



Road Safety Act 2006

2006 CHAPTER 49

Fixed penalties

4 Graduated fixed penalty points

(1) Section 28 of the Road Traffic Offenders Act 1988 (penalty points to be attributed to an offence) is amended as follows.

(2) For subsection (3) substitute—

“(3) For the purposes of sections 57(5) and 77(5) of this Act, the number of penalty points to be attributed to an offence is—

- (a) where both a range of numbers and a number followed by the words “(fixed penalty)” is shown in the last column of Part 1 of Schedule 2 to this Act in relation to the offence, that number,
- (b) where a range of numbers followed by the words “or appropriate penalty points (fixed penalty)” is shown there in relation to the offence, the appropriate number of penalty points for the offence, and
- (c) where only a range of numbers is shown there in relation to the offence, the lowest number in the range.

(3A) For the purposes of subsection (3)(b) above the appropriate number of penalty points for an offence is such number of penalty points as the Secretary of State may by order made by statutory instrument prescribe.

(3B) An order made under subsection (3A) above in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—

- (a) the nature of the contravention or failure constituting the offence,
- (b) how serious it is,
- (c) the area, or sort of place, where it takes place, and
- (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.”

Changes to legislation: Road Safety Act 2006, Section 4 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

- (3) In subsection (7), in paragraph (b), after “penalty” insert “ or the words “or appropriate penalty points (fixed penalty)” .
- (4) Before the word “and” at the end of that paragraph insert—
- “(ba) substitute the words “or appropriate penalty points (fixed penalty)” for a number together with the words “(fixed penalty)”, or substitute a number together with the words “(fixed penalty)” for the words “or appropriate penalty points (fixed penalty)”, in relation to an offence in the last column of Part 1 or 2.”.
- (5) After subsection (8) insert—
- “(8A) Before making any order under subsection (3A) above the Secretary of State must consult with such representative organisations as he thinks fit.”
- (6) In subsection (9), for “subsection (7) above” substitute “ this section ”.

Commencement Information

II S. 4 in force at 31.3.2009 by S.I. 2008/3164, art. 3(a)

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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. 6 para. 8A inserted by [2016 c. 16 s. 3\(3\)](#)
- Sch. 6 para. 10A inserted by [2016 c. 16 s. 4\(2\)](#)
- Sch. 6 para. 13(9) inserted by [2016 c. 16 s. 4\(5\)](#)