

Status: This version of this provision is prospective.

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 16 is up to date with all changes known to be in force on or before 22 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



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 2

CRIMINAL JUSTICE

Surcharges

PROSPECTIVE

16 Higher fixed penalty for repeated road traffic offences

(1) The Road Traffic Offenders Act 1988 (c. 53) is amended as follows.

(2) ^{F1}.....

(3) At the end of section 84 (regulations) (which becomes subsection (1)) insert—

“(2) The Secretary of State may by regulations provide that where—

- (a) a conditional offer has been issued under section 75 of this Act,
- (b) the amount of the penalty stated in the offer is not the higher amount applicable by virtue of section 53(3) of this Act, and
- (c) it subsequently appears that that higher amount is in fact applicable, the fixed penalty clerk may issue a further notice (a “surcharge notice”) requiring payment of the difference between the two amounts.

(3) Regulations under subsection (2) above may—

- (a) provide for this Part of this Act to have effect, in cases to which the regulations apply, with such modifications as may be specified;
- (b) make provision for the collection and enforcement of amounts due under surcharge notices.”

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Textual Amendments

- F1** S. 16(2) repealed (5.1.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 59, 61, [Sch. 7\(1\)](#); S.I. 2008/3164, [art. 2\(d\)](#)

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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):

- [Sch. 9 para. 26A](#) inserted by [2015 c. 2 Sch. 3 para. 12](#)