



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 5

#### ROAD TRAFFIC

##### *Courses offered as an alternative to prosecution*

#### **89 Courses offered as alternative to prosecution: fees etc**

(1) After section 90F of the Road Traffic Offenders Act 1988 insert—

#### **“PART 3B**

##### **COURSES OFFERED AS ALTERNATIVE TO PROSECUTION**

#### **90G Power to charge fees: England and Wales**

- (1) A policing body may charge a fee for enrolment on an approved course offered as an alternative to prosecution in England and Wales for a specified fixed penalty offence.
- (2) A fee may be set at a level that exceeds the cost of an approved course and related administrative expenses, but any excess must be used for the purpose of promoting road safety.
- (3) The Secretary of State may by regulations make further provision about—
  - (a) how fees, or components of fees, are to be calculated;
  - (b) the level of fees or components of fees;
  - (c) the use of fee income.

*Changes to legislation: Police, Crime, Sentencing and Courts Act 2022, Section 89 is up to date with all changes known to be in force on or before 24 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) View outstanding changes*

- (4) The regulations may include provision as to the amount, or maximum amount, of a fee or component of a fee.
- (5) In this section—
- “approved course” means a course approved (whether before or after this section comes into force) by a body specified in regulations under subsection (6);
- “fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 3 (see section 51);
- “policing body” means—
- (a) a local policing body, or
  - (b) the British Transport Police Authority;
- “promoting road safety” includes the prevention, detection or enforcement of offences relating to vehicles;
- “prosecution”, in relation to an offence, includes any alternative way of being dealt with for the offence (other than attending an approved course);
- “specified fixed penalty offence” means an offence specified under subsection (6).
- (6) The Secretary of State may by regulations—
- (a) specify fixed penalty offences for the purposes of this section;
  - (b) specify a body to approve courses for the purposes of this section.
- (7) Nothing in this section limits any power to charge fees apart from this section.

#### **90H Power to prevent courses being offered for repeat offences: England and Wales**

- (1) The Secretary of State may by regulations prohibit a chief officer from offering an approved course to a person as an alternative to prosecution in England and Wales for a specified fixed penalty offence where—
- (a) there is a course fee, and
  - (b) the person has, within a period specified in the regulations, satisfactorily completed a similar approved course in respect of an earlier specified fixed penalty offence.
- (2) The regulations must include provision for the purpose of identifying what counts as a “similar” course; and that provision may, in particular, confer power on a person to determine what courses count as similar.
- (3) In this section “chief officer” means—
- (a) a chief officer of police of a police force in England and Wales, or
  - (b) the Chief Constable of the British Transport Police Force.
- (4) In this section the following terms have the meaning given by section 90G(5)—
- “approved course”;
- “prosecution”;
- “specified fixed penalty offence”.

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### **90I Further provision about regulations under this Part**

- (1) A power to make regulations under this Part is exercisable by statutory instrument.
  - (2) A statutory instrument containing regulations made by the Secretary of State under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.
  - (3) Regulations under this Part may include—
    - (a) incidental or supplementary provision;
    - (b) different provision for different purposes.”
- (2) After Article 91F of the Road Traffic Offenders (Northern Ireland) Order 1996 ([S.I. 1996/1320 \(N.I. 10\)](#)) insert—

## **“PART 4B**

### **COURSES OFFERED AS ALTERNATIVE TO PROSECUTION**

#### **91G Power to charge fees**

- (1) The Chief Constable may charge a fee for enrolment on an approved course offered as an alternative to prosecution for a specified fixed penalty offence.
- (2) A fee may be set at a level that exceeds the cost of an approved course and related administrative expenses, but any excess must be used for the purpose of promoting road safety.
- (3) The power in paragraph (1) may be exercised only with the approval in writing of the Policing Board.

Such approval may be given—

  - (a) generally or specifically, and
  - (b) subject to conditions.
- (4) The Department of Justice may by regulations make further provision about—
  - (a) how fees, or components of fees, are to be calculated;
  - (b) the level of fees or components of fees;
  - (c) the use of fee income.
- (5) The regulations may include provision as to the amount, or maximum amount, of a fee or component of a fee.
- (6) In this Article—

“approved course” means a course approved (whether before or after this Article comes into operation) by a body specified in regulations under paragraph (7);

“fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 4 (see Article 57);

“promoting road safety” includes the prevention, detection or enforcement of offences relating to vehicles;

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“prosecution”, in relation to an offence, includes any alternative way of being dealt with for the offence (other than attending an approved course);

“specified fixed penalty offence” means an offence specified under paragraph (7).

- (7) The Department of Justice may by regulations—
- (a) specify fixed penalty offences for the purposes of this Article;
  - (b) specify a body to approve courses for the purposes of this Article.
- (8) Nothing in this Article limits any power to charge fees apart from this Article.

#### 91H Power to prevent courses being offered for repeat offences

- (1) The Department of Justice may by regulations prohibit the Chief Constable from offering an approved course to a person as an alternative to prosecution for a specified fixed penalty offence where—
  - (a) there is a course fee, and
  - (b) the person has, within a period specified in the regulations, satisfactorily completed a similar approved course in respect of an earlier specified fixed penalty offence.
- (2) The regulations must include provision for the purpose of identifying what counts as a “similar” course; and that provision may, in particular, confer power on a person to determine what courses count as similar.
- (3) In this Article the following terms have the meaning given by Article 91G(6)—
  - “approved course”;
  - “prosecution”;
  - “specified fixed penalty offence”.

#### 91I Further provision about regulations under this Part

- (1) Regulations under this Part are subject to negative resolution.
- (2) Regulations under Article 91G(4) may be made only with the consent of the Department of Finance.
- (3) Regulations under this Part may include such incidental or supplementary provision as appears to the Department of Justice to be necessary or expedient.”
- (3) The Secretary of State may by regulations amend Part 3B of the Road Traffic Offenders Act 1988 for the purpose of making provision corresponding or similar to section 90G or 90H of that Act in relation to courses offered as an alternative to prosecution in Scotland for a fixed penalty offence.
- (4) In subsection (3) “fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 3 of the Road Traffic Offenders Act 1988 (see section 51 of that Act).
- (5) The Secretary of State must consult the Lord Advocate before making regulations under subsection (3).

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- (6) The power to make regulations under subsection (3) is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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**Commencement Information**

- I1** S. 89 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 89](#) in force at 26.10.2022 by [S.I. 2022/1075](#), [reg. 3\(f\)](#)

**Changes to legislation:**

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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):

- Pt. 2 Ch. 3A inserted by [2024 c. 21 s. 28](#)
- s. 44F inserted by [2024 c. 21 s. 29](#)