



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

[^{F1}Conditional offer of fixed penalty]

^{F1}76 **Effect of offer and payment of penalty.**

- (1) This section applies where a conditional offer has been sent to a person under section 75 of this Act.
- (2) No proceedings shall be brought against any person for the offence to which the conditional offer relates until—
 - ^{F2}(a) in England and Wales, the chief officer ^{F3}..., or
 - (b) in Scotland, the procurator fiscal or (where the conditional offer was issued under section 75(3) of this Act) the chief constable [^{F4}or, as the case may be, the chief constable of the British Transport Police Force],receives notice in accordance with subsection (4) or (5) below.
- (3) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates.
- (4) Where—
 - (a) the alleged offender tenders payment in accordance with the conditional offer and delivers his licence and its counterpart to the fixed penalty clerk, but
 - (b) it appears to the clerk, on inspecting the licence and counterpart, that the alleged offender would be liable to be disqualified under section 35 of this Act if he were convicted of the offence to which the conditional offer relates,then subsection (3) above shall not apply and the clerk must return the licence and its counterpart to the alleged offender together with the payment and give notice that he has done so to the person referred to in subsection (2)(a) or (b) above.

Status: Point in time view as at 01/07/2004. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 76 is up to date with all changes known to be in force on or before 28 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)

- (5) Where, on the expiry of the period of twenty-eight days following the date on which the conditional offer was made or such longer period as may be specified in the offer, the conditions specified in the offer in accordance with section 75(8)(a) of this Act have not been fulfilled, the fixed penalty clerk must notify the person referred to in subsection (2)(a) or (b) above.
- (6) In determining for the purposes of subsection (4)(b) above 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.
- (7) In any proceedings a certificate that by a date specified in the certificate payment of a fixed penalty was or was not received by the fixed penalty clerk shall, if the certificate purports to be signed by that clerk, be evidence, or in Scotland sufficient evidence, of the facts stated.
- (8) In relation to licences which came into force before 1st June 1990, the references in subsection (4) above to the counterpart of a licence shall be disregarded.
- (9) In Scotland, the Secretary of State may by regulations vary the provisions of subsection (2)(b) above.

Textual Amendments

- F1** Ss. 75-77 substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , s. 34 ; S.I. 1992/1286 , art. 2 , Sch.
- F2** By 2002 c. 30, s. 76(4); S.I. 2002/2306, art. 2(d)(vii), it is provided that the words “the person by or on whose behalf the conditional offer was sent” be substituted (1.10.2002) for the words “the chief officer”
- F3** Words in s. 76(2)(a) repealed (30.3.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 109, Sch. 8; S.I. 2004/827, art. 3(cc)(jj)
- F4** Words in s. 76(2)(b) inserted (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 69(3); S.I. 2004/1572, art. 3(zz)

Status:

Point in time view as at 01/07/2004. This version of this provision has been superseded.

Changes to legislation:

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