



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART III

FIXED PENALTIES

Miscellaneous

89 Interpretation.

(1) In this Part of this Act—

[^{F1}“the applicable Community rules” [^{F2}has the meaning given by section 103(1) of the Transport Act 1968],]

^{F3} ...

[^{F4}[^{F5} “British Transport Police” means the force of constables appointed under the British Transport Commission Act 1949 (c. xxix);]]

[^{F6} “chief constable” means, in Scotland in relation to any conditional offer, the chief constable [^{F7}of the Police Service of Scotland].]

“chief officer of police” ^{F8}... means, in relation to any fixed penalty notice [^{F9}, notice to owner or conditional offer], the chief officer of police for the police area in which the fixed penalty offence in question is alleged to have been committed,

[^{F10}“the Community Drivers’ Hours Regulation” means Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15th March 2006 on the harmonisation of certain social legislation relating to road transport (and amending and repealing certain Council Regulations), as amended from time to time,]

[^{F10}“contracting ^{F11}... country” means a country ^{F12}... which is a contracting party to—

(a) the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970, as amended;

^{F13} ...

(b) ^{F13} ...]

Changes to legislation: Road Traffic Offenders Act 1988, Section 89 is up to date with all changes known to be in force on or before 20 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

“court of summary jurisdiction” has the same meaning as in ^{F14}section 307(1) of the Criminal Procedure (Scotland) Act 1995],

“driver” except in section 62 of this Act means, in relation to an alleged fixed penalty offence, the person by whom, assuming the offence to have been committed, it was committed,

^{F15}
...

“petty sessions area” has the same meaning as in the ^{M1}Magistrates’ Courts Act 1980, and

“proceedings”, except in relation to proceedings for enforcing payment of a sum registered under section 71 of this Act, means criminal proceedings.

^{F16}“vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.]

(2) In this Part of this Act—

- (a) references to a notice requesting a hearing in respect of an offence are references to a notice indicating that the person giving the notice wishes to contest liability for the offence or seeks a determination by a court with respect to the appropriate punishment for the offence,
- (b) references to an offence include an alleged offence, and
- (c) references to the person who is or was at any time the registered keeper of a vehicle are references to the person in whose name the vehicle is or was at that time registered under ^{F17}the Vehicle Excise and Registration Act 1994].

^{F18}(3) For the purposes of this Part of this Act, a person commits a “Community drivers’ hours offence” if the person commits a fixed penalty offence under—

- (a) section 96(11A) of the Transport Act 1968 (permitted driving time and periods of duty);
- (b) section 98(4)(b) of the Transport Act 1968 (written records);
- (c) section 99C of the Transport Act 1968 (failure to comply with prohibition), where the prohibition is imposed under section 99A(1)(b)(ii); or
- (d) section 3(1) of the Road Traffic (Foreign Vehicles) Act 1972 (enforcement provisions) where the offence arises as a result of a contravention of the applicable Community rules.]

Textual Amendments

- F1** Words in s. 89(1) inserted (31.1.2018) by [The Community Drivers Hours Offences \(Enforcement\) Regulations 2018 \(S.I. 2018/24\)](#), regs. 1, **5(2)(a)**
- F2** Words in s. 89(1) substituted (31.12.2020) by [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **44(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 89(1) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), **Sch. 10 para. 14(2)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F4** Definition in s. 89 ceases to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)
- F5** S. 89(1): Definition of British Transport Police inserted (1.10.2002) by 2002 c. 30, s. **76(6)**; S.I. 2002/2306, **art. 2(d)(vii)**
- F6** Definition in s. 89(1) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40\)](#), SIF 107:1), s. 48, **Sch. 4 para. 107(2)**; S.I. 1992/1286, art. 2, **Sch.**
- F7** Words in s. 89(1) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 23**

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- F8** Words in s. 89(1) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 10 para. 14(3)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- F9** Words in s. 89(1) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 107(3)**; S.I. 1992/1286, art. 2, **Sch.**
- F10** Words in s. 89(1) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **5(2)(b)**
- F11** Word in s. 89(1) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **44(2)(b)(i)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 89(1) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **44(2)(b)(ii)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 89(1) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **44(2)(b)(iii)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F14** S. 89(1): words in definition of "court of summary jurisdiction" substituted (1.4.1996) by 1995 c. 13, s. 5, **Sch. 4 para. 71(10)**
- F15** S. 89(1): Definition of "justices' clerk" repealed (1.4.2001) by 1999 c. 22, s. 106, **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)
- F16** Definition in s. 89(1) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 1 para. 23**; S.I. 2008/3164, art. 3(b)
- F17** Words in s. 89(2)(c) substituted (1.9.1994) by 1994 c. 22, s. 63, **Sch. 3 para. 25(1)**
- F18** S. 89(3) inserted (31.1.2018) by The Community Drivers Hours Offences (Enforcement) Regulations 2018 (S.I. 2018/24), regs. 1, **5(3)**

Marginal Citations

- M1** 1980 c. 43.

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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\(3\)\(b\)](#)