

STATUTORY INSTRUMENTS

2009 No. 491

The Road Safety (Financial Penalty Deposit) Order 2009

Citation and commencement

1. This Order may be cited as the Road Safety (Financial Penalty Deposit) Order 2009 and shall come into force on 31st March 2009.

Interpretation

2. In this Order—

“the Act” means the Road Traffic Offenders Act 1988;

“credit card” means a card or similar thing issued by any person, use of which enables the holder to defer the payment by the holder of the charge for the appropriate amount; and

“debit card” means a card or similar thing issued by any person, use of which by the holder causes the charge for the appropriate amount to be paid by the electronic transfer of funds from any current account of the holder at a bank or other institution providing banking services.

The specified person

^{F1}3. The specified person for the purposes of section 90A(2)(b) of the Act is the person whom the constable or vehicle examiner has reason to believe—

- (a) is committing, or has on the occasion concerned, committed an offence specified in this Order relating to a motor vehicle [^{F2}or trailer]; or
- (b) has, within the period of 28 days before the day of that occasion, committed an offence relating to a motor vehicle which is a Community drivers' hours offence.]

Textual Amendments

- F1** Art. 3 substituted (31.1.2018) by [The Community Drivers' Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **9(2)** (with reg. 11)
- F2** Words in art. 3(a) inserted (28.3.2019) by [The Financial Penalty Deposit and Fixed Penalty Offences \(Miscellaneous Provisions\) Order 2018 \(S.I. 2018/1236\)](#), arts. 1(4), **11(a)**

The specified offences

4. The specified offences for the purposes of section 90A(2)(b) of the Act are set out in column one of the tables in the Schedule (the general nature of the offence is also indicated in column two).

The specified circumstances

5.—(1) The specified circumstances for the purposes of section 90A(2)(b) of the Act are that the offence is being committed, or has ^{F3}... been committed, on a road or other public place.

^{F4}(2) In paragraph (1) “road”—

- (a) in relation to—
- (i) England, Wales and Northern Ireland,
 - [^{F5}(ii) another contracting country,]
- means any highway and any other road to which the public has access, and includes bridges over which a road passes; and
- (b) in relation to Scotland, means any road within the meaning of the Roads (Scotland) Act 1984 and any other way to which the public has access, and includes bridges over which a road passes.]

Textual Amendments

- F3** Words in [art. 5\(1\)](#) omitted (31.1.2018) by virtue of [The Community Drivers' Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **10(2)**
- F4** [Art. 5\(2\)](#) substituted (31.1.2018) by [The Community Drivers' Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **10(3)**
- F5** [Art. 5\(2\)\(a\)\(ii\)](#) substituted for [art. 5\(2\)\(a\)\(ii\)\(iii\)](#) (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **54**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Manner of payment

6. Payment of the appropriate amount shall be made—
- (a) in person to the vehicle examiner or the constable, by cash or credit or debit card, if the vehicle examiner or constable has the necessary means to accept payment in that manner;
 - (b) by telephone by credit or debit card, to the number given on the document referred to in section 90A(3) of the Act, if a number is so given; or
 - (c) by any other means specified on the document referred to in section 90A(3) of the Act.

Appropriate steps to make an appropriate refund

7.—(1) The appropriate steps to trace the person and to make an appropriate refund, for the purposes of section 90C(11) of the Act are set out in paragraphs (2) and (3).

- (2) The Secretary of State shall—
- (a) attempt to contact the person (on whom the financial penalty requirement was imposed) at any address given in any response or in any document provided to a vehicle examiner or constable;

but if the attempt to contact that person is unsuccessful, and if a person other than that person made the payment,

- (b) attempt to contact that other person, at any address or contact details given when the person made the payment.
- (3) The means by which an appropriate refund can be made by the Secretary of State are—
- (a) by cheque;
 - (b) by refund to any credit or debit card used to make the financial penalty payment; or
 - (c) by any other means agreed with the person to whom the appropriate refund is to be made.

Signed by authority of the Secretary of State for Transport

Department for Transport

Jim Fitzpatrick
Parliamentary Under Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The Road Safety (Financial Penalty Deposit) Order 2009.