



Home Office

Revised Guidance on the Operation of the Fixed Penalty System for Offences in Respect of a Vehicle

April 2006

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ACKNOWLEDGMENTS

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INTRODUCTION

The fixed penalty system for offences in respect of a vehicle is established by Part III of the Road Traffic Offenders Act 1988 as amended (the Act). It provides a quick, simple and direct way of dealing with a wide range of relatively minor road traffic offences while preserving the right of individuals to challenge an alleged offence in court. Fixed penalties make enforcement easier and less time consuming for the police and substantially reduce the number of cases brought before the courts. Each year over 3 million fixed penalty notices are issued by the police for motoring offences in Great Britain. The system is widely accepted by the motoring public and the Government is satisfied that it is fully compliant with human rights legislation

This guidance is issued in accordance with Section 87 of the Act. This requires the Secretary of State to issue guidance to chief officers of police in respect of the operation of Part III, with the objective so far as possible of working towards uniformity. The present document replaces previous Home Office guidance, ACPO guidance for the police use of the fixed penalty system and guidance on the issue of fixed penalty notices (FPNs) by ANPR teams. It has been prepared by representatives from ACPO, ACPOS, the courts service, DVLA, police Central Ticket Offices, DVLA, Department for Transport and the Home Office.

Whilst this guidance is not legally binding on police officers and back office processing staff, they should adhere to its practical advice, unless there are compelling reasons not to.

This guidance is available in electronic form on the Home Office website: www.homeoffice.gov.uk and on the Police National Legal Database (PNLD). The version of the document on the PNLD will be updated regularly to take account of coding changes

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Alternatively enquiries can be directed to the appropriate contacts listed on page 2 of this publication.

ROAD POLICING COMMITMENT

A new strategy for policing the roads was announced in January 2005 by Alistair Darling, Secretary of State for Transport, the then Home Office Minister Caroline Flint, and Richard Brunstrom, then Head of the ACPO Road Policing Business Area.

Issued jointly by the DfT, Home Office and Association of Chief Police Officers, the strategy document, available on the Home Office website, identifies the following road policing priorities:

- Denying criminals use of the roads by enforcing the law
- Reducing road casualties
- Tackling the threat of terrorism
- Reducing anti-social use of the roads
- Enhancing public confidence and reassurance by patrolling the roads

It clearly sets out the police commitment to deal with all forms of illegal and anti-social use of the roads, including drink driving, speeding, dangerous and careless driving, and behaviour which is threatening to road users - other drivers as well as pedestrians. The strategy aims to tackle these issues through:

- A highly visible police presence on the roads
- Continued operation of the National Safety Camera Programme for cutting casualties and deaths at known collision black spots
- A national police Drink and Drug Driving Campaign
- A national police Seat Belt Campaign to increase the level of seat belt wearing, especially in the rear-seats and by children
- Further use of technology such as Automatic Number Plate Recognition

Alistair Darling said:

“We’ve had significant success in recent years at reducing the number of casualties on our roads. But we can do better. Unlawful and anti-social behaviour on the road is not acceptable.

This strategy shows the Government's and police's shared commitment to ensure that everyone can use the road safely and without intimidation - enforcing the existing laws, and the further measures in the Road Safety Bill currently passing through Parliament”.

Caroline Flint said:

“Roads policing is an important and valuable part of day-to-day policing. It not only helps reduce deaths and injuries on the roads, but reduces anti-social and criminal misuse of vehicles, denies criminals the use of the roads and provides a reassuring presence to the public.

We are committed to challenging unlawful and unruly behaviour on the roads as we do on the streets and in other public places. The Road Policing Strategy published today reaffirms this commitment and will make a significant contribution to road safety and law enforcement.”

Richard Brunstrom said:

“Tackling irresponsible, unlawful and anti-social use of the roads is rightly a policing priority. I’m delighted to see the Home Office, Department for Transport and ACPO joining forces in this very public way – this statement will set the tone for roads policing for years to come.”

The joint DfT - Home Office - ACPO strategy is part of the delivery of the National Policing Plan (NPP).

Police performance in delivering the NPP’s objectives is monitored through the Policing Performance Assessment Framework, including the number of people killed and seriously injured in police force areas, relative to the volume of traffic.

The present guidance document has been prepared to apply in Scotland too. Mr John Vine, Chair of the Road Policing Business Area for ACPOS, said:

“We all should be able to use Scotland’s roads free from danger and crime. Forces aim to provide road users with a high quality of service by adopting a common approach to a range of core road policing functions .

This revised guidance document has been prepared to provide a framework for all staff involved in the issue and process of conditional offers of fixed penalty notices.

I commend this document to all Scottish Police Forces.”

PART 1

ACPO OPERATIONAL GUIDANCE

- 1.1 This Guidance replaces the previous Home Office Guidance Circular 92/1985. It is intended that this should be a dynamic document and subject to periodic review. It is based on the notion of the Government PSA targets for reducing casualties through enforcement and increasing the number of offenders brought to justice by narrowing the justice gap. This has the added advantage of freeing up valuable court time.
- 1.2 The important thread running through this Guidance is the concept that the offender should pay and also that the penalty is proportionate.
- 1.3 The previous Guidance limited police officers and those members of the wider police family to issuing one FPN. That document has now become dated and inflexible and no longer fulfils the needs of the Criminal Justice System.

Legislation

- 2.1 Section 54 Road Traffic Offenders Act 1988. This section applies in England and Wales where on any occasion a constable in uniform has reason to believe that a person he finds is committing, or has on that occasion committed a fixed penalty offence.
- 2.2 Subject to Sub-Section (3) below, the constable may give him/her a FPN in respect of the offence.
- 2.3 Previously, the use of a Conditional Offer has been the mainstay of the automated process i.e. exclusively used by safety camera partnerships and police enforcement using cameras. It has been widely accepted that the use of conditional offers outside the automated process has not been possible. It is clear from the legislation that this is not the case and the use of Conditional Offers should be widely encouraged in the right circumstances.
- 2.4 Section 75(1) of the Road Traffic Offenders Act 1988 provides that a Conditional Offer may be sent where a constable has reason to believe that a fixed penalty offence has been committed and no FPN for it has been issued. It provides that the Conditional Offer may be sent to an alleged offender by/or on behalf of a chief officer, so enabling a substantial civilianisation of the process designed to minimise the workload of the courts. There are a range of possible outcomes once a Conditional Offer has been sent and these are outlined at Annex B
- 2.5 The new Guidance gives officers and members of the wider police family the ability to issue multiple fixed penalties up to a maximum of three FPNs with no more than one endorsable FPN within the three. There is an expectation that all officers will exercise their discretion wisely and to good effect in appropriate circumstances. The inherent discretionary powers of the constable and those embodied within the Road Traffic Offenders Act 1988 in respect of the issue of a FPN are recognised and this Guidance will in no way inhibit such discretion.

- 2.6 An officer will at all times consider the circumstances of the offence when reaching a decision whether to take no further action, give a verbal warning, issue a VDRS, complete a FPN or report for summons, bearing in mind any mitigating or exacerbating factors which may be present. At all times police action must be seen to be fair, consistent and proportionate, requiring the same standard of evidence for the issue of a FPN as required for a court hearing.

Options Available-

If serious infringement, Local/Force Orders Require,
Special Reasons Exist - Consider

1. Fixed Penalty
2. VDRS (consider prohibition)
3. Report for Summons

If minor infringement (eg no danger or other party
involved etc) –

CONSIDER VERBAL WARNING

ANPR

- 3.1 For those forces that have an ANPR Intercept Team capability, the Guidance takes on added significance by seeking to deny criminal use of the road.
- 3.2 With the advent of the Serious Organised Crime and Police Act 2005, all forces were given the opportunity to pilot the netting off of funding from ANPR generated fixed penalty notices and conditional offers. However, Her Majesty's Treasury made the decision to discontinue the ANPR cost recovery scheme from 31st March 2006. Fixed penalties issued by officers using ANPR technology, therefore, can now be processed in the same way as Fixed Penalties issued by any other officer.
- 3.3 Consequently, it is no longer necessary to distinguish between those FPNs that are ANPR generated, and those that are not. Similarly the policy to restrict the issue of FPNs for the offences of no insurance, no Vehicle Excise Licence and No MoT to ANPR intercept officers alone is also no longer necessary. From 1st April 2006 this power will be extended to all officers.

Offences

- 4.1 The policy of issuing only one endorsable FPN per occurrence must be strictly adhered to.
- 4.2 The existing non-endorsable and endorsable offences as appear in Annex A will continue to attract current penalties:-
 - £30 fine, non-endorsable
 - £60 fine, non-endorsable (failing to display VEL or no test certificate)
 - £60 fine, endorsable, three penalty points
 - £200 fine, endorsable, six penalty points (No Insurance)
- 4.3 In the case of FPNs for no insurance, it is intended that an endorsable FPN will only be issued at the roadside where there is an admission of no insurance. The benefit of accepting a FPN as an alternative to prosecution needs to be stressed to the offender(s) and it is recommended that the reporting officer uses the following form of words where an offence of no insurance is disclosed **"the alternative is a court appearance where a period of disqualification from holding or obtaining a driving licence will be considered"**.
- 4.4 Alternatively, where evidence of valid insurance exists, it will allow an officer the flexibility to consider any other endorsable offence where the penalty can be netted off.

Completion of Notices

- 5.1 Officers must be mindful when issuing FPNs of the likelihood of the driver being given a Notice when he/she is liable for possible disqualification from holding or obtaining a driving licence. This will require careful scrutiny of the offender's driving record.
- 5.2 Officers completing a FPN must use capital letters using a ballpoint pen to ensure legibility.
- 5.3 If, for any reason, a Notice is spoilt all copies should be marked and forwarded through to the Central Ticket Office.
- 5.4 *All Welsh forces will need to take into account the provisions of the Welsh Language Act 1993. An officer at the roadside needs to establish in what language the offender wishes to receive the FPN.*
- 5.5 Flowcharts have been prepared for ease of reference showing the procedure to be adopted from when the offence is detected to the point where the fixed penalty process is concluded. Annex C refers.
- 5.6 A list of frequently asked questions and the formal response to them has been prepared and it will be helpful for a copy to be handed to the offending driver with the FPN, which will assist to reduce the volume of queries received at CTO's. Annex D refers.

ACPO GUIDELINES FOR THE USE OF THE EXTENDED FIXED PENALTY SYSTEM

Introduction

- 6.1 The Transport Act 1982 and the Road Traffic Offenders Act 1988 have presented the Police Service with a means of dealing with certain minor offences in a more cost-effective way than ever before. The application of the extended fixed penalty system has resulted in a reduction in the number of offences brought before the courts, with benefits not only to the magisterial service and the police, but also to members of the public who have committed these offences.
- 6.2 The extended fixed penalty system needs national policy guidance in order that motorists can be dealt with in a more uniform way. In determining such guidance, a degree of flexibility and compromise is required in the interests of a credible system and to allow local discretion where that is appropriate.
- 6.3 This document must be considered as a guide to encourage a measure of uniformity but allowing always for the merits of individual cases.
- 6.4 This guidance opens the current scheme to more than one fixed penalty per occasion and greater use of conditional offer fixed penalty when an offender could not be stopped and issued with a fixed penalty ticket at the time of the offence.
- 6.5 There is a need for the scheme to incorporate foreign offenders to ensure road safety benefits and fairness. This is in some way being addressed by Government in the Road Safety Bill currently in Parliament. When and if this becomes legislation this dynamic guidance will be amended to incorporate the changes in procedure.
- 6.6 It is difficult to look at fixed penalties in isolation. The operational officer needs to be in a position to give advice, warn, require vehicle rectification, issue fixed penalties and summons offenders in a cohesive way.

Vehicle Defect Rectification Scheme

- 7.1 Forces are encouraged to operate a Vehicle Defect Rectification Scheme (VDRS).
- 7.2 Offenders who are found using vehicles with any minor defect which, in the officers opinion, is not deliberate or from lack of reasonable maintenance or so dangerous that the vehicle should not continue, should be considered for the Vehicle Defect Rectification Scheme
- 7.3 This scheme allows the driver to continue with the journey and as soon as possible repair the vehicle. The defect rectification must be checked and certified at a MOT testing station.
- 7.4 The offender must return the certified notice to the Police within 21 days. Failure to do so will result in summons issue.
- 7.5 If a force has not implemented VDRS it merely removes one of the options otherwise open to a police officer following a policy of prosecution.

Driver Improvement Scheme / Speed Awareness

- 8.1 ACPO has issued policy guidance on driver improvement and speed awareness. Driver improvement has been available in some forces for over 10 years and in 2005 all forces in the UK are offering courses in a truly national scheme. Speed awareness was launched in mid 2005 and it is hoped that there will be a national roll out over the next few years.
- 8.2 National Driver Offender Retraining Schemes (and VDRS) find their origins within the North Report (the Road Traffic Law Review 1988) whose author, Dr Peter North, pointed out that "It must be in the public interest to rectify a fault rather than punish the transgressor" and said "Re-training of traffic offenders may lead to an improvement in their driving, particularly if their training is angled towards their failings." He went on to recommend a pilot of one day's re-training in basic driving skills for offenders.
- 8.3 The Driver Improvement Scheme is an alternative to prosecution only for careless driving offences where a driver's mistake, rather than intent or dangerousness, has led to a collision. It is designed to correct poor driving behaviour arising from errors of judgement without the need to bring the case to court. Evidence of recklessness or deliberate action will result in a prosecution. The consequences of a collision could in theory be disregarded once the offender's error has been corrected but in the public interest the course should not be offered where serious injury or death has been caused.
- 8.4 Speed awareness is offered at a suitable level within a band of 10%+2 to 10%+6 depending on local conditions at the site, and the force prosecution policy. Drivers cannot assume they will be offered a course, as there are many factors in deciding where the cut-off is in any specific occurrence.

- 8.5 In both schemes the offender may have one course only in any three-year period. DVLA hold a database which prosecution decision-makers should refer to when deciding to offer a course.
- 8.6 As a disposal, the course is no soft option for the offender. Attendance on such a course attracts a fee payable by the offender (or 'client' as they will become) as well as the time and effort involved. The service provider may make arrangements to accept credit card payments or staged payments in advance of the course if appropriate.

Verbal Warning

- 9.1 It is recommended that the term 'verbal warning' be used in preference to the word 'caution' in order to avoid any confusion that may arise as a result of the requirements of the Police and Criminal Evidence Act.
- 9.2 It is anticipated that a verbal warning would only be given where an offence has been committed and can be proved; and would take the form of a suitable warning regarding future conduct, made at the road side at the time or shortly after the offence was committed.
- 9.3 In the interests of continuity the term 'written caution' should be replaced by 'written warning'.
- 9.4 If the incident or offence is considered to be:
- (a) a serious infringement, or
 - (b) local or force orders require other action, or
 - (c) special reasons exist.

the officer should follow the course of action outlined at 'prosecute' below.

Prosecute

- 10.1 It is recommended that this term be used in the context of the Extended Fixed Penalty System to indicate a course of legal action consisting of:
- (a) issuing a Fixed Penalty Notice,
 - (b) offering Driver Offender Retraining or
 - (c) using a Vehicle Defect Rectification Scheme (where appropriate) or
 - (b) reporting for consideration of summons.
- 10.2 If the offence or infringement is considered to be minor eg:
- (a) no danger to another person, or
 - (b) no other party involved
- the officer may give a verbal warning.

- 10.3 It will be seen that in every case the decision to prosecute or give a verbal warning can be modified by the circumstances prevailing at the time and an officer will need to consider each stage in determining the appropriate course of action.
- 10.4 It should be recognised that the issue of a fixed penalty notice is an alternative to reporting for summons, NOT an alternative to verbal warning. This policy is the hinge pin of the system and must be adhered to.

Fixed Penalty Policy

- 11.1 The inherent discretionary powers of a constable and those embodied within the Road Traffic Offenders Act 1988 in respect of the issue of a fixed penalty notice are recognised and this policy guidance should in no way inhibit such discretion. This is guidance to police officers and civilian support staff in applying the system, allowing at all times for the circumstances of the offence to be considered by that officer when reaching this decision, bearing in mind any mitigating or exacerbating factors which may be present.

Fixed Penalty Procedure

- 12.1 The procedure to be followed with fixed penalty notices varies in accordance with the circumstances of the offence and in which the notice is issued. This section outlines the process to be adopted and then later in this document certain issues are covered in more depth.

Offender Stopped at Roadside

- 13.1 A constable in uniform who has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence may give that person a fixed penalty notice (S54(1), (2) RTOA1988)
- 13.2 If the offence is endorsable and the person is the holder of a licence, the constable can only give a fixed penalty notice to a person if:
- (a) he produces his licence and its counterpart
 - (b) the constable or examiner is satisfied that he would not be liable for disqualification if convicted of the offence (less than 12 points)
 - (c) he surrenders his licence and its counterpart to be dealt with under the Act (penalty points added) (S54(3))
- 13.3 If the offence is endorsable and the offender does not have their licence with them, the constable may give him a notice to produce it within 7 days together with a provisional fixed penalty. (If he fails to produce it would only be an offence if the constable has given the requirement to produce under S161 Road Traffic Act. There is no offence to fail to produce a licence under S54 (4) RTOA1988)

- 13.4 The offender must attend a police station with the provisional ticket and their licence. If they meet the requirements of S54 (3) in respect of the number of penalty points accrued, the provisional fixed penalty is confirmed as a full fixed penalty by the receiving officer.
- 13.5 Payment of the penalty before the end of the suspended enforcement period means that no proceedings may then be brought against any person in respect of the offence. In the case of an endorsable fixed penalty, the relevant person will endorse the licence and return it to the owner.
- 13.5 If, before the expiry of the suspended enforcement period, the recipient of the notice requests a hearing, the case may be tried at court. However, if by the end of the suspended enforcement period they have not requested a hearing, and the fixed penalty charge has not been paid, a sum equal to the fixed penalty plus one-half of the amount of that penalty may be registered (S71) for enforcement against the recipient as a fine (S55(3)).
- 13.6 The registration certificate must be sent to the designated officer of the court for the Local Justice Area (in England and Wales) in which the defaulter appears to reside.
- 13.7 The Area director registering the fine must send a notice to the defaulter, who may respond within 21 days with a statutory declaration that he was not the person issued with the fixed penalty or gave the correct notice for a hearing. If endorsable the Area director's clerk must notify the fixed penalty clerk of the registration, who will add the penalty points to the licence and return it to the owner.
- 13.8 Some Scottish forces have experienced problems with drivers attempting to deal with the fixed penalty on production at a Scottish police office. It should be emphasised that a FPN issued in England and Wales cannot be dealt with at a Scottish police office. The legislation stipulates that offenders may not specify a police station in Scotland as their preferred location for surrendering their driving licence, when complying with a FPN issued in England and Wales.

Stationary Vehicle

- 14.1 A constable or vehicle examiner who believes a non-endorsable fixed penalty offence is or has been committed in respect of a stationary vehicle may affix a fixed penalty notice to the vehicle.
- 14.2 As with endorsable fixed penalties, if the penalty is paid before the suspended enforcement period has expired, no proceedings can be brought against any person for the offence and a hearing will be given if a notice requesting this is received during the suspended enforcement period.
- 14.3 Where the fixed penalty has not been paid by the end of the suspended enforcement period and no one has requested a hearing, the police may serve a notice on the owner of the vehicle (s63 (2)). The procedures following the service of the notice vary as follows:
- Nil Response in time period set out in the notice - the police may register a sum equal to the penalty plus one half against the person named in the notice. Registration procedure is the same as that outlined in the endorsable process previously.
 - Person served with notice requests a hearing - proceedings may be instigated if the person responds with a notice of the desire for a hearing within the period defined on the notice. It can be conclusively presumed that the person to whom the notice was sent was the driver at the time of the alleged offence, unless it is proved that at the time of the offence the vehicle was in the possession of some other person without the consent of the owner.
 - Person served not the owner - The person to whom the notice is sent will escape liability for the offence if he was not the owner of the vehicle at the time of the offence and furnishes a statutory statement of ownership to that effect within the time allowed for response to the notice.
 - Person served not the driver - if the person to whom the notice to owner is served was not the driver at the time of the offence and the driver wishes to have a hearing, the person served may furnish within the time allowed for response to the notice, a statutory statement of ownership and a statutory statement of facts identifying the driver at the time (seen as notice of request for hearing) of the alleged offence
- 14.4 Police officers are permitted to issue up to three-fixed penalty notices for one occurrence but only one of those three notices may be endorsable.
- 14.5 It is possible to deal with any fixed penalty offence by way of conditional offer, however, it will always be more suitable to issue a fixed penalty notice to a driver who is present and stopped by the constable.

Prosecution Criteria

- 15.1 Very few offences lend themselves to the application of criteria. Examples of appropriate offences are:
- exceeding the speed limit
 - exceeding permitted weight
- 15.2 Where a fixed penalty offence comes to light during a road traffic accident enquiry it is recommended that the extended fixed penalty system should not be considered, driver improvement or summons the preferred disposal.
- 15.3 It is recognised that some police forces may have particular problems in relation to certain offences. The flexibility of the recommended policy should allow each Chief Constable to decide on the appropriate course of action, depending on the circumstances of the individual offence or location.
- 15.4 Some regions currently have a 'discretionary' option in their prosecution policy. It is recommended that this option is not included in the policy for the extended fixed penalty system, as the recommended policy allows the police officer to exercise his discretion.

Speed Enforcement

- 16.1 The ACPO speed enforcement policy guidance gives appropriate levels where officers should not prosecute below and where summons is the preferred disposal, as follows:

Limit	Fixed Penalty	Summons
20 mph	25 mph	35 mph
30 mph	35 mph	50 mph
40 mph	46 mph	66 mph
50 mph	57 mph	76 mph
60 mph	68 mph	86 mph
70 mph	79 mph	96 mph
	Fixed penalty of 1. £60 (pending) 2. Licence endorsed with 3 penalty points	Magisterial discretion (level 2) maximum of: 1. £1000 fine 2. Licence endorsed - range of penalty points available 3. Disqualification 4. Compulsory re-testing

- 16.2 This guidance does not and cannot replace the police officer's discretion and they may decide to issue a summons or a fixed penalty notice in respect of offences committed at speeds lower than those set out in the table. Moreover, in particular circumstances, driving at speeds lower than the legal limit may result in prosecution for other offences, for example dangerous driving or driving without due care and attention when the speed is inappropriate and inherently unsafe.

Principles of Speed Enforcement

- 17.1 The enforcement of traffic law by the police should be guided by the principles of proportionality in applying the law and securing compliance; targeting of enforcement action; consistency of approach; and transparency about what enforcement action is undertaken and why; and recognition that effective partnerships with other organisations are essential.

Proportionality

- 18.1 Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties expect that action taken by the police to achieve compliance (in this case speed limit) should be proportionate to the risks to individuals and property and to the seriousness of any breach.

Targeting

- 19.1 Targeting means making sure that enforcement action is directed primarily at those whose behaviour poses the greatest risk (particularly to others), often at identifiable locations or in identifiable circumstances. Targeting needs to take full advantage of a wide range of information sources, including academic research, to develop a greater level of understanding of what the problems are and how to resolve them, so that enforcement action can be properly focused and prioritised.
- 19.2 Effective targeting will therefore ensure that road risks are objectively identified and prioritised for appropriate action; that suitable resources are deployed; and that pertinent monitoring and evaluation takes place so that costs and benefits can be properly assessed and future decision making enhanced.

Consistency

- 20.1 Consistency of approach does not mean uniformity. It does mean taking a similar approach in similar circumstances to achieve similar ends. Police officers are faced with many variables; the decision as to what enforcement action to take is a matter of judgement and they must exercise their discretion. Where police officers believe that an offence has been committed (in this case, that a motorist has driven at any speed over the relevant speed limit), in exercising their discretion as to the appropriate enforcement action, they must consider the nature and circumstances of the offence. Depending on those circumstances they may decide to issue a summons, issue a fixed penalty notice, caution, warn or take no action. For instance, it might be appropriate to issue a summons for exceeding a speed limit at relatively low speeds over the relevant limit on roads near schools at certain times of day or when there are adverse weather conditions, whereas a similar offence committed in the middle of the night might merit the issue of a fixed penalty notice.
- 20.2 Road users do expect consistency from the police nationally and this feature has been identified as a benefit linked to the operation of speed cameras. Inconsistency in enforcement practice undermines public confidence and contributes to resentment. It is part of ACPO's role to ensure that consistency is achieved wherever possible.

Non-UK driver committing fixed penalty offence

- 21.1 The Road Safety Bill has within it provisions to open up the fixed penalty system to non-UK residents as well as introduce graduated fixed penalties for commercial vehicle offences and a deposit scheme for fixed penalties issued to some foreign offenders. If this legislation is passed this guidance will be updated.
- 21.2 Meantime it is not advisable to issue a fixed penalty to a non-UK resident without taking the following into consideration.

Non-endorsable Fixed Penalty

- 22.1 S54 Road Traffic Offenders Act 1988 allows a constable to issue a fixed penalty to any person who he has reason to believe is or has committed a fixed penalty offence, subject to certain provisions for endorsable offences.
- 22.2 If a constable issues a non-endorsable ticket to a non-UK offender there is no real problem unless that offender decides not to pay. S70 RTOA 1988 requires the fixed penalty clerk in Scotland to send the registration certificate to the clerk of a court of summary jurisdiction for the area in which the defaulter appears to live, and in England & Wales to the justices' chief executive for the petty sessions area in which the defaulter appears to reside. If our defaulter actually resides outside of the UK the fixed penalty clerk cannot issue a registration certificate.

- 22.3 This means the police must revert to court. This has it's own issue. Should they issue a summons then they must comply with Section 2 of the Criminal Justice (International Co-operation) Act 1990 which requires a notice to accompany the summons informing the offender that they do not have to attend court.
... failure to (comply with the summons) *shall not constitute contempt of any court or be a ground for issuing a warrant to secure the attendance of the person in question....*

This limitation upon the power of a court to enforce an accused's compliance with a summons served under the provisions of the 1990 Act and the fact that if they do not commit an offence by failing to appear and so the court cannot issue a warrant, makes enforcement of non-payment ineffective.

Endorsable Fixed Penalty

- 22.4 The situation with endorsable would seem to be even worse. S54 RTOA 1988 requires that the officer can **ONLY** give a fixed penalty if:
- (a) He produces his licence and counterpart
 - (b) The constable is satisfied **ON EXAMINATION** of the licence that he would not be liable for disqualification, and
 - (c) He **SURRENDERS** his licence and counterpart.
- 22.5 The real issue here is "what is a licence". S98 RTOA 1988 gives general interpretation and defines licence as :
" licence " means a licence to drive a motor vehicle granted under Part III of that Act"
- 22.6 If a licence is only a part III licence and a recognised foreign licence is recognised but not a Part III, then S54 does not allow a constable to issue an endorsable fixed penalty.
- 22.7 If it was accepted that an endorsable could be issued then it would also have the same non-payment issues as the non-endorsable.
- 22.8 Legal advice has been requested and when received this guidance will be updated.
- 22.9 The Road Safety Bill, if passed, will address many of these issues.

16 and 17 year old drivers

- 23.1 The procedures governing the issue of fixed penalty notices to 16 and 17 year old drivers are exactly the same as those which apply to adult drivers, except that: -

Where the issue of a fixed penalty notice is given in police detention the requirement for the police to notify the parents or guardian or local authority (S34 of the Children and Young Persons Act 1969) will apply.

Where the issue of a fixed penalty leads to court proceedings -

- prosecutions will take part in the youth court rather than the magistrates court
- the requirement for the police to notify the local authority and the local probation service of proceedings involving young persons under 18 years of age, (S 5 (8) and 34 (2) of the Children and Young Persons Act 1969) will apply
- the court may require a parent or guardian to attend in relation to a 16 or 17 year old (S34 A of the Children and Young Persons Act 1933) Where the police decide to issue a summons to a juvenile, the summons should include the names of the parents/guardians in accordance with S 34A

23.2 However the following court procedures do not need to be undertaken by the youth court and do not have to be notified by the police to the local authority and the probation service:

- the registration of an enhanced fixed penalty for enforcement as a fine under s S 71 (1) of the RTOA 1988
- endorsement of a licence by a fixed penalty clerk under S 57 (3) and 77 (1) of the RTOA 1988

It should also be noted that S34 A of the Children and Young Persons Act 1933 permits the court to require a parent or guardian to attend in relation to a 16 or 17 year old. Where the police decide to issue a summons to a juvenile, the summons should include the names of the parents/ guardians in accordance with S 34 A.

23.3 The driving of motor vehicles by 16 year olds is restricted to:

- the riding of mopeds (including mowing machines or pedestrian controlled vehicles which fall within the definition of a moped) ;
- the driving of "small vehicles" (ie cars or light vans without a trailer)by a person receiving the higher mobility rate of the Disability Living Allowance;
- the driving of invalid carriages;
- the driving of certain types of small agricultural or forestry tractor

The precise circumstances in which it is lawful to drive or ride a motor vehicle at age 16 are set out in the Table in S 101 (1) of the RTA 1988 as substituted by the

Driving Licences (Community Driving Licence) Regulations 1996, SI 1996 No 1974, which is modified by Regulation 9 of the Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999 no 2864).

ACPOS OPERATIONAL GUIDANCE

1. Introduction – General Principles

- 1.1 This Guidance is of a dynamic nature and will be subject to periodic review. The Conditional Offer of Fixed Penalty Scheme is designed to eliminate unnecessary paperwork by recording all the necessary information relating to the reporting of an offender on the Conditional Offer of Fixed Penalty Ticket. Payment of the relevant penalty will discharge the offender's liability for prosecution.
- 1.2 The Scheme operates within the framework of the Lord Advocate's Guidelines on the subject and replaces the requirement to submit a standard police report to the Procurator Fiscal.
- 1.3 The Lord Advocate's Guidelines indicate how the Scheme will be operated and when it is appropriate to issue a Conditional Offer.
- 1.4 The same standards of proof will apply to the issue of a Conditional Offer as apply to submitting an offence report.
- 1.5 Conditional Offers will be issued within the framework of the offence combination table, within the Lord Advocate's Guidelines. There will be a presumption in favour of the issue of Conditional Offers within that framework.

2. Legislation

- 2.1 Section 75 to 77 of the Road Traffic Offenders Act 1988 as substituted by Section 34 of the Road Traffic Act 1991, extends the power to police officers, under certain circumstances, to issue a Conditional Offer of Fixed Penalty.
- 2.2 Section 75(3)(a) of the Road Traffic Offenders Act 1988 (as substituted) states:-

“Where in Scotland a constable on any occasion has reason to believe that a person he finds is committing or has committed a fixed penalty offence, he may hand to that person a Notice under this section (Conditional Offer)”.
- 2.3 This provision gives police officers the power to issue a Conditional Offer to an offender personally for offences detected at the time, should the offender choose to accept it.
- 2.4 It should be noted that although Section 75(3)(b) of the Road Traffic Offenders Act 1988 (as substituted) refers to sending a Conditional Offer, this applies only to offences detected using automated devices.
- 2.5 The Conditional Offer Scheme does not negate the ability of a constable to deal with offences by the issue of verbal warnings or to take no action. However a constable must act fairly, consistently and proportionately.

- 2.6 It is essential that the Conditional Offer Scheme operates consistently throughout Scotland. Where local factors require departure from these instructions, this must not be done without the prior approval of the local Procurator Fiscal. Any wish to depart from these instructions should be referred to the Association of Chief Police Officers for Scotland for their information and instruction.

3. Offences

- 3.1 The fixed penalty offences are listed and described in Annex A. This list provides officers with a six digit offence code. These codes are nationally issued by the Crown Office and should not be departed from.

4. Juveniles

- 4.1 The Lord Advocate's Guidelines on the issue of fixed penalties do not refer specifically to the issue of a penalty to a juvenile. However it is accepted that a person under sixteen years of age cannot be dealt with by the court system except for serious offences and separate guidelines on the reporting of juveniles have been issued by the Lord Advocate. A juvenile found committing a fixed penalty offence will be dealt with in accordance with individual force Guidelines on reporting juveniles and not issued with a Conditional Offer.

5. Completion of Tickets

- 5.1 These Guidelines do not intend to specify exactly how the self-explanatory Conditional Offer ticket should be completed, the following section gives some guidance regarding problems which may be encountered.
- 5.2 Each force needs to have a suitable administration system in place to manage the issue of Conditional Offer ticket books to staff.
- 5.3 The Conditional Offer tickets will be completed in ink, by ballpoint pen and in capital letters. The entries must be accurate and legible. The issuing officer must sign the offer.
- 5.4 With restricted space available on some sections of the ticket, items such as addresses and locations may be abbreviated but the abbreviation must remain clear. Additional details on expansions of the abbreviation may be added to remarks.
- 5.5 The remarks section may be used to record such information as the offender's occupation or maiden name.
- 5.6 The offender's copy must be endorsed with the applicable monetary penalty and penalty points where appropriate. See Annex E for full list of offences and codes.

- 5.7 It is imperative that issuing officers complete the rear of the offender's copy indicating at which District Court Office payment must be made. The correct court code must be included on the front of the offender's copy in the box provided.

6. Notebook Entries

- 6.1 There is no requirement to duplicate all the information noted on a Conditional Offer ticket in a police personal notebook and an abbreviated entry will suffice.
- 6.2 Individual force procedures may dictate otherwise, however it will be acceptable to record only the following. The notebook entry will comprise time of issue, ticket reference number, vehicle registration number (if applicable) and the offender's name.
- 6.3 Should there be insufficient space on a Conditional Offer ticket to include additional notes or lengthy replies, nothing prevents the officer using his police notebook to record same.

7. Ticket Processing

- 7.1 Depending on separate force procedures, an officer having issued a Conditional Offer ticket will pass the completed police copy to their supervisor. It may also be necessary to pass the Clerk's copy along with the police copy. Supervisory officers will ensure the ticket is legible and correctly completed. Supervisors will initial the tickets and forward same dependant on force procedures to their Central Ticket or Processing Office.
- 7.2 Providing the offender complies with the Conditional Offer then the process is complete.

8. Spoilt Tickets

- 8.1 If, for any reason, a ticket is spoilt, all three copies should be marked and forwarded through a supervisor. The spoilt ticket will then be forwarded to the Central Ticket/Processing Office for cancellation.

9. Reports to the Procurator Fiscal

- 9.1 The Lord Advocate's Guidelines provide the instruction when a report will be made to the Procurator Fiscal.
- 9.2 These Guidelines are generic in style as individual forces have alternative systems for reporting offenders.

- 9.3 In general terms, in the case of an unpaid Conditional Offer, where no other offences are involved, the issuing officer will be informed that the offender has failed to comply. The officer or the case management system, dependant on force, will submit an offence report to the
- 9.4 Procurator Fiscal.
- 9.5 The content and style of the police reports will vary depending on the preference of the local Procurator Fiscals and the reporting procedures of individual forces.

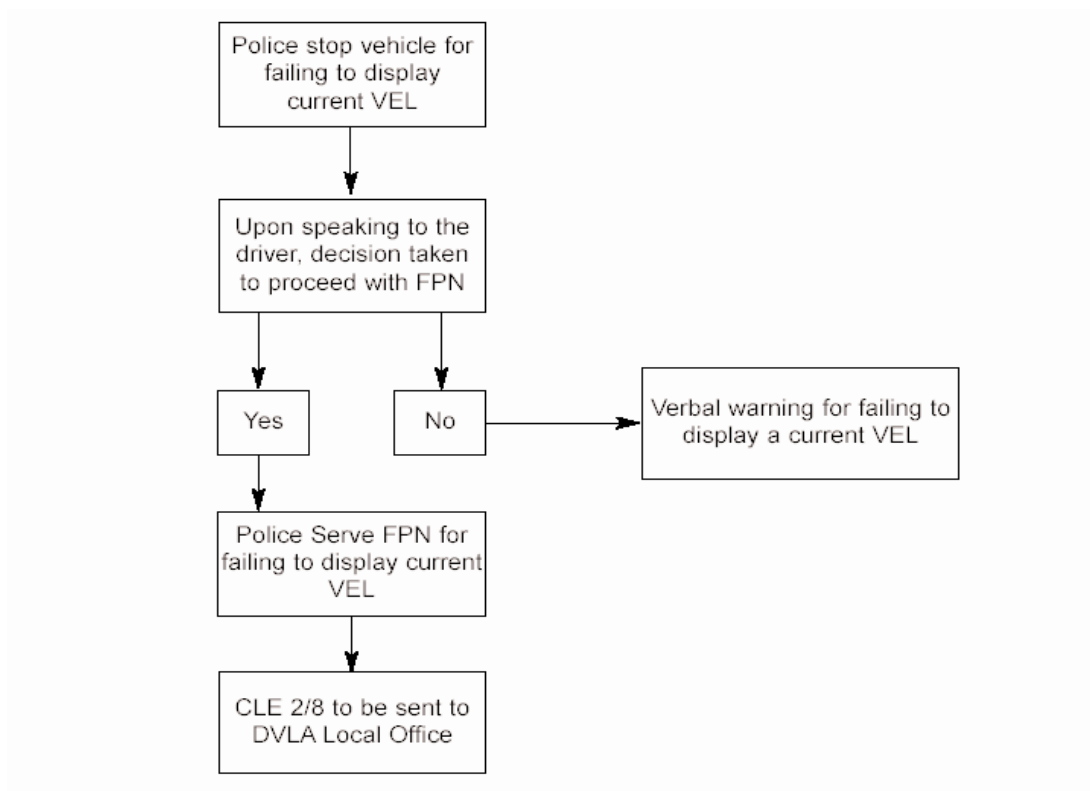
INSTRUCTIONS BY LORD ADVOCATE TO CHIEF CONSTABLES ON THE OPERATION OF POLICE CONDITIONAL OFFERS OF FIXED PENALTY IN SCOTLAND

- 1.1 This guidance is issued individually to each Chief Constable in Scotland and officers should locate their own force copies of the document.

PART 2

DVLA/POLICE PROTOCOL

- 1.1 Some forces will have access to an integral non-endorsable FPN booklet that incorporates a CLE2/8 form. To ensure legibility it needs to be stressed that officers should not use any pen other than a ballpoint. Other forces will have a separate stand alone CLE2/8 booklet.
- 1.2 The procedure to be followed after the issue of a non-endorsable FPN for an offence of failing to display a current Vehicle Excise Licence (VEL) must accord with the agreed protocol between DVLA and the police.
- 1.3 This provides that:-
 - (a) Disclosure of offence at the roadside is to be followed by the completion of the FPN incorporating the carbonised CLE2/8 or of a stand-alone CLE2/8 booklet.
 - (b) Completed CLE2/8 forms are to be sent on a daily basis to the recognised central point in force; from there these forms need to be forwarded to the nearest DVLA local vehicle registration office.
- 1.4 As with all FPN offences the importance of an issuing officer exercising discretion cannot be overstated.



PART 3

ACPO CTO BACK-OFFICE PROCESSING ROUTINES

Introduction

1.1 The Fixed Penalty Process

The Fixed Penalty Procedure was established to provide a highly cost effective way of dealing with less serious offences without the need for the offender or the officer to attend court.

The criminal fixed penalty enforcement process for traffic offences involves sequences of actions laid down in Part III of the Road Traffic Offenders Act 1988. Further measures were added by the Road Traffic Act of 1991 to cover, in particular, the use of fixed penalties for offences detected by automatic cameras.

Processing and enforcement responsibilities are split between police processing units and magistrates' courts' penalty payment offices. Local magistrates' courts also provide a back up service to deal with hearing requests and prosecutions arising from the fixed penalty process and to enforce fines that are registered against fixed penalty defaulters.

44 Police Forces and magistrates' courts across the UK, including two Scottish Forces and the Police Service of Northern Ireland (PSNI) are using a national computerised system for the administration of Fixed Penalties.

The current national fixed penalty administration system, VP/FPO, has been in use since its development in 1996 and was one of the earliest NSPIS (National Strategy for Police Information Systems) applications. The system was contracted jointly by the Home Office and the Department of Constitutional Affairs (DCA) formerly known as the Lord Chancellor's Department.

System procurement issues are jointly managed by Home Office and DCA, however system change control and impact issues are managed by PITO (Police Information Technology Organisation), a non-departmental body established in 1998 and appointed by the Home Secretary to provide the police service with ICT equipment and systems and to progress the need to provide a 'joined up' Criminal Justice System.

1.2 Safety Camera Partnerships (SCPs)

It is recognised nationally that the structure of the CTO may not reflect the location of the SCP. Although many CTO's provide the complete back office process, as many again have separate SCP departments where related back office processes are operated in isolation – however the legislative and guidance requirements remain the same.

1.3 Police National Legal Database (PNLD)

The PNLD was established to provide users with a computerised database of up-to-date legal information. All 43 Forces in England and Wales subscribe to the system. PNLD is based at West Yorkshire Police, who provide the system and related support coupled with ACPO managerial control.

Providing the most central comprehensive database of fixed penalty law, offence wording, coding and case law available, PNLD is invaluable to fixed penalty business.

All fixed penalty related coding, in particular the CJS code will be generated by PNLD and it is vital for CTO to have access to this information.

TO ENSURE A CONSISTENT APPROACH, PNLD WILL GENERATE, MANAGE AND REPORT ALL FIXED PENALTY RELATED CODING. AS A RESULT, THE ATTACHED CODING SCHEDULE AT ANNEX A SHOULD BE USED AS A GUIDE ONLY WITH THE PROVISIO THAT IT IS SUBJECT TO CHANGE. PLEASE REFER TO PNLD FOR UPDATES PRIOR TO UPDATE OF SYSTEMS.

It is envisaged PNLD will also provide a 'portal' to all areas of fixed penalty business to further provide a centralised point of contact.

2. Fixed Penalty Notice Types

Forces currently process a range of fixed penalty notices and these are described briefly below. Outline processing paths for each type of notice are shown on process maps attached at Annex C.

2.1 Non Endorsable Fixed Penalty – Parking/Driver Not Seen

This is the standard parking notice. A fixed penalty notice is affixed to a vehicle involved in an alleged offence. The fixed penalty notice gives the driver 28 days in which to pay the fixed penalty or to request a court hearing. If no penalty payment or hearing request is received within 28 days a Notice to Owner (NTO) is sent to the registered owner/keeper of the vehicle involved in the offence. The notice places liability for the offence on the owner/keeper of the vehicle, who must then pay the fixed penalty or request a court hearing within a further period of 28 days.

The notice recipient may also discharge their liability at this point by stating they were not the owner of the vehicle at the time or that the vehicle was on hire or being driven by another person; alternatively they can send in a request for a court hearing from a person who was using the vehicle at the time of the offence. This request must be signed by the driver of the vehicle.

If no satisfactory response to a Notice to Owner is received within the specified period, a fine registration is issued against the recipient of the notice. The fine will be registered at the offender's local magistrates' court and the court will be responsible for collecting the fine. The fine registration amount is calculated as the fixed penalty amount + 50%.

Court hearing requests should proceed to summons on expiry of the statutory enforcement period.

2.2 Non Endorsable Fixed Penalty – Driver Seen

This fixed penalty notice is issued to drivers seen at the time of an alleged offence. The fixed penalty gives the named driver 28 days in which to pay the fixed penalty or to request a court hearing. If no payment or hearing request is received within the specified period a fine is registered automatically against the driver. The fine will be registered at the offenders local magistrates' court and the fine amount is calculated as the fixed penalty amount + 50%.

Court hearing requests should proceed to summons on expiry of the statutory enforcement period.

Any subsequent offences disclosed from associated HO/RT/1 productions may be processed by way of summons or alternatively the driver may be offered a postal conditional offer of fixed penalty (OSCO – Offender Seen Conditional Offer).

Note: When issuing for the offence of Failing to Display Vehicle Excise Licence, the related CLE2/8 should be forwarded by the CTO to the LVLO (Local Vehicle Licensing Office) on receipt of the notice from the issuing officer.

2.3 Endorsable Fixed Penalty

This fixed penalty is issued to drivers involved in more serious traffic offences. A fixed penalty notice is issued to the driver at the scene of an alleged driving offence.

A 'full' fixed penalty notice can be issued in cases where the driver is able to surrender a driving licence at the scene. A licence 'receipt' is recorded on the fixed penalty which may then be used by the driver for any subsequent police checks until his/her licence is returned.

If the driver is unable to surrender a licence at the scene a 'provisional' fixed penalty notice can be issued to the driver. The provisional notice is processed by the CTO but will only become a full/substantiated notice on receipt of the driver's licence within the required period.

Failure to submit a valid licence within the specified period will result in a summons being issued against the driver.

The recipient of a full fixed penalty notice has 28 days to pay the fixed penalty or elect a court hearing from the date of issue of the notice. The recipient of a provisional fixed penalty notice has 28 days to pay the fixed penalty or elect a court hearing from the date of production of a licence.

If the fixed penalty is paid, the licence is endorsed and returned to the driver. If a court hearing is requested, the licence is returned to the driver UNENDORSED.

If no payment or court hearing is received within the specified period a fine is registered against the driver at the driver's local court.

Court hearing requests will be processed by way of summons at the expiry of the SEP.

Any subsequent offences disclosed from associated HORT/1 productions may be processed by way of summons or alternatively the driver may be offered a postal conditional offer of fixed penalty (OSCO – Offender Seen Conditional Offer).

2.4 Conditional Offer of Fixed Penalty

The Road Traffic Act 1991 introduced the use of a conditional offer of fixed penalty. To date conditional offers have been made only in respect of offences detected by automatic safety cameras.

THIS FUNCTION IS NOW EXTENDED TO THE FULL RANGE OF FIXED PENALTIES.

Where the driver is not stopped at the time of the offence it will be necessary to forward a Notice of Intended Prosecution/Section 172 notice to the registered keeper of the vehicle.

2.5 Offender Seen Conditional Offer (OSCO)

The offender seen conditional offer differs from the standard conditional offer in that the driver was issued with documents initially by a Police Officer.

There are two distinct processes where an OSCO may be used and the following examples will describe this:

- (a) A fixed penalty notice may be issued at the stop/scene for another fixed penalty offence and the driver is required within that notice to produce other documents at a desired station of production within 7 days.

At the station of production document offences are disclosed. This information is noted on the HO/RT2 and forwarded to the CTO.

On receipt of the HO/RT2, the CTO would be in a position to send a Conditional Offer of Fixed Penalty for the offences of no Insurance and/or no MOT (see IMPORTANT NOTE below).

- (b) A HO/RT1 notice may be issued at the ANPR stop/scene requiring the driver to produce documents at a desired station of production within 7 days.

The HO/RT may be processed in the usual way by the Force HO/RT clerk or returned to the CTO for processing. As a result, the following may occur:

3. HO/RT Processing

3.1 HO/RT Processed by CTO

The officer copy of the HO/RT will be input to the CTO system and all related HO/RT enquiries carried out.

When the HO/RT2 is received and further offences are disclosed, the CTO may either process the file for summons OR send the offender a conditional offer of fixed penalty for No Insurance and/or No MOT (*see HO/RT response Conditional Offer Procedure below) – (see also IMPORTANT NOTE below).

3.2 HO/RT Processed by HO/RT Clerk

The officer copy of the HO/RT will be forwarded to the Force HO/RT clerk and all related HO/RT enquiries carried out. When the HO/RT2 is received by the Force HO/RT clerk and offences are disclosed, the file is returned to the issuing officer who may then decide to either summons or return to the CTO for the production of an 'ad hoc' Conditional Offer of fixed penalty for no Insurance and/or No MOT (*see below).

(*The fixed penalty related HO/RT conditional offer and the 'ad hoc' conditional offer procedures indicated in the above text are new functionality available on the national VP/FPO fixed penalty back office system – forces who do not have this system available should have other functionality available to them to produce conditional offers under these conditions).

3. Multiple Offence Rule

IMPORTANT NOTE –

From any one encounter, a **MAXIMUM** of **THREE** notices may be issued to a driver (including conditional offers) and should include a maximum of **ONE** endorsable offence (see offence combination table below).

Offence Combination Table:

The top horizontal row of the table shows the number of non-endorseable fixed penalty offences and the first vertical row of the table shows the endorsable fixed penalty offences

	0	1	2	3	4+
0	-	FP/CO	FP/CO	FP/CO	Summons
1	FP/CO	FP/CO	FP/CO	Summons	Summons
2+	Summons	Summons	Summons	Summons	Summons

Where multiple offences come to light through the HO/RT production process, in particular where there is an offence of No Driver's Licence, it may NOT be appropriate to issue Conditional Offers of fixed penalty for the other offences disclosed. There should be consideration whether the file should proceed to summons for all offences.

CPO/CTO BACK OFFICE PROCEDURES FOR SCOTLAND

1. Introduction

The central processing office/central ticket offices are responsible for all administration of Conditional Offers of fixed penalty and Fixed Penalty Parking Tickets and in most forces Safety Camera Partnerships.

2. Conditional offer of fixed penalty

The Conditional Offer scheme was introduced in Scotland in April 1993 as an alternative to prosecution, in the first instance.

This process is in accordance with Section 75 and 76 of the Road Traffic Offenders Act 1988 and subsequent Lord Advocate's guidelines relating to defined procedures.

It should be recognised that throughout all Scottish forces the CTO/CPO back office administrative "tasks" may differ, owing to various different software packages used **and whether the Safety Camera Partnership (if in existence) is housed within this back office.**

3. Types of ticket

The Conditional Offer scheme will use 3 types of notice.

- | | | | |
|-----|----------------|---|----------------------------|
| i) | Endorsable |) | |
| ii) | Non-Endorsable |) | Each will comprise 3 parts |
| | | | Part 1 – Police copy |
| | | | Part 2 – Offenders copy |
| | | | Part 3 – Clerks copy |

ANPR offences are incorporated within these booklets in most cases.

- iii) Camera detected Conditional Offers. This comprises a one or two page document dependant on force requirements.

Endorsable and Non-Endorsable offers of Fixed Penalty are supplied in a booklet form, encased in a card cover. Each booklet (currently) contains 10 notices. The notice type, the applicable offences and codes and other information necessary for completion is printed on the front cover of the booklet.

All parts of this notice will be of NCR paper thus obviating the need to use carbon paper.

4. Administration process for endorsable and non-endorsable fixed penalty tickets

When a Conditional Offer is made and Part 2 of the offer is given to the alleged offender, Parts 1 and 3 should be submitted to a supervising officer for signature and forwarded to the CPO/CTO for processing.

The CPO/CTO assesses the Conditional Offer notice for validity in accordance with Section 75 (6) and (7) of the RTOA 1998.

Relevant information is taken from the offer and entered onto a central database (forces vary).

This information is then transferred to the relevant District Court Authority (methods vary), will then act as a collection agent only.

In accordance with Section 76 (6) (7) of the RTOA 1988 the Clerk of Court must notify the appropriate "Chief Constable" of a "result" of the Conditional Offer of a fixed penalty.

- 1.Paid
- 2.Unpaid
- 3.Ineligible

Each force's central database is updated and actioned accordingly.

- 1.Paid – end of process
- 2.Unpaid – Police report is now required
- 3.Ineligible – (due to totting up procedures etc.) Police report is now required.

Each force's central database must in some way produce a "listing" or "intimation" of all offences which now require a Standard Police Report.

A crime reference number is raised (forces vary) and, along with the Request for a Report, is sent to the Issuing Officer (in some forces via there Case Management system) for his/her attention and action.

A Standard Police Report is forwarded (normally electronically) to the appropriate Procurator Fiscal for his consideration of Prosecution.

ACPOS Operational Guidance in Part 1 refers.

ACPOS Procedural flowcharts to support this process can be found at Annex F.

5. Camera detected conditional offers of fixed penalty

5.1 ADMINISTRATION PROCESS

Once the driver/offender has been confirmed (usually by using Eros/Eric software) a Conditional Offer of fixed penalty is produced again in accordance with Section 75 and 76 of the RTOA 1988 and **SENT** to the alleged offender by **POST**.

Relevant data/information is taken from the Conditional Offer and transferred/input on to each forces central database.

This information is then transferred to the relevant District Court Authority (methods vary), will then act as a collection agent only.

In accordance with Section 76 (6) (7) of the RTOA 1988 the Clerk of Court must notify the appropriate "Chief Constable" of a "result" of the Conditional Offer of a fixed penalty.

- 1.Paid
- 2.Unpaid
- 3.Ineligible

Each force's central database is updated and actioned accordingly.

- 1.Paid – end of process
- 2.Unpaid – Police report is now required
- 3.Ineligible – (due to totting up procedures etc.) Police report is now required.

Each force's central database must in some way produce a "listing" of all offences which now require a Standard Police Report

A crime reference number is raised (Forces vary) along with the Request for a Report and is sent to the Safety Camera Partnership (in some forces via the Case Management system) for their attention and action.

A Standard Police Report should be forwarded (normally electronically) to the appropriate Procurator Fiscal for his consideration of prosecution.

ACPOS Procedural flowcharts to support this process can be found at Annex F.

6. Further procedures

PAYMENTS

If a District Court Authority has informed the CPO/CTO of a payment received and has subsequently been notified by a banking agent that the cheque has been dishonoured, the Clerk of Court is further required to notify the "Chief Constable" (CPO/CTO) of the new result.

The status of this offer should be amended and the Conditional Offer of fixed penalty be progressed to a Standard Police Report by normal process.

The responsibility lies with the CPO/CTO to ensure all (results) of Conditional Offers are timeously received.

7. Correspondence

If correspondence is received at the CPO/CTO in relation to a complaint or in plea of mitigation, cognisance **MUST** be taken of the rear of Part 2 of the offer (offenders copy) which states "NO DISCUSSION REVIEW OR CORRESPONDENCE IN RELATION TO THE FACTS OF THE CASE OR ANY OTHER ASSOCIATED MATTER CAN TAKE PLACE".

By entering into correspondence, the terms and conditions of the offer have been compromised thus interrupting the process.

The complainant must be responded to outlining the matter as "sub-judice".

Copies of **sample** correspondence are attached in Annex H.

Forces should be mindful of the Freedom of Information Act 2000 when replying to correspondence.

9. Safety camera partnership

The CPO/CTO is generally responsible for the maintenance of the payment record for each Conditional offer issued.

Camera detected Conditional Offer statistics are subsequently provided to the SCP Project Manager on an agreed timescale to assist the cost recovery process.

10. Statistics

The CPO/CTO should provide categorised statistics to the respective Force Information Resources as required.

11. Withdrawal of conditional offers of fixed penalty

If an offer is found to be invalid (in accordance with Section 75(6)(7), the CPO/CTO must notify:-

1. Alleged Offender
2. The appropriate District Authority
3. The Issuing Officer

A copy of sample correspondence can be found at Annex H.

PART 4

SHERIFF/MAGISTRATES' COURTS PROCESSING ROUTINES

1. Magistrates' courts' back office processing routines for vehicle fixed penalty notices

The magistrates' courts' back office deals with all payments and endorsements in connection with Fixed Penalty Notices. They are part of the Safety Camera Partnership, and have an informal agreement with the Police in respect of ANPR.

Most magistrates' courts are using the VP/FPO computer system and have a direct link with the CTO. The FPO and CTO are required to have a good working relationship and be able to liaise on working practices.

The Scottish issued tickets will be dealt with as per the Conditional Offers. Payments for tickets issued in Scotland should be sent to the relevant District Court.

2. Fixed penalty procedures – processing steps for:

2.1 NON-ENDORSABLE Fixed Penalty Notice

When a full FPN has been issued, or a provisional FPN has been substantiated eg a notice to owner issued by the Police Officer/CTO, normal processing procedures will apply. The offender will be given 28 days either to pay the penalty to the FPO or to request the CTO that a court hearing be arranged. Failure to do so will result in the automatic initiation of a Fine Registration Certificate (FRC). The penalty will be increased by 50% on registration as a fine at the offender's local court.

Payments may only be processed when they are submitted within the defined time limits. Valid payments will be input via the relevant payment functionality eg postal, counter or batch payments.

All relating accounting procedures (eg postal opening processes, return of invalid payments and dishonoured cheques etc) should be undertaken in the usual way in accordance with the Magistrates' Accounting Manual.

If payment has been received and the ticket is either cancelled or gone for court process, an authority (eg letter) must be issued by the CTO to request the FPO to refund the payment to the offender.

Any incorrect documentation received at the FPO (eg insurance/MOT certificates) must be logged as received at post opening and returned to the sender by post as soon as practicable.

Tickets as per Annex B issued by ANPR officers will be subject to a netting-off scheme.

Statistics for ANPR figures on the AC10 form, to be completed at the end of each month, can be obtained by running the Notice Type Payments Report from the VP/FPO computer system.

2.2 ENDORSABLE Fixed Penalty Notice

When a full FPN has been issued, or a provisional FPN has been substantiated by the Police Officer/CTO, normal processing procedures will apply. The offender will be given 28 days either to pay the penalty to the FPO or to request the CTO that a court hearing be arranged. Failure to do so will result in the automatic initiation of a FRC. The penalty will be increased by 50% on registration as a fine at the offender's local court.

Payments may only be processed when they are submitted within the defined time limits. Valid payments will be input via the relevant payment functionality eg postal, counter or batch payments.

All relating accounting procedures (eg post opening processed, return of invalid payments and dishonoured cheques etc) should be undertaken in the usual way in accordance with the Magistrates' Accounting Manual or Scottish equivalent.

Driving licences will be received separately via the Police/CTO. On receipt these will be endorsed in the usual way using the existing computer functionality once payment has been received, or the fine registration notice has been acknowledged.

When a provisional FPN is issued pending the production of further documents (in addition to the driving licence and insurance certificate) and the offender fails to provide the additional documentation (eg MOT certificate) the Police Station should submit a HORT 2 together with the driving licence to the CTO.

The FPN would then be cancelled and sent to the appropriate prosecution unit/office for prosecution to be considered.

If payment and/or driving licence has been received, an authority (eg letter) must be issued by the CTO to request the FPO to refund the payment and/or to return the driving licence to the offender. The matter will then go for prosecution.

Any incorrect documentation received at the FPO (eg insurance/MOT certificates) must be logged as received at post opening and returned to the sender by post as soon as practicable.

Statistics for ANPR figures on the AC10 form, to be completed at the end of each month, can be obtained by running the Notice Type Payments Report.

2.3 CONDITIONAL OFFERS

When a Conditional Offer has been issued by the CTO, normal processing procedures will apply. The offender will be given 28 days either to comply with the offer or to request the CTO that a court hearing be arranged. Failure to comply will result in the matter going for court process.

Payment and driving licence (photo card and counterpart) must be received together in order for it to be processed. These must be received within the defined time limits. Valid payment and driving licence will be input via the relevant payment functionality eg postal, counter or batch payments.

All relating accounting procedures (eg post opening processes, return of invalid payments and dishonoured cheques etc) should be undertaken in the usual way in accordance with the Magistrates' Accounting Manual or Scottish equivalent.

If payment and/or driving licence has been received and the ticket is either cancelled or gone for court process. An authority (eg letter) must be issued by the CTO to request the FPO to refund the payment and return the driving licence to the offender.

Any incorrect documentation received at the FPO (eg insurance/MOT certificates) must be logged as received at post opening and returned to the sender by post as soon as practicable.

Statistics for Safety Camera Partnership figures on the AC10 form, to be completed at the end of each month, can be obtained by running the Notice Type Payments Report.

2.4 OFFENDER SEEN CONDITIONAL OFFER – ENDORSABLE OFFENCE

When a Conditional Offer has been issued by the CTO, normal processing procedures will apply. The offender will be given 28 days either to comply with the offer or to request the CTO that a court hearing be arranged. Failure to comply will result in the matter going for court process.

Payment and driving licence (photo card and counterpart) must be received together in order for it to be processed. These must be received within the defined time limits. Valid payment and driving licence will be input via the relevant payment functionality eg postal, counter or batch payments.

All relating accounting procedures (eg postal opening processes, return of invalid payments and dishonoured cheques etc) should be undertaken in the usual way in accordance with Magistrates' Accounting Manual or Scottish equivalent.

If payment and/or driving licence has been received and the ticket is either cancelled or gone for court process. An authority (eg letter) must be issued by the CTO to request the FPO to refund the payment and return the driving licence to the offender.

Any incorrect documentation received at the FPO (eg insurance/MOT certificates) must be logged as received at post opening and returned to the sender by post as soon as practicable.

Statistics for ANPR figures on the AC10 form, to be completed at the end of each month, can be obtained by running the Notice Type Payments Report.

2.5 OFFENDER SEEN CONDITIONAL OFFER – NON-ENDORSABLE

When a Conditional Offer has been issued by the CTO, normal processing procedures will apply. The offender will be given 28 days either to comply with the offer or to request the CTO that a court hearing be arranged. Failure to comply will result in the matter going for court process.

Payment may only be processed when they are submitted within the defined time limits. Valid payments will be input via the relevant payments functionality eg postal, counter or batch payments.

All relating accounting procedures (eg post opening processes, return of invalid payments and dishonoured cheques etc) should be undertaken in the usual way in accordance with Magistrates' Accounting Manual or Scottish equivalent

If payment has been received and the ticket is either cancelled or gone for court process. An authority (eg letter) must be issued by the CTO to request the FPO to refund the payment to the offender.

Any incorrect documentation received at the FPO (eg insurance/test certificates) must be logged as received at post opening and returned to the sender by post as soon as practicable.

Statistics for ANPR figures on the AC10 form, to be completed at the end of each month, can be obtained by running the Notice Type Payments Report.

3. Processing steps for court/administration office procedures

All cases received from police prosecution units/offices will be listed for court and processed in the usual way in the following circumstances:

Where relevant documents are not produced

And/or non fixed penalty offences are discovered

PART 5

ANNEXES

ACPO (ENGLAND, WALES & NORTHERN IRELAND)

- ANNEX A - LIST OF FIXED PENALTY OFFENCES/CODING
- ANNEX B - ANPR/NETTING OFF FIXED PENALTY OFFENCES
- ANNEX C - PROCEDURAL FLOWCHARTS
- ANNEX D - FREQUENTLY ASKED QUESTIONS

ACPOS (SCOTLAND)

- ANNEX E - LIST OF FIXED PENALTY OFFENCES/CODING
- ANNEX F - PROCEDURAL FLOWCHARTS
- ANNEX G - ANPR/NETTING OFF FIXED PENALTY OFFENCES
- ANNEX H - SAMPLE CORRESPONDENCE
- ANNEX I - FREQUENTLY ASKED QUESTIONS

ANNEX A (ACPO)

LIST OF FIXED PENALTY OFFENCES/CODING

ENDORSABLE OFFENCES

Home Office Offence Group 7 Driving Licence-Related Offences

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RT88334	LC20	S87(1)RTA 88	Drive other than in accordance with licence	H31	3

Home Office Offence Group 15 Vehicle or Part in Dangerous or Defective Condition

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RC86251	CU10	S41A RTA 88 Sch RTOA 88 R16 & R18(1) RV (Con & Use) Regs 86	Using Vehicle with Defective Brakes	H147	3
RC86035	CU40	S41A RTA 88 Sch RTOA 88 R29 RV (Con & Use) Regs 86	Using Vehicle with Defective Steering	H144	3
RC86333	CU30	S41A RTA 88 Sch RTOA 88 R27(1)(g) RV (Con & Use) Regs 86	Tyre – Insufficient Tread	H154	3
RC86401	CU30	S41A RTA 88 Sch RTOA 88 R27(1)(c) RV (Con & Use) Regs 86	Tyre – Cut in fabric	H6502	3
RC86402	CU30	S41A RTA 88 Sch RTOA 88 R27(1)(d) RV (Con & Use) Regs 86	Tyre – Lump, bulge or tear	H6503	
RC86400	CU30	S41A RTA 88 Sch RTOA 88 R27(1)(b) RV (Con & Use) Regs 86	Tyre - over/under inflated	H6501	3
RC86381	CU30	S41A RTA 88 Sch RTOA 88 R27(1)(e) RV (Con & Use) Reg 86	Tyre – Ply or cord exposed	H6504	3

Home Office Offence Group 15 cont'd
Vehicle or Part in Dangerous or Defective Condition

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RC86024	CU30	S41A RTA 88 Sch RTOA 88 R26 RV (Con & Use)Reg86	Tyre – Different structure in same axle	H142	3
RC86026	CU30	S41A RTA 88 Sch 2 RTOA 88 R25 RV (Con & Use)Reg 86	Tyre – Different types in different axles	H156	3
RC86995	CU30	S41A RTA 88 Sch 2 RTOA 88 R25 RV (Con & Use)Reg 86	Tyres insufficient to support axle weight	H6508	3
RT88457	CU20	S40A(a)RTA 88	Danger of injury due to condition of vehicle, trailer, accessories/ equipment	H3101	3
RT88253	CU20	S40A(b)RTA 88	Danger of injury due to purpose for which vehicle is used	H3100	3

MANUALLY DETECTED OFFENCES/MANNED EQUIPMENT

Home Office Offence Group 16 Speed Limit Offences

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RR84061	SP30	S81(1)RTRA 84 Sch 2 RTOA 88	Excess Speed – 30mph Restricted Road	H81	3
RR84210	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 20mph	H6505	3
RR84213	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 30mph	H6513	3
RR84211	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 40mph	H6506	3
RR84212	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 50mph	H6507	3
RR84214	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 60mph	H6512	3
RR84217	P30	S16 RTRA 84	Exceed Temporary 30mph Speed Restriction – Roadworks	H6516	3
RR84218	SP30	S16 RTRA 84	Exceed Temporary 40mph Speed Restriction – Roadworks	H6517	3
RR84219	SP30	S16 RTRA 84	Exceed Temporary 50mph Speed Restriction – Roadworks	H6518	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 16 cont'd Speed Limit Offences

MANUALLY DETECTED OFFENCES/MANNED EQUIPMENT

CJS Code	DVLA Code	Statute	Brief Wording	PnLD NO	Penalty Points
SV77011	SP30	Art 2(c) of 70,60,50 (Temp Speed Limit) Order 1977, S89 (1) RTRA 84 Sch 2 RTOA 88	Exceed 70mph dual carriageway	H830	3
SV77015	SP30	Art 3(b) of 70,60,50 (Temp Speed Limit) Order 1977, S89(1) RTRA 84 Sch 2 RTOA 88	Exceed 60mph single carriageway	H83	3
RR84065	SP10	S86(1) & 89(1) RTRA 84 & Sch 2 RTOA 88	Exceed Speed – (Class of Vehicle) – Good Vehicle	H6509	3
RR84207	SP40	S86(1) & 89(1) RTRA 84 & Sch 2 RTOA 88	Exceed Speed – (Class of Vehicle) – Passenger Vehicle	H5145	3
RR84019	SP50	Reg 3 Motorways Traffic (speed limit) Regs 1974 S17(4) RTRA 1984 & Sch2 RTOA 88	Exceed 70mph Motorway Speed Limit	H401	3
RR84215	SP50	Specific Article or Order, S16(1) RTRA 1984 & Sch2 RTOA 88	Exceed Temporary Limit of 40mph – Motorway (including road works)	H6514	3
RR84216	SP50	Specific Article or Order, S16(1) RTRA 1984 & Sch2 RTOA 88	Exceed Temporary Limit of 50mph – Motorway (including road works)	H6515	3
RR84132	SP50	Specific Article or Order, S16(1) RTRA 1984 & Sch2 RTOA 88	Exceed Temporary Limit of 60mph – Motorway (including road works)	H4690	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 16 cont'd Speed Limit Offences

AUTOMATIC CAMERA/SPEED DETECTION DEVICES

(ACD = Automatic Camera Device)

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RR84060	SP30	S81(1)RTRA 84 Sch 2 RTOA 88	Excess Speed – 30mph Restricted Road - ACD	H3061	3
RR84220	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 20mph – ACD	H6519	3
RR84221	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 30mph – ACD	H6520	3
RR84222	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 40mph - ACD	H6521	3
RR84223	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 50mph – ACD	H6522	3
RR84224	SP30	S84 RTRA 84 Sch 2 RTOA 88 & Local Order	Excess Speed – 60mph – ACD	H6523	3
SV77010	SP30	Art 2(c)of 70,60,50 (Temp Speed Limit) Order 1977,S89 (1) RTRA 84 Sch 2 RTOA 88	Exceed 70mph dual carriageway - ACD	H874	3
SV77008	SP30	Art 3(b) of 70,60,50 (Temp Speed Limit) Order 1977, S89(1) RTRA 84 Sch 2 RTOA 88	Exceed 60mph single carriageway -ACD	H6524	3
RR84018	SP50	Reg 3 Motorways Traffic (speed limit) Regs 1974, S17(4) RTRA 1984 & Sch2 RTOA 88	Exceed 70mph Motorway Speed Limit - ACD	H877	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 16 cont'd Speed Limit Offences

AUTOMATIC CAMERA/SPEED DETECTION DEVICES

(ACD = Automatic Camera Device)

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RR84225	SP50	Specific article or order, S16(1) RTRA 84 & Sch2 RTOA 88	Exceed temporary limit of 40mph – Motorway (including roadworks)	H6525	3
RR84226	SP50	Specific article or order, S16(1) RTRA 84 & Sch2 RTOA 88	Exceed temporary limit of 50mph – Motorway (including roadworks)	H6526	3
RR84133	SP50	Spec article/order S16(1)RTRA 84 & Sch2 RTOA 88	Exceed temporary limit of 60mph – Motorway (including roadworks)	H4691	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 17 Motorway Offences (Other than Speeding)

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RR84012	MW10	S17(4) RTRA 84 NR & SWA 91 Sch 8 & 9 Motorway Traffic (England & Wales) Regs 82	Motorway – Excluded motor vehicle traffic using motorway	H400	3
ME82006	MW10	Motorway Traffic (England & Wales) Regs 82	Stopping motor vehicle on motorway carriageway	H387	3
ME82007	MW10	Motorway Traffic (England & Wales) Regs 82	Reversing on a Motorway	H391	3
ME82003	MW10	Motorway Traffic (England & Wales) Regs 82	Drive on central reservation/verge of a motorway	H3381	3
ME82009	MW10	Motorway Traffic (England & Wales) Regs 82	Driving on the hard shoulder of a motorway	H3379	3
ME82017	MW10	Motorway Traffic (England & Wales) Regs 82	Prohibited traffic in offside lane	H395	3
ME82012	MW10	Motorway Traffic (England & Wales) Regs 82	Provisional licence holder/drive on motorway	H394	3
ME82001	MW10	Motorway Traffic (England & Wales) Regs 82	Driving in wrong direction on motorway	H384	3
ME82021	MW10	Motorway Traffic (England & Wales) Regs 82	Restrictions on animals carried in vehicle on motorway	H3378	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 18 Neglect of Traffic Directions

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
TSO2005	TS10	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Motor vehicle contravening red traffic light. Including: level crossings, swing or lifting bridges, tunnels, airfields or in the vicinity of premises used by Fire, Police and Ambulance Services	H5155	3
TSO2007	TS30	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Contravening STOP sign	H5157	3
TSO2018	TS50	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Contravening automatic level crossing – drivers of large vehicles to phone	H6580	3
TSO2006	TS20	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Contravening double white line system	H5156	3
TSO2019	TS50	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Contravene No entry sign	H6581	3
RT88076	TS40	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Failing to comply with direction of constable/warden on traffic duty	H3017	3

AUTOMATIC CAMERA DEVICE

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
TSO2010	TS10	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Motor vehicle contravening red traffic light. Including: level crossings, swing or lifting bridges, tunnels, airfields or in the vicinity of premises used by Fire, Police and Ambulance Services - ACD	H5160	3
TSO2020	TS50	36(1) RTA 88, reg 10 TS Regs 02 & Sch 2 RTOA 88	Contravene No entry sign	H6582	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 19 Neglect of Pedestrian Rights

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RR84081	MS30	S29(3) RTRA 84 NRSWA 91 Sch 8	Using vehicle in designated play street	H5385	3 2
RR84134	MS30	S30 RTRA 84 NRSWA 91 Sch 8	Using vehicle in designated London play street	H5386	3
ZP97001	PC30	S25(5) RTRA 84 ZPPPCR 97	Stopping within limits of zebra/pelican/puffin	H4470	3
ZP97003	PC30	S25(5) RTRA 84 ZPPPCR 97	Stopping in zebra/pelican or puffin controlled area	H4472	3
ZP97004	PC20	S25(5) RTRA 84 ZPPPCR 97	Contravene red traffic light – pelican/puffin crossing	H4473	3
ZP97007	PC20	S25(5) RTRA 84 ZPPPCR 97	Fail to accord precedence – pelican/puffin crossing	H4476	3
ZP97006	PC20	S25(5) RTRA 84 ZPPPCR 97	Fail to accord precedence – zebra crossing	H4475	3
ZP97005	PC20	S25(5) RTRA 84 ZPPPCR 97	Overtake stationary/moving vehicle on approach to zebra/pelican/puffin crossing	H4474	3

ENDORSABLE OFFENCES (CONTINUED)

Home Office Offence Group 20 Obstruction, waiting and parking offences

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RT88171	MS10	S22 RTA 88	Cause veh / trailer to be left so as to involve danger to road users	H215	3

Home Office Offence Group 23 Load Offences

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
New Code RT88504	CU50	S40A (c)(d) RTA 88 as amended by Sch 8 RTA 91	Danger of injury due to number of passengers or manner in which they are carried	H6569	3
New Code RT88503	CU50	S40A (c)(d) RTA 99 as amended by Sch 8 RTA 91	Danger due to weight, position, distribution, manner load carried / secured	H6575	3

Home Office Offence Group 24 Offences Peculiar to Motorcycles

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RT88040	MS20	S23(2) RTA 88	Carrying more than one passenger on motorcycle	H3382	1
RT88039	MS20	S23(2) RTA 88	Motorcycle passenger not sitting astride	H3008	1

Home Office Offence Group 9

CJS Code	DVLA Code	Statute	Brief Wording	PNLD NO	Penalty Points
RT88191	IN10	S143(2)RTA88	No Insurance	H33`	6

NON ENDORSABLE OFFENCES

Home Office Offence Group 4 Offences Involving Negligent Use of a Motor Vehicle

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86137	NE98	R104RV (Con & Use) Regs 86 S42 RTA 88	H233	Driver not in proper control of vehicle
RC86138	NE98	R104RV (Con & Use) Regs 86 S42 RTA 88	H204	Driver not in a position to have full view ahead
RC86139	NE98	R105RV (Con & Use) Regs 86 S42 RTA 88	H3052	Opening door so as to cause injury/danger
RC86140	NE98	R106RV (Con & Use) Regs 86 S42 RTA 88	H216	Reversing unreasonable distance
RC86011	NE98	R107RV (Con & Use) Regs 86 S42 RTA 88	H217	Unattended vehicle – engine running and/or brake not set
RC86143	NE98	R109RV (Con & Use) Regs 86 S42 RTA 88	H3365	Driver able to see television screen fitted in vehicle

Home Office Offence Group 10 Vehicle Registration and Excise Licence Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RV02038	NE98	S33 VERA 94 Reg 6 (4) RV (R&L) Regs 02 S59 VERA 94	H4920	Failing to exhibit excise licence
VE94017	NE98	S43 VERA 94	H778	Keeping/driving without registration mark
VE94046	NE98	S43 VERA 94	H763	Registration mark not easily readable
VE94095	NE98	S59 VERA 94 RV (display of registration marks) Regs 2001	H790	Registration mark not conforming to regulations

NON ENDORSABLE OFFENCES

Home Office Offence Group 13 Vehicle Test Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86238	NE98	S41(b) RTA 88 R70 RV (Con & Use) Regs 86	H833	Use a vehicle with no ministry plate fitted
RC86941	NE98	R73(1) RV (Con & Use) Regs 86	H6511	Ministry test date disc not displayed or legible on trailer
RT88096	NE98	S47(1) RTA 88	H35	No Test Certificate

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 15 Vehicle or Part in Dangerous or Defective Condition

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86107	NE98	R7 RV (Con & Use) Regs 86 S42 RTA 88	H6527	Vehicle, by construction, Exceed Length
RC86283	NE98	R8 RV (Con & Use) Regs 86 S42 RTA 88	H6528	Vehicle, by construction, Exceed Width
New Code RC86304	NE98	R10 & 11 RV (Con & Use) Regs 86 S42 RTA 88	H6571	Vehicle, by construction, Exceed Overhang
RC86025	NE98	R22 RV (Con & Use) Regs 86 S42 RTA 88	H6529	Fail to equip motor vehicle or trailer with sufficient or suitable springs
RC86036	NE98	R30(3) RV (Con & Use) Regs 86 S42 RTA 88	H218	Windows not clear and unobstructed
RC86980	NE98	R31 RV (Con & Use) Regs 86 S42 RTA 88	H1197	Glass not as prescribed
New Code RC86305	NE98	R33 RV (Con & Use) Regs 86 S42 RTA 88	H6572	Mirrors not conforming to requirements
New Code RC86306	NE98	R34 RV (Con & Use) Regs 86 S42 RTA 88	H6573	Windscreen Wipers not conforming to Regs
New Code RC86307	NE98	R34 RV (Con & Use) Regs 86 S42 RTA 88	H6574	Windscreen Washers not conforming to Regs
RC86045	NE98	R35 RV (Con & Use) Regs 86 S42 RTA 88	H181	Use vehicle – no speedometer/ speedometer not fitted
RC86047	NE98	R36 RV (Con & Use) Regs 86 S42 RTA 88	H660	Use vehicle – speedometer not maintained
RC86048	NE98	R37 RV (Con & Use) Regs 86 S42 RTA 88	H175	Use vehicle – no warning instrument/horn fitted
RC86049	NE98	R37 RV (Con & Use) Regs 86 S42 RTA 88	H3064	Use vehicle with unlawful warning instrument/horn fitted

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 15

Vehicle or Part in Dangerous or Defective Condition

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86294	NE98	R38 RV (Con & Use) Regs 86 S42 RTA 88	H6530	Motorcycle – sidestand not conforming to regulation 38
RC86050	NE98	R39 RV (Con & Use) Regs 86 S42 RTA 88	H198	Vehicle fuel tank not secure or leak proof
RC86051	NE98	R47(2) RV (Con & Use) Regs 86 S42 RTA 88	H3271	Use a vehicle with no seat belts fitted
RC86052	NE98	R48 RV (Con & Use) Regs 86 S42 RTA 88	H3272	Seatbelt anchorage points not properly maintained
RC86069	NE98	R61(10a) RV (Con & Use) Regs 86 S42 RTA 88	H174	Vehicle emitting smoke, vapour, gases and/or oily substances
RC86070	NE98	R63 RV (Con & Use) Regs 86 S42 RTA 88	H3363	Use vehicle/trailer no wing/mudguard fitted
RC86124	NE98	R71 RV (Con & Use) Regs 86 S42 RTA 88	H301	Prescribed vehicle, no unladen weight or Gross Vehicle Weight displayed

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 17 Motorway Offences (other than speeding)

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
ME82010	NE98	S17(4) RTRA 84 Motorway Traffic (England & Wales) Regs 82	H390	Stop vehicle on hard shoulder of motorway

Home Office Offence Group 18 Neglect of Traffic Regulations

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RT88195	NE98	S163(3)Regs 2002	H98	Failing to stop for Police Constable or Traffic Warden
TSO2001	NE98	S36 RTA 88 Reg 10 TS&GD Regs 2002	H5151	Use vehicle/fail to conform to traffic sign, including: <i>Give way, directional arrow, roundabout vehicle priority, bus/tram/cycle route, manually operated stop, convoy/escort with no overtaking, stop/roadworks, mobile roadworks direction, give way road markings, bus stop road markings, road hatchings with solid lines, box junction road markings, tramcar light signal, weak bridge</i>
RR84105	NE98	S5(1)RTRA 84 as amended by New Road & Street Works Act 91 Sch 8 & 9	H6531	Contravention of any traffic regulation order outside Greater London
RR84004	NE98	S11 RTRA 84	H5247	Contravening experimental traffic order outside Greater London
RC86069	NE98	R61(10a) RV (Con & Use) Regs 86 S42 RTA 88	H174	Vehicle emitting smoke, vapour, gases and/or oily substances
RC86070	NE98	R63 RV (Con & Use) Regs 86 S42 RTA 88	H3363	Use vehicle/trailer no wing/mudguard fitted

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 18 Neglect of Traffic Regulations

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RR84002	NE98	S13 RTRA 84	H5248	Contravening experimental traffic regulation – London
RR84084	NE98	S18(1) RTRA 84 NRSWA 91 Sch 8	H6532	Vehicle other than motor vehicle contravening one way traffic on a trunk road
RR84087	NE98	S20(5) RTRA 84	H6533	Using a vehicle where prohibited
RR84003	NE98	S8(1) RTRA 84 NRSWA 91 Schs 8 & 9 S65 RTA 91	H6534	Breach of traffic regulation order in Greater London

Home Office Offence Group 19 Neglect of Pedestrian Rights

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RT88469	NE98	S34(1) RTA 88	H363	Driving elsewhere than on roads
HY35001	NE98	S72 HA 1834	H4113	Ride/Drive a vehicle on the footway

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 20 Obstruction, Waiting and Parking Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RR84078	NE98	S.35A(1) RTRA & Local Order	H6535	Contravening free on street parking outside G/London
RR84154	NE98	S.47(1) RTRA & Local Order	H6536	Overstaying after excess charge outside G/London
RR84155	NE98	S.47(1) RTRA & Local Order	H6437	Charge not duly paid outside G/London
RR84156	NE98	S.47(1) RTRA & Local Order	H6538	Incorrectly parked at bay outside G/London
RR84157	NE98	S.47(1) RTRA & Local Order	H6539	Returning to park within prohibited period outside G/London
RR84158	NE98	S.47(1) RTRA & Local Order	H6540	Class of vehicle not permitted to park in bay outside G/London
RR84159	NE98	S.47(1) RTRA & Local Order	H6541	Parking at suspended bay outside G/London
RR84136	NE98	S.47(1) RTRA & Local Order	H6542	Parking without displaying permit/disabled persons badge outside G/London
RR84137	NE98	S.47(1) RTRA & Local Order	H6543	Parking without payment by token/season/daily ticket outside G/London
RR84097	NE98	S5(1) S8(1) S53(5) RTRA 84	H5239	No Waiting outside G/London
RR84001	NE98	S5(1) S8(1) S53(5) RTRA 84	H6570	Limited Waiting outside G/London
RT88032	NE98	S19 RTA 88	H3207	Parking LGV on footpath or verge outside G/London
RC86430	NE98	R101 RV (Con & Use) Regs 86	H241	Parking on offside at night outside G/London

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 20 Obstruction, Waiting and Parking Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86405	NE98	R103(Con & Use) Regs 86	H213	Unnecessary Obstruction
HY80020	NE98	S137 HA 80	H488	Wilful Obstruction
RR84100	NE98	S5(1) RTRA 84	H5241	Stopping on a Clearway outside G/London

Home Office Offence Group 21 Lighting Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RL89001	NE98	R11(1) RVLR 89 S42 RTA 88	H3115	Showing red light to front
RL89002	NE98	R11(2) RVLR89	H273	Showing other than red light to rear
RL89167	NE98	R12(1) RVLR 89	H2650	Lamp capable of being moved – vehicle in motion
RL9006	NE98	R13 RVLR 89	H3093	Lamps now showing steady light
RL89175	NE98	R14 RVLR 89	H6545	Filament lamp not 'E' or 'e' marked
RL89168	NE98	R16 RVLR 89	H2600	Fitted with unauthorised warning beacon or special warning lamp
RL89208	NE98	R17 RVLR 89	H2612	Fail to fit obligatory warning beacon
RL89205	NE98	R17 RVLR 89	H6546	Fail to fit school bus sign
RL89075	NE98	R18 & Sch 1 RVLR 89	H3111	Obligatory light not fitted
RL89160	NE98	R18(1) & Sch 1 RVLR 89	H3114	Specified obligatory lamps not correctly fitted

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 21 cont'd Lighting Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RL89079	NE98	R20 RVL R 89	H3116	Optional lamps not complying with regulations
RL89124	NE98	R21 RVL R 89	H3074	Unlit projection/overhanging load
RL89159	NE98	R22 RVL R 89	H3068	No additional side marker lamps (long vehicle)
RL89161	NE98	R23 RVL R 89	H244	Lamps, reflector, rear markings not maintained
RL89166	NE98	R24(1)(a)RVL R 89	H3235	Drive Vehicle – No position lamps – poor visibility or dark
RL89142	NE98	R24(1)(b) RVL R 89	H248	Use Vehicle - No position lamps – stationary and dark
RL89162	NE98	R25 RVL R 89	H290	Fail to use headlamps/fog lamps on unlit road at night or in poor visibility
RL89145	NE98	R26 RVL R 89	H3097	Fail to use obligatory warning beacon
RL89171	NE98	R27 RVL R 89	H6547	Dipped beam – aim not maintained to prevent dazzle
RL89172	NE98	R27 RVL R 89	H6548	Fog lamps not maintained to prevent dazzle
RL89173	NE98	R27 RVL R 89	H6549	Reversing lamps not maintained to prevent dazzle
RL89165	NE98	R27 RVL R 89	H284	Misuse of head lamps
RL89163	NE98	R27 RVL R 89	H2583	Misuse of fog lamps (front/rear)
RL89151	NE98	R27 RVL R 89	H3084	Misuse of hazard warning device
RL89158	NE98	R27 RVL R 89	H271	Use vehicle – reversing light lit when not reversing
VE94096	NE98	s.59(1) VERA 94	H639	Rear registration mark not illuminated

Home Office Offence Group 22 Noise Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86067	NE98	R54 RV (Con & Use) Regs 86 S42 RTA 88	H169	No silencer/defective exhaust
RC86068	NE98	R54 RV (Con & Use) Regs 86 S42 RTA 88	H171	Failing to maintain silencer
RC86270	NE98	R57A RV (Con & Use) Regs 86 S42 RTA 88	H6370	Prohibited silencer on motorcycle
RC86092	NE98	R97 RV (Con & Use) Regs 86 S42 RTA 88	H173	Causing unnecessary noise
RC86093	NE98	R98 RV (Con & Use) Regs 86 S42 RTA 88	H6550	Not stopping engine when stationary
RC86094	NE98	R99 RV (Con & Use) Regs 86 S42 RTA 88	H177	Sounding of horn when stationary
RC86095	NE98	R99 RV (Con & Use) Regs 86 S42 RTA 88	H179	Sounding of horn at night

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 23 Load Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86996	NE98	R62(1) RV (Con & Use) Regs 86 S42(1) RTA 88	H6551	Leakage of lavatories/sinks onto road
RC86243	NE98	R75(1) RV (Con & Use) Regs 86 S42(1) RTA 88	H3058	Laden vehicle exceeding permitted weights
RC86258	NE98*	R79(1) RV (Con & Use) Regs 86 S42(1) RTA 88	H6552	Exceeding permitted weight (closely spaced axles)
RC86203	NE98*	R80(1)(a) RV (Con & Use) Regs 86 S42(1) RTA 88	H3344	Manufacturer's/DTP plate, exceeding gross weight
RC86245	NE98*	R80(2) RV (Con & Use) Regs 86 S42(1) RTA 88	H6553	Manufacturer's/DTP plate, exceeding axle weight
RC86958	NE98*	R80(1)(a) RV (Con & Use) Regs 86 S42(1) RTA 88	H6554	Manufacturer's/DTP plate, exceeding train weight

*The following criteria are recommended:

Excess	Policy
<5% or 1000kg	Verbal Warning
<10% or 1000kg	Fixed Penalty Notice to driver and prohibit in appropriate cases. Process against owner.
>10% or 2000kg	Prosecute and prohibit

N.B. If the driver is owner – report for summons

The extended fixed penalty system should not be used for LGV's exceeding 7.5 tonnes gross vehicle weight.

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 24 Offences Peculiar to Motorcycles

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86132	NE98	R102 RV (Con & Use) Regs 86 (Wearing of Seatbelts) RTA 88	H3009	Motorcycle – No foot rest when carrying pillion passenger
MP98001	NE98	S16 RTA 88 Motorcycles (Protective Helmets) Regs 98	H110	Motorcycle – no protective headgear
RR84100	NE98	S5(1) RTRA 84	H5241	Stopping on a Clearway outside G/London

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 25
Miscellaneous Motoring Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RT88477	NE98	S14 RTA 88 R5 (1)(a) and (b) MV (Wearing of Seatbelts) Regs 93	H120	Driver Failing to wear seat belt
RT88478	NE98	S14 RTA 88 R5 (1)(a) and (b) MV (Wearing of Seatbelts) Regs 93	H3033	Failing to wear seat belt – Adult front passenger
RT88642	NE98	S14 RTA 88 R5 (1)(a) and (b) MV (Wearing of Seatbelts) Regs 93	H3201	Failing to wear seat belt – Adult rear passenger
RT88353	NE98	S15(2) RTA 88	H121	Child in front passenger seat – no seat belt
RT88354	NE98	S15(4) RTA 88	H3048	Child in rear passenger seat – no seat belt
RC86295	NE98	R49 RV (Con & Use) Regs 86 S42 RTA 88	H6555	Not equipped with rear under-run guards
RC86296	NE98	R50 RV (Con & Use) Regs 86 S42 RTA 88	H6556	Rear under-run guards not maintained
RC86997	NE98	R51 RV (Con & Use) Regs 86 S42 RTA 88	H6557	Not equipped with side under-run guards
RC86256	NE98	R52 RV (Con & Use) Regs 86 S42 RTA 88	H6559	Side under-run guards not maintained
RC86297	NE98	R64 RV (Con & Use) Regs 86 S42 RTA 88	H6558	Not equipped with spray suppression equipment
New Code RC86514	NE98	R65 RV (Con & Use) Regs 86 S42 RTA 88	H6560	Spray suppression equipment not maintained
RC86055	NE98	R53 RV (Con & Use) Regs 86 S42 RTA 88	H3065	Mascot likely to cause injury
RC86253	NE98	R92 RV (Con & Use) Regs 86 S42 RTA 88	H6561	Motorcycle sidecar not properly maintained
RC86252	NE98	R90 RV (Con & Use) Regs 86 S42 RTA 88	H6562	Trailer – living van, carrier of passengers
RC86260	NE98	R108 RV (Con & Use) Regs 86 S42 RTA 88	H6563	Lifting appliance not properly maintained

NON ENDORSABLE OFFENCES (Cont'd)

Home Office Offence Group 25 Miscellaneous Motoring Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RC86259	NE98	R10 RV (Con & Use) Regs 86 S42 RTA 88	H6564	No marking of travelling height
RC86091	NE98	R83 RV (Con & Use) Regs 86 S42 RTA 88	H6565	Drawing more than permitted number of trailers
RC86269	NE98	R86 RV (Con & Use) Regs 86 S42 RTA 88	H6566	Towing – tow rope too long
RR84077	NE98	S35A(2) RTRA 84	H6567	Interference with parking apparatus/ device used to collect charges
RC86298	NE98	R89 RV (Con & Use) Regs 86 S42 RTA 88	H6568	Failure to prevent movement of trailer at rest

NON ENDORSABLE OFFENCES (Cont'd)

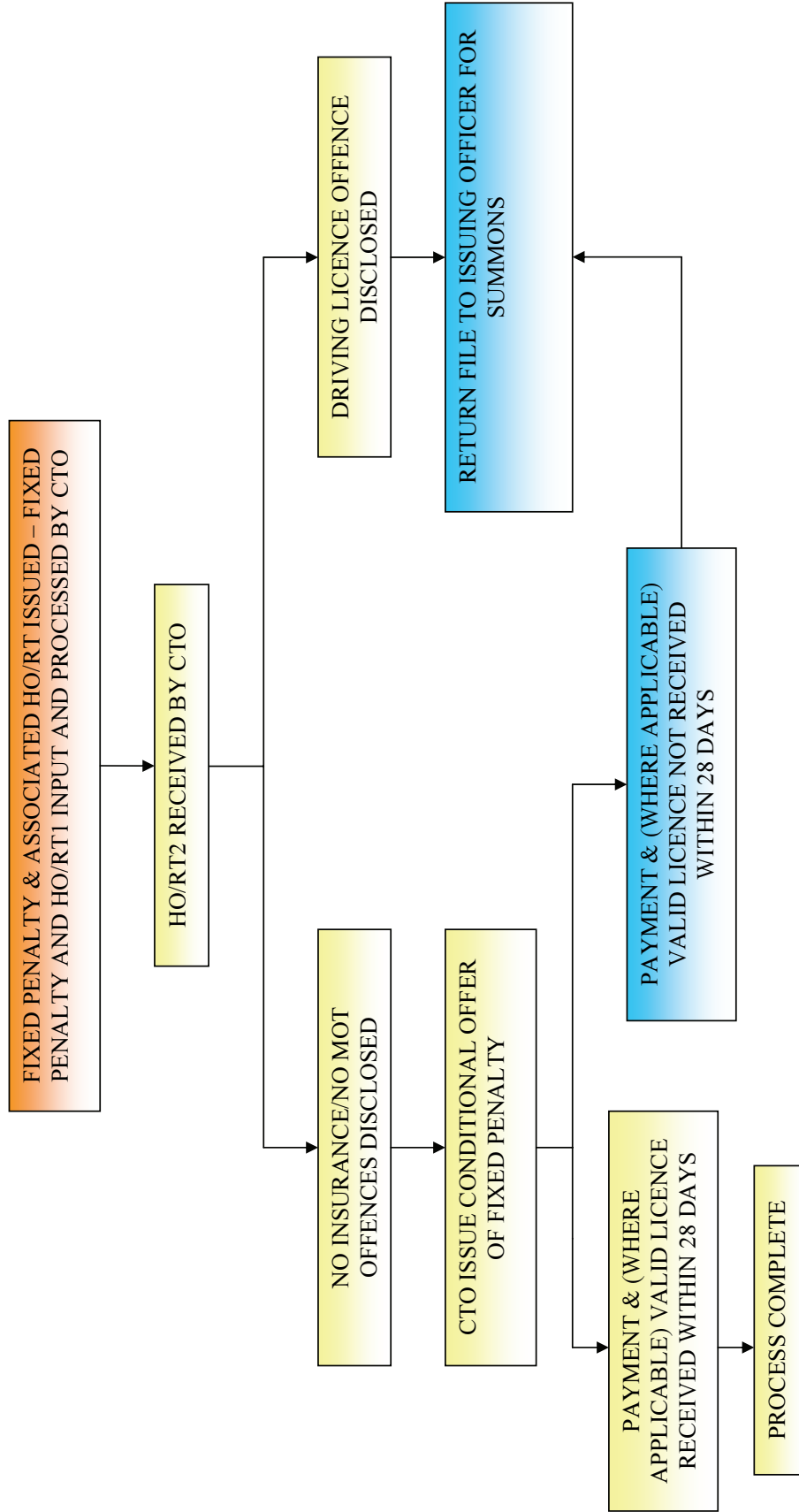
Home Office Offence Group 37 Other Offences

CJS Code	DVLA Code	Statute	PNLD NO	Brief Wording
RL89074	NE98	R18 RVLRL 89	H3369	Pedal Cycle – No specified obligatory lamps
RL89131	NE98	R23 RVLRL 89	H3387	Pedal Cycle – lamps reflectors not maintained
RL89133	NE98	R24 RVLRL 89	H231	Pedal Cycle – position lamps not illuminated
TS02002	NE98	Reg 10(1) TS Regs 02 S36 RTA 88	H5152	Pedal Cycle – contravening traffic sign
RT88041	NE98	S24 RTA 88	H3034	Pedal Cycle carrying more than one person

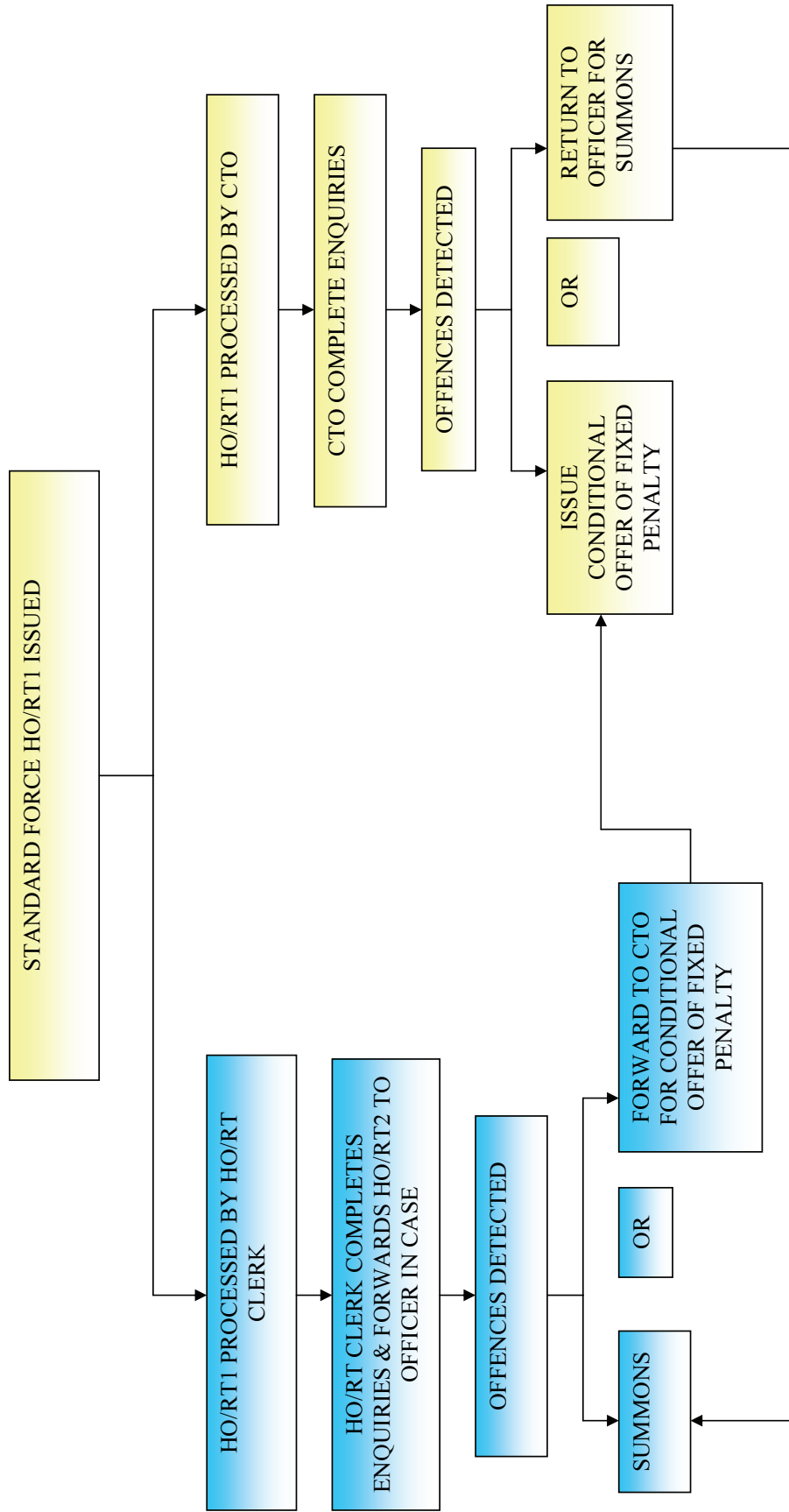
ANNEX B (ACPO) PROCEDURAL FLOWCHARTS

CONDITIONAL OFFER FROM FIXED PENALTY ASSOCIATED HO/RT

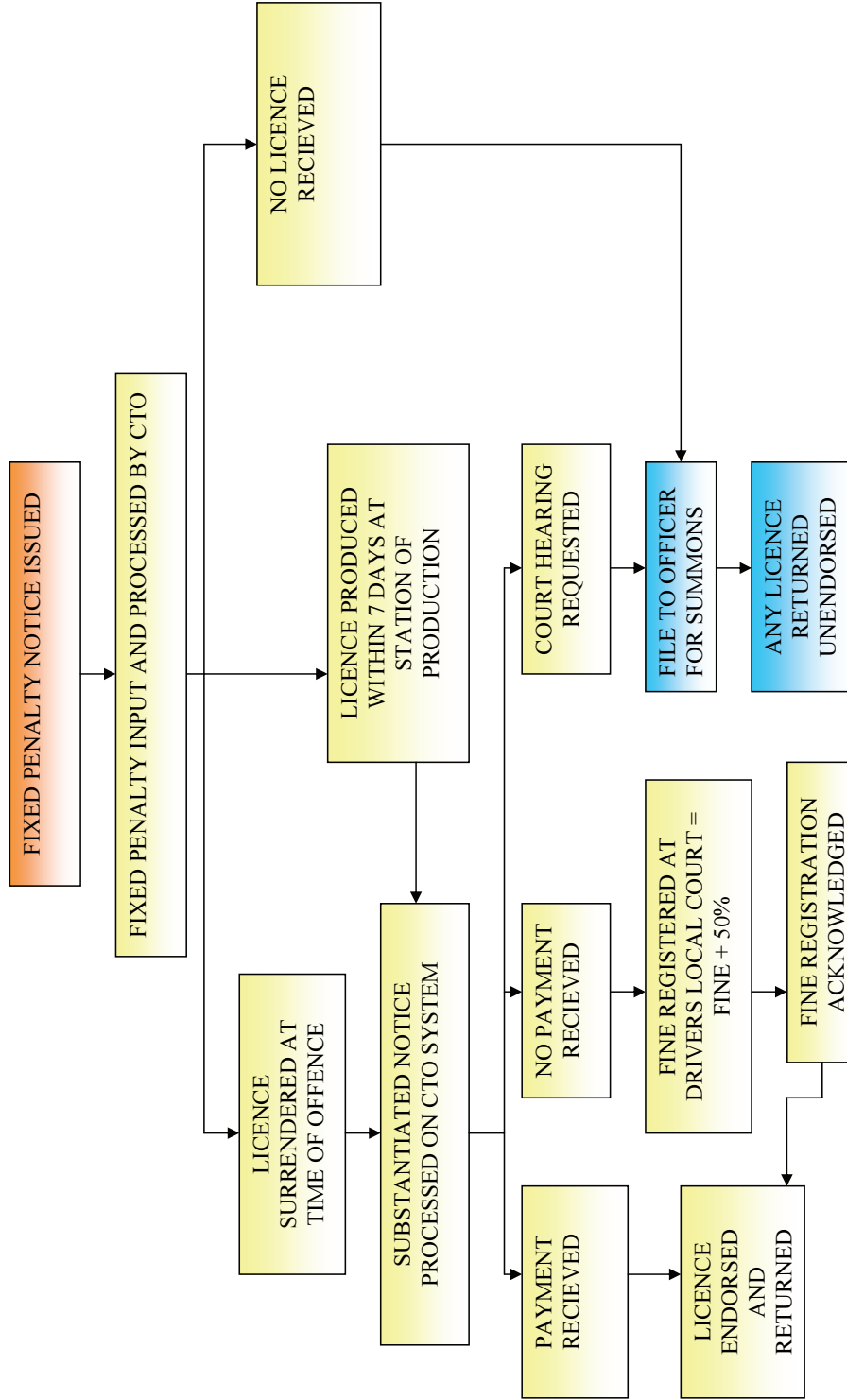
CONDITIONAL OFFER FROM FIXED PENALTY ASSOCIATED HO_RT



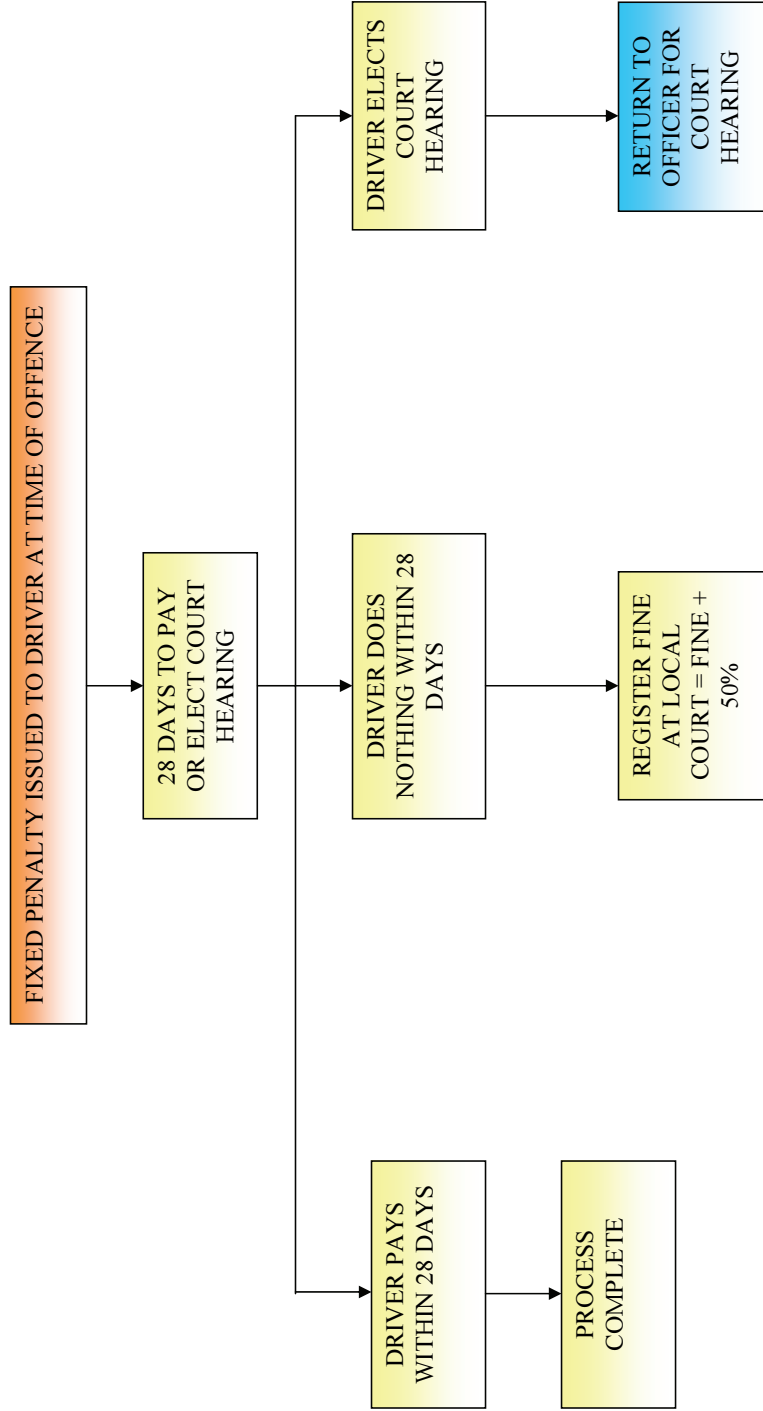
HO/RT PROCESSING – SUMMONS & CONDITIONAL OFFER OF FIXED PENALTY



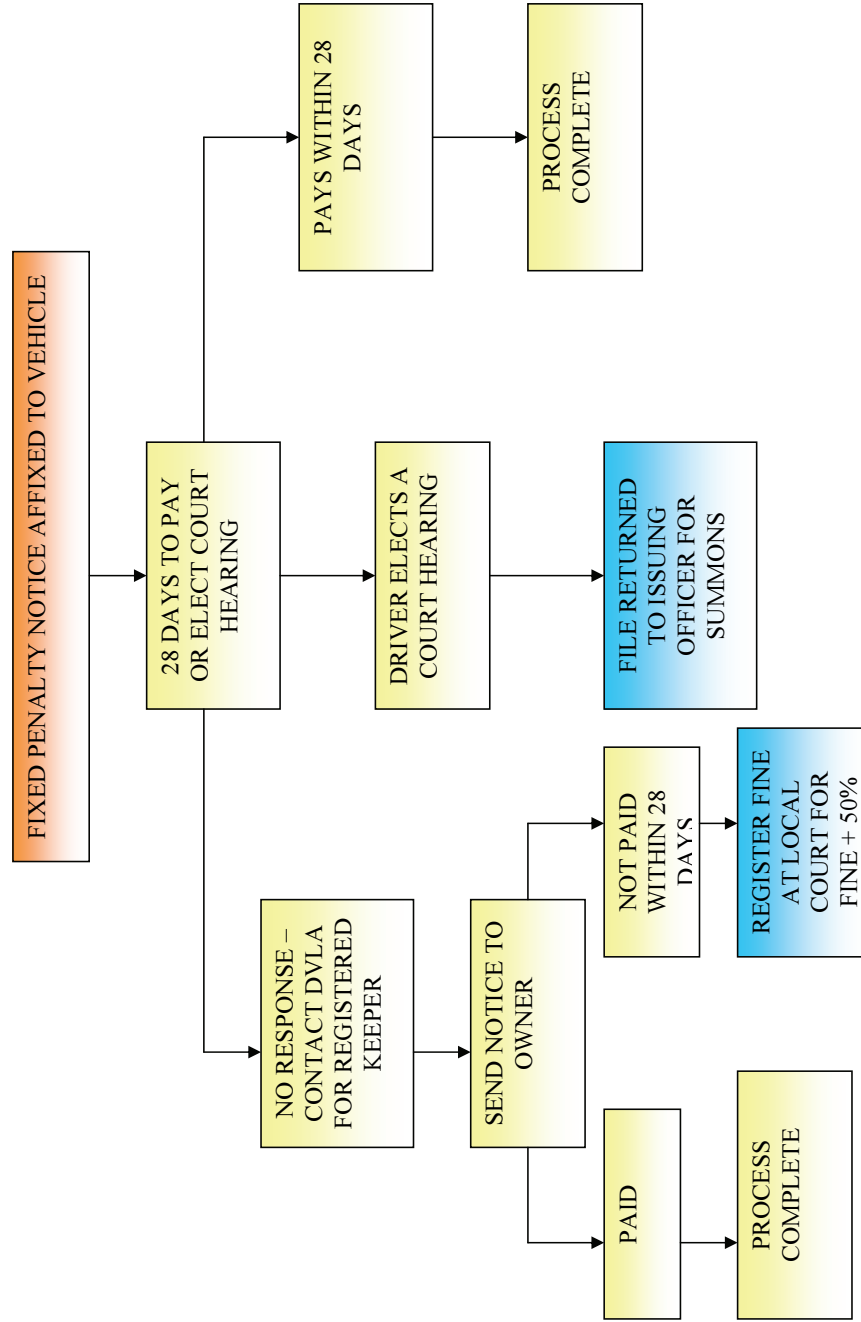
ENDORSABLE FIXED PENALTY PROCEDURE



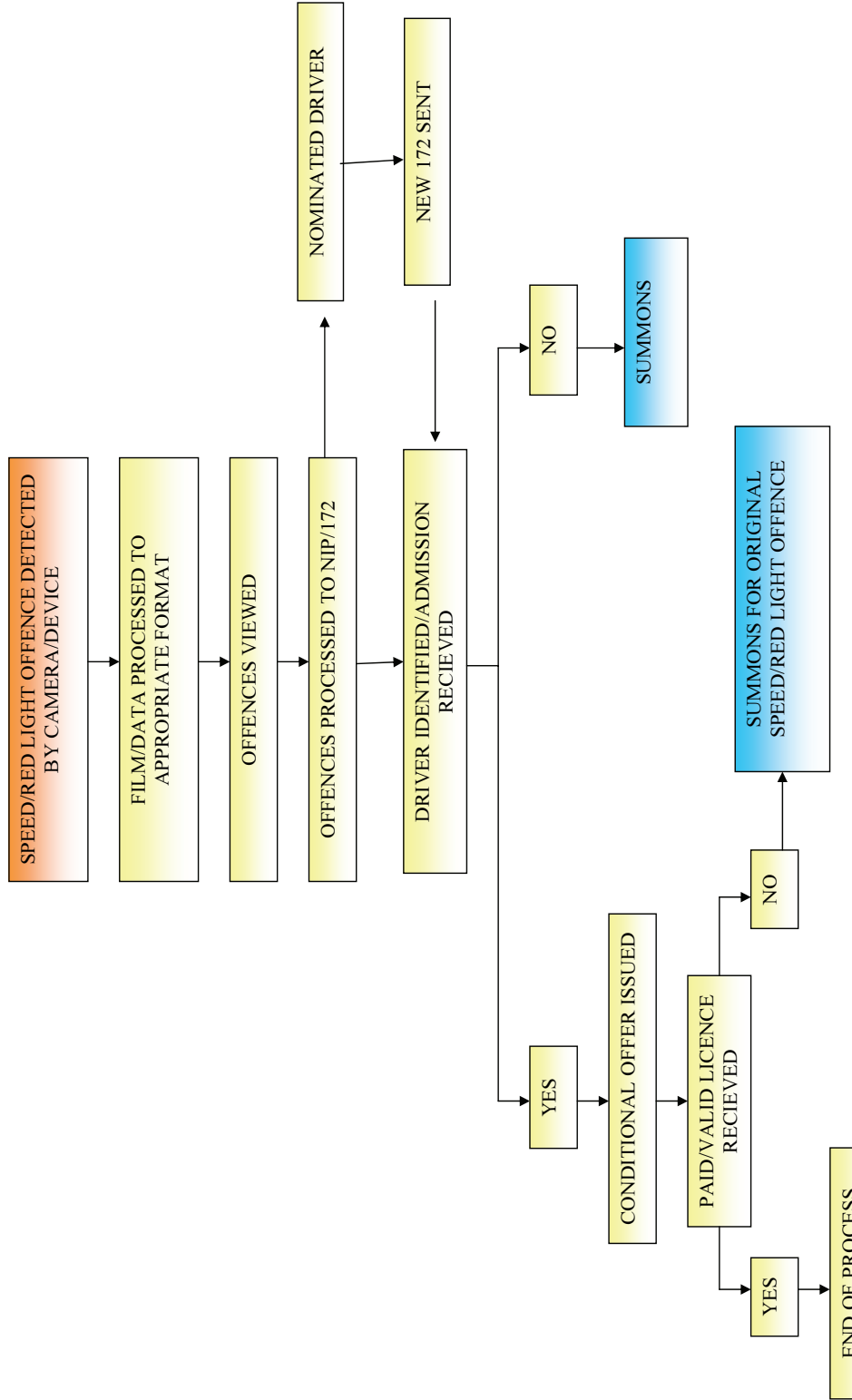
NON ENDORSABLE FIXED PENALTY PROCEDURE – DRIVER SEEN



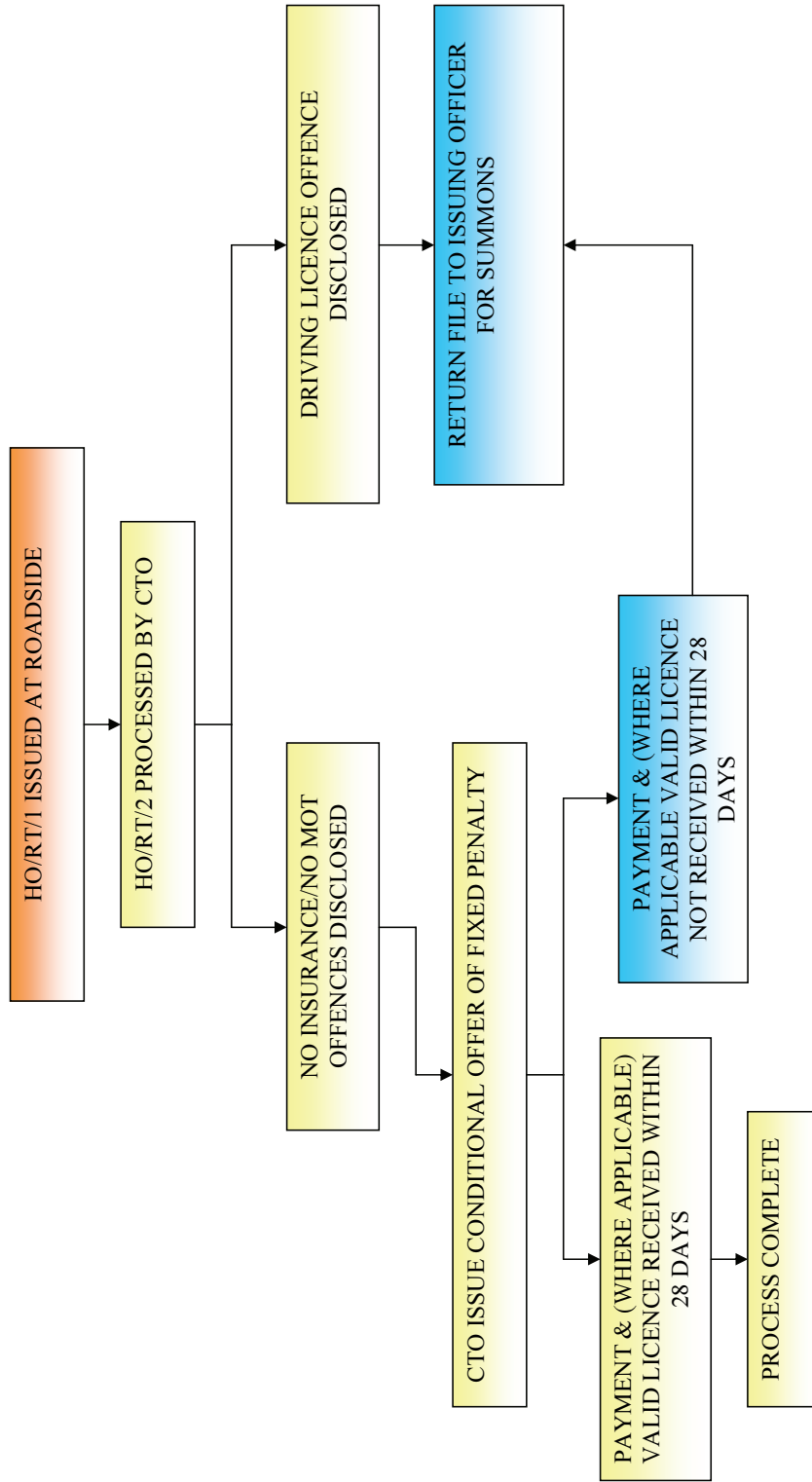
NON ENDORSABLE FIXED PENALTY PROCEDURE – NOTICE AFFIXED TO VEHICLE



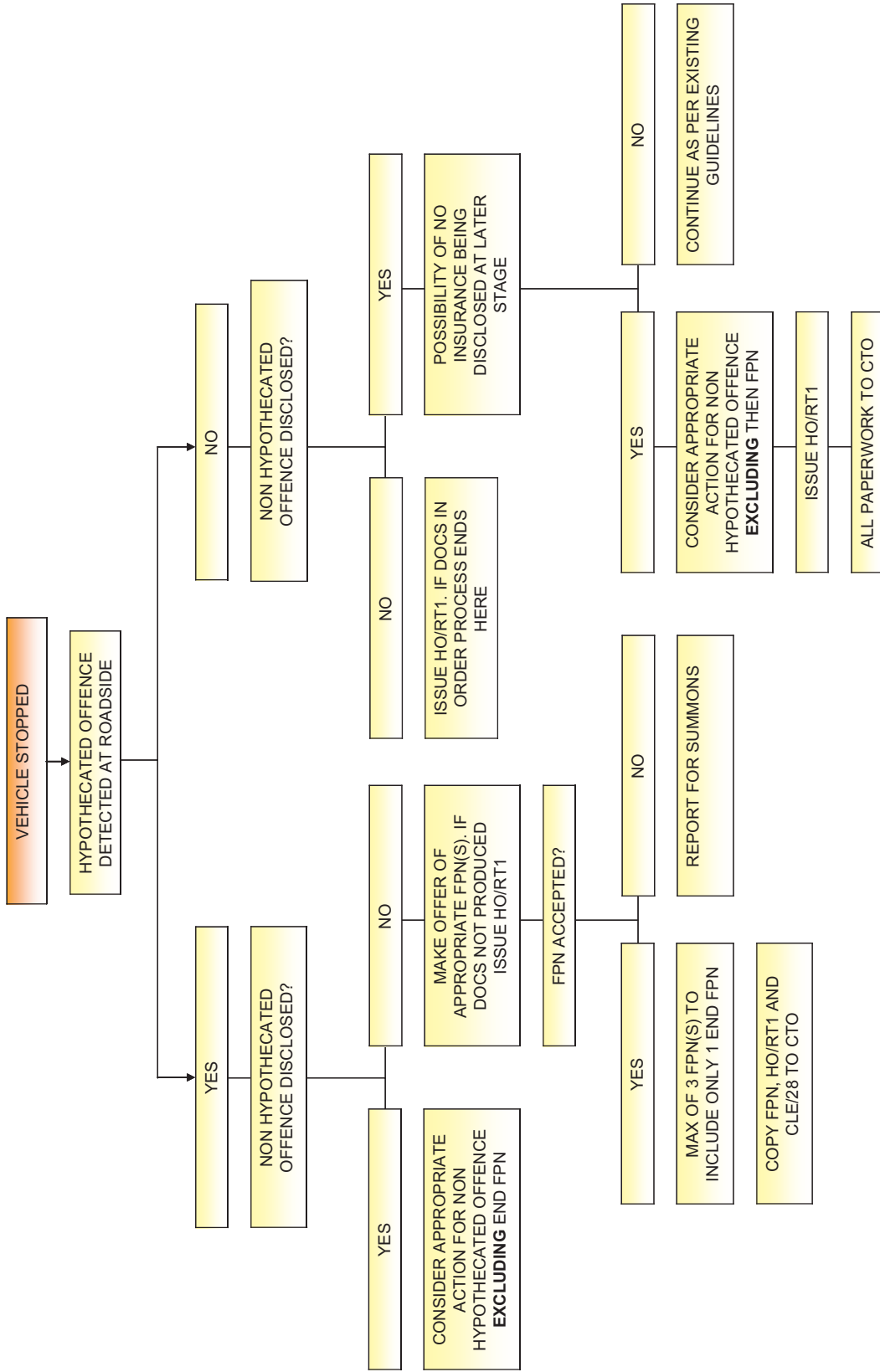
PROCESS FOR CAMERA DETECTION CONDITIONAL OFFERS



CONDITIONAL OFFER OF FIXED PENALTY FROM ANPR HO/RT/1 ISSUE



ANPR PROCEDURE



ANNEX C (ACPO)

FREQUENTLY ASKED QUESTIONS AND ANSWERS

Important

Please read the following carefully

- 1. Q Why have I received a Fixed Penalty Notice for the offence(s) stipulated?**
Government Strategy is to deal with such offences other than by a formal hearing before a Magistrates Court. A fixed penalty notice is an alternative to court proceedings.
- 2. Q How long have I got to pay the fixed penalty fine?**
Payment in full must be made within 28 days from the date the ticket was issued. Details of how and where to make payments can be found printed on the fixed penalty notice.
- 3. Q What happens if I ignore the notice and fail to pay the fixed penalty fine?**
The fixed penalty notice is intended to be a quick and simple system giving an offender the opportunity to resolve the matter without attending court. No insurance and no driving licence offences carry penalty points. You will be asked to surrender your licence, for those offences, to the officer issuing the notice or at a police station nominated by you. If you do not surrender your licence, the matter will have to be dealt with at court - see 'What if I opt to go to court?' If you surrendered your licence or if you do not need to, **failing to pay the amount due within the 28 days limit will result in**
£200 fine will become £300
£60 fine will become £90
£30 fine will become £45
and being registered as a fine at your local Magistrates Court. **Subsequent failure to pay the total amount due as ordered may result in a warrant being issued for your arrest and possible imprisonment or bailiffs ordered to take and sell your possessions to pay the amount outstanding.**
- 4. Q Can I pay the fine at the Police Station or to the Police Officer who issued me with the fixed penalty notice?**
No, all payments should be directed to the Fixed Penalty Office of the court, the address of which can be found on the payment slip at part 2 on the fixed penalty notice issued to you.
- 5. Q What if I opt to go to court?**
You have a right to challenge the offence in court. The fixed penalty notice contains a slip (Part3) which you should complete and return to the address shown. **If you are found guilty after a trial, or plead guilty to the court, the magistrates will then decide upon an appropriate fine and, where applicable, the number of penalty points to be imposed. The fine or points imposed may be greater than the fixed penalty and you may be ordered to pay court costs. For some offences a disqualification from driving may be considered.**

6. Q What will happen if I ignore a finding of the court?

The court can issue a warrant for your arrest and possible imprisonment or to recover goods instead (to be sold to pay fines).

7. Q Can I pay the fixed penalty by instalments?

There is no facility to pay a fixed penalty by instalments however; you can pay by cash, cheque or credit/debit card in most cases.

8. Q What happens to the money generated from such fines?

Under a Government Scheme, with strictly audited and controlled accounts, the monies will be used to fund extra uniformed policing posts throughout the UK.

9. Q In respect of the offence of failing to display a current vehicle excise licence, why haven't I been given the benefit of the 14 days grace?

It is an offence at any time to use a motor vehicle on a road maintained at public expense without displaying a current vehicle excise licence, there are no exceptions to this if a vehicle requires a current VEL. Any perception that one has of 14 days grace to renew a vehicle excise licence is - misplaced and has no basis in law. **DVLA is likely to contact you and require you to pay 'back duty'. DVLA may also take proceedings against you in court proceedings to claim the 'back duty'.**

10. Q My licence still has penalty points on it, can I still pay ?

You should be able to comply unless:

- You have 9 'live' penalty points or more endorsed on your licence (or 6 'live' penalty points when you are required to meet the conditions for offering a fixed penalty for a more serious offence such as driving without insurance . A fixed penalty cannot be given when the driver would, if convicted, be liable, as a result of repeated offending to disqualification for exceeding 12 or more penalty points in any 3 year rolling period.

OR

- If you passed your driving test within the past two years, and if following a conviction by a court or payment of a fixed penalty, you reach 6 points, under the provisions of the Road Traffic (New Drivers) Act 1995 your driving licence could be revoked. If you have exchanged a foreign licence for a GB licence and taken a qualifying test within the last two years you may also fall into this provision and your licence could be revoked if you reach 6 points

If you do not meet the requirements for the conditional offer proceedings for the offence will be commenced against you and you will be required to appear before a magistrates court

ANNEX D (ACPOS) CONDITIONAL OFFER: LEGISLATION AND CODES

LEGEND

RTA 1988 - Road Traffic Act 1988

RV(C & U) Regs 86 - Road Vehicles (Construction and Use) Regulations 1986

RTRA 1984 - Road Traffic Regulation Act 1984

70/60/50 TSL Order 1977 - 70/60/50 Temporary Speed Limit Order 1977

MT(S) Regs 1995 - Motorway Traffic (Scotland) Regulations 1995

MT(SL) 1974 - Motorway Traffic (Speed Limit) Regulations 1974

Zeb, Ped, Puf x Regs - Zebra, Pelican and Puffin Crossing Regulations & General Directions 1997

V(E) & Regn Act 1994 - Vehicle (Excise) and Regulation Act 1994

RVL Regs - Road Vehicles (Lighting) Regulations 1989

LIST OF CO OFFENCES + RELEVANT ACT & SECTIONS

ENDORSABLE

List of Offences

		Code
L Driver Unsupervised	RTA 1988 S 87(1)	314.001
L Driver Without L Plates	RTA 1988 S 87(1)	314.002
L Driver With Unqualified Passenger	RTA 1988 S 87(1)	314.003
Driving With Incorrect Class of Licence	RTA 1988 S 87(1)	314.004
L Driver on Motorway	MT(S) Regs 1995 R10	311.008

Dangerous Condition/Load/Use/Carriage of Passengers

Dangerous Parts & Accessories	RTA 1988 S 40A(a)	320.001
Dangerous Use of Vehicle	RTA 1988 S 40A(b)	320.002
Passengers Carried Dangerously	RTA 1988 S 40A(c)	320.003
Dangerous Load	RTA 1988 S 40A(d)	320.004
Leaving Vehicle in Dangerous Position	RTA 1988 S 22	320.005

Defective Brakes/Steering/Tyres

Defective Brakes	RV (C&U) R1986 Reg 18(1)	320.006
Defective Steering	RV (C&U) R1986 Reg 29	320.007
Tyre - Unsuitable Type/Use	RV (C&U) R1986 Reg 27(1)(a)	320.008
Tyre - Over/Under Inflated	RV (C&U) R1986 Reg 27(1)(b)	320.009
Tyre - Cut in Fabric	RV (C&U) R1986 Reg 27(1)(c)	320.010
Tyre - Lump/Bulge/Tear	RV (C&U) R1986 Reg 27(1)(d)	320.011
Tyre - Ply/Cord Exposed	RV (C&U) R1986 Reg 27(1)(e)	320.012
Tyre - Base of Groove Not Visible (Others)	RV (C&U) R1986 Reg 27(1)(f)	320.013
Tyre - Grooves Less Than 1.6mm (Cars/LG)	RV (C&U) R1986 Reg 27(4)(f)	320.014
Tyre - Grooves Less Than 1mm (Others)	RV (C&U) R1986 Reg 27(1)(g)	320.015
Tyre - Different Structure on Same Axle	RV (C&U) R1986 Reg 26(1)	320.016
Tyre - Different Structures on Different Axles	RV (C&U) R1986 Reg 26(2)	320.017
Tyre - Insufficient to Support Axle Weight	RV (C&U) R1986 Sec 25(1)	320.018

Speed Limit Offences

		Code
Driving in Excess of 30mph Limit (BUA)	RTRA 1984 S 81(1)	303.001
Driving in Excess of 40mph Limit (BUA)	Local Legislation	303.002
Driving in Excess of 50mph Limit (BUA)	Local Legislation	303.003
Driving in Excess of 60mph Limit (BUA)	Local Legislation	303.004
Driving in Excess of Temporary SL	Local Legislation	303.005
Driving in Excess of 40mph Limit (Non BUA)	Local Legislation	304.008
Driving in Excess of 50mph Limit (Non BUA)	70/60/50 TSL Order 1977 Para 2C or 3B	304.001
Driving in Excess of 60mph Limit (Non BUA)	" " "	304.002
Driving in Excess of 70mph Limit (Non BUA)	" " "	304.003
Driving in Excess of Temporary SL at School	Local Legislation	304.009
Driving at ... mph in a ... mph Temp Speed Limit (from BUA)	Local Legislation	304.010

Motorway Offences

Driving in Excess of 70mph Speed Limit	MT (SL) 1974 R3	304.004
Driving in Excess of 60mph Speed Limit	MT (SL) 1974 R4	304.005
Driving in Excess of 50mph Speed Limit	MT (SL) 1974 R5	304.006
Driving in Excess of a Temporary Speed Limit	Local Legislation	304.007
Making U Turn	MT(S) Regs 1995 R5(5)	305.002
Not Obeying Red Traffic Light/Lane Change Sign	RTA 1988 S 36	305.003
Driving in Wrong Direction	MT(S) Regs 1995 R5(3)	305.004
Stopping on Roadway	MT(S) Regs 1995 R6(1)	311.001
Stopping/Driving on Verge	MT(S) Regs 1995 R9	311.002
Stopping/Driving on Central Reservation	MT(S) Regs 1995 R9	311.003
Reversing	MT(S) Regs 1995 R7	311.004
Driving a Lorry/Trailer in 3rd Lane	MT(S) Regs 1995 R11(2)	311.005
Driving an Excluded Vehicle (to be specified)	MT(S) Regs 1995 R13	311.006
Driving on Hard Shoulder	MT(S) Regs 1995 R8	311.007

Neglect of Traffic Signs

		Code
Not Obeying Red Traffic Light	RTA 1988 S 36	305.005
Not Obeying Height Restriction	RTA 1988 S 36	305.006
Not Obeying White Lines	RTA 1988 S 36	305.007
Not Obeying a Policeman/Traffic Warden	RTA 1988 S 35	305.008
Not Obeying Requirement to Phone at Level Crossing	RTA 1988 S 36	305.009
Not Obeying Stop Sign	RTA 1988 S 36	305.010
Not Obeying No Entry Sign	RTA 1988 S 36	305.035
Not Obeying Traffic Light Direction Arrow	RTA 1988 S 36	305.039

Neglect of Pedestrian Rights

Using Vehicle in Designated Play Street	Local Order	305.011
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Zebra Crossing Offences

Zebra Crossing - Stop on Crossing	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 18	306.001
Zebra Crossing - Stop in Controlled Area	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 20	306.002
Zebra Crossing - No Precedence to Pedestrians		
(Only Zebra)	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 25	306.003
Zebra Crossing - Overtaking Moving or Stationary Vehicle	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 24	306.013

Pelican/Puffin Crossing Offences

Pelican Crossing - No Precedence to Pedestrians (Only Pelican)	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 26	306.004
Pelican Crossing - Stop on Crossing	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 18	306.005
Pelican Crossing - Stop in Controlled Area	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 20	306.006

Pelican/Puffin Crossing Offences (Cont)

Pelican Crossing - Not Obeying Red Light	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 23	306.007
Pelican Crossing - Overtaking Moving or Stationary Vehicle	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 24	306.012
Puffin Crossing - No Precedence to Pedestrian	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 25	306.014
Puffin Crossing - Stop on Crossing	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 18	306.015
Puffin Crossing - Stop in Area of Crossing	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 20	306.016
Puffin Crossing - Not Obeying Red Light	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 23	306.017
Puffin Crossing - Overtaking Moving or Stationary Vehicle	Zebra, Pelican & Puffin Pedestrian Crossing Regs & General Direction 1997 Reg 24	306.018
Toucan Crossing – Overtaking Moving or Stationary Vehicle	Traffic Signs Regulations & General Directions 2002, Section 27 & 28	306.019

Offences Peculiar to Motor Cycles

Not Obeying No Entry Sign	RTA 1988 S 36	305.035
Not Obeying Traffic Light Direction Arrow	RTA 1988 S 36	305.039

Miscellaneous Motoring Offences

Drive a Motor Vehicle Without any Insurance	RTA 1988 S 143	316.001
Fail to Supply Details of Driver	RTA 1988 S 172	309.001

LIST OF CO OFFENCES + RELEVANT ACT & SECTIONS

NON ENDORSABLE

Negligent Use of Motor Vehicle

		Code
Parking Heavy Vehicle on Footway	RTA 1988 S 19(1)(c)	308.001
Leaving Vehicle in Dangerous Position (Non M/V)	RTA 1988 S 22	320.019
Vehicle Causing Obstruction	RV (C&U) R1986 Reg 103	320.020
Opening Door Dangerously	RV (C&U) R1986 Reg 105	320.021
Leaving Engine Running/Hardbrake Off	RV (C&U) R1986 Reg 107	320.022
Not in Proper Control of Vehicle	RV (C&U) R1986 Reg 104	320.023
Not in Position to have Full View Ahead	RV (C&U) R1986 Reg 30(1)	320.024
Reversing Unreasonable Distance	RV (C&U) R1986 Reg 106	320.025
Use of Hand-Held Mobile Phone While Driving	RV (C&U) R1986 Reg 110(1)	324.001
Use of Hand-Held Mobile Phone While Supervising Learner Driver	RV (C&U) R1986 Reg 110(3)	324.002

Vehicle Excise & Registration

No Number Plate	Vehicle (Excise) & Reg Act 1994 S 42	318.001
Obscured Number Plate	Vehicle (Excise) & Reg Act 1994 S 43	318.002
Registration Mark (Size, Shape or Character of Letter)	Vehicle (Excise) & Reg Act 1994 S 23	318.003
Fail to Display Current Excise Licence	Vehicle (Excise) & Reg Act 1994 S 33	302.001

Defective Parts

No/Insufficient Mirrors	RV (C&U) R1986 Reg 33(1)	320.026
No Horn	RV (C&U) R1986 Reg 37(1)(a)	320.027
Two Tone/Musical Horn	RV (C&U) R1986 Reg 37(4)	320.028
No Windscreen Washers	RV (C&U) R1986 Reg 34(2)	320.029
No Windscreen Wipers	RV (C&U) R1986 Reg 34(1)	320.030
Defective Windscreen Washers/Wipers	RV (C&U) R1986 Reg 34(6)	320.031
Petrol Tank Defective	RV (C&U) R1986 Reg 39(2)	320.032
No/Defective Speedometer	RV (C&U) R1986 Reg 35(1)/36(1)	320.033
No Wing/Mudguard Fitted	RV (C&U) R1986 Reg 63(2)	320.034
Internal Mirror Unframed/Dangerous	RV (C&U) R1986 Reg 33(3)	320.035

Defective Parts (Cont)

		Code
Windows Not Clean	RV (C&U) R1986 Reg 30(3)	320.036
Unauthorised Glass Fitted	RV (C&U) R1986 Reg 31(2)	320.037
No Seat Belts	RV (C&U) R1986 Reg 47	320.038
Badly Maintained Seat Belts	RV (C&U) R1986 Reg 48	320.039
No Anchorage Points	RV (C&U) R1986 Reg 46(3)	320.040
Not Equipped with Suitable/Sufficient Springs	RV (C&U) R1986 Reg 22(1)	320.041
Dirty Exhaust	RV (C&U) R1986 Reg 61(1)	320.042

Neglect of Traffic Directions

Not Obeying Red Traffic Light (Non M/V)	RTA 1988 S 36(1)	305.012
Not Obeying White Lines (Non M/V)	RTA 1988 S 36(1)	305.013
Not Obeying a Policeman/Traffic Warden (Non M/V)	RTA 1988 S 35	305.014
Overtaking Where Prohibited	RTA 1988 S 36(1)	305.015
U-Turn Where Prohibited	Local Order Applies	305.016
Failing to Turn Left/Right	RTA 1988 Sec 36(1)(A)	305.017
Left/Right Hand Turn Where Prohibited	Local Order	305.108
Using Prohibited Vehicle on Restricted Road	Local Order	305.019
Failing to Stop When Required by PC	RTA 1988 Sec 163(1) & (2)	305.020
Not Obeying Give Way Sign or Line	RTA 1988 Sec 36(1)	305.021
Not Obeying Stop Sign (Non M/V)	RTA 1988 Sec 36(1)	305.022
Not Obeying No Entry Sign (Non M/V)	RTA 1988 Sec 36(1)	305.023
Not Obeying Direction Arrows	RTA 1988 Sec 36(1)	305.024
Not Obeying Bus Lane or Route	Local Order Applies	305.025
Not Obeying Cycle Lane	Local Order Applies	305.026
Not Obeying Box Junction	Local Order Applies	305.027
Not Obeying Width Restriction	Local Order Applies	305.028
Not Obeying Prohibition on Driving	RTA 1988 Sec 71	305.029
Not Obeying One-Way Traffic Direction	Local Order Applies	305.030
Not Obeying Minimum Speed Limit (M/V)	RTRA 1984 Section 88(7)	305.031
Not Obeying Temporary Prohibition	RTRA 1984 Section 16(1)	305.032

Restrictions Other Than Speeding

		Code
Not Obeying Mini Roundabout Sign	RTA 1988 Section 36(1)(a)	305.036
Exceed Weight Limit on Bridge or Structure	RTA 1988 Section 36(1)(a)	305.037
Not Obeying Manual Stop Sign	RTA 1988 Section 36(1)(a)	305.038

Neglect of Pedestrian Rights

Using Vehicle in Designated Play Street (Non M/V)	Local Order Applies	305.033
Driving Elsewhere Than on a Road (M/V)	RTA 1988 Section 34(a)(b)	305.034
Driving on Footway	RTA 1988 Section 34(b)	305.040
Stopping on/near Pedestrian Crossing (Non M/V)	Zebra, Pelican and Puffin Crossing Regs & Gen Direction 1997, S23 RTRA 1984, S 25(5)	306.008
Not Giving Way to Pedestrian on Crossing (Non M/V)	Zebra, Pelican and Puffin Crossing Regs & Gen Direction 1997, Reg 25 (Zebra), Reg 26 (Pelican)	306.009
Overtaking on Approach to Zebra Crossing (Non M/V)	Zebra, Pelican and Puffin Crossing Regs & Gen Direction 1997, S24 RTRA 1984, S 25(5)	306.010

Lighting Offences

Showing Red Light to Front	RVLR 1989 Reg 11(1)	319.001
Showing a (Specific Colour) Light to Rear	RVLR 1989 Reg 11(2)	319.002
Lamp Movable While in Motion	RVLR 1989 Reg 12(1)	319.003
Light Not Steady	RVLR 1989 Reg 13(1)	319.004
Unauthorised Warning Beacon	RVLR 1989 Reg 16	319.005
Lamps Not Fixed/Not Correctly Fixed	RVLR 1989 Reg 18	319.006
Lamps/Reflectors Obscured	RVLR 1989 Reg 19	319.007
Unauthorised Lamps Fitted	RVLR 1989 Reg 20	319.008
Unlit Projecting/Overhanging Load	RVLR 1989 Reg 21	319.009
No Side Marker Lamps	RVLR 1989 Reg 22(1)	319.010
Lamps/Reflectors/Rear Markings/Hazard	RVLR 1989 Reg 18(1)(a)&(b)	319.011
Devices/Headlights/Fog Lamps/Reversing Lamps not Maintained	RVLR 1989 Reg 23	
No Position Lamps/Marker Lamps in Fog/ At Night	RVLR 1989 Reg 24	319.012
No Head Lamps/Fog Lamps in Fog/At Night	RVLR 1989 Reg 25	319.013
Warning Beacon Not Fitted	RVLR 1989 Reg 17(1)(a)	319.014

Lighting Offences (Cont)

		Code
Warning Beacon Not Fitted	RVLR 1989 Reg 17(1)(a)	319.014
Warning Beacon Not Used	RVLR 1989 Reg 26	319.015
Headlamps/Rear Fog Lamps/Hazard Warning Device/Optional Lamps Misused	RVLR 1989 Reg 27	319.016
Defective Electrical Connections	RVLR 1989 Reg 15(1)	320.043

Noise Offences

No Silencer	RV (C&U) R1986 Reg 54(1)	320.044
Defective Exhaust	RV (C&U) R1986 Reg 54(2)	320.045
Not Stopping the Engine	RV (C&U) R1986 Reg 98(1)	320.046
Sounding Horn When Stationary	RV (C&U) R1986 Reg 99(1)(a)	320.047
Sounding Horn at Night	RV (C&U) R1986 Reg 99(1)(b)	320.048
Unnecessary/Excessive Noise	RV (C&U) R1986 Reg 97	320.049
Reversing Alarm on Unauthorised Vehicle	RV (C&U) R1986 Reg 99	320.049

Load Offences

Overloaded Vehicle (Not Overweight Veh)	RTA 1988 Section 40A(d)	320.051
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Trailer Offences

Drawing More Than Permitted Number of Trailers	RV (C&U) R1986 Reg 83	320.052
Towing Rope Too Long	RV (C&U) R1986 Reg 86(1)	320.053

Offences Peculiar to Motor Cycles

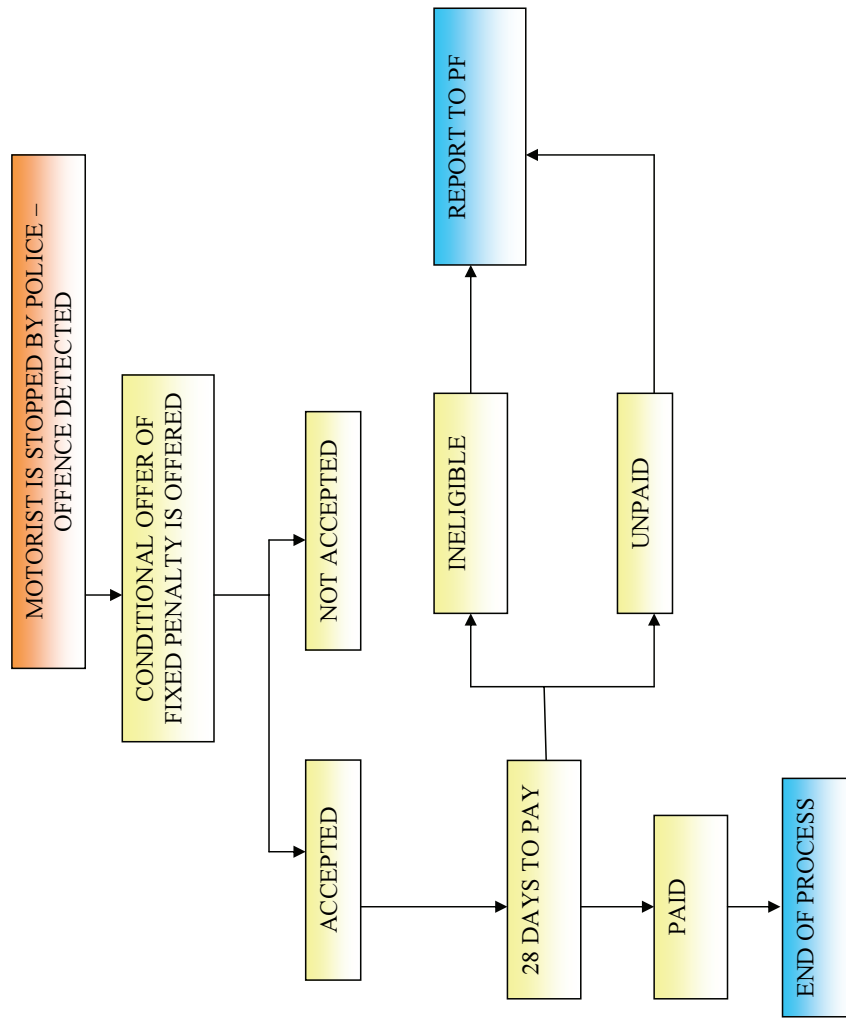
No Foot Rest	RV (C&U) R1986 Reg 102	320.054
Side Car Not Properly Attached	RV (C&U) R1986 Reg 92	320.055
No Protective Headgear	RTA 1988 Sec 16 & Motor Cycles (Protective Helmets) Regs 1980 Reg 4(1)	399.003
Fail to Conform to Prescribed Standard (Visor Regulations)	Motor Cycle (Eye Protectors) Reg 1999	399.004

Miscellaneous Motoring Offences

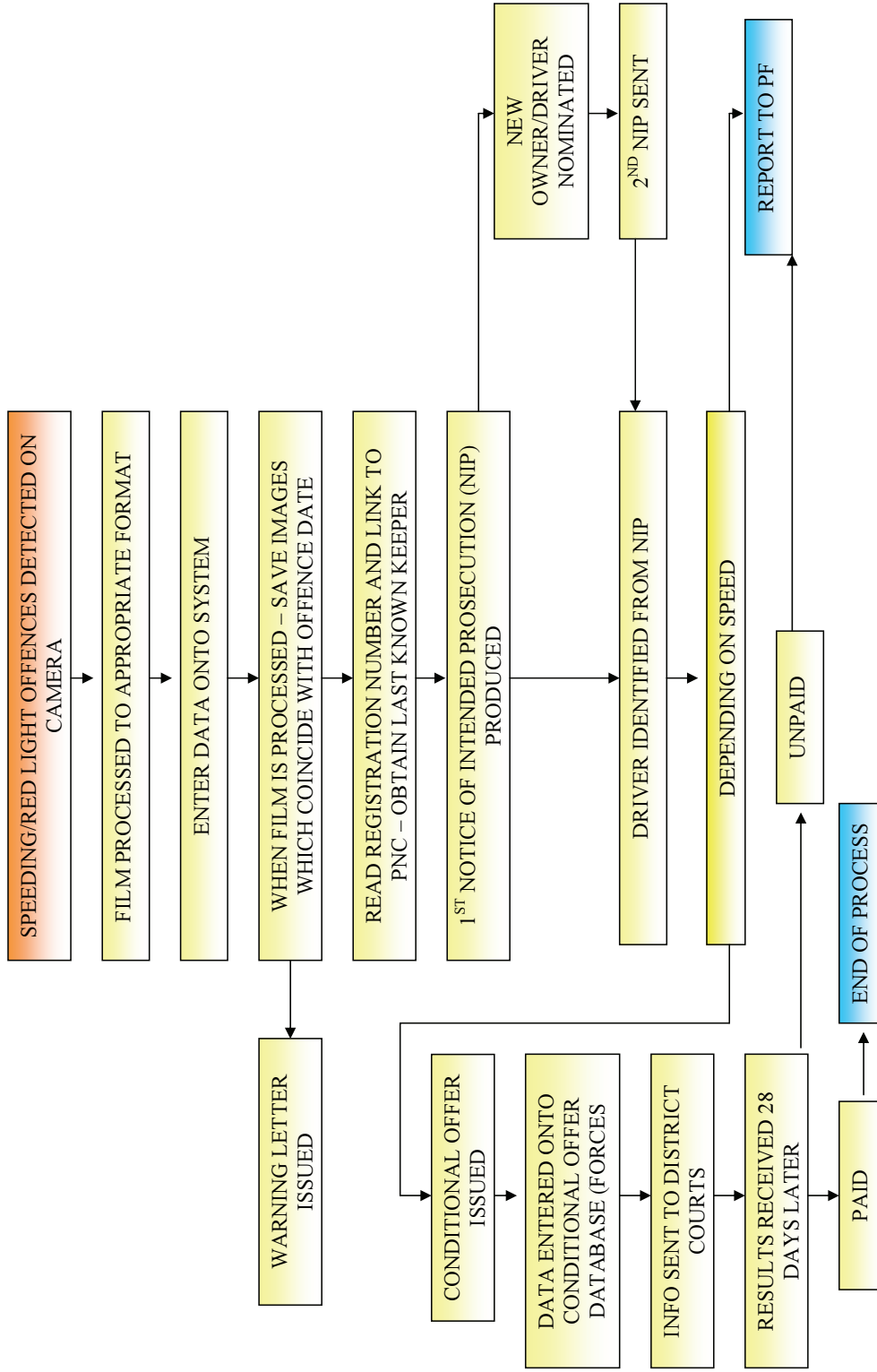
		Code
No Rear Guard	RV (C&U) R1986 Reg 49(3)	320.056
Defective Rear Guards	RV (C&U) R1986 Reg 50	320.057
No Side Guards	RV (C&U) R1986 Reg 51	320.058
Defective Side Guards	RV (C&U) R1986 Reg 52	320.059
No Spray Suppression Equipment	RV (C&U) R1986 Reg 64	320.060
Defective Spray Suppression Equipment	RV (C&U) R1986 Reg 65	320.061
Dangerous Mascot	RV (C&U) R1986 Reg 53(1)	320.062
Visible/Distracting Television	RV (C&U) R1986 Reg 109(1)	320.063
Passengers In The Caravan	RV (C&U) R1986 Reg 90(3)	320.064
Insecure Lifting Appliance	RV (C&U) R1986 Reg 108	320.065
No Height Marking	RV (C&U) R1986 Reg 10(2)	320.066
Not Wearing Seat Belt	RTA 1988 Sec 14(3)	323.001
Child in Front/Back Seat Without Seat Belt	RTA 1988 Sec 15(4)	323.002
Drive a Motor Vehicle Without Current Test Certificate	RTA 1988 Sec 47	310.001

ANNEX E (ACPOS) PROCEDURAL FLOWCHARTS

THE SCOTTISH CONDITIONAL OFFER PROCESS



PROCESS FOR CAMERA CONDITIONAL OFFERS – SCOTLAND



ANNEX F (ACPOS) SAMPLE CORRESPONDENCE

DATE

REF

TYPE ADDRESS

Dear TITLE

CONDITIONAL OFFER NOTICE NO

With reference to the Conditional Offer Notice mentioned above and which was issued to you for an alleged contravention of a minor road traffic offence, I can advise you that there are circumstances present which permit me to direct that the Offer in question be withdrawn. No further proceedings will be taken against you in respect of this matter.

I trust this information is of assistance to you.

Yours faithfully

DATE

REF

TYPE ADDRESS

Dear TITLE

**CONDITIONAL OFFER NOTICE NO
ACCUSED:**

I refer to the above and would inform you that the Offer in question has been withdrawn.

I should be grateful if you would update your records accordingly.

Yours faithfully

DATE

REF

TYPE ADDRESS

Dear TITLE

CONDITIONAL OFFER NOTICE NO

I refer to your correspondence relative to the above and note your comments.

As you may have noted, the Conditional Offer Notice states that the acceptance of the Offer is final and no discussion or review can take place. This is primarily due to the possibility that a report may have to be forwarded to the Procurator Fiscal thereby making the matter sub judice.

I would wish to draw to your attention that failure to comply with the conditions of the Offer, as indicated on your copy of the Notice, will result in the matter being reported to the Procurator Fiscal for consideration of prosecution and that this may lead to a substantial fine being imposed.

If however you choose not to make payment within the allocated time, and elect to contest the matter at Court, a copy of your correspondence will accompany any report submitted to the Procurator Fiscal.

I trust that this information is of assistance to you.

Yours faithfully

DATE

REF

TYPE ADDRESS

Dear TITLE

CONDITIONAL OFFER NOTICE NO

I refer to your correspondence relative to the above and note your comments.

As you may have noted, the Conditional Offer Notice clearly states that the acceptance of the Offer is final and no discussion or review can take place. I regret therefore that I am precluded from discussing this further as a report may have to be forwarded to the Procurator Fiscal thereby making the matter sub judice.

I would wish to draw to your attention that failure to comply with the conditions of the Offer, as indicated on your copy of the Notice, will result in the matter being reported to the Procurator Fiscal for consideration of prosecution and that this may lead to the imposition of a substantial fine, your licence being endorsed and a period of disqualification being imposed.

If however you choose not to make payment within the allocated time, and elect to contest the matter at Court, a copy of your correspondence will accompany any report submitted to the Procurator Fiscal.

I trust that this information is of assistance to you.

Yours faithfully

ANNEX G

CONDITIONAL OFFER OF FIXED PENALTY

Frequently asked questions

WHAT IS A CONDITIONAL OFFER?

The conditional offer scheme was introduced in April 1993 as an alternative to prosecution, in the first instance.

HOW MUCH IS THE FINE?

An endorsable/camera detected conditional offer is a two-part penalty.

Currently a camera detected conditional offer carries a £60 fine and 3 penalty points.

An endorsable conditional offer can be £60 and 3 penalty points, £120 and 3 penalty points or £200 and 6 penalty points dependent on the offence committed.

A non endorsable can be £30 or £60 dependent on the offence committed.

I DO NOT HAVE ALL PARTS OF MY LICENCE AVAILABLE (LOST/STOLEN /AT DVLA),WHAT DO I DO?

You have 28 days from the date of issue to apply/obtain a duplicate licence. If you are unable to submit your licence on or before that date you should therefore accept that you will be unable to comply with the terms and conditions of the conditional offer of fixed penalty.

The matter will be reported to the procurator fiscal's office and you will receive correspondence from that office in due course.

HOW LONG WILL THE PENALTY POINTS STAY ON MY LICENCE?

Penalty points are 'valid'/'live' for a period of three years, but are 'visible' on your licence for 4 years, after which time you can apply for their removal.

HOW CAN I PAY, WHAT METHODS ARE ACCEPTED?

If you choose to accept the conditional offer, you must pay the amount in full - there is no facility to pay by instalments - and your driving licence must be submitted, (if endorsable or camera detected).

- Payment can be made by cheque or postal order and made out to the 'clerk of the district court'.
- Personal callers at all court offices can pay by cash.
- No credit or debit cards, internet or telephone payments can be made. *
- The address of the district court office is detailed on the conditional offer of fixed penalty. This is the only district court that can accept your payment.

* some district courts allow the facility of debit/credit card payments for **'non endorsable conditional offers only'**.

HOW LONG WILL MY LICENCE BE WITH THE DISTRICT COURT?

In general terms, if you pay by cash or postal order your licence should be returned endorsed within 3 working days (courts may vary). If however you pay by cheque, the process takes around 14 days (courts may vary).

I DISAGREE WITH THE OFFENCE AND WANT TO CONTEST THE MATTER, HOW DO I DO THIS?

If you choose not to accept the offer and want to contest the offence, you must allow the allocated timescale for payment to elapse.

The circumstances will be reported to the procurator fiscal's service, who will correspond with you in due course.

WHAT HAPPENS IF I IGNORE THE CONDITIONAL OFFER?

You will not receive a 'reminder' in respect of this. A report will be sent to the procurator fiscal for his consideration of prosecution.

MY LICENCE ALREADY HAS PENALTY POINTS ON IT, CAN I STILL PAY?

You should be able to comply unless:

- You have 9 'live' penalty points or more endorsed on your licence (or 6 'live' penalty points or more when you are required to meet the conditions for offering a fixed penalty for a more serious offence such as driving without insurance . A fixed penalty cannot be given when the driver would, if convicted, be liable, as a result of repeated offending, to disqualification for exceeding 12 or more penalty points in any 3 year rolling period.

or

- If you passed your driving test within the last two years, and if following a conviction by a court or payment of a fixed penalty, you reach 6 points, under the provisions of the road traffic (new drivers) act 1995 your driving licence could be revoked. Also, if you have exchanged a foreign licence for a GB licence and taken a qualifying test within the last two years you may fall within this provision and your licence could be revoked if you reach 6 points

If you do not meet the conditions for the fixed penalty offer you will be unable to pay the fixed penalty and should wait to receive correspondence from the procurator fiscal's office.

