



# Road Safety Act 2006

## 2006 CHAPTER 49

### *Fixed penalties*

#### **3 Graduated fixed penalties**

- (1) The Road Traffic Offenders Act 1988 (c. 53) is amended as follows.
- (2) In section 53 (amount of fixed penalty), for subsections (2) and (3) substitute—
  - “(2) Any order made under subsection (1)(a) above in relation to an offence may make provision for the fixed penalty for the offence to be different depending on the circumstances, including (in particular)—
    - (a) the nature of the contravention or failure constituting the offence,
    - (b) how serious it is,
    - (c) the area, or sort of place, where it takes place, and
    - (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.”
  - (3) In section 84(2) (regulations about surcharge notices), for paragraphs (b) and (c) substitute “and
    - (b) the amount of the penalty stated in the offer is less than the fixed penalty applicable in the circumstances,”.

#### **4 Graduated fixed penalty points**

- (1) Section 28 of the Road Traffic Offenders Act 1988 (penalty points to be attributed to an offence) is amended as follows.
- (2) For subsection (3) substitute—
  - “(3) For the purposes of sections 57(5) and 77(5) of this Act, the number of penalty points to be attributed to an offence is—

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- (a) where both a range of numbers and a number followed by the words “(fixed penalty)” is shown in the last column of Part 1 of Schedule 2 to this Act in relation to the offence, that number,
  - (b) where a range of numbers followed by the words “or appropriate penalty points (fixed penalty)” is shown there in relation to the offence, the appropriate number of penalty points for the offence, and
  - (c) where only a range of numbers is shown there in relation to the offence, the lowest number in the range.
- (3A) For the purposes of subsection (3)(b) above the appropriate number of penalty points for an offence is such number of penalty points as the Secretary of State may by order made by statutory instrument prescribe.
- (3B) An order made under subsection (3A) above in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—
- (a) the nature of the contravention or failure constituting the offence,
  - (b) how serious it is,
  - (c) the area, or sort of place, where it takes place, and
  - (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.”
- (3) In subsection (7), in paragraph (b), after “penalty)” insert “or the words “or appropriate penalty points (fixed penalty)””.
- (4) Before the word “and” at the end of that paragraph insert—
- “(ba) substitute the words “or appropriate penalty points (fixed penalty)” for a number together with the words “(fixed penalty)”, or substitute a number together with the words “(fixed penalty)” for the words “or appropriate penalty points (fixed penalty)”, in relation to an offence in the last column of Part 1 or 2,”.
- (5) After subsection (8) insert—
- “(8A) Before making any order under subsection (3A) above the Secretary of State must consult with such representative organisations as he thinks fit.”
- (6) In subsection (9), for “subsection (7) above” substitute “this section”.

## **5 Giving of fixed penalty notices by vehicle examiners**

Schedule 1 contains provision about the giving of fixed penalty notices by vehicle examiners and connected matters.

## **6 Goods vehicles operator licensing**

- (1) The Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) is amended as follows.
- (2) In subsection (1) of section 9 (duty of applicant for operator’s licence to notify traffic commissioner of notifiable conviction subsequent to making of application), insert at the end “or there is issued a notifiable fixed penalty notice within the meaning given in paragraph 7 of that Schedule.”

- (3) In subsection (3)(b) of that section (offence of failing to notify conviction of transport manager), insert at the end “or the issue to the transport manager of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 in respect of such an offence.”
- (4) In subsection (1) of section 26 (revocation, suspension and curtailment of operators' licences), after paragraph (c) insert—
  - “(ca) that during those five years a fixed penalty notice or conditional offer has been issued under Part 3 of the Road Traffic Offenders Act 1988 to the licence-holder in respect of an offence within sub-paragraph (i) of paragraph (c) or to a servant or agent of the licence-holder in respect of an offence within sub-paragraph (ii) of that paragraph;”.
- (5) In paragraph (d) of that subsection, insert at the end “or an issue of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 to the licence-holder or a servant or agent of his in respect of such an offence;”.
- (6) In paragraph 1 of Schedule 2 (information about, and convictions of, applicants for and holders of operators' licences), after paragraph (f) insert—
  - “(fa) particulars of any notifiable fixed penalty notices which have been issued during those five years;”.
- (7) After paragraph 6 of that Schedule insert—

*““Notifiable fixed penalty notices”*

- 7 In paragraph 1(fa) “notifiable fixed penalty notice” means any fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988—
  - (a) issued to a relevant person in respect of an offence such as is mentioned in paragraph 5, or
  - (b) issued to a servant or agent of a relevant person in respect of an offence within paragraph 4(b).”

## **7 Public passenger vehicle licensing**

- (1) The Public Passenger Vehicles Act 1981 (c. 14) is amended as follows.
- (2) In section 19 (duty of applicant for PSV operator's licence to inform traffic commissioners of relevant convictions etc.), after subsection (2) insert—

“(2A) For the purposes of subsections (1) and (2) above the issue to a person of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act is to be treated as if it were a relevant conviction of him.”
- (3) In sub-paragraph (1) of paragraph 1 of Schedule 3 (supplementary provisions as to qualifications for PSV operator's licence), before the word “and” at the end of paragraph (a) insert—
  - “(aa) relevant fixed penalty notices issued to him and to his employees and agents;”.
- (4) In sub-paragraph (2) of that paragraph, before the word “and” at the end of paragraph (a) insert—

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“(aa) relevant fixed penalty notices issued to the company’s officers, employees and agents;”.

(5) After that sub-paragraph insert—

“(2A) In sub-paragraphs (1)(aa) and (2)(aa) above “relevant fixed penalty notice” means a fixed penalty notice or conditional offer issued under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act.”