



# Road Safety Act 2006

## 2006 CHAPTER 49

### *New system of endorsement*

#### **9 Unlicensed and foreign drivers**

- (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 44 (endorsement of licences)—
  - <sup>F1</sup>(a) .....
  - (b) for the heading substitute “ Orders for endorsement ”.
- (3) After that section insert—

#### **“44A Endorsement of driving record in accordance with order**

- (1) Where the court orders the endorsement of a person's driving record with any particulars or penalty points it must send notice of the order to the Secretary of State.
- (2) On receiving the notice, the Secretary of State must endorse those particulars or penalty points on the person's driving record.
- (3) A notice sent by the court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may require.”
- <sup>F2</sup>(4) .....
- (5) After section 57 insert—

#### **“57A Endorsement of driving records without hearings**

- (1) Subject to subsection (2) below, where a person who is not the holder of a licence has been given a fixed penalty notice under section 54 of this Act in respect of an offence involving obligatory endorsement, his driving record may be endorsed in accordance with this section without any order of a court.

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*Changes to legislation: Road Safety Act 2006, Section 9 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*

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- (2) A person's driving record may not be endorsed under this section if at the end of the suspended enforcement period—
- (a) he has given notice, in the manner specified in the fixed penalty notice, requesting a hearing in respect of the offence to which the fixed penalty notice relates, and
  - (b) the fixed penalty has not been paid in accordance with this Part of this Act.
- (3) If payment of the fixed penalty is made before the end of the suspended enforcement period and the person to whom the payment is made is the fixed penalty clerk, the fixed penalty clerk must send to the Secretary of State notice of the relevant particulars which are to be endorsed on the person's driving record.
- (4) Where any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the person as a fine in a case where the fixed penalty is required to be paid to the fixed penalty clerk, the fixed penalty clerk must send to the Secretary of State notice of the relevant particulars which are to be endorsed on the person's driving record—
- (a) if he is himself the person who registers the sum, on the registration of that sum, and
  - (b) in any other case, on being notified of the registration by the person who registers that sum.
- (5) The Secretary of State must endorse the relevant particulars on the person's driving record if—
- (a) he receives notice of them under subsection (3) or (4) above,
  - (b) the fixed penalty is paid to him before the end of the suspended enforcement period, or
  - (c) in a case where the fixed penalty is required to be paid to the Secretary of State, any sum determined by reference to the fixed penalty is registered under section 71 of this Act for enforcement against the person as a fine.
- (6) References in this section to the relevant particulars are to—
- (a) particulars of the offence, including the date when it was committed, and
  - (b) the number of penalty points to be attributed to the offence.”
- (6) Schedule 2 contains further amendments about the endorsement of driving records in the case of unlicensed and certain foreign drivers.

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#### **Textual Amendments**

- F1** S. 9(2)(a) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); S.I. 2015/560, art. 3(b) (with arts. 4-9)
- F2** S. 9(4) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 7\(4\)](#); S.I. 2015/560, art. 3(b) (with arts. 4-9)
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#### **Commencement Information**

- I1** S. 9 in force at 1.4.2009 by [S.I. 2008/3164](#), [art. 4\(b\)](#)

**Changes to legislation:**

Road Safety Act 2006, Section 9 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.

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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\(5\)](#)