



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

The fixed penalty procedure

69 Payment of penalty.

- (1) [^{F1}Where a fixed penalty notice has been given or fixed by a constable ^{F2}... under this Part of this Act, payment of the fixed penalty] must be made to such [^{F3}designated officer for a magistrates' court] or, in Scotland, clerk of court as may be specified in the fixed penalty notice relating to that penalty.
- [^{F4}(1A) Where a fixed penalty notice has been given or fixed by a vehicle examiner, or given by the Secretary of State, under this Part of this Act, payment of the fixed penalty must be made to the Secretary of State.]
- (2) Without prejudice to payment by any other method [^{F5}and subject to subsection (2A)], payment of a fixed penalty under this Part of this Act may be made by properly addressing, pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) and, unless the contrary is proved, shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- [^{F6}(2A) Where a person has been given a fixed penalty notice under section 54 in respect of an offence involving obligatory endorsement, payment of the penalty may be made as mentioned in subsection (2) only if the letter also contains identification information.]
- (3) A letter is properly addressed for the purposes of subsection (2) above if it is addressed to the fixed penalty clerk [^{F7}, or the Secretary of State,] at the address specified in the fixed penalty notice relating to the fixed penalty as the address at which the fixed penalty may be paid.
- [^{F8}(3A) Subsection (3B) applies where—

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- (a) a person has been given a fixed penalty notice under section 54 in respect of an offence involving obligatory endorsement, and
 - (b) a method of payment other than that mentioned in subsection (2) is used.
- (3B) The penalty is treated as having been paid to the fixed penalty clerk or the Secretary of State in accordance with this Part only if the person—
- (a) fulfils the identification requirements, and
 - (b) makes payment of the penalty to the clerk or the Secretary of State.
- (3C) A person fulfils the identification requirements if—
- (a) the person provides the clerk or the Secretary of State with identification information, or
 - (b) the clerk or the Secretary of State is otherwise satisfied of the person’s identity.
- (3D) In this section “identification information” means—
- (a) the person’s name and date of birth, and
 - (b) if the person is the holder of a licence, the licence number.]
- (4) References in this Part of this Act [^{F9}(except in sections 75 to [^{F10}77A])], in relation to any fixed penalty or fixed penalty notice, to the fixed penalty clerk are references to the [^{F11}designated officer or] clerk specified in accordance with subsection (1) above in the fixed penalty notice relating to that penalty or (as the case may be) in that fixed penalty notice.

Textual Amendments

- F1** Words in s. 69(1) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(2)**; S.I. 2008/3164, art. 3(b)
- F2** Words in s. 69(1) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 10 para. 9(2)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F3** Words in s. 69(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 315(2)**; S.I. 2005/910, art. 3(y)
- F4** S. 69(1A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(3)**; S.I. 2008/3164, art. 3(b)
- F5** Words in s. 69(2) inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(4)(a)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F6** S. 69(2A) inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(4)(b)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F7** Words in s. 69(3) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 11(4)**; S.I. 2008/3164, art. 3(b)
- F8** S. 69(3A)-(3D) inserted (30.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 93(4)(c)**, 208(1); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F9** Words in s. 69(4) inserted (1.7.1992) by Road Traffic Act 1991 (c.40, SIF 107:1), s. 48, **Sch. 4 para. 105**; S.I. 1992/1286, art. 2, **Sch.**
- F10** Word in s. 69(4) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 20**; S.I. 2008/3164, art. 4(b)
- F11** Words in s. 69(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 315(3)**; S.I. 2005/910, art. 3(y)

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70 Registration certificates.

- (1) This section and section 71 of this Act apply where by virtue of section 55(3) or 64(2) of this Act a sum determined by reference to the fixed penalty for any offence may be registered under section 71 of this Act for enforcement against any person as a fine.

In this section and section 71 of this Act—

- (a) that sum is referred to as a “sum payable in default”, and
- (b) the person against whom that sum may be so registered is referred to as the “defaulter”.

- (2) Subject to subsection (3) below, the [F12relevant person] may in respect of any sum payable in default issue a certificate (referred to in this section and section 71 as a “registration certificate”) stating that the sum is registrable under section 71 for enforcement against the defaulter as a fine.

[F13(2A) In subsection (2) above “the relevant person” means—

- (a) if the fixed penalty notice in question was given or fixed by a constable F14..., the chief officer of police, and
- (b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.]

- (3) Where the fixed penalty notice in question was given to the defaulter under section 54 in respect of an offence committed in Scotland—

- (a) subsection (2) above does not apply, but
- (b) the [F15appropriate person] must, unless the defaulter appears to him to reside within the jurisdiction of the court of summary jurisdiction of which he is himself the clerk, issue a registration certificate in respect of the sum payable in default.

[F16(3A) In subsection (3) above “the appropriate person” means—

- (a) if the fixed penalty notice in question was given or fixed by a constable F17..., the fixed penalty clerk, and
- (b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.]

- (4) Where [F18a person] issues a registration certificate under this section, he must—

- (a) if the defaulter appears to him to reside in England and Wales, cause it to be sent to the [F19designated officer for the local justice] area in which the defaulter appears to him to reside, F20...
- (b) if the defaulter appears to him to reside in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the defaulter appears to him to reside, [F21and
- (c) otherwise—
 - (i) if the offence to which the fixed penalty notice or conditional offer relates was committed in England or Wales, cause it to be sent to the designated officer for the local justice area in which the offence was committed, or
 - (ii) if the offence was committed in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the offence was committed.]

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- (5) A registration certificate issued under this section in respect of any sum payable in default must—
- (a) give particulars of the offence to which the fixed penalty notice relates,
 - (b) indicate whether registration is authorised under section 55(3) or 64(2) of this Act, and
 - (c) state the name and last known address of the defaulter and the amount of the sum payable in default.

Textual Amendments

- F12** Words in s. 70(2) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(2)**; S.I. 2008/3164, art. 3(b)
- F13** S. 70(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(3)**; S.I. 2008/3164, art. 3(b)
- F14** Words in s. 70(2A)(a) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 10 para. 10(2)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F15** Words in s. 70(3) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(4)**; S.I. 2008/3164, art. 3(b)
- F16** S. 70(3A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(5)**; S.I. 2008/3164, art. 3(b)
- F17** Words in s. 70(3A)(a) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 10 para. 10(3)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F18** Words in s. 70(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 12(6)**; S.I. 2008/3164, art. 3(b)
- F19** Words in s. 70(4)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 316**; S.I. 2005/910, art. 3(y)
- F20** Word in s. 70(4) repealed (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(8)(10), **Sch. 7(3)**; S.I. 2008/3164, art. 4(c)
- F21** S. 70(4)(c) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 21(1)**; S.I. 2008/3164, art. 4(b)

71 Registration of sums payable in default.

- ^{F22}(1) Where, in England and Wales, ^{F23}the designated officer for a local justice area] receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—
- (a) if it appears to him that the defaulter resides in a ^{F24}local justice area for which he is the designated officer], he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court ^{F25}acting in] that area, ^{F26}or]
 - (b) if it appears to him that the defaulter resides in any ^{F27}other local justice] area in England and Wales, he must send the certificate to the ^{F28}designated officer for] that area, or
 - (c) if it appears to him that the defaulter resides in Scotland, he must send the certificate to the clerk of the court of summary jurisdiction for the area in which the defaulter appears to him to reside, ^{F29}or
 - (d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—
 - (i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the local justice area for

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- which he is the designated officer, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court acting in that area,
- (ii) in a case where it was committed in another local justice area in England and Wales, he must send the certificate to the designated officer for that area, and
 - (iii) in a case where it was committed in Scotland, he must send the certificate to the clerk of a court of summary jurisdiction for the area in which the offence was committed.]
- (2) Where, in Scotland, the clerk of a court receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default—
- (a) if it appears to him that the defaulter resides in the area of the court, he must register that sum for enforcement as a fine by that court, [^{F30}or]
 - (b) if it appears to him that the defaulter resides in the area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, or
 - (c) if it appears to him that the defaulter resides in England and Wales, he must send the certificate to the [^{F31}designated officer for the local justice] area in which the defaulter appears to him to reside, [^{F32}or
 - (d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—
 - (i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the area of the court, he must register that sum for enforcement as a fine by that court,
 - (ii) in a case where it was committed in an area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, and
 - (iii) in a case where it was committed in England or Wales, he must send the certificate to the designated officer for the local justice area in which the offence was committed.]
- (2A) Subsections (1) and (2) apply to [^{F33}officers] and clerks who receive certificates pursuant to the provision they contain as they apply to the original recipients.]
- (3) Where—
- (a) the fixed penalty notice in question was given to the defaulter under section 54 of this Act in respect of an offence committed in Scotland, and
 - (b) the defaulter appears to the fixed penalty clerk to reside within the jurisdiction of the court of summary jurisdiction of which he is himself the clerk,
- the fixed penalty clerk must register the sum payable in default for enforcement as a fine by that court.
- ^{F34}(4)
- (5)
- (6) On registering any sum under this section for enforcement as a fine, the [^{F35}designated officer for a local justice] area or, as the case may be, the clerk of a court of summary jurisdiction must give to the defaulter notice of registration—
- (a) specifying the amount of that sum, and

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- (b) giving the information with respect to the offence and the authority for registration included in the registration certificate by virtue of section 70(5)(a) and (b) of this Act or (in a case within subsection (3) above) the corresponding information.
- (7) On the registration of any sum in a magistrates' court or a court of summary jurisdiction by virtue of this section any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of such a court shall have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.
- (8) Accordingly, in the application by virtue of this section of the provisions of the ^{MI}Magistrates' Courts Act 1980 relating to the satisfaction and enforcement of sums adjudged to be paid on the conviction of a magistrates' court, section 85 of that Act (power to remit a fine in whole or in part) is not excluded by subsection (2) of that section (references in that section to a fine not to include any other sum adjudged to be paid on a conviction) from applying to a sum registered in a magistrates' court by virtue of this section.
- (9) For the purposes of this section, where the defaulter is a body corporate, the place where that body resides and the address of that body are either of the following—
- the registered or principal office of that body, and
 - the address which, with respect to the vehicle concerned, is the address recorded in the record kept under [^{F36}the Vehicle Excise and Registration Act 1994] as being that body's address.

Textual Amendments

- F22** S. 71(1)-(2A) substituted (1.4.2001) for subsections (1) and (2) by 1999 c. 22, s. 90, **Sch. 13 para. 150(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F23** Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(a)**; S.I. 2005/910, art. 3(y)
- F24** Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(b)**; S.I. 2005/910, art. 3(y)
- F25** Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(c)**; S.I. 2005/910, art. 3(y)
- F26** Word in s. 71(1) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(2)**; S.I. 2008/3164, art. 4(b)
- F27** Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(d)**; S.I. 2005/910, art. 3(y)
- F28** Words in s. 71(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(2)(e)**; S.I. 2005/910, art. 3(y)
- F29** S. 71(1)(d) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(2)**; S.I. 2008/3164, art. 4(b)
- F30** Word in s. 71(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(3)**; S.I. 2008/3164, art. 4(b)
- F31** Words in s. 71(2)(c) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(3)**; S.I. 2005/910, art. 3(y)
- F32** S. 71(2)(d) and word inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 22(3)**; S.I. 2008/3164, art. 4(b)
- F33** Word in s. 71(2A) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(4)**; S.I. 2005/910, art. 3(y)

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- F34** S. 71(4)(5) repealed (1.4.2001) by 1999 c. 22, s. 90, **Sch. 15 Pt. V(7)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(ii)** (with Sch. 2 para. 2)
- F35** Words in s. 71(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 317(5)**; S.I. 2005/910, **art. 3(y)**
- F36** Words in S. 71(9)(b) substituted (1.9.1994) by 1994 c. 22, ss. 63, 66, **Sch. 3 para. 25(1)** (with s. 57(4))

Marginal Citations

- M1** 1980 c. 43.

72 Notices on-the-spot [^{F37} etc.]: when registration and endorsement invalid.

- (1) This section applies where—
 - (a) a person who has received notice of the registration, by virtue of section 55(3) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and
 - (b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the [^{F38}proper officer] of the relevant court.
- (2) The statutory declaration must state—
 - (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
 - (b) that he gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.
- (3) In any case within subsection (2)(a) above, the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

^{F39}(4)

[^{F40}(4A) Where in any case within subsection (2)(a) above the driving record of the person to whom the relevant fixed penalty notice was given was endorsed under section 57A of this Act in respect of the offence in respect of which the notice was given, the endorsement shall be void.]

- (5) In any case within subsection (2)(b) above—
 - (a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and any endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under section ^{F41}... [^{F42}57A] of this Act before the declaration was served, shall be void, and
 - (b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

^{F43}(6)

[^{F44}(6A) The proper officer of the relevant court must send notice to the Secretary of State of any endorsement of a person's driving record that is void by virtue of this section and the Secretary of State must adjust the endorsements on that record accordingly.]

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- (7) References in this section to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.

Textual Amendments

- F37** Word in s. 72 heading substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 13(3)**; S.I. 2008/3164, art. 3(b)
- F38** Words in s. 72(1)(b)(6) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 151** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F39** S. 72(4) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 50(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F40** S. 72(4A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(2)**; S.I. 2008/3164, art. 4(b)
- F41** Words in s. 72(5) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 50(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F42** Words in s. 72(5)(a) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(3)**; S.I. 2008/3164, art. 4(b)
- F43** S. 72(6) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 50(4), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F44** S. 72(6A) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 23(4)**; S.I. 2008/3164, art. 4(b)

73 Notices fixed to vehicles: when registration invalid.

- (1) This section applies where—
- (a) a person who has received notice of the registration, by virtue of section 64(2) of this Act, of a sum under section 71 of this Act for enforcement against him as a fine makes a statutory declaration to the effect mentioned in subsection (2) below, and
 - (b) that declaration is, within twenty-one days of the date on which the person making it received notice of the registration, served on the [^{F45}proper officer] of the relevant court.
- (2) The statutory declaration must state either—
- (a) that the person making the declaration did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to that penalty until he received notice of the registration, or
 - (b) that he was not the owner of the vehicle at the time of the alleged offence of which particulars are given in the relevant notice to owner and that he has a reasonable excuse for failing to comply with that notice, or
 - (c) that he gave notice requesting a hearing in respect of that offence as permitted by the relevant notice to owner before the end of the period allowed for response to that notice.
- (3) In any case within subsection (2)(a) or (b) above—
- (a) the relevant notice to owner,
 - (b) the registration, and
 - (c) any proceedings taken before the declaration was served for enforcing payment of the sum registered,

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shall be void but without prejudice, in a case within subsection (2)(a) above, to the service of a further notice to owner under section 63 of this Act on the person making the declaration.

This subsection applies whether or not the relevant notice to owner was duly served in accordance with that section on the person making the declaration.

- (4) In any case within subsection (2)(c) above—
- (a) no proceedings shall be taken, after the statutory declaration is served until the end of the period of twenty-one days following the date of that declaration, for enforcing payment of the sum registered, and
 - (b) where before the end of that period a notice is served by or on behalf of [^{F46}the relevant person] on the person making the declaration asking him to provide a new statutory statement of ownership to [^{F46}the relevant person] before the end of the period of twenty-one days from the date on which the notice is served, no such proceedings shall be taken until the end of the period allowed for response to that notice.

[^{F47}(4A) In subsection (4) above “the relevant person” means—

- (a) if the fixed penalty notice concerned was fixed by a constable, the fixed penalty clerk, and
- (b) if it was fixed by a vehicle examiner, the Secretary of State.]

(5) Where in any case within subsection (2)(c) above—

- (a) no notice is served ^{F48}... in accordance with subsection (4) above, or
- (b) ^{F49}... a notice is so served and the person making the declaration provides a new statutory statement of ownership in accordance with the notice,

then—

- (i) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void, and
- (ii) the case shall be treated after the time mentioned in subsection (6) below as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The time referred to in subsection (5) above is—

- (a) in a case within paragraph (a) of that subsection, the end of the period of twenty-one days following the date of the statutory declaration,
- (b) in a case within paragraph (b) of that subsection, the time when the statement is provided.

(7) In any case where notice is served ^{F50}... in accordance with subsection (4) above, [^{F51}the person by whom it is served] must cause the [^{F45}proper officer] of the relevant court to be notified of that fact immediately on service of the notice.

(8) References in this section to the relevant notice to owner are to the notice to owner relating to the fixed penalty concerned.

Textual Amendments

F45 Words in s. 73(1)(b)(7) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 151** (with s. 107, **Sch. 14 para. 7(2)**); S.I. 2001/916, **art. 2(a)(ii)** (with **Sch. 2 para. 2**)

F46 Words in s. 73(4) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(2)**; S.I. 2008/3164, **art. 3(b)**

Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: The fixed penalty procedure is up to date with all changes known to be in force on or before 19 April 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

- F47** S. 73(4A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(3)**; S.I. 2008/3164, art. 3(b)
- F48** Words in s. 73(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(4)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)
- F49** Word in s. 73(5) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(4)(b), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)
- F50** Words in s. 73(7) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 1 para. 14(5)(a), **Sch. 7(2)**; S.I. 2008/3164, art. 3(b)
- F51** Words in s. 73(7) substituted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 14(5)(b)**; S.I. 2008/3164, art. 3(b)

74 Provisions supplementary to sections 72 and 73.

- (1) In any case within section 72(2)(b) or 73(2) of this Act—
- (a) section 127(1) of the ^{M2}Magistrates' Courts Act 1980 (limitation of time), and
 - (b) section 331(1) of the ^{M3}Criminal Procedure (Scotland) Act 1975 (statutory offences time limit),
- shall have effect as if for the reference to the time when the offence was committed or (as the case may be) the time when the contravention occurred there were substituted a reference to the date of the statutory declaration made for the purposes of section 72(1) or, as the case may be, 73(1).
- (2) Where, on the application of a person who has received notice of the registration of a sum under section 71 of this Act for enforcement against him as a fine, it appears to the relevant court (which for this purpose may be composed of a single justice) that it was not reasonable to expect him to serve, within twenty-one days of the date on which he received the notice, a statutory declaration to the effect mentioned in section 72(2) or, as the case may be, 73(2) of this Act, the court may accept service of such a declaration by that person after that period has expired.
- (3) A statutory declaration accepted under subsection (2) above shall be taken to have been served as required by section 72(1) or, as the case may be, section 73(1) of this Act.
- (4) For the purposes of sections 72(1) and 73(1) of this Act, a statutory declaration shall be taken to be duly served on the [^{F52}proper officer] of the relevant court if it is delivered to him, left at his office, or sent in a registered letter or by the recorded delivery service addressed to him at his office.
- (5) In sections 72, 73 and this section—
- (a) references to the relevant court are—
 - (i) in the case of a sum registered under section 71 of this Act for enforcement as a fine in a [^{F53}local justice] area in England and Wales, references to any magistrates' court acting [^{F54}in that area], and
 - (ii) in the case of a sum registered under that section for enforcement as a fine by a court of summary jurisdiction in Scotland, references to that court,
 - [^{F55}(b) references to the proper officer of the relevant court are—
 - (i) in the case of a magistrates' court, references to the [^{F56}designated officer] for that court, and
 - (ii) in the case of a court of summary jurisdiction in Scotland, references to the clerk of the court, and]

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- (c) references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum.
- (6) For the purposes of sections 72, 73 and this section, a person shall be taken to receive notice of the registration of a sum under section 71 of this Act for enforcement against him as a fine when he receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.
- (7) Nothing in the provisions of sections 72 or 73 or this section is to be read as prejudicing any rights a person may have apart from those provisions by virtue of the invalidity of any action purportedly taken in pursuance of this Part of this Act which is not in fact authorised by this Part of this Act in the circumstances of the case; and, accordingly, references in those provisions to the registration of any sum or to any other action taken under or by virtue of any provision of this Part of this Act are not to be read as implying that the registration or action was validly made or taken in accordance with that provision.

Textual Amendments

- F52** Words in s. 74(4) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 152(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F53** Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(a)**; S.I. 2005/910, art. 3(y)
- F54** Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(b)**; S.I. 2005/910, art. 3(y)
- F55** S. 74(5)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 152(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F56** Words in s. 74(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 318(c)**; S.I. 2005/910, art. 3(y)

Marginal Citations

- M2** 1980 c. 43.
M3 1975 c. 21.

Changes to legislation:

Road Traffic Offenders Act 1988, Cross Heading: The fixed penalty procedure is up to date with all changes known to be in force on or before 19 April 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.

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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):

- s. 29(2A) inserted by [2006 c. 49 s. 34\(2\)](#)
- s. 30A-30D inserted by [2006 c. 49 s. 34\(3\)](#)
- s. 30C(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 15](#)
- s. 34A(7A) inserted by [2009 c. 25 Sch. 21 para. 90\(3\)\(d\)](#)
- s. 34B(12) added by [2009 c. 25 Sch. 21 para. 90\(4\)\(c\)](#)
- s. 34D-34G inserted by [2006 c. 49 s. 15\(1\)](#)
- s. 34D(1)(d) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(a\)](#)
- s. 34D(3) words inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(b\)](#)
- s. 34D(5A) inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(c\)](#)
- s. 34D(6)(a) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(i\)](#)
- s. 34D(6)(b) words substituted by [2009 c. 25 Sch. 21 para. 90\(5\)\(d\)\(ii\)](#)
- s. 34D(6A) inserted by [2009 c. 25 Sch. 21 para. 90\(5\)\(e\)](#)
- s. 34F(5)(f) words substituted by [S.I. 2009/1885 Sch. 1 para. 17](#)
- s. 35A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 8\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 8\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by [2006 c. 49 s. 37\(6\)](#)
- s. 40B(9) words substituted by [2006 c. 49 Sch. 2 para. 33](#)
- s. 41B inserted by [2006 c. 49 s. 15\(2\)](#)
- s. 84(1) s. 84 renumbered as s. 84(1) by [2004 c. 28 s. 16\(3\)](#)
- s. 84(2)(3) inserted by [2004 c. 28 s. 16\(3\)](#)
- Sch. 1 para. 3(aa) inserted by [2006 c. 49 s. 15\(3\)\(a\)](#)
- Sch. 1 para. 4(za) inserted by [2006 c. 49 s. 15\(3\)\(b\)](#)