
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the amount of fixed penalties for certain fixed penalty offences by amending the Fixed Penalty Order 2000 (“the Principal Order”).

Articles 3 and 5 amend the Schedule to the Principal Order by renumbering it as Schedule 1 and adding amounts for new fixed penalty offences which have been specified as such by the Fixed Penalty Offences Order 2009. The new fixed penalties relate to record keeping (including obstructing an officer or failing to comply with requirements), failure to comply with a prohibition issued in respect of a vehicle, operating a public service vehicle or goods vehicle except under a public service vehicle operators’ licence or a goods vehicles operators’ licence, and failing to hold the required Community licence or authorisation.

Articles 4 and 6 insert a new Schedule 2 to the Principal Order. They provide that, in respect of certain offences, the applicable amount of the fixed penalty is to be determined according to the nature of the contravention or failure constituting the offence and, in specified cases, its seriousness. The offences in question relate to drivers’ hours (and related recording equipment) for goods and public passenger vehicles, certain roadworthiness defects, and overloading. The applicable amount, determined in relation to the nature of the offence and, in specified cases, its seriousness, is set out in column (2) of each of the tables in the new Schedule 2.

A full Impact Assessment of the effect this instrument will have on costs for the business and voluntary sectors has been produced and is available from the Licensing Roadworthiness and Insurance Division, Department for Transport, Zone 2/09 Great Minister House, 76 Marsham Street, London SW1P 4DR and may be accessed on the Department’s website at www.dft.gov.uk. A copy has been placed in the library of each House of Parliament.