



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

The fixed penalty procedure

71 Registration of sums payable in default.

[^{F1}(1) Where, in England and Wales, [^{F2}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 [^{F3}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 [^{F4}acting in] that area, [^{F5}or]
- (b) if it appears to him that the defaulter resides in any [^{F6}other local justice] area in England and Wales, he must send the certificate to the [^{F7}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, [^{F8}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 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

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- (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, ^[F9]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 ^[F10]designated officer for the local justice] area in which the defaulter appears to him to reside, ^[F11]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 ^[F12]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.
- ^{F13}(4)
- (5)
- (6) On registering any sum under this section for enforcement as a fine, the ^[F14]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
 - (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

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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 ^{M1}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 [^{F15}the Vehicle Excise and Registration Act 1994] as being that body's address.

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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(e)(ii)** (with Sch. 2 para. 2)
- F14** 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)
- F15** 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.

Changes to legislation:

Road Traffic Offenders Act 1988, Section 71 is up to date with all changes known to be in force on or before 28 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\(3\)\(b\)](#)