

2014 No. 267

ROAD TRAFFIC

**The Road Safety (Financial Penalty Deposit) (Amendment)
Order 2014**

<i>Made</i>	- - - -	<i>10th February 2014</i>
<i>Laid before Parliament</i>		<i>18th February 2014</i>
<i>Coming into force</i>	- -	<i>1st April 2014</i>

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 90A(2)(b) of the Road Traffic Offenders Act 1988(a).

The Secretary of State has consulted such representative organisations as appear appropriate in accordance with section 90E(2) of that Act.

Citation and commencement

1. This Order may be cited as the Road Safety (Financial Penalty Deposit) (Amendment) Order 2014 and comes into force on 1st April 2014.

Amendment of the Road Safety (Financial Penalty Deposit) Order 2009

2.—(1) The Road Safety (Financial Penalty Deposit) Order 2009(b) is amended as follows.

(2) In Part 1 of the Schedule, after Table 9 (Disability Discrimination Act 1995(c)), add—

“Table 10

HGV Road User Levy Act 2013(d)

<i>Provision creating offence</i>	<i>General nature of offence</i>
Section 11(1)	Using or keeping a heavy goods vehicle on a public road without paying the HGV road user levy.”

Signed by authority of the Secretary of State for Transport

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

10th February 2014

(a) 1988 c.53; section 90A was inserted by section 11(1) of the Road Safety Act 2006 (c.49).
 (b) S.I. 2009/491, to which there is an amendment not relevant to this Order.
 (c) 1995 c.50.
 (d) 2013 c.7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Road Safety (Financial Penalty Deposit) Order 2009 (“the 2009 Order”) by adding to the list of offences for which a financial penalty deposit may be required the offence of using or keeping a heavy goods vehicle (“HGV”) on a public road without paying the HGV road user levy under section 11(1) of the HGV Road User Levy Act 2013 (“the 2013 Act”).

The 2013 Act introduces a levy for using or keeping an HGV weighing 12 tonnes or more on a public road in the UK. Section 11 of the 2013 Act makes it an offence to use or keep such a vehicle on a road in the UK without paying the appropriate levy. In order to enable cost-effective and proportionate enforcement of the levy, section 13 of the 2013 Act adds the offence in section 11 to the list of offences in Schedule 3 to the Road Traffic Offenders Act 1988 (“the 1988 Act”) for which fixed penalty notices may be issued by enforcement authorities in Great Britain. The monetary amount of each fixed penalty is set out in the Fixed Penalty Order 2000. Part IIIA of the 1988 Act enables enforcement authorities in Great Britain to require financial penalty deposits from any person issued with a fixed penalty notice if that person does not have a satisfactory UK address. The list of offences for which financial penalty deposits may be required is set out in the 2009 Order.

Article 2 of this Order adds a new Table in Part 1 of the Schedule to the 2009 Order to add the offence in section 11(1) of the 2013 Act to the list offences for which a financial penalty deposit may be required by enforcement authorities in Great Britain.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been prepared and is available alongside this instrument on the website, www.legislation.gov.uk.

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