



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

^{F1}[Conditional offer of fixed penalty]

^{F2}77 **Endorsement [^{F1}of counterparts] where penalty paid.**

(1) Where—

(a) in pursuance of a conditional offer a person [^{F3}who is the holder of a licence] (referred to in this section as the “licence holder”) makes payment of the fixed penalty to [^{F4}the appropriate person] and delivers his licence and its counterpart to [^{F4}the appropriate person], and

^{F5}(b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,]

the [^{F6}appropriate person] must forthwith endorse the relevant particulars on the counterpart of the licence and return it to the licence holder together with the licence.

(2) Where [^{F7}in Scotland it appears to the appropriate person] that there is an error in an endorsement made by virtue of this section on the counterpart of a licence he may amend the endorsement so as to correct the error; and the amended endorsement shall have effect and shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.

(3) Subject to subsection (4) below, where a cheque tendered in payment is subsequently dishonoured—

(a) any endorsement made by [^{F8}the appropriate person] under subsection (1) above remains effective, notwithstanding that the licence holder is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and

(b) [^{F9}unless the appropriate person is the Secretary of State, the appropriate person] must, upon the expiry of the period specified in the conditional offer

Status: Point in time view as at 10/04/2015. This version of this provision has been superseded.

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or, if the period has expired, forthwith notify the person [F10 required to be notified] that no payment has been made.

- (4) When proceedings are brought against a licence holder [F11 where subsection (3) above applies], the court—
- (a) must order the removal of the fixed penalty endorsement from the counterpart of the licence, and
 - (b) may, on finding the licence holder guilty, make any competent order of endorsement or disqualification and pass any competent sentence.
- (5) The reference in subsection (1) above to the relevant particulars is to—
- (a) particulars of the offence, including the date when it was committed, and
 - (b) the number of penalty points to be attributed to the offence.
- (6) [F12 Where the appropriate person is the fixed penalty clerk, he] must send notice to the Secretary of State—
- (a) of any endorsement under subsection (1) above and of the particulars endorsed,
 - (b) of any amendment under subsection (2) above, and
 - (c) of any order under subsection (4)(a) above.
- (7) Where the counterpart of a person's licence is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45 of this Act and of the Rehabilitation of Offenders Act 1974 as if—
- (a) he had been convicted of the offence,
 - (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and
 - (c) the particulars of the offence endorsed by virtue of subsection (5)(a) above were particulars of his conviction of that offence.
- (8) In relation to any endorsement of the counterpart of a person's licence under this section—
- (a) the reference in section 45(4) of this Act to the order for endorsement, and
 - (b) the references in section 13(4) of this Act to any order made on a person's conviction,
- are to be read as references to the endorsement itself.
- (9) In relation to licences which came into force before 1st June 1990, the references in this section to the counterpart of a licence shall be disregarded or, as the case may require, construed as references to the licence itself.

[F13(10) Subsection (1) above is subject to section 2(4)(a) of and paragraph 7(4)(a) of Schedule 1 to the Road Traffic (New Drivers) Act 1995; and the fixed penalty clerk need not send a notice falling within subsection (6)(a) above in a case where he sends a person's licence and its counterpart to the Secretary of State under section 2(4)(b) of or paragraph 7(4)(b) of Schedule 1 to that Act.]

Textual Amendments

F1 Words in s. 77 heading inserted (1.4.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 2 para. 26\(3\)](#); [S.I. 2008/3164](#), art. 4(b)

F2 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.](#)

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- F3** Words in s. 77(1)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 26(2)**; S.I. 2008/3164, art. 4(b)
- F4** Words in s. 77(1)(a) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(2)**; S.I. 2008/3164, art. 3(b)
- F5** S. 77(1)(b) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(3)**; S.I. 2008/3164, art. 3(b)
- F6** Words in s. 77(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(4)**; S.I. 2008/3164, art. 3(b)
- F7** Words in s. 77(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(5)**; S.I. 2008/3164, art. 3(b)
- F8** Words in s. 77(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(6)(a)**; S.I. 2008/3164, art. 3(b)
- F9** Words in s. 77(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(6)(b)**; S.I. 2008/3164, art. 3(b)
- F10** Words in s. 77(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(6)(c)**; S.I. 2008/3164, art. 3(b)
- F11** Words in s. 77(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(7)**; S.I. 2008/3164, art. 3(b)
- F12** Words in s. 77(6) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 17(8)**; S.I. 2008/3164, art. 3(b)
- F13** S. 77(10) inserted (1.6.1997) by 1995 c. 13, s. 10(4), **Sch. 2 para. 6** (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

Modifications etc. (not altering text)

- C1** S. 77(1) restricted (1.6.1997) by 1995 c. 13, ss. 2(4)(a), 6, **Sch. 1 Pt. IV**, para. 7(4)(a) (with ss. 8, 10(3)); S.I. 1997/267, **art. 2(2)**

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