



# Road Safety Act 2006

## 2006 CHAPTER 49

### *New system of endorsement*

#### **10 All drivers**

- (1) The Road Traffic Offenders Act 1988 (c. 53) (as amended by section 9 and Schedule 2) is amended as follows.
- (2) In section 44 (orders for endorsement)—
  - (a) in subsection (1), for “the counterpart of any licence held by him” substitute “his driving record”, and
  - (b) omit subsection (3A).
- (3) Section 54 (notices on-the-spot etc.) is amended as follows.
- (4) For subsections (3) to (5E) substitute—
  - “(3) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, the constable or vehicle examiner may only give him a fixed penalty notice under subsection (2) above in respect of the offence if—
    - (a) the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence, and
    - (b) in the case of a person who is the holder of a licence, he produces it for inspection by the constable or vehicle examiner and surrenders it to him to be retained and dealt with in accordance with this Part of this Act.
  - (4) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, subsection (5) below applies if—
    - (a) the constable or vehicle examiner is unable to satisfy himself, by accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of that offence, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the case of a person who is the holder of a licence, he does not produce it for inspection by the constable or vehicle examiner.
- (5) Where this subsection applies, the constable or vehicle examiner may give the person a notice stating that if—
- (a) he delivers the notice and (if he is the holder of a licence) his licence in accordance with subsection (5A) below, and
  - (b) the requirements of subsection (5B) below are met,
- he will then be given a fixed penalty notice in respect of the offence.
- (5A) Delivery must—
- (a) if the notice is given by a constable, be made in person, within seven days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
  - (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within fourteen days after the notice is given, to the Secretary of State at the place specified in the notice.
- (5B) If a person to whom a notice has been given under subsection (5) above delivers the notice and (if he is the holder of a licence) his licence in accordance with subsection (5A) above, and the following requirements are met, that is—
- (a) the person to whom the notice is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under section 35 of this Act if he were convicted of the offence, and
  - (b) if he is the holder of a licence, it is delivered to be retained and dealt with in accordance with this Part of this Act,
- the person to whom the notice is delivered must give him a fixed penalty notice in respect of the offence to which the notice under subsection (5) above relates.”
- (5) In subsection (6), for “(4) or (5C)” substitute “(5)”.
- (6) In subsection (7), omit “and a counterpart of a licence”.
- (7) Omit section 57 (endorsement of counterparts without hearings).
- (8) Section 57A (endorsement of driving records without hearings) is amended as follows.
- (9) In subsection (1), omit “who is not the holder of a licence”.
- (10) In subsection (3), at the end insert “and return to that person any licence surrendered by him under section 54 of this Act.”
- (11) In subsection (4), after “record” insert “and return to that person any licence surrendered by him under section 54 of this Act”.
- (12) Schedule 3 contains further amendments about the endorsement of driving records in the case of all drivers.