



Road Traffic Offenders Act 1988

1988 CHAPTER 53

[^{F1}PART 3A

FINANCIAL PENALTY DEPOSITS

[^{F1}90D Prohibition on driving on failure to make payment

- (1) This section applies where a person on whom a financial penalty deposit requirement is imposed does not make an immediate payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it).
- (2) The constable or vehicle examiner by whom the requirement was imposed may prohibit the driving on a road of any vehicle of which the person was in charge at the time of the offence by giving to the person notice in writing of the prohibition.
- (3) The prohibition—
 - (a) shall come into force as soon as the notice is given, and
 - (b) shall continue in force until the happening of whichever of the events in subsection (4) below occurs first.
- (4) Those events are—
 - (a) the person making a payment of the appropriate amount in accordance with section 90B(1) of this Act (and any order made under it) at any time during the relevant period,
 - (b) (where a fixed penalty notice was given, or a conditional offer handed, to the person in respect of the offence) payment of the fixed penalty,
 - (c) the person being convicted or acquitted of the offence,
 - (d) the person being informed that he is not to be prosecuted for the offence, and
 - (e) the coming to an end of the prosecution period.
- (5) A constable or vehicle examiner may by direction in writing require the person to remove the vehicle to which the prohibition relates (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as

Changes to legislation: Road Traffic Offenders Act 1988, Section 90D is up to date with all changes known to be in force on or before 25 July 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) View outstanding changes

are specified in the direction; and the prohibition does not apply to the removal of the vehicle (or trailer) in accordance with the direction.

- (6) A person who—
- (a) drives a vehicle in contravention of a prohibition under this section,
 - (b) causes or permits a vehicle to be driven in contravention of such a prohibition, or
 - (c) fails to comply within a reasonable time with a direction under subsection (5) above,
- is guilty of an offence.
- (7) The Secretary of State may by order provide for exceptions from subsection (6) above.
- (8) Schedule 4 to the Road Safety Act 2006 makes provision about the immobilisation of vehicles the driving of which has been prohibited under this section and about their removal and disposal.]

Textual Amendments

F1 Pt. 3A (ss. 90A-90F) inserted (5.1.2009) by Road Safety Act 2006 (c. 49), **ss. 11(1), 61(1)(10)** (with s. 61(3)); S.I. 2008/3164, art. 2(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(A2)(ca)-(ce) inserted by [2024 c. 10 Sch. 3 para. 2\(2\)\(a\)\(ii\)](#)
- s. 29(2A) inserted by [2006 c. 49 s. 34\(2\)](#)
- s. 30A-30D inserted by [2006 c. 49 s. 34\(3\)](#)
- s. 30C(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 15](#)
- s. 34A(7A) inserted by [2009 c. 25 Sch. 21 para. 90\(3\)\(d\)](#)
- s. 34B(12) added by [2009 c. 25 Sch. 21 para. 90\(4\)\(c\)](#)
- s. 34D-34G inserted by [2006 c. 49 s. 15\(1\)](#)
- s. 34D(1)(d) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(a\)](#)
- s. 34D(3) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(b\)](#)
- s. 34D(5A) inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(c\)](#)
- s. 34D(6)(a) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(i\)](#)
- s. 34D(6)(b) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(ii\)](#)
- s. 34D(6A) inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(e\)](#)
- s. 34F(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 17](#)
- s. 35A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 8\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 8\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by [2006 c. 49 s. 37\(6\)](#)
- s. 40B(9) words substituted by [2006 c. 49 Sch. 2 para. 33](#)
- s. 41B inserted by [2006 c. 49 s. 15\(2\)](#)
- s. 84(1) s. 84 renumbered as s. 84(1) by [2004 c. 28 s. 16\(3\)](#)
- s. 84(2)(3) inserted by [2004 c. 28 s. 16\(3\)](#)
- Sch. 1 para. 3(aa) inserted by [2006 c. 49 s. 15\(3\)\(a\)](#)
- Sch. 1 para. 4(za) inserted by [2006 c. 49 s. 15\(3\)\(b\)](#)
- Sch. 1 para. 1A(c)(d) and word inserted by [2024 c. 10 Sch. 4 para. 1\(2\)\(b\)](#)
- Sch. 1 para. 3(bc) inserted by [2024 c. 10 Sch. 4 para. 1\(2\)\(c\)](#)
- Sch. 1 para. 4(ab) inserted by [2024 c. 10 Sch. 4 para. 1\(2\)\(d\)](#)