



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

The fixed penalty procedure

69 Payment of penalty

- (1) Payment of a fixed penalty under this Part of this Act must be made to such justices' clerk or, in Scotland, clerk of court as may be specified in the fixed penalty notice relating to that penalty.
- (2) Without prejudice to payment by any other method, 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.
- (3) A letter is properly addressed for the purposes of subsection (2) above if it is addressed to the fixed penalty clerk 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.
- (4) References in this Part of this Act, in relation to any fixed penalty or fixed penalty notice, to the fixed penalty clerk are references to the 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.

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—

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- (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 chief officer of police 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.
- (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 fixed penalty clerk 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.
- (4) Where the chief officer of police or the fixed penalty clerk 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 clerk to the justices for the petty sessions area in which the defaulter appears to him to reside, and
 - (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.
- (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.

71 Registration of sums payable in default

- (1) Where the clerk to the justices for a petty sessions area receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default, he must, subject to subsection (4) below, register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court acting for that area.
- (2) Where the clerk of a court of summary jurisdiction receives a registration certificate issued under section 70 of this Act in respect of any sum payable in default, he must, subject to subsection (4) below, register that sum for enforcement as a fine by that court.
- (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.

- (4) Where it appears to the clerk receiving a registration certificate issued under section 70 of this Act in respect of any sum payable in default that the defaulter does not reside in the petty sessions area or (as the case may be) within the jurisdiction of the court of summary jurisdiction in question—
- (a) he is not required by subsection (1) or (2) above to register that sum, but
 - (b) he must cause the certificate to be sent to the appropriate clerk,
- and subsection (1) or, as the case may be, (2) above shall apply accordingly on receipt by the appropriate clerk of the certificate as it applies on receipt by the clerk to whom it was originally sent.
- (5) For the purposes of subsection (4) above, the appropriate clerk—
- (a) if the defaulter appears to the clerk receiving the registration certificate to reside in England and Wales, is the clerk to the justices for the petty sessions area in which the defaulter appears to him to reside, and
 - (b) if the defaulter appears to the clerk receiving the registration certificate to reside in Scotland, is the clerk of a court of summary jurisdiction for the area in which the defaulter appears to him to reside.
- (6) On registering any sum under this section for enforcement as a fine, the clerk to the justices for a petty sessions 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
 - (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 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—
- (a) the registered or principal office of that body, and
 - (b) the address which, with respect to the vehicle concerned, is the address recorded in the record kept under the Vehicles (Excise) Act 1971 as being that body's address.

72 Notices on-the-spot or at a police station: when registration and endorsement invalid

- (1) This section applies where—

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- (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 clerk 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.
- (4) Where in any case within subsection (2)(a) above the person to whom the relevant fixed penalty notice was given surrendered a licence held by the person making the declaration, any endorsement of that licence made under section 57 of this Act in respect of the offence in respect of which that notice was given 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 57 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.
- (6) The clerk of the relevant court must—
- (a) cancel an endorsement of a licence under section 57 of this Act that is void by virtue of this section on production of the licence to him for that purpose, and
 - (b) send notice of the cancellation to the Secretary of State.
- (7) References in this section to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.

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 clerk 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,
- 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 the chief officer of police on the person making the declaration asking him to provide a new statutory statement of ownership to that chief officer of police 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.
- (5) Where in any case within subsection (2)(c) above—
- (a) no notice is served by or on behalf of the chief officer of police in accordance with subsection (4) above, or
 - (b) such 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 by or on behalf of the chief officer of police in accordance with subsection (4) above, he must cause the clerk 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.

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 Magistrates' Courts Act 1980 (limitation of time), and
 - (b) section 331(1) of the 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 clerk 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 petty sessions area in England and Wales, references to any magistrates' court acting for 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,
 - (b) references to the clerk of the relevant court, where that court is a magistrates' court, are references to a clerk to the justices for the petty sessions area for which that court is acting, and
 - (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.