(y)
- F7** Word in s. 70(4) repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(8)(10), **Sch. 7(3)**; S.I. 2008/3164, art. 4(c)
- F8** S. 70(4)(c) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 21(1)**; S.I. 2008/3164, art. 4(b)

Status:

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