Draft Order laid before Parliament under section 90E(4) of the Road Traffic Offenders Act 1988, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

ROAD TRAFFIC

The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2010

Made - - - -	*2010*
Coming into force - -	*1st February 2011*

This Order is made in exercise of the powers conferred by sections 90B(2) and 90E(3) of the Road Traffic Offenders Act 1988(**a**).

The Secretary of State has consulted such representative organisations as appear appropriate in accordance with section 90E(2) of that Act.

A draft of this instrument has been approved by each House of Parliament in accordance with section 90E(4) of that Act.

Accordingly, the Secretary of State makes the following Order:

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2010 and comes into force on 1st February 2011.

(2) In this Order, "the Principal Order" means the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(**b**).

(3) This Order applies in relation to an offence, alleged to have been committed on or after 1st February 2011.

Amendment of the Principal Order

2.—(1) Schedule 1 to the Principal Order is amended as follows.

(2) In Part 1, in table 5 (Road Traffic Act 1988), in column 3 of the entries relating to sections 14(3), 15(2) and 15(4), for "£30" substitute "£60".

(3) In Part 1, in table 7 (Vehicles Excise and Registration Act 1994)—

(a) in column 3 of the entries relating to sections 42(1) and 43(1), for "£30" substitute "£60"; and

(**a**) 1988 c.53; sections 90B and 90E were inserted by section 11(1) of the Road Safety Act 2006 (c.49).
(**b**) S.I. 2009/492.

(b) after the entry relating to section 43(1) of the Vehicle Excise and Registration Act 1994, insert—

"3. Section 59(1)	Failure to fix prescribed registration mark to a vehicle in accordance with regulations made under section 23(4) of the Act	£60"

3. In table 4 (section 41A Road Traffic Act 1988) of Schedule 2 to the Principal Order, for "Contravention of regulation 27(1)(g)" substitute "contravention, except in the case of a motor cycle, of regulation 27(1)(g)".

Signed on behalf of the Secretary of State for Transport

Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (the "Principal Order"). The Principal Order specifies the amounts of financial penalty deposits that may be imposed, where certain conditions are met, by constables and vehicle examiners, in relation to offences specified in an order made under section 90A of the Road Traffic Offenders Act 1988 (as inserted by section 11 of the Road Safety Act 2006).

The amendments made by this Order increase, from £30 to £60, the appropriate amounts for financial penalty deposits in respect of offences, under the Road Traffic Act 1988, relating to the wearing of seat belts and use of child seats and airbags, and under the Vehicle Excise and Registration Act 1994 of driving or keeping a vehicle without a registration mark or with it obscured. An appropriate amount of £60 is also prescribed for failing to affix a registration mark to a vehicle in accordance with regulations made under the 1994 Act. The financial penalty deposit for the offence, under section 41A of the Road Traffic Act 1988, in contravention of Regulation 27(1)(g) of the Road Vehicles (Construction and Use) Regulations 1986 (S.I.1986/1078), of using a vehicle with insufficient tyre tread is reduced, where a motor cycle is concerned, from £120 to £60.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been prepared and is available alongside the instrument on the OPSI website at www.opsi.gov.uk.

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